

An
Bord
Pleanála

Inspector's Report ABP-318274-23

Development	Proposed Development of Oriel offshore Wind farm. (Design Option)
Location	Off the coast of County Louth, including the onshore works comprising underground electrical cabling, through various townlands from the landing of the offshore cable at Dunany Point, to the proposed onshore substation at Stickillin.
Coastal Planning Authority	Louth County Council
Prospective Applicant	Oriel Windfarm Limited.
Type of Application	Pre-application Consultation under S287A for opinion on Design Flexibility.
Date of Site Inspection:	2 nd June 2023
Inspector:	Jimmy Green

1.0 Introduction.

- 1.1. This report relates to pre-application discussions held with Oriel Windfarm Ltd. in respect of the development of the Oriel offshore wind farm in relation to the prospective applicants request for an Opinion on Flexibility from the Board under the provisions of Section 287A of the Planning and Development Act, 2000 (as amended) ("the Act"). The section 287A request for Opinion on Flexibility was received by the Board on 19th October 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 written record of this meeting as well as the details of the proposed development, and the requested flexibility as set out in the Prospective Applicants submission are on the file. The Board should note that the documentation provided includes a table setting out the possible effects on the environment including Schedule 7A of the Planning and Development Regulations 2001 (as amended) information¹. 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 four 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 file (ABP-315803-23).

2.0 Site Location and Description.

- 2.1. The offshore element of the proposed development is located off the coast of County Louth, to the east of Dundalk Bay. The closest proposed offshore turbines are located c. 6.1km southeast of Cooley Point, c. 18.1km southeast of Blackrock, c. 22km southeast of Dundalk town centre, c.10.4km northeast of Dunany Point and

¹ Section 2, of Annex 1 of the Prospective Applicants submission dated 18th October, 2023 refers.

13.3km northeast of Clogherhead (all reference locations being located in County Louth).

- 2.2. The offshore wind farm area (i.e. area within which offshore turbines are proposed) covers approximately 27.7km² and forms a broadly hexagonal shape. The depths of the sea at the location of the proposed turbines ranges from c. 14-15m deep (at its north-western extent) to depths of c. 30-31m (at its south-eastern extent).
- 2.3. The offshore export cable corridor connects from the site of the proposed turbines to a location just south of Dunany Point, this corridor is at its widest proximate to the offshore turbines where it is c. 4km in width, as it moves towards shore it reduces in width to c.1km before reaching its landing point. The offshore cable corridor is c. 11km long. The depth of the seafloor varies from the shoreline at Dunany Point to depths of 28m more proximate to the offshore turbines.
- 2.4. From the landing point/transition joint bay an onshore underground electrical cable is proposed running generally in a westerly direction along and under local and national roads (the L223, Togher Road, Drumcar/Castlethomas Road, L2226 and the N33) for approximately 20.1km until it reaches the location of the proposed onshore substation in the townland of Stickillin, 3km east of Ardee on the N33. The underground cable will cross the Salterstown Stream, Port Stream, River Dee (twice), M1 motorway and the Dublin/Belfast Rail line on its route. The underground electrical cabling route is all located within County Louth.

3.0 The Proposed Development.

- 3.1. The proposed development constitutes the provision of the Oriel offshore wind farm development including:
 - 25 no. turbines with maximum tip height of 270m above Lowest Astronomical Tide (LAT), rotor diameter of 236m, and hub height ranging between 145-152m above LAT,
 - 1 no. offshore substation,
 - Inter-Array subsea cabling,
 - Offshore Export Cable (approximately 12km long),
 - Transition Joint Bay (TJB),

- Onshore underground electrical cabling (approximately 20.1km in length),
- On-shore substation, and
- Temporary construction compounds.

3.2. The Board can refer to Section 3 of my report on ABP-315803-23 for a more detailed description of the various elements of the Proposed Development.

