



An
Bord
Pleanála

Inspector's Report

ABP-316332 -23

Development	Offshore Windfarm with a maximum of 42 (49) turbines.
Location	Off the coast of Dublin, Meath & Louth
Applicant(s)	North Irish Sea Array Windfarm Ltd. (NISA) (Statkraft Ireland Ltd.)
Planning Authorities	Dublin City Council, Fingal County Council, Meath County Council & Louth County Council
Type of Application	Pre-application Consultation under S287A for opinion on Design Flexibility
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 North Irish Sea Array Windfarm Ltd. (NISA) in respect of an offshore windfarm off the coast of Dublin, Meath and Louth, in relation to the prospective applicants request for an Opinion on Flexibility from the Board. The pre-consultation request was received by the Board on 20th April 2023.
- 1.2 This report describes the location and nature of the proposed development, the nature and extent of the flexibility requested, and the legal provisions which are relevant to the Board's consideration of flexibility for the proposed development.
- 1.3 The Board's representatives met with the prospective applicant on one occasion in relation to the requested Opinion on Flexibility. The presentation provided by the prospective applicant and written record of this meeting are on the file. This report should be read in conjunction with the written record on file of the design flexibility consultation meeting held with the prospective applicant. It is not proposed to repeat the contents of this record in detail here.
- 1.4 The Board's representatives also met with the prospective applicant on 4 occasions in relation to the proposed development under section 287 of the Planning and Development Act. The presentations provided by the prospective applicant and written records of these meetings are on the relevant files (ABP-315801-23).

2.0 SITE AND DESCRIPTION

- 2.1 The offshore windfarm site is located c.13km off the coast of Dublin, Meath and Louth. The landfall site is located at Bremore Bay Beach, to the N of Balbriggan and S of Bremore Point. The surrounding coastal area is characterised by sea cliffs, rocky shores, sandy beaches and low sand dunes with agricultural land beyond. The onshore substation site is located c.1km to the W of the landfall site, the onshore cable and substation would be located within a predominantly agricultural area, and there are several houses and farm buildings in the surrounding area. 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 route are characterised by a mix of coastal, rural, urban and transport uses. There are several European sites in the surrounding area, including the recently designated North West Irish Sea SPA within which the offshore elements of the project would be located. The surrounding rural and coastal lands contain features of ecological, archaeological and cultural heritage interest.

- 2.2 Refer to section 2.0 of ABP-315801-23 for a detailed description of the site and surroundings.

3.0 PROPOSED DEVELOPMENT

- 3.1 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 Beach, Co. Dublin.
- 3.2 Refer to section 3.2 of ABP-315801-23 for a detailed description of the proposed development.

4.0 REQUEST FOR AN OPINION ON FLEXIBILITY

4.1 Context:

The Prospective Applicant entered into pre-application discussions with the Board under ABP-315801-23 with respect of the development of the North Irish Sea Array (NISA) offshore windfarm with a maximum of 42 (49) WTGs, off the coast of Dublin, Meath and Louth. Design flexibility has been provided for in the legislation in the case of applications in the maritime area. This is particularly in relation to the rapidly changing technology available in marine renewables, and the potentially long lead-in times between the making of a planning application and procurement of equipment. The prospective applicant has submitted a request to the Board for an Opinion on Flexibility in respect of the offshore windfarm, relative to a series of options and parameters that may be provided later for the Board's approval.

4.2 The Request Details

The request for a meeting with respect to seeking an Opinion on Flexibility was made under section 287A of the Planning and Development Act, 2000 (as amended). The request was accompanied by the following details or group of details for which flexibility is being sought.

