



Arklow Bank Wind Park Phase I Decommissioning

Planning Report

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ABBREVIATIONS

Abbreviation	Term in Full
AA	Appropriate Assessment
ABWP	Arklow Bank Wind Park
ACP	An Coimisiún Pleanála
AEL	Arklow Energy Limited
AESI	Adverse Effects on Site Integrity
AIS	Automatic Identification System
AtoN	Aid to Navigation
BSAP	Biodiversity Climate Change Sectoral Adaptation Plan
CAP	Climate Action Plan
CDP	County Development Plan
CEA	Cumulative Effects Assessment
CEMP	Construction Environmental Management Plan
CIL	Commissioners of Irish Lights
CRU	Commission for the Regulation of Utilities
DaS	Dumping at Sea
DCEE	Department of the Environment, Climate and Energy
DEMP	Decommissioning Environmental Management Plan
DMAP	Designated Maritime Area Plan
DRP	Decommissioning and Reinstatement Plan
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EMRA	Eastern and Midland Regional Assembly
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
FLO	Fisheries Liaison Officer
GES	Good Environmental Status
GHG	Greenhouse Gas
HSA	Health and Safety Authority
HWM	High Water Mark
IAC	Inter-Array Cable
ICPC	International Cable Protection Committee
IFI	Inland Fisheries Ireland
IMO	International Maritime Organisation
LAT	Lowest Astronomical Tide
LMP	Lighting and Marking Plan
MAC	Maritime Area Consent
MAP	Maritime Area Planning
MARA	Maritime Area Regulatory Authority
MFSD	Marine Framework Strategy Directive
MP	Monopile

Abbreviation	Term in Full
MPPS	Marine Planning Policy Statement
MSO	Marine Survey Office
MSP	Maritime Spatial Planning
MSFD	Marine Strategy Framework Directive
MUL	Maritime Usage Licence
NBAP	National Biodiversity Action Plan
NDP	National Development Plan
NECP	National Energy and Climate Plan
NIS	Natura Impact Statement
NMPF	National Marine Planning Framework
NMS	National Monuments Service
NPF	National Planning Framework
NPO	National Planning Objective
NPP	National Ports Policy
NPWS	National Parks and Wildlife Service
OEC	Offshore Export Cable
OOS	Out-of-Service
ORDEP	Offshore Renewable Energy Development Plan
ORE	Offshore Renewable Energy
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
OWF	Offshore Wind Farm
PDA	Planning and Development Act
PE	Population Equivalent
PSCS	Project Supervisor Construction Stage
RBMP	River Basin Management Plan
RPO	Regional Policy Objective
RSES	Regional Spatial and Economic Strategy
SFPA	Sea-Fisheries Protection Authority
SPL	Sure Partners Limited
SSE	SSE (formerly Scottish and Southern Energy)
SSFRA	Site-Specific Flood Risk Assessment
TP	Transition Piece
UNCLOS	United Nations Convention on the Law of the Sea
VMP	Vessel Management Plan
WCC	Wicklow County Council
WCDP	Wicklow County Development Plan
WFD	Water Framework Directive
WMP	Waste Management Plan
WTG	Wind Turbine Generator
WWTP	Wastewater Treatment Plant

1. INTRODUCTION

1.1 The Arklow Bank Wind Park Phase 1 Decommissioning Project

1.1.1 Project Summary

Arklow Energy Limited (AEL) (hereafter ‘the Applicant’) is proposing to decommission the existing Arklow Bank Wind Park Phase I (ABWP Phase I) Project, which is located around 10km off the east coast of Ireland, at Arklow, Co. Wicklow. The development is located on the Arklow bank sandbank.

AEL is applying for permission for the decommissioning of ABWP Phase I under Section 291 of the Planning and Development Act (PDA) 2000, as amended (as inserted by the Maritime Area Planning (MAP) Act 2021). The project includes:

- **Decommissioning of 7 no. Wind Turbine Generators (WTGs):** Removal of nacelle (hub and generator); the permanent removal of blades which were dismantled under a maintenance programme in 2025; and removal of two tower sections.
- **Decommissioning of the Met Mast:** Comprises several meteorological sensors located at different heights, a lattice tower with an overall length of 60 m and a triangular platform.
- **Decommissioning of Transition Pieces:** These structures are the connection point between the WTGs/met mast and the monopile foundations. They house the electrical connection points from the WTGs/met mast to the array cables, and they host the access boat landings.
- **Partial Decommissioning of Foundations:** The seven WTGs and met mast sit on monopile foundations. The WTGs monopiles are 5m in diameter and are between 42m and 45m in length, with an embedded depth of -35.9m to -38.95m. The met mast monopiles is 1.8m in diameter and 31.4m in length, with an imbedded depth of -22m. The target cut off depth (m LAT) is between -6.67m and -10.55m, with the depth of the cut below 2025 seabed level of between 0.27m and 4.06m. This partial removal of the foundations will require internal dredging of the monopiles and potential dredging required to facilitate safe vessel access with subsequent disposal of material within the application site.
- **Scour protection removal:** Removal of any residual scour protection bags around the monopiles which are visible.
- **Decommissioning of the Offshore Export Cable:** The cable between the WTG T4 and the onshore substation will be removed.
- **Decommissioning of Inter-array cables:** The cables between the WTGs and the met mast will be removed.
- **Decommissioning of Onshore substation and associated infrastructure:** Decommissioning of 38kV and 400V supplies, removal of sub surface oil interceptor tank, removal of the cable between HWM and substation, demolition of substation structure, fencing and reinstatement of site using hardcore. The ESB has advised that they intend to isolate their section of 38kV cable between the substation and their 220/110 kV station, leaving it underground and in place for future use.

The ABWP Phase I was constructed between 2003 and 2004 as a demonstration project, and it was the first offshore wind energy project in the State. It was also the first offshore wind farm to use turbines with a capacity of over 3MW. At the time of construction, these WTG were prototypes and were some of the most advanced in

the world. During its operational period, ABWP Phase I has generated 1.29GWh of renewable energy or the equivalent of around 850,000 households. This has contributed to the reduction of greenhouse gas emissions through decarbonisation of the electricity grid, as well as contributing to indigenous renewable energy security, and reduction of imported energy dependency. ABWP Phase I was developed solely as a technology demonstration and learning platform for offshore wind energy deployment.

The ABWP Phase I has now reached the end of its design life, and requires decommissioning of both onshore and offshore infrastructure. The Proposed Works Offshore involved in decommissioning involve the full permanent removal of WTGs, met mast and associated TPs; and inter-array and offshore export cables; as well as partial removal of MP foundations and scour protection. Localised dredging may be required depending on seabed levels encountered at time of works. The onshore substation will also be decommissioned, with the site being reinstated.

1.2 Rationale and Timing for the Proposed Decommissioning

In 2023, AEL prepared a Decommissioning & Reinstatement Plan ('DRP') for review and approval by the relevant regulators. Following submission of the DRP, as new planning legislation was being introduced, i.e the Maritime Area Planning (MAP) Act, discussed in details in section 3.5 of this report, AEL was informed that the DRP mechanism was no longer sufficient and that the provisions of the MAP Act as they were inserted into the Planning and Development Act 2000, as amended, would have to be applied. While AEL maintains its view that the DRP provided for under the existing Foreshore Sub-lease is sufficient to authorise the decommissioning of the project, and reserves its rights in that regard, in light of the pressing maritime safety considerations, AEL has chosen to progress this matter by way of this application. AEL made a pre-application submission to An Coimisiún Pleanála in January 2025 under section 287 of the Planning and Development Act 2000, as amended. On the 20th May 2026, the Applicant was advised that An Coimisiún Pleanála considered it appropriate to conclude the consultation and that a planning application could be submitted.

The Applicant is keen to proceed with the Proposed Works as described in this report and in the EIAR, for a number of practical and overarching reasons, and is seeking expeditious review and determination:

End of Life

Following cessation of electricity generation in May 2024, there was no alternate use or purpose for these structures as they had reached the end of technical life. Project extension was not feasible. AEL's priority throughout has been marine safety and prevention of incidents and pollution hence the maintenance campaign in 2025 which resulted in the removal of the blades. Further details are provided in this report and **Volume 2, Chapter 2: Description of Alternatives**.

Maritime Safety

AEL's overarching priority is to ensure that ABWP Phase I does not cause harm to people, vessels or marine life. The continuing ageing of the infrastructure poses a risk to the safety of the maritime area which the Irish State is required to safeguard. The Maritime Safety Act 2005 provides the legal framework within which the State must ensure the safety of the maritime area. Under article 6 of the Maritime Spatial Planning Directive (2014/89/EU), safety at sea is one of the minimum requirements for maritime spatial planning (MSP). This, in turn, is reflected in the National Marine Planning Framework (NMPF) under the Safety at Sea policies. If ABWP Phase I is left in situ as is, and the infrastructure continues to deteriorate, there is an increasing risk of collision from falling debris, including the potential for debris to wash up on the coast. Given the lengthy time expended so far, AEL has commissioned an engineering review of the probability and timeline of failure of the ageing infrastructure. The

preliminary results indicate that the degradation will increase exponentially beyond 2027. The decommissioning works are therefore necessary to safeguard the maritime area.

Pollution Prevention

AEL is concerned that the continued degradation of the infrastructure may lead to pollution in the maritime area. Timely decommissioning will mitigate this risk and support AEL's compliance with its obligations under that framework.

If AEL is able to secure consent during the first half of 2027, then it may be able to execute works offshore during 2028. Whilst AEL understands that due process must be followed, we would respectfully urge the Commission to process this application as expeditiously as possible.

1.2.1 The Applicant

AEL is the applicant and is a subsidiary of GE Vernova. GE Vernova *Inc.* (NYSE: GEV) is a global energy company.

AEL has carried out necessary works in accordance with the terms of the lease. More details on the lease are provided in section 2 of this report, under Planning History.

1.3 Scope and Purpose of the Report

MacCabe Durney Barnes has prepared this Planning Report to accompany the planning application to ACP in respect of the ABWP Phase I decommissioning project. This planning application is made under Section 291 of the PDA .

This report has been prepared for the purpose of demonstrating compliance with the relevant international, European, national, regional and local policy frameworks and for the discussion of issues arising, to assist ACP in its determination of this application.

This report is designed to be read in conjunction with the full range of documentation submitted with the planning application. References to the relevant documents are provided throughout this report. This includes;

- Environmental Impact Assessment Report – Volume 1, Volume 2 and Volume 3
- The Appropriate Assessment (AA) and Natura Impact Statement (NIS)
- Scheme Drawings;
- All supporting documentation provided in the Planning Documents, *inter alia* the Stakeholder Consultation Report and copies of all statutory notifications.

This Planning Report deals with relevant policy as of April 2026 in line with the cut-off date for the **Cumulative Effect Assessment** carried out as part of the **Environmental Impact Assessment Report** (see **Volume 2, Chapter 9: Summary of Cumulative Effects**)

This Report, along with its full suite of documentation, demonstrates that the proposed decommissioning of the ABWP Phase I is in accordance with relevant planning policies and objectives, and is therefore also in accordance with proper planning and sustainable development.

1.4 Structure of the Report

This report is structured as follows:

- **Section 1 Introduction** – this section
- **Section 2 Proposed Development** - provides a description of the decommissioning project and need for development.
- **Section 3 – Legislative Context for the Proposal** – sets out the European and Irish legislative context of the proposed decommissioning project .
- **Section 4 – Planning Policy Compliance Statement** – situates the proposed decommissioning project within planning policy framework, from strategic to local level.
- **Section 5 – Planning Appraisal** – addresses potential inconsistencies highlighted in the Section 4 analysis.
- **Section 6 – Conclusion** – summarises conclusions drawn from report.

The Planning Report is accompanied by a Statement of Consistency with the National Marine Planning Framework (NMPF) which can be found in **Appendix 1** of this Report. **Volume 3, Appendix 1.5: Ecosystem Service Assessment** also accompanies this application.

2. THE PROPOSED WORKS

2.1 Background to the Proposed Works

Sure Partners Ltd. was awarded a Foreshore Lease (FS005429) under the Foreshore Act 1933 (as amended) for the purpose of construction and operation of a Wind Farm in January 2002. The area is shown in the map below:

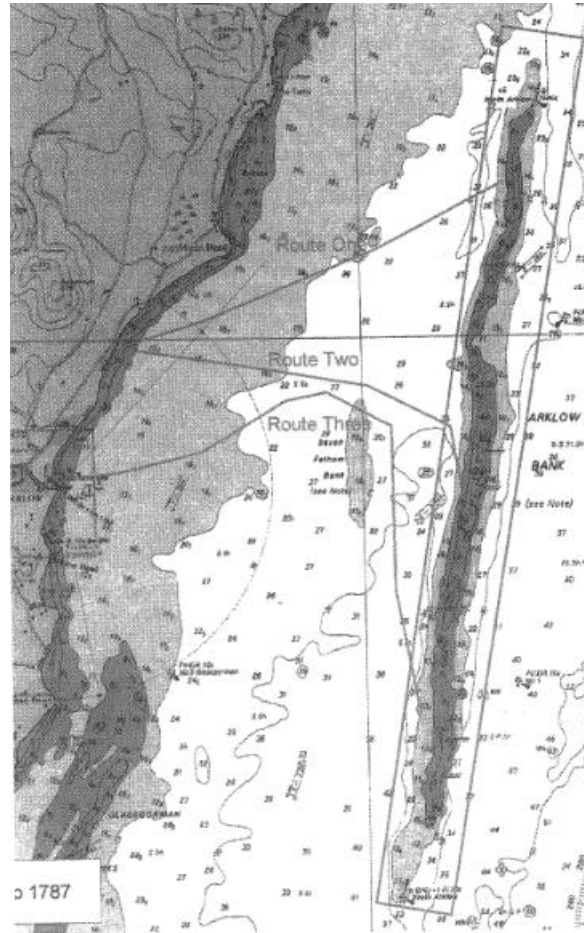


Figure 1: FS0005429 Lease Area

The site to which this application pertains was then subleased to AEL, for a period of 30 years, in accordance with the terms and conditions set out in the Tri-Partite Agreement dated 20 June 2003. This sublease, which is due to expire in 2033, was for the development of ABWP Phase I, comprising seven turbines (type GE Wind 3.6sl) with a combined export capacity of approximately 25.2MW to be installed on the Sub Lease Area, within the wider Foreshore Leasehold Area. In essence, the sub-lease comprises a portion of the Foreshore Lease (FS0005429).

As AEL has a subsisting foreshore sub-lease, AEL is eligible to apply for permission as set out in section 286(3) of the PDA 2000.