4.0 LEGISLATIVE CONTEXT

4.1. **Planning and Development, Maritime and Valuation (Amendment) Act, 2022.**

4.1.1. This Act, in recognition that certain applications require a degree of flexibility, introduced amendments to the Planning and Development Act, 2000 (as amended) ("the Act") 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.

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

4.2.1. 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 291² 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)³.

Section 287A(2)(a-d) lists the details required in the request (including, name and address of the Prospective Applicant, site location map, brief description of the nature and purpose of the proposed development and of its possible effects on the environment, as well as a draft layout plan).

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

² Section 291 refers to direct applications to the Board in relation to proposed development in the Maritime Area.

³ Consultations with the Board prior to an application for permission for development in the Maritime Area.

- (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) provides for the Prospective Applicant to provide or make available any such other information, drawings or representations or the submission of any other information that may be prescribed as part of the request.

Section 287A (3) states that where a request is made under this section that 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.

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

4.3.1. 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.

4.3.2. It notes that of 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.

4.3.3. 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.

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

4.4.1. 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 wind farm 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.

4.4.2. 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.

- 4.4.3. 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.

5.0 POLICY CONTEXT

- 5.1. 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, and
- Louth County Development Plan, 2021 – 2027.

6.0 Request for An Opinion on Flexibility.

6.1. Context:

- 6.1.1. The Prospective Applicant entered into pre-application discussions with the Board under ABP-315803-23 with respect to the proposed Oriel Offshore wind farm development.
- 6.1.2. The Proposed Development represents a complex construction project with both offshore and onshore elements. Design flexibility has been provided for under Section 287A of the Act in the case of applications in the maritime area. This has been provided for particularly (but not exclusively) in relation to the rapidly changing technology in the maritime renewables sector and the potentially long lead-in times between the making of a planning application and procurement of equipment/project implementation. The prospective applicant has submitted a request to the Board for an Opinion on Flexibility under Section 287A in respect of various elements of the proposed development as there are aspects of the Proposed Development that are unlikely to be confirmed at the time of the proposed application. In support of their request the Prospective Applicant has submitted a range of documentation and outlined their reasoning behind the requested flexibility.

6.2. The Request Details:

- 6.2.1. 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). From the outset the Board should note that the Prospective Applicant has committed to a single turbine type for the proposed development, and therefore the overall turbine dimensions, size, blade lengths etc. will be known at time of application. The Opinion on Flexibility under Section 287A therefore relates to the following details or group of details:
 - **The final location of each offshore wind turbine and the offshore substation.**
 - **Final height of offshore Infrastructure.**

- **Extent, final location, and treatment of offshore export cable and inter array cables.**
- **Final location and nature of landfall Transition Joint Bay (TJB), and**
- **Final details of outdoor equipment within the onshore substation compound.**

6.3. The applicant has provided an undertaking to submit with any future Section 291 application two options in relation to the TJB and committed to stated parameters (in relation to the remaining items of the Section 287A request) in respect of each detail or group of details referred to in 6.2 above within which each detail will fall. Furthermore the application documentation including EIAR will consider and assess all options and parameters as necessary. Parameters referred to by the applicant within their request and at the meeting as well as 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 relevant are discussed further below.

6.4. The final location of each offshore wind turbine and the offshore substation.

- 6.4.1. In relation to the deviation in the final location of each turbine and the offshore substation, the flexibility request under Section 287A is for lateral deviation of 50m radius from the locations shown in the layout design. The Prospective Applicant has stated that while detailed geophysical studies have been completed for each foundation/turbine location, variable ground conditions have been identified across the foundation sites. Additional geotechnical investigation and trial drilling at each location will be completed as part of construction preparation works to confirm the optimal final locations. Ground conditions such as boulders would result in the requirement to move foundations, and it is considered that a 50m radius from proposed locations (to centre point of any new foundation/turbine locations) is sufficient to identify alternative, feasible locations.
- 6.4.2. The Prospective Applicant has provided a layout of the proposed turbines and offshore substation which will be presented within the upcoming planning application. The flexibility request under Section 287A is for lateral deviation in the final location of each turbine and the offshore substation from these shown locations. Accordingly,

a single layout will be proposed with the requested flexibility being a lateral deviation in turbine location of 50m from the presented turbine locations. The Prospective Applicant is presenting the 50m deviation as the stated parameter within which this detail will fall and therefore form the basis on which the future proposed application may be made or decided.

