



An
Bord
Pleanála

Inspector's Report ABP-315801-23

Development	Offshore Windfarm with a maximum of 42 (49) turbines.
Location	Off the coast of Dublin, Meath & Louth
Planning Authority	Dublin City Council, Fingal County Council, Meath County Council & Louth County Council
Prospective Applicant	North Irish Sea Array Windfarm Ltd. (NISA) (Statkraft Ireland Ltd.)
Type of Application	Development in the Maritime Area.
Dates of Pre-Application Meetings:	1. 30 th May 2023 2. 21 st September 2023 3. 2 nd November 2023 4. 14 th December 2023
Date of Site Inspection	28 th May 2023
Inspector	Karla McBride

1.0 Introduction

- 1.1. This report relates to pre-application discussions held with 'the Prospective Applicant' in respect of the development of the North Irish Sea Array (NISA) offshore windfarm with a maximum of 42 WTGs, off the coast of Dublin, Meath and Louth. The pre-consultation request was received by the Board on the 9th January 2023. The number of turbines was increased to 49 during subsequent meetings.
- 1.2. 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.
- 1.3. The Board's representatives met with the prospective applicant on 4 occasions. The presentations provided by the prospective applicant and written records of those meetings 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.

2.0 Site Location and Description

- 2.1. The offshore windfarm site is located c.13km off the coast of Dublin, Meath and Louth. It extends for c.20km parallel to the coastline, from the vicinity of Bettystown (N) to the vicinity of Balbriggan (S). The Marine Area Consent (MAC) licence extends for c.30m, from the vicinity of Clogherhead (N) to just N of Lambay Island (S).
- 2.2. The landfall site is located at Bremore Bay Beach, c.1.4km to the N of Balbriggan and c.3km to the E of the M1 motorway. It is located to the S of Bremore Point, and to the E of the R132 and Dublin-Belfast rail line. The surrounding coastal area is characterised by sea cliffs to the N, and rocky shores and sandy beaches that transition to low sand dunes with agricultural land beyond.
- 2.3. The onshore substation site is located c.1km to the W of the landfall site on the far side of the R132. The onshore cable and substation would be located within a low-lying rural area that is characterised by agricultural uses. There are several houses and farm buildings in the surrounding area.

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- 2.4. The grid connection route from the onshore substation would extend c.33km S towards the existing Eir/Grid / ESBN substation at Belcamp which is located on the N side of the R139 Northern Cross East Road, to the SE of Swords. The lands traversed by the grid connection are characterised by a mix of coastal, rural, urban and transport uses. The Belcamp substation is located within a rural area to the N of the R139, whilst the lands to the S are characterised by a mix of residential and commercial uses.
- 2.5. There are several European sites in the surrounding area, including the recently designated North-West Irish Sea SPA within which the offshore elements would be located. The grid connection to Belcamp substation would run close to Rogerstown and Malahide Estuaries which are designated European sites. The rural and coastal lands around Bremore Point and Bremore Bay Beach contain features of archaeological interest. Bremore Castle, Bremore Regional Park, O'Dwyer's GAA pitch and several residential areas are located to the S of the substation site.

3.0 Proposed Development

3.1. Context

- 3.1.1. 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 seven Phase I projects, NISA 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 is 23rd December 2022 and the date by which an application for permission must be submitted is 18 months from the commencement date.

3.2. The Proposed Development

3.3. The North Irish Sea Array (NISA) offshore windfarm project would have a maximum of 49 WTGs located c.13km off the coast of Louth, Meath and Dublin. The turbines would have a stated export power of 700MW. There would be 1 x offshore substation and 2 x export cables to 1 x landfall site at Bremore Bay Beach, County Dublin. A design option pre-application consultation took place under ABP-316332-23.