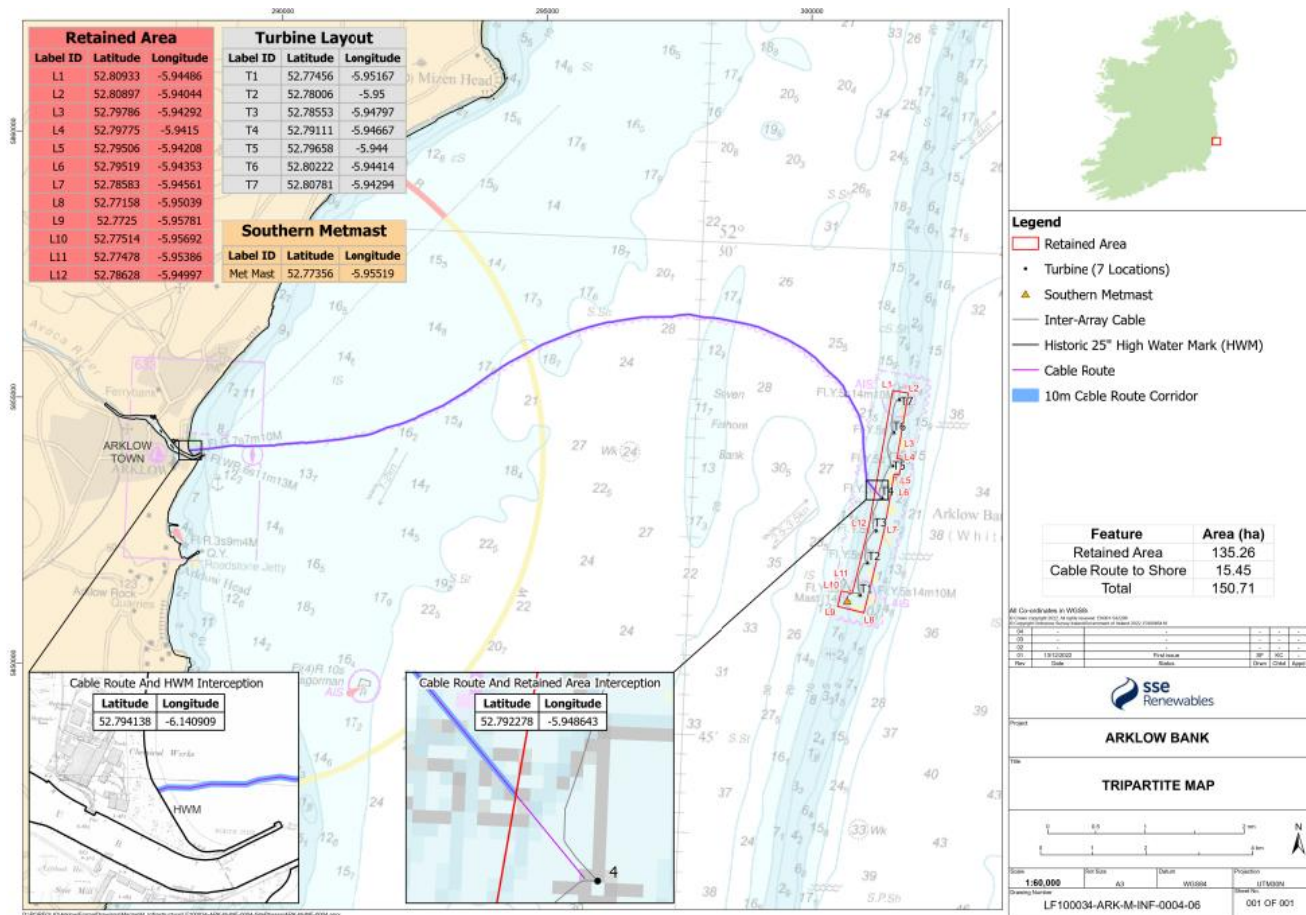


Figure 2: Map showing the sub-lease area

The Foreshore Sub Lease, shown in the figure above, will expire in 2033. The area included in this lease comprises the offshore area subject of this planning application.

2.2 Consultations

2.2.1 Pre-Application Consultation with ACP

The Applicant has undertaken a statutory pre-application consultation with ACP in line with Section 287 of the PDA. The Applicant submitted a request to An Bord Pleanála¹ to commence the pre-application process on 8th January 2025 (ABP-321635-25). The Applicant met with representatives of ACP on three occasions – the 16th June 2025; the 11th September 2025 and the 13th of March 2026. The issues raised are summarised below in **Table 1** below.

Table 1: Summary of Issues Raised during the pre-application consultation process with ACP

No.	Date	Issues raised
1/3	16 th June 2025	The prospective applicant introduced the project and its history, as well as its contributions during operational lifetime. Issues discussed included the exceeded design life of installation, the October 2022 lightning strike on Turbine 5; necessity of decommissioning process; prospective timelines for

¹ An Bord Pleanála was subsequently renamed An Coimisiún Pleanála

No.	Date	Issues raised
		permitting, procurement and works; the extant 2002 Foreshore Lease and 2003 Sublease; the scope of prospective application and proposed works methods; applicant timeline for the preparation of the Comparative Assessment Report to inform this scope and works; potential environmental constraints on works; and applicant approach to EIAR scoping to-date. Also raised were the class of proposed works under the Planning and Development Act 2000 (as amended), and attendant submission requirements; consenting requirements; and OSPAR requirements of the prospective application.
2/3	11 th September 2025	ACP was updated on the works to be completed under the proposed works. Issues raised included ongoing consideration of decommissioning methods and supporting analysis; proposed works onshore and related consenting; planned execution of pre-decommissioning surveys; ongoing blade maintenance campaign; the inclusion of coastal erosion and bank stability in application coastal processes assessment; future engagement with relevant authorities for navigation and marking; noise generation associated with works; benthic impacts; potential scope of EIA, AA, and CEA if required; project waste management and compliance requirements with the NMPF and Wicklow County Development Plan. The potential inclusion of a public consultation phase in the planning process was also discussed.
3/3	13 th March 2026	Information shared by the Applicant included proposed cutting depth below lowest astronomical tide (LAT) for each MP foundation; confirmation that forthcoming application will address implications if residual foundations protrude in the future; confirmation that met mast is subject to same modelling approach with regards to sand bank mobility and proposed cutting depth. Issues around visibility and retrievability of scour protection in dynamic bank conditions were discussed. Also discussed were removal of cable, removal and reinstatement of onshore substation; historical consenting and approaches to turbine blades removed in 2025, and the prospective applicant's intention to seek permission for phasing of works, subject to operational circumstances; as well as RED III legislation; Dumping at Sea (DaS); intended application timeline and proposed post-decommissioning monitoring programme. Issues raised by ACP included climate change policy, coastal processes, onshore biodiversity surveying, methodology for identification of appropriate zone of influence; and guidance on consideration of potential impacts on species. ACP was updated on progress of consultations with prescribed bodies and forthcoming Section 247 consultation with Wicklow County Council.

ACP closed the consultation and issued a letter on the 20th May 2026. The letter listed the bodies to be consulted as part of the application. The Inspector's Report was made available on ACP's website.

Table 2: Matters Arising as Presented in the Inspector's Report

Matter as presented by ACP	Applicant's Response
Prospective Applicant's eligibility to request pre-application consultation in accordance with section 287 of the Planning Act and make a planning application in accordance with section 291 of the Planning Act. The Prospective Applicant outlined their eligibility to make a planning application having regard the Foreshore Sub Lease. Section 2.0 / 3.0 of this Report summarises the situation with regard to the lease	Noted. The applicant has detailed the planning history of the site in Section 2.4 of this report and Volume 2, Chapter 1 – Introduction of the EIAR. The Applicant confirms it has sufficient rights to submit a planning application under section 291 of the PDA as they meet the criteria set out under Section 286(3). This is further elaborated upon in Section 3.4.3 of this report.
Defining the scope of the proposed development and completion of the Comparative Assessment analysis, in light of the Prospective Applicant not seeking an opinion on design flexibility under S.287A	The development is fully described in Volume 2, Chapter 3 – Proposed Works Description and summarised in Section 2.3 of this report. It is confirmed that no design flexibility is sought.
National Marine Planning Framework and in particular the need to clearly indicate project compliance with NMPF policies and objectives.	Please refer to Planning Report Appendix - Statement of Consistency with the NMPF .
Policy context surrounding the proposal ranging from strategic to local. Documentation needs to be robust in its assessment against national, regional and local policy and use of best available scientific data	Please refer to Section 4 of this Report.
Consultation process and stakeholder engagement undertaken. The Prospective Applicant indicated that consultation had been undertaken with key stakeholders. The Commission's representatives advised that public consultation with coastal communities be considered in advance of lodgement of the application.	Please refer to Stakeholder Consultation and Engagement Report .
Importance of having up-to-date, site-specific survey information in establishing the baseline environment to enable the Commission to determine a future planning application. Methodologies adopted, modelling assumptions and any data gaps are to be clearly set out.	Please refer to the EIAR Volume 2 individual chapters, which set out the methodology and references used for each topic.
Potential impact on coastal processes including coastal erosion and deposition.	Please refer to EIAR Volume 2, Chapter 4 – Coastal Processes, Water and Sediment Quality and associated technical appendices.
Health and safety/navigational considerations as a result of leaving the monopiles partially in situ and their potential risk of exposure.	Please refer to EIAR Volume 2, Chapter 7 – Shipping and Navigation and to the Navigational Risk Assessment .

Matter as presented by ACP	Applicant's Response
Potential impact on biodiversity, including seabed and benthic communities and species, and migratory and /or mobile species (incl. European sites seabirds, bats, marine mammals, fisheries), in particular potential noise impacts during the decommissioning works, including the transmission of noise into the water column.	Please refer to: • EIAR Volume 2, Chapter 4 – Coastal Processes, Water and Sediment Quality • EIAR Volume 2, Chapter 5 – Marine Biodiversity, • EIAR Volume 3, Appendix 5.2: Underwater Sound Modelling, • Natura Impact Statement, • EIAR Volume 2, Chapter 6 – Commercial Fisheries and Aquaculture
Potential impacts on water quality and the importance of providing a robust waste management plan for both the onshore and offshore elements of the proposed development. It was noted that a Dumping-at-Sea (DaS) licence may be required for the proposed works	Please refer to EIAR Volume 2, Chapter 4 – Coastal Processes, Water and Sediment Quality . A DaS licence application will be submitted to comply with the relevant legislation.
Impact on commercial fisheries, shipping and navigation	Please refer to: • EIAR Volume 2, Chapter 6 – Commercial Fisheries and Aquaculture • EIAR Volume 2, Chapter 7 – Shipping and Navigation
Potential impacts on ecosystem functions and services	Please refer to EIAR Volume 3, Appendix 1.5: Ecosystem Services Assessment
Consideration of potential cumulative impacts, in particular with regards to the five live Irish Sea offshore renewable projects	Please refer to EIAR Volume 2, Chapter 9 – Summary of Cumulative Effects and Volume 3, Appendix 1.2 - Cumulative Screening..
Duration of permission in the context of the Foreshore Sublease expiring in 2033 and the associated rights the Prospective Applicant would have to undertake works/monitoring in the site area post this date.	As explained in Volume 2, Chapter 1, planning permission is sought up to 2033 to align with provisions of the Sub Lease. AEL do not anticipate any requirement for further licencing post 2033. Notwithstanding this, should any other licences be needed for post decommissioning monitoring, these will be obtained, if required.
Procedural Matters: Application should be accompanied by a website; Digital version of planning documentation should be word searchable; Consistency throughout planning documentation.	Noted. A project application website has been set up: www.arklowbank1decomm-planning.ie The applicants have sought to achieve consistency throughout the planning application documentation.

2.2.2 Section 247 Consultation

The Applicant submitted a request to Wicklow County Council (WCC) to commence the Section 247 PDA pre-application process on the 20th of February 2026, receipt of which was acknowledged on the 23rd of February 2026. The Applicant met with a representative of Wicklow County Council, online, on the 30th of March 2026 for the Section 247 consultation. Issues raised are outlined in the table below:

Table 3: Summary of Issues Raised during the pre-application consultation process with WCC

No.	Date	Issues
1/1	30 March 2026	The principal components of the scheme - onshore and offshore – were communicated. The limited nature of works onshore was emphasised. The planned demolition of substation and removal of cable, followed by ground reinstatement with hardcore, was discussed. Offshore issues considered included the full removal of WTGs and transition pieces, and partial cutoff of foundations below seabed level. WCC was informed of the planned transport of all decommissioning waste to another port outside WCC area. The scope of planning application, including its inclusion of a full EIAR, NIS and P&D Regulation-compliant drawings. Additional points regarding the residual lease for the substation site and display requirements for the planning application at the WCC Planning Office were raised, with the former judged to be within the remit of the Law Agent and Estates Office.

2.2.3 Consultations with prescribed bodies, other public bodies, and relevant stakeholders

The full list of consultations, with prescribed bodies and other relevant public bodies, that were undertaken during the EIAR Scoping and the Project/Works Design Phase are tabulated in the Stakeholder Consultation and Engagement Report and Schedule of Consultations documents submitted as appendices to this report. Consultation undertaken with fisheries is also detailed.

2.3 Description of the Proposed Works

2.3.1 Overview

The ABWP Phase I Project consists of the proposed decommissioning of offshore and onshore components of the offshore wind farm (OWF), located within 10km of the east coast of Ireland, on the Arklow Bank, Co. Wicklow.

This section of the Planning Report aims to outline a high-level overview of the works proposed as part of the decommissioning process. Full details can be found in **Volume 2, Chapter 3: Proposed Works Description**.

2.3.2 Site location

The site location is illustrated in Figure 3, which is the site location plan submitted with the application. This shows the site in overall national and regional context.