1. Siting of Infrastructure:

Aspect	Option or Parameter	Description	Extent/Range/Value	Future tech.
Turbines	Parameters	Locations	Fixed with limit of deviation	Yes
Foundations	Parameters	Locations	Fixed with limit of deviation	Yes
Export cable	Parameters	Alignment	Fixed with limit of deviation	Yes
OSP location	Parameters	Siting	Fixed with limit of deviation	Yes

2. Turbines:

Aspect	Option or Parameter	Description	Extent/Range/Value	Future tech.
Number	Options	Turbines	2 x each Turbine number 1 x each Project Option	Yes
Dimensions	Options	Tip height Rotor diameter Rotor swept area Nacelle/hub height	2 x each Turbine dimension 1 x each Project Option	Yes

3. Turbine foundation & infrastructure:

Aspect	Option or Parameter	Description	Extent/Range/Value	Future tech.
Foundation type	Options	Type options	Two Options	Yes
Foundation dimensions	Both	Diameter of pile structure	Min & max for each foundation option	Yes

4. Offshore cabling:

Aspect	Option or Parameter	Description	Extent/Range/Value	Future tech.
Subsea cable size	Parameter	Cable size	Min & max cable size	Yes
Subsea cable length	Parameter	Cable length	Min & max length of array & export cables	No
Cable protection	Parameter	Dimensions	Min & max height, width & depth	No

5. Offshore Substation Platform (OSP):

Aspect	Option or Parameter	Description	Extent/Range/Value	Future tech.
Foundation type	Options	Foundations	3 x Options	Yes
Dimensions	Parameters	Dimensions	Min & max for OPSs topside (height above sea level, length & width) Min & max for foundations	Yes

- 4.3 The applicant provided an undertaking to submit with the application two or more options in respect of which each detail or group of details referred to in 4.2 above would be made and decided, as well as parameters within which each detail will fall.

5.0 POLICY CONTEXT

- 5.1 Refer to section 4.0 of ABP-315801-23 for a list of the relevant policy documents.

6.0 MEETING HELD

- 6.1 One meeting was held with the prospective applicant's representatives on 2nd November 2023.
- 6.2 Presentations were provided at the meeting and are included in the file together with other information provided to the Board in respect of same. The record of the meeting is also contained in the file.
- 6.3 Issues raised at the meeting are identified and considered in Section 9 below.

7.0 LEGISLATIVE CONTEXT

Planning and Development, Maritime and Valuation (Amendment) Act 2022

- 7.1 This Act, in recognition that certain applications require a degree of flexibility, introduced amendments to the Planning and Development Act 2000 (as amended) and the Maritime Area Planning Act 2021, to facilitate procedures that will enable planning authorities and the Board to consider design flexibility as part of the assessment of planning applications.

Section 287A Planning and Development Act, 2000 (as amended)

- 7.2 This section of the Act sets out the requirements for requesting the Board to consider design flexibility, and the Board procedures for consideration of the request as part of the assessment of planning applications.

Section 287A (1) states that a prospective applicant who proposes to make an application under section 291 may, before making such an application, request a meeting with the Board for the purpose of section 287B as part of consultations referred to in section 287(1).

Section 287A (2) (a-d) lists the details required in the request (incl. site location map, brief project description & possible effects on the environment).

Section 287A (2) (e) requires a description of -

(i) the details, or groups of details, of the proposed development that, owing to the circumstances set out in *subparagraph (ii)*, are unlikely to be confirmed at the time of the proposed application, and

(ii) the circumstances relating to the proposed development, including such circumstances as the Minister may prescribe in relation to any class or description of development for the purposes of this subparagraph, 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 subparagraph (i) in particular, whether the prospective applicant may be able to avail of technology

available after making the proposed application that is more effective or more efficient than that available at the time of the application,

Section 287A (2) (f) requires an undertaking to provide with the proposed application either—

(i) two or more options in respect of each detail or group of details referred to in *paragraph (e)(i)*, containing information on the basis of which the proposed application may be made and decided,

(ii) parameters within which each detail referred to in *paragraph (e)(i)* will fall and on the basis of which the proposed application may be made or decided, or (iii) a combination of *subparagraphs (i)* and *(ii)*,

Section 287A (2) (g-h) lists other information that may be provided or prescribed.

Section 287A (3) provides for the Board shall convene a meeting.

Section 287A (4) provides for the Minister to make regulations in relation to procedures and administration for the purposes of holding a meeting.

Circular Letter MPP 01/2023 – An Opinion on Design Flexibility for Marine Development

7.3 This document seeks to assist the Board in the application of the provisions for an opinion on design flexibility for maritime development. It states that when requesting an opinion on flexibility, the applicant must include a description of:

- The details of the proposed development that are unlikely to be confirmed at the time of the proposed application, and
- The circumstances relating to the proposed development that indicate that it may be considered appropriate that the proposed application be made and decided before the final details are confirmed.