6.5. Final height of offshore infrastructure.

- 6.5.1. In relation to the final height of offshore infrastructure the Prospective Applicant has stated that this will be dependent on the specific final foundation design for each location, which will ultimately decide the hub height of the turbines. The offshore infrastructure (turbines and offshore substation) will be provided on monopole foundations which have been determined to be appropriate as a result of the metocean, geophysical, and geotechnical studies that have been completed to date by the Prospective Applicant. The height of each foundation will be determined as part of the construction contract that will be specific to water depths and soil/ground conditions at each of the final locations, the height of the foundation is the determining factor in the final hub height of each turbine.
- 6.5.2. The Prospective Applicant has stated that a 7m variance is sufficient to allow for turbine foundation design variables. As the Prospective Applicant has committed to a specific turbine type for this project the rotor diameter is fixed at 236m (i.e. 118m rotor swept path radius), the potential 7m differentiation in hub heights above LAT will result in the 25 proposed turbines having a total tip height in the range of 263 (min.) - 270m (max.) above LAT, and a minimum blade sweep height above LAT in the range of 27m (min.) - 34m (max.).
- 6.5.3. The Prospective Applicant has presented the 7m range in height difference of the hub height (and associated variance in tip height and minimum sweep height) as the relevant stated parameter within which this detail (i.e. the final height and extent of the lowest sweep of the turbine blades) will fall and therefore form the basis on which the future proposed application may be made or decided. As a matter of clarity I also wish to state that as this request relates to offshore infrastructure that I consider the 7m range above LAT to also be applicable in relation to the offshore substation platform.

6.6. Offshore export cable and inter array cables.

- 6.6.1. The total lengths of the final export cable and inter-array cables will be subject to the confirmation of the final route and the ability of the ground conditions to accommodate the optimal burial depths. While a preferred route will be shown for the 5 no. offshore inter-array cables and 1 no. offshore export cable within any future planning application for the proposed development, a deviation to these routes within the application array and cable corridor areas may be required due to potential unexpected ground conditions and obstructions.
- 6.6.2. The maximum length of export cable from the offshore substation to landfall is presented as 16km and the maximum length of the inter-array cables will be 41km and all works will be within the application boundary. Cables will be buried to a depth of 3m where possible, if this is not feasible due to hard seabed conditions the cable will be laid on the surface of the seabed and protected with rock placement or concrete mattresses. The maximum portion of the cabling requiring surface protection is stated as being 50%. The Prospective Applicant has stated that the maximum potential lengths of inter-array and export cable and the maximum portion of the cable requiring protection by rock or concrete mattresses will be assessed in the application documentation. The Prospective Applicant has presented the extent of the application area (both array and cable corridor), the maximum lengths of cable routes, and the maximum of 50% of protection works, as the relevant parameters within which this detail will fall as being the basis on which the future proposed application may be made or decided.

6.7. Landfall transition joint bay.

- 6.7.1. Two options for the landfall transition joint bay (TJB) are proposed, both within 40m of each other, only one of which will be constructed in the event of favourable consideration. The final location will be determined by the electrical and thermal properties of the marine export cable; however, this can only be confirmed following the execution of cable manufacture and supply contracts which will only occur in the event of favourable consideration of any future application.
- 6.7.2. The Prospective Applicant has stated that both of these options will be presented within any future application and has confirmed that all details in relation to each will

be provided and is therefore requesting that this will form the basis on which the proposed application may be made or decided.