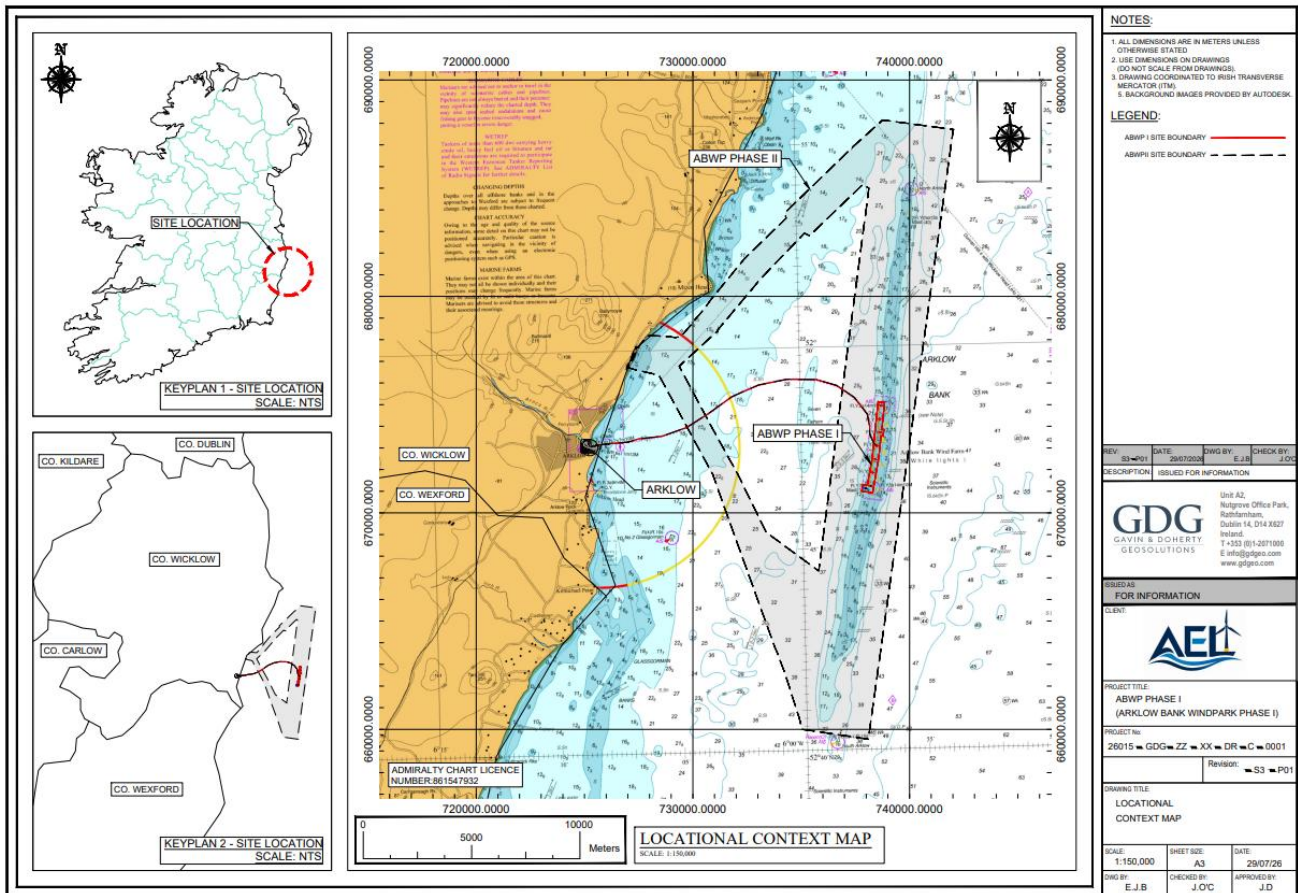


Figure 3: Overall Site Location (Source: GDG for AEL)

Offshore

The Proposed Works Offshore will be undertaken within the 'Offshore Site', which includes:

- The Sub Lease Area, which is located c. 10km off the coast of Arklow and
- a 10 m cable corridor along the export cable route connecting the offshore site to the landfall point at High Water Mark (HWM).

Onshore

The onshore site is located landward of the HWM, off the Ferrybank Road, North Quay, Arklow Harbour. It includes the onshore substation compound, described below, and a 10m cable corridor from landfall point at the HWM to the onshore substation.

2.3.2.1 The Project

The Proposed Works Offshore will consist of:

- The dismantling and removal of the 7 no. WTGs components including full de-energising of the WTGs, permanent removal of the rotors and blades, removal of the nacelles and of the towers.
- The dismantling and removal of the Met Mast, specifically of the top section that includes the meteorological sensors and of the triangular platform.
- The cutting out of the transition pieces, connecting the WTGs and met mast to their foundations.
- The cutting of the monopiles in water depths ranging from -6.59m mLAT (WTG 2) to -10.55 mLAT (met mast) and associated dredging to facilitate removal.

- The removal of residual scour protection.
- The unburial and removal of all inter-array cables (IAC) which are approximately 7.4 km in length with a diameter of 100 mm.
- Unburial, cutting and removal of the offshore export cable (OEC) which is approximately 15.6 km in length with a diameter of 127mm.

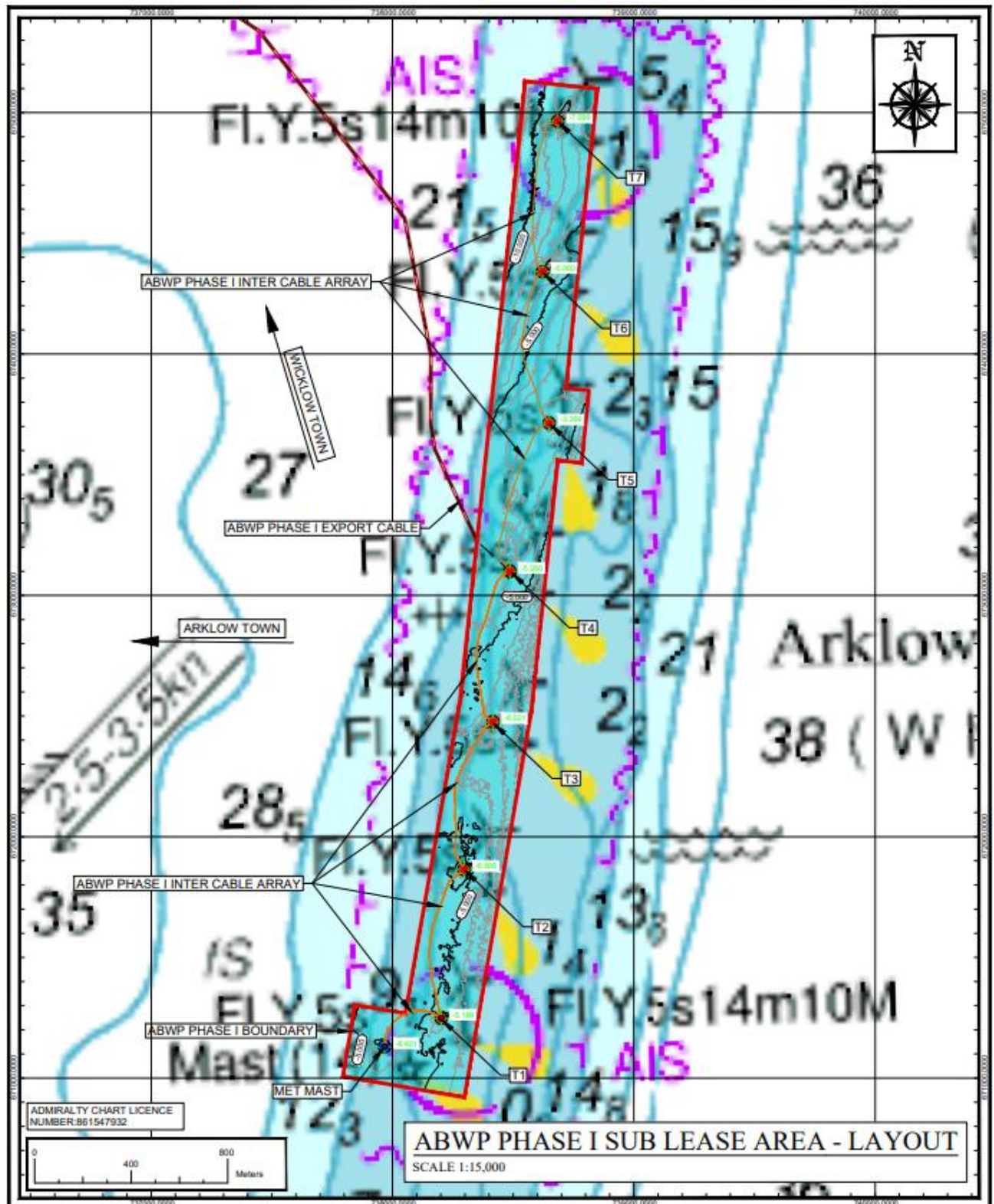


Figure 4: Existing Offshore Layout (Source: GDG for AEL)

The Proposed Works Onshore will consist of:

- The dismantling and removal of the substation building and all internal equipment.
- The removal of cooling oil from transformer and transport to a licensed waste facility.
- The removal of grey water from submerged oil interceptor tanks.
- The excavation and removal of concrete bund.
- The permanent removal of onshore cable between the landfall point and the onshore substation.
- The clearance, levelling and reinstatement of the site.

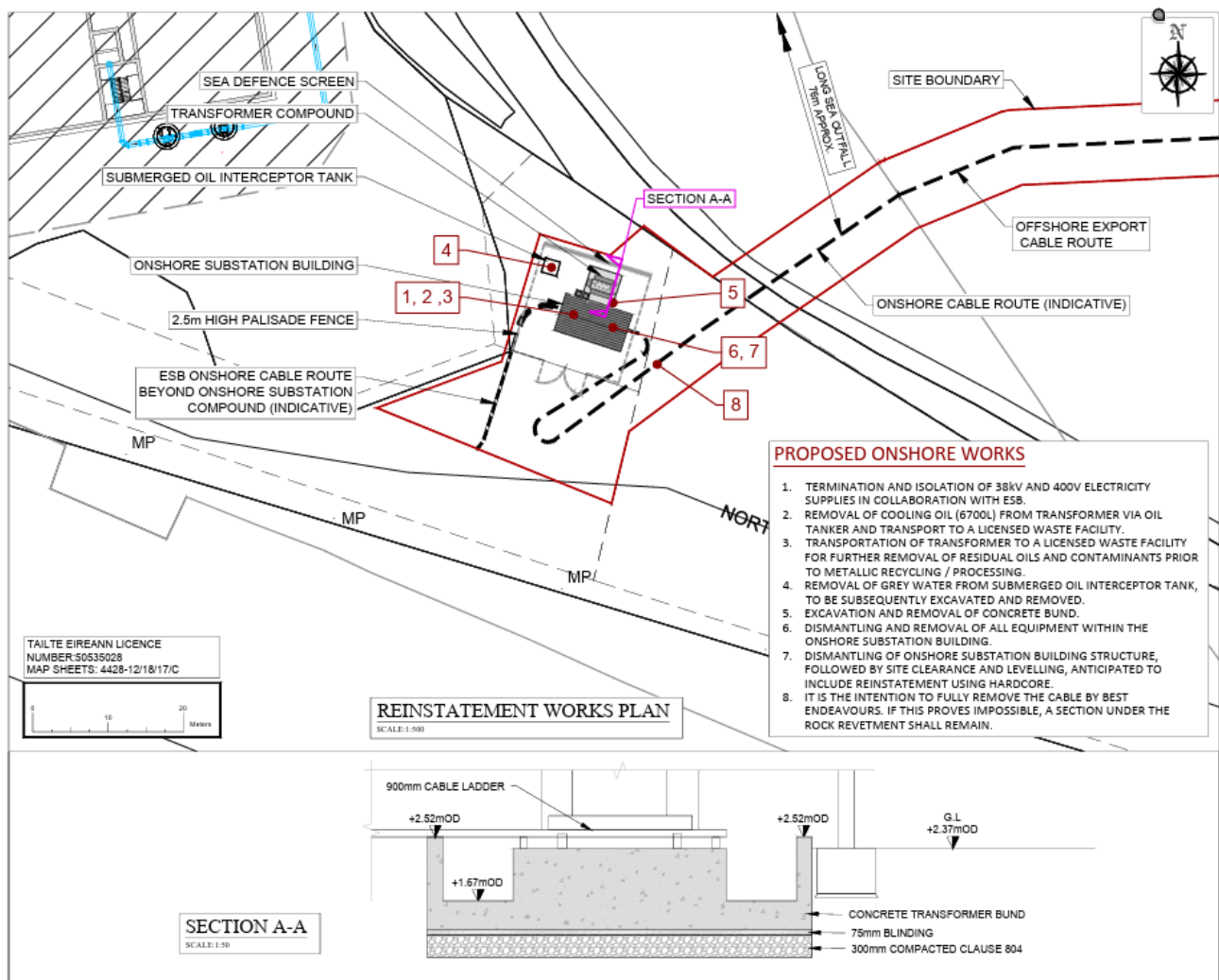


Figure 5: Reinstatement Works Plan (Source: GDG for AEL)

2.3.3 Proposed Works Offshore Programme

The activities comprising the Proposed Works Offshore will be staged and executed in a minimum of two main campaigns. These are;

- The first campaign will include pre-decommissioning surveys; dredging for safe vessel access (if required); and full removal of WTGs and met mast.
- The second campaign will include pre-decommissioning surveys; dredging for safe vessel access (if required); full removal of TPs and partial /full removal of foundations; removal of scour protection; full removal of the IAC and of the offshore export cable; and post-decommissioning surveys.
- These campaigns may be carried out in one continuous programme during one season or may be split over two separate seasons.

2.3.4 Overview of offshore works and activities to support the decommissioning

Other offshore activities and works will be carried out as part of these campaigns, the full details of which are provided in **Volume 2, Chapter 3: Proposed Works Description** of the **EIAR**.

Surveys

Pre-decommissioning surveys will be undertaken prior to the commencement of any stage/campaign in order to obtain updated information on the seabed (e.g. bathymetry) and sediments beneath. These will be used to update the decommissioning methodology and programme to be implemented by the appointed decommissioning contractor.

Dredging

Dredging to facilitate vessel access may be required given the strong spatial and temporal variability of seabed levels within the Sub-Lease Area. Full details of potential dredging works required are described in **Volume 2, Chapter 3: Proposed Works Description**, including additional detail on maximum dredging volumes, dredging/disposal methods, and anticipated areas for dredging and disposal activities within the Sub Lease Area.

Decommissioning of WTGs

Decommissioning of WTGs comprises the reversal of the installation process. The components to be decommissioned include the nacelle (hub and generator), the blades and the tower.

The detailed decommissioning methodology is provided in the EIAR **Volume 2, Chapter 3: Proposed Works Description**.

Decommissioning of Met Mast

The met mast comprises a number of meteorological sensors located at different heights, a lattice tower with an overall length of 60m and weight of approximately 10 tonnes, and a triangular platform. Dismantling and removal of met mast will largely be a reversal of the installation process, and will employ the same plant and lifting equipment used during the decommissioning of the WTGs. Full details of met mast removal are described in **Volume 2, Chapter 3: Proposed Works Description** of the EIAR.