3.4. The key elements of the project would comprise:

3.4.1. *Offshore infrastructure*

- Maximum of 49 x offshore turbines (WTGs)
- 1 x offshore platform & substation (OSP)
- Substructures & associated seabed foundations for the WTGs & OSP
- Subsea inter-array cables
- Offshore export cables (within export corridor)
- Scour protection around substructures & cable protection
- Landfall site (on & offshore infrastructure interface)

3.4.2. *Onshore infrastructure*

- Landfall site (on & offshore infrastructure interface)
- 2 x 220kV offshore export cables (within export corridor)
- 2 x Transition Joint Bays (within cable corridor)
- 2 x 220kV HVAC underground export cable circuits between landfall site & onshore substation (within cable corridor)
- Onshore substation
- Approximately 33km of single 220kV HVAC underground cable
- Connection to existing EirGrid / ESNB substation at Belcamp
- Supporting infrastructure & ancillary works.

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4.0 Policy Context

4.1. 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
- Marine Planning Policy Statement 2019
- Project Ireland 2040 - National Planning Framework 2040 & National Development Plan 2018-2027
- Climate Action Plan 2024
- Regional Spatial Economic Strategy for the Eastern & Midland Region 2019
- Dublin City Development Plan, 2022 - 2028
- Fingal County Development Plan, 2023 - 2029
- Meath County Development Plan, 2021 - 2027
- Louth County Development Plan, 2021 - 2027

5.0 Meetings Held

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

- 30th May 2023
- 21st September 2023
- 2nd November 2023
- 14th December 2023

5.2. 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.

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

6.0 Legislative Context

6.1. S. 287(1) of the Planning and Development Act, 2000, as amended ('the Act'), states that a person who proposes to make an application for permission under s.291 shall consult with the Board. S.287(2) of the Act states that the Board may provide its opinion regarding the making of the application and in particular, as respects:

- (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

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(h) compliance by the prospective applicant with any direction of the Board under subsection (3) of section 291.

- 6.2. Of note, under S.287(3) the Board may at any time conclude a consultation under this section where it considers it appropriate to do so.
- 6.3. An application for an opinion under S.287A is addressed in my other report, ABP-316332-23.

7.0 Relevant Cases

- 7.1. The following comprise recent marine related pre-application consultations or applications which are considered of note.
- 7.2. **ABP-316332-23**: Concurrent S.287A/287B Marine Design Options request for an Opinion on Flexibility from the Board (NISA).
- 7.3. **ABP-310329-23**: S.182 Pre-Application Consultation for proposed onshore electrical and associated infrastructure (NISA).
- 7.4. **ABP-315803-23**: 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. Design option pre-application consultation under ABP-318274-23.
- 7.5. **ABP-315800-23**: The **Dublin Array** offshore windfarm project would have between 39 and 50 turbines (depending on type) located c.10km off the coast of Dublin and Wicklow. The turbines would have a stated maximum blade height of c.309m and a stated maximum export power of between 700 to 850MW. There would be 1 x offshore substation and 2 x export cables to a landfall site at Shanganagh Cliff, Co. Dublin. Design option pre-application consultation under ABP-318552-23.
- 7.6. **ABP-315809-23**: The **Codling** offshore windfarm project would have a 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. Design option pre-application consultation under ABP-318588-23.

- 7.7. **ABP-31596-23:** The **Arklow Bank** offshore windfarm project 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. Design option pre-application consultation under ABP-316331-23.
- 7.8. **ABP-317409-23:** The **Sceirde Rocks** offshore windfarm project would have a maximum of 26 turbines located c.5km to 11.5km off the Connemara Coast, at Sceirde Rocks, Co. Galway. 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.

8.0 Matters Arising

8.1. Proper Planning and Sustainable Development

8.1.1. The matters arising include inter alia:

- National Marine Planning Framework and in particular the need to clearly indicate project compliance with NMPF policies and objectives.
- Policy context surrounding the proposal ranging from strategic to local in relation to the Regional Spatial Economic Strategy for the Eastern and Midland Region, and the Development Plans for the relevant Coastal Planning Authorities.
- Public consultation process and stakeholder engagement undertaken. The prospective applicant indicated that several public consultation exercises have already been undertaken with coastal communities.
- Coastal Planning Authorities consultees which include Louth, Meath and Fingal County Councils and Dublin City Council. The proposed windfarm would be located off their coastlines, the substation would be located within Fingal County Council,

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and the grid connection to Belcamp substation would be partly located within Fingal County Council and Dublin City Council lands.