It notes that particular importance in the offshore wind energy context is whether the prospective applicant may be able to avail of technology that is more effective or more efficient than that available at the time of the application.

When requesting a meeting under section 287A, the applicant is required to provide an undertaking to include the information set out under section 287A (2)(e)(i) as part of the application on the basis of which the proposed application may be assessed and decided. An opinion pursuant to section 287B (2) on design flexibility should only be provided where it is reasonable and justified.

Circular Letter PL11/2023 – New Design Flexibility Provisions with regard to certain unconfirmed details as part of application for planning permission

- 7.4 This document refers to the opinion on flexibility which developers may wish to avail of. It notes that applicants may wish to seek permission before certain details of the proposed development are confirmed. It provides an example of a windfarm and notes that details such as the precise height or blade length of a turbine or the precise grid connection point and route may not be confirmed at the time of application. In addition, it notes that the process is not intended to apply to points of detail generally dealt with by way of compliance condition and agreed between the applicant and the Board post-consent.

The document states that the applicant must set out the circumstances why it would be appropriate for the proposed application to be made and decided before the details are confirmed. It provides that a separate meeting may take place to discuss the flexibility request as part of the existing pre-application arrangements. It also states that existing consultations which may take place in advance of the flexible meeting request may concern the scope of details not likely to be confirmed at application stage and likely to be subject to a request for an opinion on unconfirmed details.

It further provides for matters of public notification and transparency in respect of the new arrangements and prescribes the forms to be used for the various stages of the process - flexible meeting request; opinion on unconfirmed details issued by the Board; and supplementary statement of unconfirmed details to accompany a planning application.

8.0 PRE-APPLICATION REQUESTS

The following comprise recent marine related pre-application consultations which are considered of note.

8.1 *Pre-Application Request - Concurrent*

ABP-310329-23: S.182 Pre-Application Consultation for proposed onshore electrical and associated infrastructure (NISA).

ABP-315801-23: The **North Irish Sea Array** offshore windfarm project 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 1 x landfall site at Bremore, County Dublin.

8.2 *Pre-Application Request – Other*

Refer to section 7.0 of ABP-315801-23 for a detailed description of the concurrent marine related pre-application consultations for the following projects:

- **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. Design option pre-application consultation under ABP-318274.
- **ABP-315800-23:** The **Dublin Array** offshore windfarm project would have between 39 and 50 turbines located c.10km off the coast of Dublin and Wicklow. Design option pre-application consultation under ABP-318552.
- **ABP-315809-23:** The **Codling** offshore windfarm project would have a between 73 and 90 turbines located c.13km to c.22km off the coast of County Wicklow. Design option pre-application consultation under ABP-318588.
- **ABP-31596-23:** The **Arklow Bank** offshore windfarm project would have between 39 and 50 turbines located c.6-15km off the coast of County Wicklow. Design option pre-application consultation under ABP-316331.
- **ABP-317409-23:** The **Sceirde Rocks** offshore windfarm project would have a maximum of 26 turbines located c.5-11.5km off the Connemara Coast, at Sceirde Rocks, Co. Galway.

9.0 CONSIDERATION OF REQUEST

Context:

- 9.1 The request for a meeting with respect to seeking an Opinion on Flexibility was made under section 287A of the P&D Act, 2000 (as amended), and details of the accompanying documentation is summarised in section 4.0 above.
- 9.2 The application contained the following information:
- 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. 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 (a) above.
- 9.3 **Consideration of request:**

Details / Groups of Details	Circumstances	Consideration	Accept Flexibility
<u>Turbine model</u> (Number x 2 Options and Dimensions x 2 Options [Tip height, Rotor diameter & Swept area, Nacelle & Hub height])	Availability. Technological advancements. Procurement & supply chains. Environmental benefits (reduced bird collisions & interaction with shipping & navigation, and reduced interaction with benthic ecology & underwater noise impacts to marine mammals, fish & shellfish [fewer foundations])	Specifically relates to: - ongoing advances in turbine technology; and the need to install the most efficient & effective turbine model in terms of power generation.	Yes
<u>Turbine Foundations</u> (Type & Pile Dimensions)	Foundation size depends on selected turbine model. Reduced interactions with environment with resultant environmental benefits.	Specifically relates to: - ongoing advances in turbine technology; the need to install the most efficient & effective equipment; and detailed site-specific investigations which may determine the final foundations type & dimensions.	Yes