Decommissioning of Transition Pieces

TPs house electrical equipment and serve as a connection point between WTGs / met mast and the foundations (in this case MPs). The TPs are made of steel. The interface between TPs and MPs is a grout connection. Removal

of the TPs is to be completed by cutting above or below this grouted connection, and lifting. Full details of TP removal are described in **Volume 2, Chapter 3: Proposed Works Description** of the EIAR.

Decommissioning of Foundations

All seven WTGs, as well as the met mast, sit on monopile foundations. The WTGs lengths range from 42 to 45m, and their weight from 252 to 281 tonnes. The embedment depth (level of toe) ranges from -35.9 mLAT to -38.95 MLAT. All WTGs have a diameter of 5.1m. The mast is 31.4m in length and its weight is 47.5 tonnes. The embedment depth is -22.

Volume 3, Appendix 2.1 Comparative Assessment Report of the EIAR sets out why the partial removal of MPs is considered the most favourable and feasible alternative. The target cutting depth detailed in **Volume 2, Chapter 3 – Proposed Works Description** is variable for each MP and has been informed by **Volume 3, Appendix 4.1 - Seabed Mobility Assessment** of the EIAR, with the aim of minimising post-decommissioning exposure risks.

Partial removal requires internal dredging of the contents of the MP (the 'soil plug'), which are proposed to be disposed of via pipeline within its vicinity, followed by internal MP cutting, and lifting. The details of MP removal are described in **Volume 2, Chapter 3 - Proposed Works Description** of the EIAR.

Scour Protection Removal

Pre-decommissioning surveys will help confirm the presence of any residual scour protection bags. Should these be found, a grab dredger will lift these from seabed to vessel deck. The details of Scour Protection removal are described in **Volume 2, Chapter 3: Proposed Works Description** of the EIAR.

Decommissioning of Inter-array Cables (IAC)

The total length of IACs is approximately 7.4 kilometres, originally buried. It is proposed to fully remove the IACs through unburial of the cable using a running method comprising a grapnel run or similar, and cutting underwater or on vessel deck into manageable sections. The details of the IAC removal are described in **Volume 2, Chapter 3: Proposed Works Description** of the EIAR.

Decommissioning of Offshore Export Cable

The approximate overall length of the Offshore Export Cable is 15.6km. It is proposed to fully remove the offshore export cable by cutting/disconnection within the vicinity of landfall; and unburial using a grapnel run, or similar. The details of the IAC removal are described in **Volume 2, Chapter 3 - Proposed Works Description** of the EIAR.

Post-decommissioning Survey

- Post-decommissioning surveys are anticipated to be conducted after completion of all decommissioning works, as described above and in **Volume 2, Chapter 3 Proposed Works Description** of the EIAR. The purpose of these surveys is to verify the resulting seabed condition within the Offshore Site, and inform the Close Out Report. The details of the post-decommissioning survey are described in **Volume 2, Chapter 3 Proposed Works Description** of the EIAR.

2.3.5 Proposed Onshore Works

Onshore substation decommissioning

The decommissioning activities/works will involve the termination and isolation of 38kV and 400V electricity supplies; the removal of cooling oil from the transformer and transfer of transformer to suitable waste management facilities for recycling and the removal of grey water from submerged oil interceptor tank, to be subsequently excavated and removed. The concrete bund will be excavated and removed. Then all equipment will be dismantled and removed from the onshore substation building, before the substation itself is dismantled. This will be followed by site clearance and levelling, including reinstatement using hardcore.

Onshore cable removal

The onshore cable comprises of two sections. The first section connects the landfall point from high water mark to the onshore substation. The second section connects the onshore substation to the ESB networks 220/110 kV substation located in Killiskerry. The Applicant seeks to remove the first section by pulling it. However, a section may be left in-situ if cable pulling becomes unfeasible. This may be the case for the section of the cable located below the rock revetment. The applicant does not intend to remove the second section of the cable as it will be handled by ESB Networks separately.

2.3.6 Programme of Works

A planning permission valid up to 19th June 2033, the date that the Foreshore Lease Documentation will expire, is sought in order to facilitate programming of the Proposed Works Offshore, as outlined above in sections 2.3.3 and **Error! Reference source not found.** Given the variability of the weather and sea state conditions, the months between April and October are targeted to carry out the Proposed Works Offshore. Proposed Offshore Works will be carried out 24 hours a day, seven days a week to maximise favourable windows of time. It will also minimise risk of downtime and risks to personnel. As a result, AEL may carry out the works over more than one season.

As stated in EIAR **Volume 3 Appendix 3.1 Outline Onshore DEMP**, the proposed works onshore may be programmed during favourable weather and sea state conditions to minimise potential downtime and risks to personnel and be undertaken during day time, anticipated as working from **Monday to Saturday**.

2.4 Planning History

2.4.1 Offshore Application Site Planning History

Head Foreshore Lease – FS005349 (January 2002)

The Minister for Communication, Marine and Natural Resources granted a foreshore lease in accordance with the Foreshore Act 1933 on the 11th January 2002 to Sure Partners Limited (SPL) to construct, locate and operate a wind farm comprising up to 200 wind turbines on the areas known as 'Arklow Bank'. This is referred to as the 'Head Lease'. Sure Partners Ltd. is a 100% wholly owned subsidiary of (SSE) Airtricity.

Under the terms of FS005349, the Head Lease permits the leaseholder to sub-let the head leasehold area subject to prior written consent of the Minister.

Sub-Lease (June 2003) and Tri-Partite Deed (20th June 2003)

On the 20th June 2003, SPL granted AEL a sub-lease on foot of the latter and Zeusford Limited, a subsidiary of Airtricity Holdings Limited entering an agreement to develop together the first phase of the Arklow Bank Wind

Park comprising 7 wind turbine generators (WTG) of type GE Wind 3.6s (having a combined Maximum Export Capacity of approximately 25.2MW), to be installed on the leasehold area.

The Minister consented to the granting of such Sub-Lease on the terms and conditions set out under the Tri-Partite Deed dated 20th June 2003, which formalised the agreement between the Minister, Arklow Energy and SPL. The Head Lease, the Sub Lease and the Tri-Partite Deed together are referred to as the 'Foreshore Lease Documentation'.

As agreed with the Minister, under the terms of the sublease, the agreement is in place for a period of 30 years starting on the date the lease was executed. The sub-lease permitted the use of the leasehold area for decommissioning under clause 2.1(3), while clause 4.1 sets out the decommissioning and reinstatement obligations on AEL.

Maritime Area Consent (MAC) No. 2022-MAC-002

The Minister for the Environment, Climate and Communication granted SPL a MAC in December 2022 for the construction and operation of an offshore windfarm and associated infrastructure (including decommissioning) and other works required on foot of any development permission for such offshore windfarm for a period of 45 years.

Clause 4A.1 of the MAC required that SPL surrenders the existing foreshore lease. The area subject of the MAC is shown in the figure below.

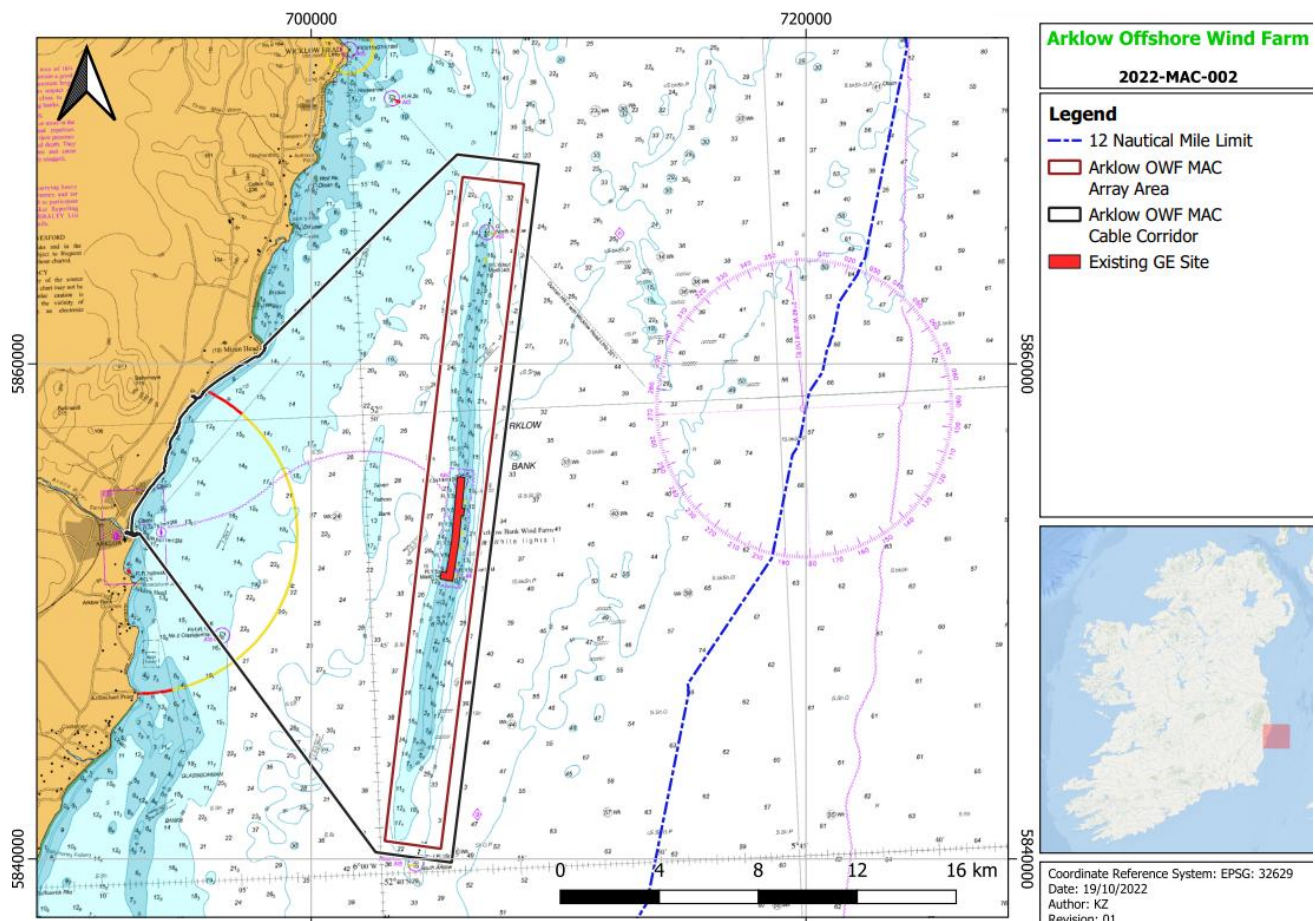


Figure 6: Area subject of 2022-MAC-002 as shown in Appendix I

The MAC specifically excludes the ABWP Phase I Sub-Lease area but includes its cable corridor.

Surrender Notice (March 2023)

In accordance with clause 4A.1 noted above, a surrender notice dated 14 March 2023 (the 'Surrender Notice') was served by SPL to the Minister for Housing, Local Government and Heritage confirming that SPL would not proceed with Phases 2, 3 and 4 of the original Arklow Bank Wind Farm, subject of the Foreshore Lease (FS005429). Due to the surrender by SPL of its rights under the Head Lease, it was necessary for a Deed of Variation and Deed of Regularisation to be entered into to ensure that Arklow Energy's rights to operate in the maritime area continued.

Deed of Variation and Deed of Regularisation (July 2023)

Consequently, a Deed of Variation between the Minister for Housing, Local Government and Heritage and SPL was subsequently agreed on 14th July 2023 to record amendments to the Head Lease required in response to the Surrender Notice, i.e. changes to the definition of Facilities, Leasehold Area and generating capacity in line with the execution of ABWP Phase I. The Deed of Variation clarifies that the lease continues for ABWP Phase I which includes an updated definition of the facilities that are permitted to include the 7 no. GE 3.6 MW electricity generating "wind turbines to be installed in the Leasehold Area, including foundations and necessary associated works, and all cables associated with such turbines, or any of them". The Deed of Variation also defines the 'Demised Area' which comprises the area in which ABWP Phase I and the associated cables and infrastructure inhabits the maritime area, and which is the maritime area required for the purpose of the Decommissioning Work. Importantly, it confirms that the Lease continues in full force as modified. Accordingly, AEL is entitled to apply for development consent in respect of the 'Demised Area'.

A Deed of Regularisation between the Minister for Housing, Local Government and Heritage, SPL and AEL was also agreed on 14th July 2023 to modify the extent of the Sub Lease Area (referred to as the 'Retained Area') to correctly reflect the boundaries of ABWP Phase I.

Arklow Bank Wind Park 2

ABP-319864-24: A planning application was submitted by SPL on 6th June 2024 for planning permission for the construction, operation and decommissioning of Arklow Bank Wind Park 2 (ABWP2), an OWF and associated infrastructure. The applicants applied for and obtained an Opinion under section 287B of the PDA and applied for planning permission for two project design options, one of which would include 56 WTGs and the other 47 WTGs. A request for further information was issued on the 10th April 2025. A response was received on the 10th April 2026 and is with ACP for consideration.

2.4.2 Other relevant developments in the maritime area

Phase One East Coast Offshore Wind Parks

In addition to the aforementioned ABWP2, four Maritime Area Consents were granted for the development of offshore wind renewable energy projects off the east coast in December 2022 by the Minister of Climate, Energy and the Environment. These projects are progressing through the planning process under section 291 of the PDA, and comprise the following:

Oriel Wind Farm (MAC Ref: 2022-MAC-001)

ABP-319799-24: A planning application was submitted on 24th May 2024 by Oriel Windfarm Limited for planning permission for the construction, operation and decommissioning of the Oriel Wind Farm Project. The project design is inclusive of 25 no. WTGs. The Oriel Windfarm Project availed of design flexibility under Section 287A/B of the PDA with regard to the final exact location and height of infrastructural components. A request for further information (FI) was issued on the 10th April 2025. A response was received 16th January 2026. The FI was deemed significant and notices were published inviting further submissions up to 13th May 2026.

Bray Bank and Kish Bank ('Dublin Array') (MAC Ref: 2022-MAC-003 and 004)

ABP-321992-24: A planning application for the construction, operation and decommissioning of the Dublin Array Offshore Wind Farm was submitted on 28th February 2025 by Kish Offshore Wind Limited. The applicants availed of an Opinion under section 287A/B of the PDA and applied for planning permission for three project design options, respectively 50 no. WTGs, 45 no. WTGs, or 39 no. WTGs, with varying WTG rotor diameters associated with each design option. A request for further information (FI) was issued on the 8th of December 2025, allowing for a response by 17 September 2026. The FI response is with the applicant, and consideration of the application is paused until the response to FI is submitted.