6.8. Onshore Infrastructure

- 6.8.1. In relation to the onshore Infrastructure and specifically the onshore substation contracts for construction cannot be finalised in advance of consent. Equipment suppliers and installation contractors will have variations in the dimensions and layout of specific outdoor equipment, and advances in technology may amend the size, location and type of equipment within the substation compound. The Prospective Applicant has stated that all finalised installed equipment will be of a similar type and perform a similar function to the equipment presented and assessed in the application documentation.
- 6.8.2. The onshore substation design that will be presented (and assessed) in the application and EIAR will adhere to the current Eirgrid functional requirements using best available technology. The Prospective Applicant has confirmed that the extent of the buildings and substation compound will be fixed and detailed in the future application, and that the nature, location and extent of outdoor equipment only may require a degree of flexibility, accordingly they have requested that it is within these parameters (i.e. outdoor equipment within the substation compound) that this detail will fall and forms the basis on which the future proposed application may be made or decided.

7.0 MEETING HELD

- 7.1. One meeting was held with the prospective applicant's representatives on 9th November, 2023.
- 7.2. At the meeting, the applicant went through the details set out in their request as detailed on their submitted documentation which included:
- Prospective Applicants name and address,
 - Site location map,
 - Brief description of the proposed development and its possible effects on the environment,

- Draft layout plan,
- Description of the details or groups of details unlikely to be confirmed at the time of the application (as set out in Section 6.2.1 above),
- Circumstances relating to the proposed development that indicate that it is appropriate that the application be made and decided before the confirmation of relevant details (as set out in Section 6.2.2 above),
- Confirmation that in any future planning application the Prospective Applicant will:
 - Clearly identify which elements of the project are to be finalised;
 - Fully adhere to the design flexibility requirements of the Planning and Development Act, 2000 (as amended).
 - Fully identify and assess all environmental implications which arise as a result of the design flexibility sought, and
 - Be consistent with the opinion to be provided by the Board under section 287B.

7.3. The details of the Prospective Applicant's submitted documentation are included in the file. The record of the meeting is also contained in the file.

7.4. Issues raised at the meeting are identified and considered in Section 9 below.

8.0 PRE-APPLICATION REQUESTS

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

8.2. The concurrent pre-application consultation being carried out in relation to the Oriel offshore development is **ABP-315803**, other phase I applications currently in pre-application discussions with the Board are listed below.

- ABP-315796: Arklow offshore wind farm, off the coast of County Wicklow, design option pre-application consultation under ABP-316331.
- ABP-315800: Dublin Array offshore wind farm off the coast of counties Dublin and Wicklow, design option pre-application consultation under ABP-318552.

- ABP-315801: North Irish Sea Array offshore wind farm off the coast of counties Dublin, Meath and Louth, design option pre-application consultation under ABP-316332.
- ABP-315809: Codling Wind Park, off the coast of Co. Wicklow design option pre-application consultation under ABP-318588 (two previous design option consultations for this project were withdrawn prior to conclusion – ABP references 317125 and 317821).
- ABP-317409: Fuinneamh Sceirde Teoranta, offshore wind farm off the Co. Galway coast, at time of reporting there was no design option request.

9.0 CONSIDERATION OF REQUEST

9.1. Context:

- 9.1.1. 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), and details of the accompanying documentation are summarised in section 6.0 above.
- 9.1.2. 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.

9.2. Consideration of request:

- 9.2.1. Table 9.2.1 below sets out the details and circumstances for section 287A flexibility requested by the Prospective Applicant as well as my consideration and recommendation in relation to the various elements.

Table 9.2.1: Consideration of S287A request

Details / Groups of Details	Circumstances	Consideration	Accept Flexibility
Lateral deviation in the final location of offshore turbines and offshore substation	The applicant has sought flexibility in determining the final location of offshore infrastructure, as prior to construction further geotechnical investigation and trial drilling will be required, the results of which may lead to a requirement to laterally relocate infrastructure by up to 50m to ensure turbines are located in the optimal locations and ground/soil conditions are optimised.	I accept that construction in the seabed is a complex undertaking and that as part of the construction preparation works additional investigations and drilling may reasonably lead to the need to relocate offshore infrastructure to ensure the provision of appropriate foundations in optimal conditions. I am satisfied that any future application can fully identify and assess any impacts that could arise from any lateral deviation in the location of offshore infrastructure within the sought after parameter/range of deviation.	Yes