		Note: Refer to section 10.3 below in relation to normal construction practices that are intrinsic to installation of the infrastructure.	
<u>Offshore Substation Platform (OSP)</u> (Foundation Type & OSP Dimensions)	<p>Needs to be sited in the most efficient location to reduce array & export cable lengths.</p> <p>Location is dependent on results of site investigations (ground & oceanographic conditions).</p> <p>Final location will influence design of foundation.</p> <p>Technological advancements.</p>	<p>Specifically relates to: - ongoing advances in offshore substation platform technology; the need to install the most efficient & effective equipment; and detailed site-specific investigations which may determine the final type & dimensions of the OSP.</p> <p>Note: Refer to section 10.3 below in relation to normal construction practices that are intrinsic to installation of the infrastructure.</p>	Yes
<u>Siting of Infrastructure</u> (Turbines & Foundation locations, Export cable alignment & OSP location – all fixed location with limit of deviation)	<p>Programme of development works: - MAC & ORESS timelines, constraints & targets; concurrent & interdependent workstreams (foundation design, detailed site investigations & oceanographic surveys); layout influenced by ground conditions & dependent on turbine model. Two Options with limits of deviation for micro siting. Standard practice for detailed site investigations to occur post consent.</p> <p>Detailed site investigation surveys: - Variable underlying geology, sediment type, subsoil thickness & depth to bedrock required detailed site investigations prior to confirming precise locations & foundation designs; and knowledge of turbine type & numbers is required prior to site surveys; turbines will be sited to just 36% of the MAC boundary.</p>	<p>Siting of Infrastructure specifically relates to: - ongoing advances in technology; the need to install the most efficient & effective equipment; and detailed site-specific investigations which may determine the final location of the infrastructure.</p> <p>Note: Refer to section 10.3 below in relation to normal construction practices that are intrinsic to installation of the infrastructure.</p>	Yes

	<p><i>Incorporation of mitigation measures:</i> - dependent on any potential discoveries made during detailed site investigation surveys (protected habitats, UXOs or designated archaeology) which would be avoided.</p>		
<p><u>Offshore cable</u></p> <p>(Subsea cable Size, Length & Protection)</p>	<p>Technological advancements & site investigations.</p>	<p>Subsea cable size & length specifically relates to: - ongoing advances in cable technology; the need to install the most efficient & effective export cable; the siting of infrastructure (WGTs & OSP); and detailed site-specific investigations which will determine the final location.</p> <p>Subsea cable protection relates to normal construction practices & related details that are intrinsic to the installation of the offshore windfarm. Options related to construction practice that may not be clarified at the application stage should be set out and assessed in the application (incl. EIAR & NIS) & subject to a compliance condition (incl. agreement of a CEMP). This approach is supported by several legal judgements (incl. Alen Buckley v ABP & Boland v ABP) and legal advice to the Board.</p>	<p>Yes</p> <p>No</p>

10.0 CONCLUSION

10.1 Following the completion of the section 287A meeting on 2nd November 2023 and having regard to the information provided by the applicant in relation to the request for flexibility and to the circumstances which support this request, and based on my consideration of the applicant's request for flexibility, as set out above, I consider it reasonable that the following details / groups of details of the proposed development, may be confirmed after the proposed application has been made and decided by the Board:-

1. WTG (Turbines):

- a. Model
- b. Number
- c. Dimensions
 - i. Tip height
 - ii. Rotor diameter
 - iii. Rotor Swept area
 - iv. Nacelle & hub height

2. Turbine Foundations

- a. Type
- b. Pile Dimensions

3. Offshore Substation Platform (OSP):

- a. Dimensions
 - i. Height above sea level
 - ii. Length
 - iii. Width

4. Siting of Infrastructure (Fixed location with limit of deviation):

- a. Turbines
- b. Foundations

- c. Export cable
- d. OSP location

5. Offshore cabling:

- a. Subsea cable size
- b. Subsea cable length

- 10.2 For each of the details or group of details listed above, the prospective applicant shall provide with the proposed application two or more options in respect of each detail or group of detail and / or parameters within which each of the detail or group of details will fall.
- 10.3 Normal construction related details that are intrinsic to the installation of the offshore windfarm 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 (incl. Alen Buckley v ABP & Boland v ABP) and legal advice to the Board.