North Irish Sea Array ('NISA') (MAC: 2022-MAC-005)

ABP-319866-24: A planning application was submitted on 7th June 2024 by the applicant, North Irish Sea Array Windfarm Limited, for the construction, operation and decommissioning of the North Irish Sea Array Windfarm. The applicant availed of an opinion under Section 287A/B of the PDA, applying for planning permission for two project design options of 35 no. or 49 no. offshore WTGs within the array area respectively. A request for further information (FI) was issued on the 10th of April 2025, allowing a response from the applicant by 14th August 2026. Consideration of the application is paused until the response to the FI request is received.

Codling Wind Park (MAC Ref: 2022-MAC-006)

ABP-320768-24: A planning application was submitted on 6th September 2024 by the applicant, Codling Wind Park Limited, for the construction, operation and decommissioning of the Codling Windfarm. The applicant availed of an opinion under Section 287A/B of the PDA, applying for planning permission for two project design options of 75 no. or 60 no. offshore WTGs respectively, with varying WTG rotor diameters and blade tip heights (above LAT) associated with each design option. The applicant submitted the Response to Further Information on the 5th June.

Irish Water – Arklow Waste Water Treatment Plant

FS006862: Irish Water (now Uisce Éireann) received a foreshore license from the Department of Housing, Planning and Local Government on the 1st March 2022 for the proposed Arklow Waste Water comprising a new wastewater treatment plant (WWTP), associated infrastructure including sewer network and marine outfalls, as well as upgrade to existing coastal revetment. The development is now operational.

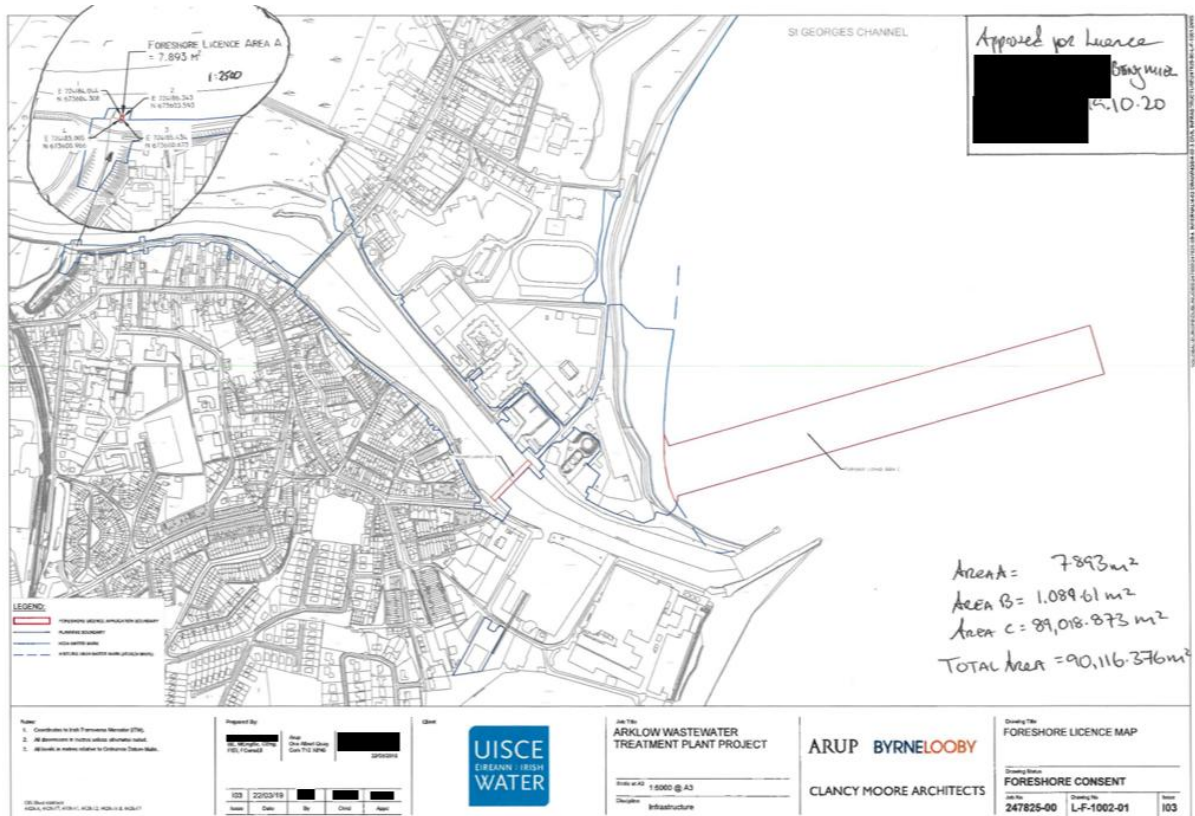


Figure 7: Executed foreshore license map (as displayed on DCEE's website)

The ABWP Phase I cable corridor bisects the licensed area to its south.

Uisce Eireann South East of Ireland

MUL240026: Uisce Eireann submitted a Maritime Usage License (MUL) application (MUL240026) to conduct a strategic modelling study of water currents and bathymetry along the Southeast Coast of Ireland. It includes several study areas, one of which (area I) extends outside the Port of Arklow. The MUL was granted on the 8th April 2026.

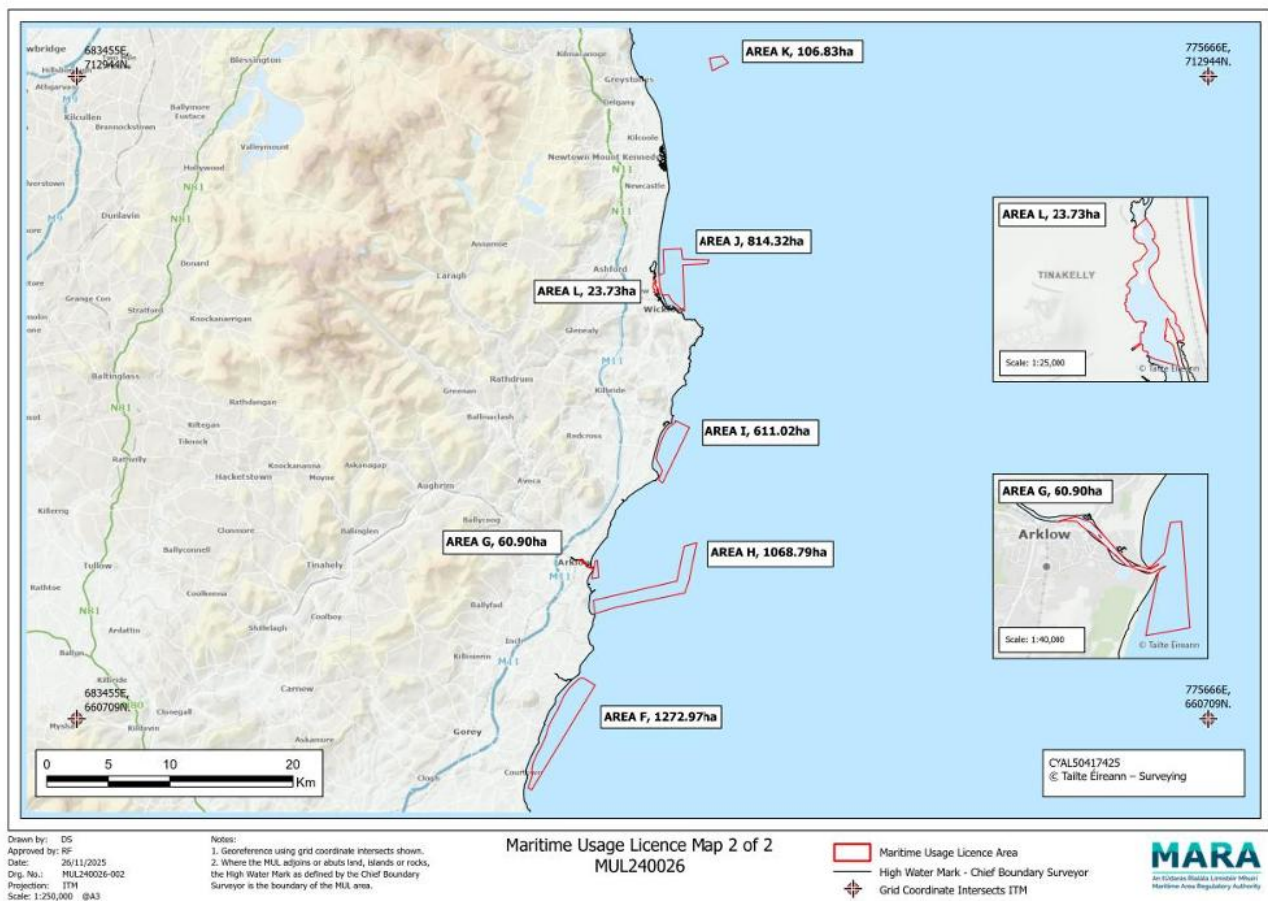


Figure 8: Licensed areas (as shown on MARA website)

2.4.3 Onshore Application Site Planning History

The following applications were identified in respect of the lands subject of this planning application:

P.A.Reg.Ref.85/2002: The construction of a switch station building and compound on North Quay, Ferrybank townland, Kilbride, Arklow, as part of the Arklow Bank Wind Park Project. Development consisted of a building to house electrical switchgear and metering equipment. This substation is the one subject of this planning application to be decommissioned.

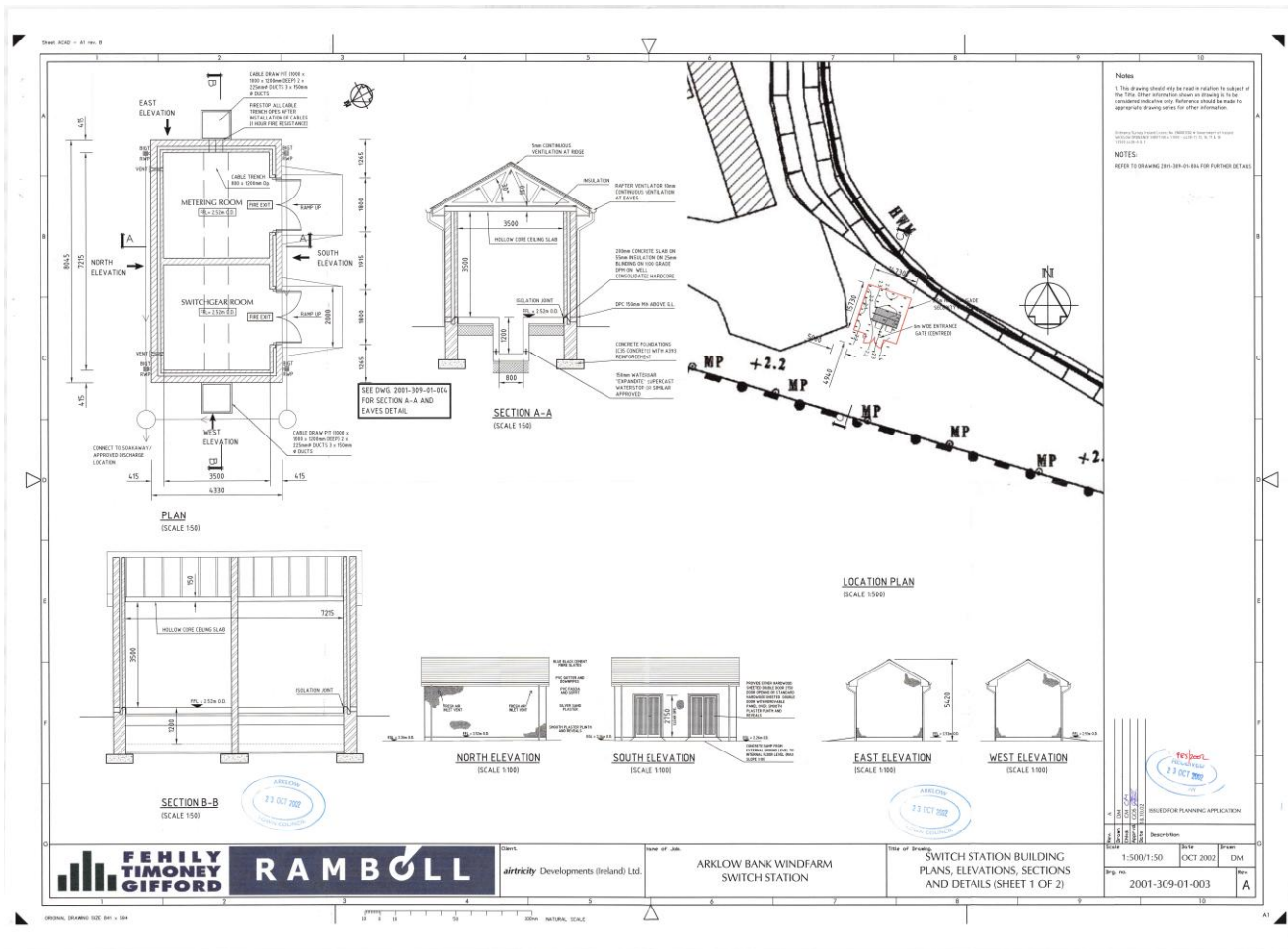


Figure 9:85/2002 Site Layout Plan (Original)

P.A Reg. Ref 117/2004: The erection of an electrical transformer housing within a fenced compound at North Quay, Arklow, Co. Wicklow as part of the Arklow Wind Park Project.

The application included the modification of existing site boundary by 1.45m to the north, construction of a reinforced concrete plinth to support the transformer, construction of a reinforced concrete bund to retain possible oil spillages, erection of a wall consisting of cladding panels (to match existing switch station) to shield transformer from sea spray, installation of an oil interceptor, minor modifications to existing surface water drainage system provision and laying of ducts below ground to carry cables, and the installation of a transformer with dimensions 4.75m x 3.95m in plan and 4.60m in overall height.

The development was to be situated largely on the site of the existing Switch Station Compound on North Quay, for which planning permission was granted in 2002 (P.A.Reg.Ref.85/2002). These lands were leased from Arklow Harbour Commissioners in 2002. It should be noted that the property, responsibilities and liabilities of the Harbour Commissioners were transferred to Wicklow County Council in 2012.

Planning permission was granted to Arklow Energy Ltd. in October 2004. This substation is the one subject of this planning application to be decommissioned.