- Transboundary consultees which include 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 landscape and seascape impacts from along the coastline and beyond.
- Potential impact on cultural heritage including the archaeological heritage of Bremore Head and environs.
- 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 noise impacts during the construction and operational phases, including the transmission of noise into the water column from the operational turbines; and the submission of a peer reviewed analysis of monitoring data from similar operational offshore windfarms, for mobile species (incl. sea birds & marine mammals).
- 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 the turbines and OSP foundations and subsea cables (incl. suspended sediments), and the destination of any contaminated material (incl. any EPA Licence requirements).
- Impact on commercial fisheries.
- 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 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.
- Any land acquisition/CPO/substratum requirements.

- Location of the Operational and Maintenance Base (probably Greenore in Co. Louth) and Operational Port (not yet determined).

8.2. Environmental Impact Assessment

8.2.1. It is proposed to submit an Environmental Impact Assessment Report with the proposed Application. The following include matters which were outlined during the course of the consultation meetings.

- Informal EIA Scoping was undertaken by the prospective applicant.
- Consideration of Alternatives.
- Major Accidents & Disasters.
- Environmental factors including but not limited to:
 - Offshore physical environment: physical processes (incl. hydrodynamics & wave action), marine water & sediment quality, and sediment movement (incl. deposition & erosion).
 - Offshore biological environment: benthic subtidal & intertidal ecology, fish & shellfish ecology, marine mammals, birds & bats, and underwater noise.
 - Offshore human environment: commercial fisheries, shipping & navigation, seascape & visual impact, archaeology, and other marine users & activities
 - Onshore environment: terrestrial ecology & nature conservation, onshore archaeology & cultural heritage, noise, traffic & transport, flood risk, landscape & visual impact, and population & tourism.
- Construction Impacts.
- Format of the EIAR.
- Consideration of cumulative impacts.
- Peer reviewed analysis of monitoring data from operational offshore windfarms for marine mammals and birds.

8.3. **Appropriate Assessment**

8.3.1. It is proposed to submit a Natura Impact Assessment Report with the proposed 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 likely zone of impact and proximity to QIs/SCIs.
- The recently designated North-West Irish Sea SPA.

8.4. **Procedures**

8.4.1. At the final pre-application consultation, the prospective applicant requested that the Board indicate / advise / confirm: -

- The list of documents to be submitted when making the application.
- The format of the Public Notices & Application Form.
- Offshore planning drawing scales.
- Number of hardcopy & electronic copies of planning application.
- Details of Coastal Planning Authorities to be consulted.
- List of prescribed bodies to be notified of the application.
- Current status of S182 pre-app consultation.
- ABP understanding of the status of the Historic & Archaeological Heritage & Miscellaneous Provisions Act 2023 commencement of certain sections (247).
- Fees for pre-application consultation and planning application processes.
- Details to be provided via EIA portal and NISA website.
- Timeframes and sequencing of the application process.

8.4.2. I note that the prospective applicant has concluded that the proposed development is not likely to have significant effects on of a Member State of the European Union or a state that is party to the Transboundary Convention. The Board may have a different view on this issue (refer to section 8.1.1 above & section 8.4 6 below).

8.4.3. I recommend that the Board consider that the persons listed hereunder 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) and S.291(3)(d) of the Planning and Development Act, 2000 (as amended).

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

8.4.5. 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.

8.4.6. Transboundary Consultation

8.4.7. 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 position relative 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

9.1. Following the completion of the final pre-application meeting on 14th December 2023, I am of the opinion that the process should be concluded, and the Board should notify the prospective applicant that the process is closed and include the attached list of bodies that the applicant is requested to send copies of the application to in accordance with S291(3)(b) and S291(3)(d).

10.0 Professional declaration

10.1. 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.



Karla McBride

Planning Inspector

08th January 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. Environmental Protection Agency
7. Maritime Area Regulatory Authority
8. Minister for Rural and Community Development
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. Coastal Planning Authorities (Louth, Meath & Fingal County & Dublin City Councils).