Details / Groups of Details	Circumstances	Consideration	Accept Flexibility
Final height of offshore infrastructure and associated upper and lower rotor diameter sweep	A deviation is requested in overall heights of the final offshore infrastructure. The flexibility in height sought is 7m and arises from the final design of the turbine foundations which will be dependent on water depths and soil/ground conditions at the final turbine locations.	As set out above, I accept the complex nature of the proposed development particularly in the context of construction at sea. I am satisfied that the flexibility sought in height changes is reasonable and minimal, and note that the final height of the offshore infrastructure is dependent on the final foundation design. I am satisfied that the range of flexibility sought (i.e. the 7m differentiation parameter) can be considered and assessed fully in any future application and that any future application documentation can provide an appropriate assessment of all associated impacts.	Yes
Offshore export cable and inter-array cables	Flexibility sought in relation to overall length, final location, burial depth, and extent of rock protection/concrete mattresses, as these are dependent on seabed conditions along the routes of subsea cables and location requirements of the offshore infrastructure.	<p>Final routes, and length of inter-array and offshore export cabling will be dependent on the locations of other offshore infrastructure (detailed above) and seabed conditions experienced along the routes of the cabling.</p> <p>The level of burial and cable protection approaches relates to normal construction practices at sea for an offshore wind farm. Options related to standard construction practices that may not be clarified at the application stage should be set out and assessed in any forthcoming application documentation (including EIAR and NIS) and should (in the event of favourable consideration) be made subject to a compliance condition which would include the agreement of a Construction and Environmental Management Plan. This approach is supported by previous legal judgments (including <i>Alen-Buckley v An Bord Pleanála</i>, and <i>Boland v An Bord Pleanála</i>) and is consistent with legal advice received by the Board.</p>	<p>Yes</p> <p>No</p>
Landfall Transition Joint Bay	Two options for the landfall transition joint bay (TJB) are proposed, both within 40m of each other, the final location will be dependent on the thermal properties of the marine export cable. Only one of these TJB will be constructed in the	The prospective applicant will provide full details of both the TJB options, with relevant layout and location parameters of each known and detailed. Accordingly the potential impacts arising from each layout/location option will be provided within any future relevant planning application documentation including EIAR, and NIS. I accept that the final location of the TJB is	Yes

Details / Groups of Details	Circumstances	Consideration	Accept Flexibility
	event of favourable consideration.	technology related and can only be confirmed once the thermal properties of the undersea export cable is known. These will only be known following the execution of the cable manufacture and supply contracts in the event of favourable consideration of any future application. I am satisfied that the design parameters of the two locations are known and that full details of the two options (and any potential impacts arising) will be presented in any future application.	
Onshore Infrastructure	The application documentation will detail the design of the onshore substation and all associated equipment, based on current best available technology. Advances in technology may amend the size, location and type of outdoor equipment within the substation compound, however, all equipment will be of a similar type and perform a similar function and will be located within the set compound area.	The application documentation will present detailed parameters for the substation, buildings, line cable interface masts, and outdoor equipment. The substation location and extent are known and will be detailed. Flexibility is being sought to provide for variations in dimensions of outdoor equipment which may arise from different suppliers, as well as to provide for future advances in technology which may amend the size, type and location of equipment within the substation compound. No flexibility is sought in relation to the extent of the compound itself. I am satisfied that the future application can provide comprehensive details in relation to any potential impacts arising from the flexibility sought in terms of the outdoor equipment to be provided as it will all be of a similar type and function, and be located within the compound area established in any future application.	Yes

9.2.2. The above represents my consideration in relation to the flexibility sought by the applicant. In the interests of completeness the Board should note that in the meeting the Boards representatives enquired as to whether the Prospective Applicant considered if flexibility was required in relation to the construction port and range of constructions activities that may be required to carry out this complex project which involves significant offshore construction. In this regard the Prospective Applicant confirmed that it did not consider that flexibility was required in relation to these issues as while any potential impacts arising would be considered within the relevant

application documentation that these elements were considered to be standard construction practices which would not fall within the scope of S287A of the Planning and Development Act 2000 (as amended).