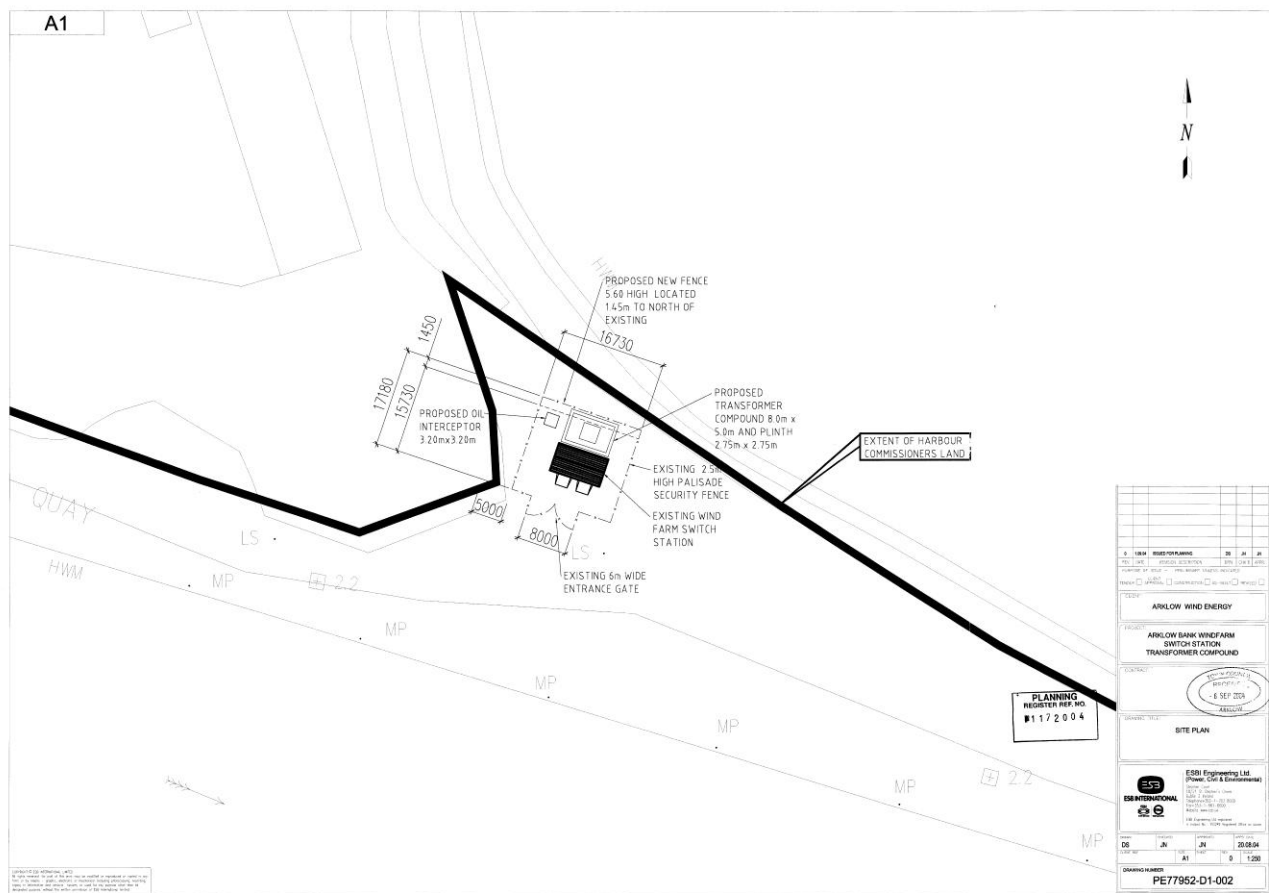


Figure 10: 117/2004 Site Layout for Onshore Substation (Amended)

2.4.4 Other relevant developments in the vicinity of the site

- P.A Reg. Ref – 03610077: The upgrading of existing sea defences on Arklow North Quay, Arklow, Co. Wicklow.** The works consisted of the disposal of a maximum of 4,500 cubic metres of inert fill material. Planning permission was granted to Arklow Harbour Office, Arklow Harbour Commissioners for this development in September 2003.
- ABP-302649-18 & ABP302556-18:** A Compulsory Purchase Order (CPO) and planning permission was granted to Irish Water (now Uisce Éireann) for the WWTP by An Bord Pleanála in August 2019. The WWTP has a capacity of 36,000 Population Equivalent (PE) and includes a long sea outfall pipe of around 900m out to sea at a depth of approximately 10 m below sea level in a north-easterly direction. The plant site itself, and the Interceptor Sewers and Associated Works. The WWTP development is sited towards the end of the North Quay Area of Arklow, some 50m northwest from the onshore substation facility associated with ABWP Phase I. The development also includes the upgrade of existing coastal revetment over a distance of approximately 360m on the site's coastward side; The drawing below shows the area subject of the executed foreshore license. The corresponding foreshore licence is discussed in the preceding section. The development is now operational.

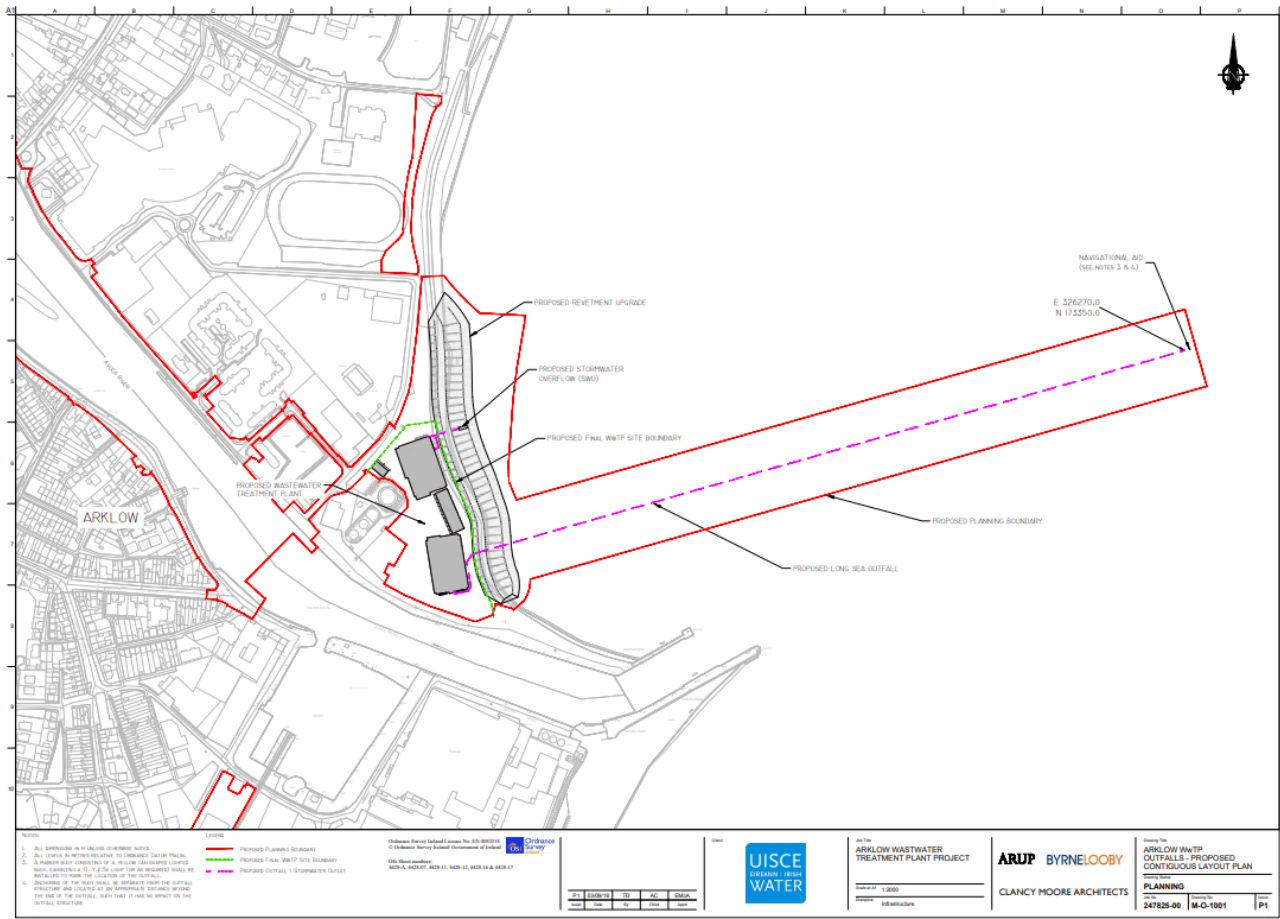


Figure 11: Arklow WWTP Outfall (ABP Ref: ABP302556-18)

- P.A. Reg. Ref. 22/567: Part 8 – Development of a pontoon and associated services and infrastructure at the Inner Harbour, South Quay, Arklow, Co. Wicklow.** The development consists of the following works at the Inner Harbour/South Dock; Development of a heavy-duty pontoon approximately 90m by 2m wide incorporating heavy duty finger walkway units. The pontoon will run parallel to the existing tongue in a northwest to southeast direction. The development includes the provision of fendering, cleats, safety equipment, lighting and service pedestals. The pontoon will be moored using 7 universal column H Piles. No decision regarding this is published on the Wicklow County Council ePlan website.
- P.A Reg. Ref. 21/1316: Operations and Maintenance Facility for Arklow Bank Wind Park 2.** The development works consist of the demolition of existing buildings and structures and removal of existing syncrolift at water's edge; and construction of a new building with a 4-storey element to the front, to a 2-storey at rear, to provide operation & maintenance facilities to support the operation of an offshore windfarm. Also included in development under P.A Reg. Ref. 21/1316 is the development of a flood wall and an area for the berthing of vessels to service the offshore windfarm, with a pontoon and up to four cranes proposed. Nearshore dredging amounting to approximately 6000m³ was also applied for. Planning permission for P.A Reg. Ref. 21/1316 was granted conditionally in July 2022.

ACP Case Reference: ABP-310368-21 Arklow Flood Relief Scheme: Planning permission (ABP-310368-21) and a Compulsory Purchase Order (ABP-310377-21) were granted to Wicklow County Council for the proposed Arklow Flood Relief Scheme (FRS). The proposed scheme and associated public realm works are to be located along and in the vicinity of the Avoca River, extending upstream and downstream of Arklow Bridge and into Arklow Town Marsh to the northwest. The scheme comprises a mixture of direct flood defences and conveyance measures in the river channel.

The Onshore site for the subject ABWP Phase I application is within the temporary Construction Compound (CS5) at North Wall Quay, known as 'Site Compound 5' (SC5). The development includes the construction of a temporary construction compound at North Wall Quay, known as 'Site Compound 5' (SC5). The development description for SC5 is as follows:

'Access to SC5 is to be provided from North Quay. A low bund, comprising precast concrete traffic barriers or similar, will be constructed around the perimeter of the site to retain the dredged material. Suitable dust control and monitoring measures will be installed around dredged material stockpile. SC5 will be reinstated to its existing condition on completion of the permanent works'. Permitted works on the North Quay site also include the '...installation of a suitable geotextile membrane with suitable hardcore placed over it to provide a trafficable surface'.

The coordination of ABWP Phase I Proposed Works Onshore with the permitted Arklow FRS works at North Wall Quay is addressed in **Volume 3, Appendix 3.1: Outline Onshore DEMP**.

2.4.5 Other Environmental Permits

Other environmental permits delivered by the Environmental Protection Agency (EPA) were noted. These include dredging works and wastewater discharge activities around the Onshore and Offshore Sites, as follows:

- **S0002-01:** Dumping at Sea permit issued 21/04/2011 to Arklow Harbour and Dock.
- **S0027-01:** Dumping at Sea permit issued 20/10/2017 to AEL. Dredge disposal/dumping at sea works served the disposal of sediment following seabed levelling by plough dredging in an area to the east of the ABWP Phase I turbines. DaS permit **S0027-01** allowed for the disposal of a total maximum quantity of 99,000 wet tonnes of dredged material. This permit is now expired.
- **D0006-02:** Wastewater discharge licence granted to Irish Water for operation of the Arklow WWTP with a Population Equivalent of 36,000 (p.e)

3. LEGISLATIVE CONTEXT FOR THE PROPOSAL

3.1 Introduction

This section of the planning report provides an overview of relevant legislation, encompassing international instruments, European Directives and national legislation. This report was written, and should be read, in conjunction with the EIAR. As such, certain legislative matters pertaining to the EIAR or the Natura Impact Statement (NIS) are addressed in the EIAR or NIS rather than this planning report.

3.2 International Instruments

3.2.1 United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS 1982 is an international treaty that establishes a comprehensive legal framework for all ocean activities. It defines maritime boundaries and regulates resources management, environmental protection. Generally, under articles 60(3), UNCLOS requires the removal of *"any installation or structures [within the EEZ] which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organisation. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures **not entirely removed**". (emphasis added)*

Therefore, partial removal is consistent with UNCLOS as Article 60(3) only requires removal insofar as is necessary to ensure safety of navigation, taking into account the international standards. The last sentence envisages that some structures won't be entirely removed and therefore, it is clear that partial removal is compliant with the UNCLOS obligation once it is publicised appropriately. We note that the Irish domestic implementation of UNCLOS uses the exact same terminology and therefore it is open to and indeed appropriate for ACP to condition partial removal (Sea-Fisheries and Maritime Jurisdiction Act 2006).

Although, technically, the development is located in the Territorial Sea² as defined under Section 7(1) of the Maritime Jurisdiction Act 2021 and outside of the EEZ, UNCLOS is considered relevant. The partial removal is consistent with UNCLOS insofar as the treaty considers that removal of an entire disused or abandoned structure shall be carried out so as to ensure safety of navigation. Furthermore, there will be sufficient and adequate publicity of the remaining monopiles as envisaged under article 60(3) as evidenced in the **Volume 3, Appendix 7.1: Navigational Risk Assessment** and in the **Volume 3, Appendix 3.7: Lighting and Marking Plan**.

3.2.2 OSPAR Convention

The Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) is a treaty dated 1992, to which Ireland is a contracting party. The aim of the treaty is to prevent and eliminate pollution and conserve the marine environment in the North-East Atlantic.

OSPAR Decision 98/3 on the Disposal of Disused Offshore Installation (as amended by OSPAR Decision 2024/21)

² The Territorial Sea is defined under [Section 7\(1\) of the Maritime Jurisdiction Act 2021](#) as 'that portion of the sea which lies between the baseline and the outer limit of the territorial sea'.

OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations (as amended by OSPAR Decision 2024/21) prohibits *“the dumping and the leaving wholly or partly in place, of disused offshore installations within the maritime area”*.