11.0 RECOMMENDATION

I recommend that the following details / groups of details, of the proposed development, may be confirmed after the proposed application has been made and decided by the Board. The Board should notify the prospective applicant of its Opinion in respect of flexibility under the section 287A/B of the Planning and Development Act, 2000 (as amended), in accordance with the following Draft Order.

1. WTG (Turbines):

- a. Model
- b. Number
- c. Dimensions
 - i. Tip height
 - ii. Rotor diameter
 - iii. Rotor Swept area
 - iv. Nacelle & hub height

2. Turbine Foundations

- a. Type
- b. Pile Dimensions

3. Offshore Substation Platform (OSP)

- a. Dimensions
 - i. Height above sea level
 - ii. Length
 - iii. Width

4. Siting of Infrastructure (Fixed location with limit of deviation):

- a. Turbines
- b. Foundations
- c. Export cable

- d. OSP location

5. Offshore cabling:

- a. Subsea cable size
- b. Subsea cable length

12.0 PROFESSIONAL DECLARATION

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

Karla McBride

Inspectorate

8th January 2024

DRAFT OPINION

1) An Bord Pleanála Opinion on flexibility

2) Request for meeting	
Request under section 287A of the Act:	Request for Design Flexibility in relation to a proposed offshore windfarm.
Request reference Number:	ABP-316332-23
Name of the requestor/ prospective applicant:	North Irish Sea Array Windfarm Ltd., (Statkraft Ireland Ltd.)
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Off the coast of Dublin, Meath & Louth
Nature and extent of the proposed development:	Offshore Windfarm with a maximum of 42 (49) turbines.
Date of receipt of the request:	20 th April 2023
Opinion Reference Number:	ABP-316332-23
Date of Opinion:	

3) Was the following Information included where relevant, with the Flexibility Meeting Request under section 287A of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

Information	Enclosed with Request		
(a) A site location map sufficient to identify the maritime area/land on which the proposed development would be situated.	Yes: [x]	No: []	
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: [x]	No: []	
(c) A draft layout plan of the proposed development.	Yes: [x]	No: []	
(d) A description of the details, or groups of details, of the proposed development that, owing to the circumstances set out in (e) below, are unlikely to be confirmed at the time of the proposed application.	Yes: [x]	No: []	
(e) A description of 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 (d) above.	Yes: [x]	No: []	

(f) An undertaking to provide with the proposed application, either - i. two or more options, in respect of each detail or group of details referred to in (d) above containing information on the basis of which the proposed application may be made and decided, ii. parameters within which each detail referred to in paragraph (d) above will fall and on the basis of which the proposed application may be made and decided, or iii. a combination of (i) and (ii).	Yes: [x]	No: []	
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: []	No: []	N/A: [x]
(h) The appropriate fee.	Yes: [x]	No: []	

4) 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.

Information	Details / Circumstances
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<p>a) The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.</p>	<ol style="list-style-type: none"> 1. WGTs (Model, Number & Dimensions [Tip height, Rotor diameter, Rotor swept areas Nacelle height & Hub height]) 2. Turbine Foundations (Type & Pile Dimensions) 3. Offshore Substation Platform (Dimensions [Height above sea level, Length & Width]) 4. Siting of infrastructure – Fixed location with limit of deviation (Turbines, Foundations, Export cable & OSP location) 5. Offshore cabling (Subsea cable size & Subsea cable length).
<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>Ongoing advances in technology and recognition of the need to install the most efficient and effective project elements in relation to Items 1 to 5 above.</p> <p>In deciding not to accept the request for flexibility for part of item no. 5 (subsea cable protection), the Board considered that this element of the project relates to normal construction practices that are intrinsic to the installation of the offshore windfarm. Construction</p>

	related methodologies could therefore be agreed prior to commencement of development, by way of compliance with a planning condition.
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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.