10.0 CONCLUSION

10.1. Following the completion of the section 287A meeting on the 9th 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. The final exact location of each offshore wind turbine and the offshore substation.**
- 2. The final height of offshore infrastructure**
- 3. The final route and length, of the offshore export cable and offshore inter-array cables.**
- 4. The location and layout of the landfall transition joint bay, and**
- 5. The final design for the type and siting of outdoor equipment within the proposed onshore substation compound.**

10.2. Normal construction related details that 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 Construction and Environmental Management Plan. This approach is supported by several legal judgements (incl. Alen-Buckley v An Bord Pleanála, and Boland v An Bord Pleanála) and is consistent with legal advice received by the Board.

10.3. For each of the detail 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.

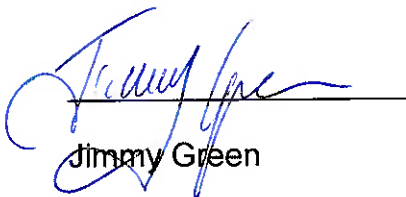
11.0 RECOMMENDATION

11.1. 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. The exact final location of each offshore wind turbine and the offshore substation.**
- 2. The final height of offshore infrastructure.**
- 3. The final route and length of the offshore export cable and offshore inter-array cables.**
- 4. The location and layout of the landfall transition joint bay, and**
- 5. The final design for the type and siting of outdoor equipment within the proposed onshore substation compound.**

12.0 PROFESSIONAL DECLARATION

12.1. 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.



Jimmy Green

Inspectorate

9th January 2024

DRAFT OPINION

1) An Bord Pleanála Opinion on flexibility

2) Request for meeting			
Request under section 287A of the Act:	Received		
Request reference Number:	ABP-318274-23		
Name of the requestor/ prospective applicant:	Oriol Windfarm Ltd.		
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Off the coast of County Louth, including the onshore works comprising underground electrical cabling, through various townlands from the landing of the offshore cable at Dunany Point, to the proposed onshore substation at Stickillin		
Nature and extent of the proposed development:	Offshore windfarm and all associated infrastructure including the onshore connection to the Electricity Grid		
Date of receipt of the request:	19 th October 2023		
Opinion Reference Number:	318274-23		
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: [<input checked="" type="checkbox"/>]	No: [<input type="checkbox"/>]	
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: [<input checked="" type="checkbox"/>]	No: [<input type="checkbox"/>]	

(c) A draft layout plan of the proposed development.	Yes: [✓]	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: [✓]	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: [✓]	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: [✓]	No: []	
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: [✓]	No: []	N/A: [✓]
(h) The appropriate fee.	Yes: [✓]	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		
a) The details, or groups of details, of the proposed development that may be confirmed after the proposed	1. The final exact location of each offshore wind turbine and the offshore substation. 2. The final height of offshore infrastructure		

<p>application has been made and decided.</p>	<p>3. The final route and length, of the offshore export cable and offshore inter-array cables.</p> <p>4. The location and layout of the landfall transition joint bay, and</p> <p>5. The final design for the type and siting of outdoor equipment within the proposed onshore substation compound.</p> <p>In deciding not to accept the request for design flexibility for the extent and nature of the protection for subsea cables associated with the proposed development, the Board considered that this element of the project relates to normal construction practices that are intrinsic to the installation of the offshore wind farm. Construction related methodologies which could be agreed, in the event of favourable consideration prior to the commencement of development, by way of compliance with a planning condition.</p>
<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 project infrastructure efficiently, at the optimal locations within the context of specified parameters and options, whose potential impacts will be set out and assessed within any future application documentation.</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.