Offshore installations are defined as *“any man-made structure, plant or vessel or parts thereof, whether floating or fixed to the seabed, placed within the maritime area for the purpose of offshore activities”*.

Offshore activities are defined as *“activities carried out in the maritime area for the purpose of the exploration, appraisal or exploitation of liquid and gaseous hydrocarbons.”*

The project consists of the proposed decommissioning of an OWF and therefore does not constitute an offshore activity within the meaning of Decision 98/3. Therefore, the prohibition does not apply. However, it provides helpful guidance on how exceptions or derogations can be considered where required. The OSPAR Convention considers the possibility of exemptions to be assessed on a case-by-case basis using comparative assessments that would consider technical and engineering aspects, timing of works, safety of uses, effects on the marine environment and economic factors. These are reflected in **Volume 3, Appendix 2.1: Comparative Assessment**.

OSPAR Guidance on Environmental Considerations for Offshore Wind Farm Development

The OSPAR Guidance on Environmental Considerations for Offshore Wind Farm Development (OSPAR, 2008) recommends that decommissioned wind farm components should generally be removed and disposed of on land.

It also notes that where competent authorities determine that components can remain in-situ *‘it should be ensured’* that they will have no significant adverse environmental effects and that they will be monitored with appropriate measures to be taken if necessary. Therefore, OSPAR specifically envisages partial removal once partial removal will not have significant adverse environmental effects.

The EIAR submitted with the application demonstrates that partial removal of the monopiles will not give rise to significant adverse effects.

3.3 International Guidance

3.3.1 International Maritime Organisation

The International Maritime Organisation (IMO) is the United Nations Agency responsible for the safety and security of shipping and the prevention of atmospheric pollution by ships. In 1989, the Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf and in the EEZ were adopted. These guidelines were prepared on foot of Article 60 of UNCLOS. The guidelines note that any decisions for non-removal of offshore installations shall be made on a case-by-case basis, where the competent authority, in this case, An Coimisiún Pleanála, has examined:

- Any potential effect on the safety of surface or subsurface navigation, or of other uses of the sea;
- The rate of deterioration of the material and its presence and possible future effect on the marine environment;
- The potential effect on the marine environment, including living resources;

- The risk that the material will shift from its position at some future time;
- The costs, technical feasibility, and risks of injury to personnel associated with removal of the installation or structure; and
- The determination of a new use or other reasonable justification for allowing the installation or structure or parts thereof to remain on the seabed.

Reference is made to **Volume 3, Appendix 2.1 – Comparative Assessment** which addresses the criteria above. In summary, the report concludes that the most favourable option comprises:

- the partial removal of the monopiles applying a cutting depth at the lowest seabed level;
- the full removal of the IAC; and
- full removal of the Offshore Export Corridor.

3.3.2 International Cable Protection Committee

The International Cable Protection Committee (ICPC) is the leading organisation promoting submarine cable protection and resilience. It publishes recommendations which are guides to provide cable owners and other seabed users with technically accurate information to promote the highest goals of reliability and safety in the submarine cable environment.

Recommendation No.1 – Management of Decommissioned and Out-of-Service (OOS) Cables, Issue 14A, 2020, notes that under UNCLOS and other international law, there is no requirement for the removal of OOS cables in any maritime zone beyond the Territorial Sea. The Recommendation sets out the deciding factors supporting the removal or not of a cable, as follows:

- Potential effects, if any, on the safety of surface navigation or on other uses of the sea;
- Present and possible future effects on the marine environment, meaning that the comparative environmental impacts of leaving the cable in-situ to those of its removal should be assessed;
- The risk of the cables shifting significantly in the future;
- The cost and technical feasibility of associated with the removal of cables;
- The determination of a new use for allowing the cables or parts thereof to remain on the seabed;
- The management of OOS cables as part of a cable protection programme; and
- The potential socio-economic benefits or recovering the cables.

The ICPC also recommends that cable retrieval activities should be well planned to minimise potential interference with other seabed users by leaving the remaining cable, if possible, in no worse condition that it was prior to recovery.

Similar to UNCLOS, the ICPC recommendations apply to the EEZ and therefore not directly to the project, which is located in the Territorial Sea. Nonetheless, they are considered relevant to the proposed removal of the IAC and the Offshore Export Cable. This is reflected in **Volume 3, Appendix 2.1: Comparative Assessment**.

3.4 European Directives

The EIAR and NIS accompanying this report outline the relevant European Directives which pertain to this application.

The following Directives also have direct bearing on the ABWP Phase I project insofar as they set out the framework against which the planning application will be assessed.

3.4.1 Directive 2000/60/EC of the European Parliament and the Council of 23 October 2000 establishing a framework for Community Action in the field of water policy ('the Water Framework Directive')

The Water Framework Directive (WFD) sets out the framework for the protection and enhancement of inland surface waters, transitional waters, coastal waters and groundwater and generally seeks to prevent further deterioration.

The project is adjacent to transitional waters (the Avoca River Estuary – IE_EA_150_0100), crosses coastal waters (Southwestern Irish Sea – Brittas Bay (HA 10) and sits above groundwater (IE_EA_G_076). The WFD introduces the concept of Good Ecological Status (GES) which is defined as the '*status of a body of surface water, so classified in accordance with Annex V*'.

Article 4 sets out the environmental objectives and requires that Member States implement necessary measures to prevent the deterioration of the status of all bodies of surface water. Under Article 8, Member States have to prepare programmes of measures for the monitoring of water status. These programmes are known as the River Basin Management Plan (RBMP).

Reference is made to EIAR **Volume 3, Appendix 4.5: Water Framework Directive Assessment**.

3.4.2 Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage

The Applicant particularly notes Article 5 on preventive action, which states that operators have to take necessary preventive measures to avoid environmental damage.

3.4.3 Directive 2008/56/EC of the European Parliament and of the Council of the 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)

The Marine Strategy Framework Directive (MSFD) establishes the framework to enable Member States to take the necessary measures to achieve or maintain good environmental status (GES) in the marine environment. Article 3(5) defines GES as the 'environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential uses and activities by current and future generations'.

Under Article 8, Member States had to carry out the analysis of predominant pressures and impacts, including human activity, on the environmental status of marine waters. This initial assessment establishes the current environmental status of marine waters and analyses the predominant pressures and impacts, including human

activities. Article 9 places an obligation on Member States to determine the GES. Ireland published in 2024 the Marine Strategy Part 1 – Article 8, 9 and 10 Report, which provides

'the GES Assessment for the 11 descriptors of MSFD which characterise the condition or 'State' of the marine environment and the 'pressures' that come from human activities³' (DHLGH, 2024)

by reference to the Article 8 initial assessment, to determine a set of characteristics to determine the GES and identify the environmental targets. The concept of GES is intrinsically linked to the concept of the Ecosystem-based approach, which is the recommended management principle for human activities. Although undefined by the Directive, the ecosystem-based approach is an integrated approach to management which is based on an entire ecosystem and includes anthropogenic pressures.

In accordance with article 10, Ireland set out environmental targets which describe how progress toward the GES will be achieved, for the descriptors that are not in GES and how it will maintain the GES for those that are in GES. are articulated around the descriptors, which in turn are considered under Ireland's Marine Strategy and National Marine Planning Framework (NMPF). The descriptors define and measure the GES under an ecosystem-based approach, meaning it takes into account all the environmental pressures. The NMPF is discussed in further sections of this report and addressed in detail in the appendix of this report. This planning application is accompanied by the **Volume 3, Appendix 1.4: MSFD Assessment**.

The Applicant also notes recital 27 of the Directive which requires that Member State establish and implement *'programmes of measures which are designed to achieve or maintain good environmental status in the waters concerned, while accommodating existing Community and international requirements and the needs of the marine region or subregion concerned. Those measures should be devised on the basis of the precautionary principle and the principles that preventive action should be taken, that environmental damage should, as a priority, be rectified at source and that the polluter should pay'*. This is in line Decision No 1600/2022/EC of the European Parliament and of the Council of 22 July 2022 laying down the Sixth Community Environment Action Programme⁴.

In this respect, the Applicant emphasises the fact that the proposed decommissioning project is being carried out in line with preventive action, to ensure no negative consequences.

3.4.4 Directive 2014/89/EU of the European parliament and of the council of 23 July 2014 establishing a framework for maritime spatial planning.

The Maritime Spatial Planning (MSP) Directive establishes the framework for MSP with the aim of promoting the sustainable growth of the maritime economy, the sustainable development of marine areas and the sustainable use of marine resources. In accordance with Article 8, Member States must establish and prepare maritime spatial plans. Ireland transposed the directive in 2016 through statutory instruments before it was repealed by the Planning and Development (Amendment) Act 2018. The NMPF is the statutory marine spatial plan for Ireland. It is considered in detail in further sections and the appendix of this report.

³ DHLGH, 2024, [Marine Strategy Part 1](#)

⁴ MSFD Common Implementation Strategy, [Programmes of Measures \(Articles 13 & 18\) and Exceptions under the MSFD – Recommendations for Implementation and Reporting for the Article 17 updates in the 2nd cycle](#) – MSFD Guidance Document 10 (Update) June 2020

Article 6 lays down the minimum requirements for MSP. Under point (b) safety aspects should be considered, on par with environmental, economic and social aspects. The Applicant highlights the current state of the offshore facilities, particularly the towers, nacelles and the met mast. If left in-situ for protracted periods of time, these have the potential to become safety hazards for users of sea and to fauna. Safety considerations are integral to the decommissioning project. Reference is made to the **Volume 2, Chapter 2: Description of Alternatives** which notes that the WTGs and met mast's component are in poor and ageing condition, with corrosion in the WTG flange joints and the blades, removed in 2025 for maintenance and assessment, considered to be deficient.

3.4.5 Environmental Protection and Nature Conservation

Other directives of relevance are considered under the documentation accompanying this planning application, including the Environmental Impact Assessment Directive, the Birds Directive and the Habitats Directive.

3.5 Irish Legislation

3.5.1 Foreshore Act 1933, as amended

The Foreshore Acts 1933 as amended is the legislative framework which provided for the granting of leases and licences in respect of activity and development in Ireland's foreshore *prior* to the introduction of the MAP Act 2021 and its amendments of the Planning and Development Act 2000.

The Act defines foreshore as the bed and shore, below the line of high water of ordinary or medium tides of the sea, and in section 1A as coterminous with the seaward limit of the seaward limit of the State.

Section 2 (1) of the Foreshore Acts 1933 empowered the Minister for Environment, Community and Local Government to demise by deed sections of the foreshore for a finite term, not exceeding ninety-nine years, in exchange for the payment of rent, or other periodical payment, subject to the opinion of the Minister that the lease is in the public interest.

3.5.2 Maritime Area Planning (MAP) Act 2021

The MAP Act 2021 provides a new regulatory regime for consenting, licensing, compliance and enforcement as regards activity, usage and occupancy of Ireland's maritime area. The State's maritime area is defined in Section 3 of the MAP Act 2021 as:

'that area of the State (in this Act referred to as the "maritime area") extending from the high water of ordinary or medium tides of the sea to the outer limit of the continental shelf, and includes—

- (a) the sea and tidal areas of internal waters of the State as construed in accordance with the [Maritime Jurisdiction Act 2021] the Act of 2021,*
- (b) the territorial seas of the State as construed in accordance with the Act of 2021,*
- (c) the exclusive economic zone as construed in accordance with the Act of 2021, and (d) the continental shelf as construed in accordance with the Act of 2021.'*

The offshore portion of the ABWP Phase I installation is located within the State's maritime area, and thus the MAP Act 2021 regime applies.

The MAP Act amends/supersedes legislative frameworks including the Foreshore Act 1933, as amended in relation to certain activities.

The project is the subject of a Foreshore License which was granted under the Foreshore Act 1933.

The Maritime Regulatory Authority (MARA) is the agency responsible for the assessment of applications for Maritime Area Consents (MACs), the mandatory consenting precursor to the application for planning permission pertaining to the maritime area, made to ACP or a local authority, as relevant, per Section 75(1) of the MAP Act . MACs confer State consent for the occupation of a specified area within the maritime area for a designated purpose.

The MAP Act also introduced a requirement to obtain permission to carry out ‘development’ in the maritime area, per Section 286 of the PDA , as amended. ‘Development’ is defined in Section 278 of the PDA as the carrying out of any works in the maritime area, or the making of any material change in the use of the sea, seabed or any structure in the maritime area.

A MAC may also be required for usage where a requirement is set by regulation by the Minister. No such regulations have been enacted by the Minister to date. This requirement is subject to Section 76A which outlines where a MAC is not required:

“Neither Section 75 nor Section 76 shall apply for a maritime usage in a part of the maritime area consisting of development (including the laying of cables or pipelines or both) authorised by— (a) a lease made under Section 2 of the Act of 1933 pursuant to an application for such lease made under that Act before the establishment day, or (b) a licence granted under Section 3 of the Act of 1933 pursuant to an application for such licence made under that Act before the establishment day.”

The Proposed Works Offshore, as detailed in this planning report and the planning application it supports, were authorised by Foreshore Lease documentation under the Foreshore Act 1933 (see Section 1.3.2). It is AEL’s position that the Proposed Works Offshore and leaving of part of offshore infrastructure in situ does not require a MAC as;

- Proposed Works Offshore are proposed to be completed by 2033, when the Sub Lease will expire; and
- The Minister has not set a regulation that a MAC is required for leaving infrastructure in the seabed;

Under Part XXI of the PDA , ACP is the responsible body for the granting of planning permission in the maritime area. Planning permission for the Proposed Works, as detailed in this Planning Report and EIAR **Volume 2, Chapter 3: Description of Proposed Works** is therefore sought from ACP. This planning report, and the accompanying suite of documents are provided in support of this application.

The relevant coastal planning authority, Wicklow County Council, was also consulted to inform the preparation of this planning application, in accordance with Section 287 of the PDA , as amended.

The application for planning permission, which this planning report supports, is made without prejudice to Arklow Energy’s position that planning permission is not required. Arklow Energy’s position is that changes made in the legislative scheme under the MAP Act cannot retrospectively revoke the right to decommission ABWP Phase I granted under the Foreshore Lease Documentation (See Section **Error! Reference source not found.**) as to do so would result in a substantive interference with vested rights enjoyed by the holder of the Lease, in this case Arklow Energy.

3.5.3 Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended

Consent

The PDA 2000, as amended, is the primary relevant overarching legislation for planning in Ireland. The act was amended to include Ireland's maritime area under the Maritime Area Planning (MAP) Act 2021, and the Maritime and Valuation (Amendment) Act 2022. Maritime planning provisions are now largely contained in the Planning and Development Act (2000), as amended, in Part XXI, Sections 278-321.

Under section 278 of the PDA, development is defined as:

- '(a) The carrying out of any works in the maritime area, or*
- (b) the making of any material change in the use of the sea, seabed or any structure, in the maritime area, and includes the reclamation of any land in the nearshore area.'*

Part XXI, Chapter III, Sections 284-306, provides for 'Other Development in Maritime Area', and is applicable to ABWP Phase 1, as the development is situated 'partly in the outer maritime area and partly on land' (Section 285 (1)(a)(iv)).

Section 281(1) provides that permission is required for such development. Section 286(3) provides that an applicant shall be:

- (i) the holder of a MAC for the occupation of a maritime site for the purposes of the proposed development; or
- (ii) of a foreshore licence, under the Foreshore Act (1933) as amended; or
- (iii) the owner of the land on which development is proposed; or
- (iv) the holder of a foreshore lease; or

have the consent of the owner of the land on which development is proposed. The applicant was entitled to engage in mandatory section 287 pre-application consultation with the Commission prior to applying for planning permission. Section 2.2 outlines the timeframe and outcomes of the pre-application engagement carried out by AEL with ACP in accordance with this requirement.

The applicant (a) is the holder of the foreshore lease expiring in 2033 and (b) has obtained sufficient rights from Wicklow County Council (WCC) in relation to the onshore substation lands and have engaged with ACP and accordingly is entitled to make this planning application under section 291. A letter of consent from Wicklow County Council accompanies this planning application.

The planning application is made under section 291 of the Act, which sets out the requirements in relation to submitting an EIAR, public notices, contents of the application and consultation with prescribed bodies. Section 291 prescribes the reports, documents and publicity and consultation measures required to accompany the submission of an application. Provisions shall include, *inter alia*, information, plans, drawings, as prescribed; and the publication of notice(s) and may include, *inter alia*, if required by ACP; the inclusion of an EIAR, NIS or AA Screening statement in the application; and the circulation of application contents to prescribed bodies and coastal authorities, as relevant.

Environmental Impact Assessment

The EIAR has been prepared and is submitted in support of the planning application for the Proposed Works, to ACP, competent authority for EIA for marine development, per Section 317 of the PDA 2000, as amended by the MAP Act 2021.

Appropriate Assessment

The EU *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora* (the 'Habitats Directive') requires that Member States contribute to the creation of a coherent ecological network of sites through the identification and designation of Special Areas of Conservation (SACs), including candidate SACs (cSACs), relating to habitats and species listed in Annex I and Annex II of the Habitats Directive respectively. The EU *Directive 2009/147/EC on the conservation of wild birds* (the 'Birds Directive') requires the protection of birds species listed in Annex I of the Birds Directive, and of regularly occurring migratory bird species and their habitats, including through the designation of Special Protection Areas (SPAs), including proposed SPAs (pSPAs).

Article 6(3) and (4) of the Habitats Directive provides that:

" Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission to other imperative reasons of overriding public interest.'

Section 318 of the PDA 2000, as amended, provides that the existing procedures for Appropriate Assessment (AA) in Part XAB of the PDA apply to applications for permission under section 291. Part XAB also provides for the making of regulations in relation to AA and the existing regulations (Part 20 of the Planning and Development Regulations 2001, as amended shall also apply to applications under 291.

A Natura Impact Statement accompanies this application.

3.5.4 Planning and Development (Maritime Development) Regulations 2023 (S.I. No. 100 of 2023)

Article 4 of the Planning and Development (Maritime Development) Regulations 2023 sets out the procedures for submitting a planning application under section 291. The regulations set out further requirements, including the submission of an EIAR in electronic format.

A digital copy of the EIAR accompanies this submission. The EIA Portal notification receipt also accompanies the application documentation.

3.5.5 RED Regulations European Union (Planning and Development) (Renewable Energy) Regulations 2025

Whilst the RED Regulations (European Union (Planning and Development) (Renewable Energy) Regulations 2025 S.I No. 274/2025) do insert into section 290 of PDA 2000 a requirement to obtain an EIA scoping opinion, this change does not apply to the decommissioning of ABWP Phase I, as the requirement only relates to 1) renewable energy developments or 2) repowering developments.

- 1) The decommissioning of ABWP Phase I is not a “renewable energy development” as the decommissioning of ABWP Phase 1 is not development for the purpose of which is to generate renewable energy. ABWP Phase 1 will not be, is not and has not since May 2024 been generating renewable energy. The definition of ‘renewable energy development’ in the RED Regulations is:

‘development the purpose of which is to generate renewable energy from one or more than one renewable non-fossil resource, and includes the building of renewable energy plants and any co-located energy storage, and any works necessary for the connection of such plants or storage to the grid, but does not include relevant solar energy development, small-scale solar energy equipment development and small-scale non-ground source heat pumps;’ (emphasis added)

- 2) The decommissioning of ABWP Phase I is also not a “repowering development” as the decommissioning is not for the purpose of renewing the WF to produce renewable energy and therefore will not meet the definition of repowering development set out in the RED Regulations as it is not a:

‘development the purpose of which is to renew a power plant that produces renewable energy, including the full or partial replacement of installations or operation systems and equipment for the purposes of replacing capacity or increasing the efficiency or capacity of the installation;’ (emphasis added)

3.5.6 Planning and Development Act 2024

The parts relevant to development consent in the Planning and Development Act 2024 have not commenced. This planning application is made under section 291 of the Act of 2000.

3.5.7 Foreshore and Dumping at Sea (Amendment) Act 2009

A Dumping at Sea (DaS) permit, for which the EPA is the responsible body and issuer under the Foreshore and Dumping at Sea (Amendment) Act 2009, will be required for the proposed ABWP Phase I decommissioning project.

3.5.8 Overview of relevant consents and notifications

Consents, approvals and notifications in addition to the above are secured or will be required in parallel to the planning process undertaken with ACP. These are outlined below for as pertain to offshore and onshore works;

Table 4: Tabulated consents required in respect of Proposed Works Offshore and Onshore

Reference	Relevant Authority	Description	Owner	Status / Validity
Planning Permission	An Coimisiún Pleanála (ACP)	Variation to Development Consent (s.291 of Planning and Development Act) and compliance with all conditions attached to the permission.	Arklow Energy	To be obtained
Approval of Decommissioning and Reinstatement Plan (DRP)	Maritime Area Regulatory Authority (MARA)	DRP approval (Foreshore Sub Lease, Tripartite Deed Clause 4.1) required prior to commencement of Proposed Works Offshore.	Arklow Energy	To be obtained
Maritime Usage Licence (MUL)	MARA	Securing MUL, if deemed necessary by MARA, for surveys that do not fall within the scope of the Foreshore Sub-Lease	Arklow Energy	To be obtained
Dumping at Sea (DaS)	Environmental Protection Agency (EPA)	DaS permit (Foreshore and Dumping at Sea Acts 1996 – 2009): Required for any deliberate disposal of material in the maritime area, including seabed levelling and certain dredging works, and disposal of dredged or inert material during Proposed Works Offshore, including scour protection material dispersal.	Arklow Energy	To be obtained
Fisheries Notification	Dept. of Agriculture, Food and the Marine / Sea Fisheries Protection Authority (SFPA) / Fishing representative bodies	Fisheries notifications and engagement: Formal notification to the SFPA and fishing representative bodies of Proposed Works Offshore programme, vessel routes and any work areas through Fisheries Liaison Officer (FLO).	Principal Decommissioning Contractor	To be obtained
Approval of management plans	Irish Coast Guard (IRCG)	Approval of detailed and final VMP, LMP, Emergency Response Co-operation Plan and any other relevant management plans required in advance of any Proposed Works Offshore commencing	Principal Decommissioning Contractor	To be obtained
Buoy deployment consent	Commissioners of Irish Lights (CIL)	Approval of detailed and final LMP required in advance of buoy and lighting deployment .	Arklow Energy	To be obtained

Reference	Relevant Authority	Description	Owner	Status/ Validity
Buoy deployment consent	CIL	Approval of detailed and final LMP required in advance of buoy and lighting deployment.	Arklow Energy (as designated LLA)	To be obtained
Approval of proposed lighting				
Automated Identification System (AIS) Aids to Navigation (AtoN) Licence revocation	Commission for Communications Regulation (ComReg)	AIS AtoN revocation (Wireless Telegraph Act 1926) (as amended): Any existing Statutory Sanctions for AtoN must be formally disestablished or varied through a licence revocation 7 surrender as AtoN are removed during Proposed Works Offshore.	Principal Decommissioning Contractor	To be obtained
Vessel Certifications	Marine Survey Office (MSO), Dept. of Transport	All vessels engaged in Proposed Works Offshore are required to hold requisite certifications as required by the MSO and international regulations before any Proposed Works Offshore commence	Principal Decommissioning Contractor and subcontractors	To be obtained
Issuing of marine notices	MSO, Department of Transport	Marine Notice(s) must be issued to publicise decommissioning vessel operations and works at sea that may affect shipping, navigation, the fishing industry and recreational users.	Principal Decommissioning Contractor	To be obtained
Underwater Archaeology Survey Licence (Excavation licence or detection device consent)	National Monuments Service (NMS), Dept. of Housing, Local Government and Heritage	Underwater Archaeology Survey Licence (National Monuments Act 1987, as amended): Required for use of detection devices to search for archaeological objects on or under the seabed during decommissioning surveys and removal works.	Principal Decommissioning Contractor	To be obtained
Consent to work within AEZs	As above	Any Proposed Works Offshore required within established AEZs will require prior consent from NMS	As above	As above
Third party consent	Third-party asset owners (cable/pipeline operators)	Crossing Agreement variations / terminations: Formal legal agreements with third-party infrastructure owners (cables,	Arklow Energy / Legal	To be obtained

Reference	Relevant Authority	Description	Owner	Status/ Validity
		pipelines, telecoms) that were put in place during construction must be formally varied or closed out to reflect removal of CWP assets crossing or proximate to those third-party assets.		
Fisheries Notification	Dept. of Agriculture, Food and the Marine / SFPA / Fishing representative bodies	Fisheries notifications and engagement: Formal notification to the Sea-Fisheries Protection Authority (SFPA) and fishing representative bodies of decommissioning programme, vessel routes and any work areas through Fisheries Liaison Officer (FLO).	Principal Decommissioning Contractor	To be obtained
ONSHORE				
Road Opening Licence	WCC	Road Opening Licence (MapRoad Roadworks Licensing system): Required from the relevant local authority to excavate public roads for cable removal, reinstatement or other decommissioning works affecting the highway. Minimum insurance and qualification requirements apply.	Principal Decommissioning Contractor	To be obtained
Waste permit	Environmental Protection Agency (EPA) / Relevant Local Authority	Waste Management consent / permit (Waste Management Acts 1996, as amended): Required where demolition and decommissioning activities generate waste material (including spoil, structural materials, cable insulation, equipment). Large-scale operations require EPA waste licence; smaller-scale operations require local authority permit. Article 27 authorisation may be available for by-product status.	Principal Decommissioning Contractor	To be obtained, where required
Approval of management plans	Wicklow County Council (WCC)	Approval of detailed relevant management plans required in advance of any Proposed Works Onshore commencing	Principal Decommissioning Contractor	To be obtained
OFFSHORE AND ONSHORE				

Reference	Relevant Authority	Description	Owner	Status/ Validity
Generation Licence surrender / energy regulatory notifications	Commission for Regulation of Utilities (CRU)	Upon cessation of generation, the CRU must be notified and the generation licence surrendered in accordance with the Electricity Regulation Act 1999 and relevant licence conditions.	Arklow Energy	Obtained
Health & Safety Notifications	Health & Safety Authority (HSA)	AF1 and AF2 forms are mandatory notifications to the Irish Health and Safety Authority (HSA) for construction projects lasting over 30 days or exceeding 500 person-days. Clients submit AF1 before design starts; the Project Supervisor Construction Stage (PSCS) submits AF2 before construction begins. Online submission is available via the HSA Construction Notification System.	Arklow Energy, Principal Decommissioning Contractor and subcontractor	To be obtained

3.5.9 The Climate Action and Low Carbon Development Act 2015, as amended by the Climate Action and Low Carbon Development (Amendment) Act 2021

The Climate Action and Low Carbon Development Act 2015 (as amended by the Climate Action and Low Carbon Development Act 2021) sets a binding national greenhouse gas (GHG) emissions reduction target for 2030 of 51%⁵. The Act additionally commits Ireland to the achievement of net zero emissions by 2050.

To meet the national climate objective to; ‘reduce the extent of further global warming, pursue and achieve, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy, the Act introduces a new governance framework, consisting of a system of sectoral emissions ceilings and sectoral carbon budgets, with which the relevant Minister is required, as far as practicable, to comply.

Section 15 requires a relevant body, in so far as is practicable, to perform its functions in a manner consistent with –

- (a) the most recent approved climate action plan.
- (b) the most recent approved national long-term climate action strategy.
- (c) the most recent approved national adaptation framework and approved sectoral plans.
- (d) the furtherance of the national climate objective; and
- (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State

⁵ Relative to annual GHG emissions reported for the year ending 31 December 2018.

This applies to decisions made by ACP. Throughout its operational years, the wind farm generated 1.29 GWh of power. The project made a positive contribution to energy mix of the country. It has now reached its end-of-life.

3.5.10 European Communities (Water Policy) Regulations (S.I. No. 722 of 2003)

The European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended transposes the WFD into Irish law.

Public authorities are required to;

- Exercise their functions in a manner which is consistent with the provisions of the WFD and which achieves or promotes compliance with its requirements. This particularly relates to the obligation to avoid actions causing the deterioration of water body status, where a derogation does not exist;
- Take appropriate actions, in the context of its functions, to secure compliance with the WFD and with the provisions of any river basin management plan made, and any other programme of measures established,
- Consult, co-operate and liaise with other public authorities to ensure co-ordination of the requirements of the Directive for the achievement of environmental objectives for each river basin district, and the review of human activity on the status of surface- and groundwater.

Reference is made to section 2.3 of this report which discusses WFD.

3.5.11 European Communities (Marine Strategy Framework) Regulations 2011 (S.I. No. 249 of 2011)

The European Communities (Marine Strategy Framework) Regulations 2011 transposed the Marine Strategy Framework Directive into national legislation. Regulation 5 requires the Minister for Climate, Energy and the Environment, to develop a marine strategy for marine waters, as defined in the regulations. Additional requirements under Regulation 5 include the carrying out of an initial assessment of the current environment status of the marine waters; the establishment of good environmental status of these waters; and the establishment of environmental targets and associated indicators and monitoring programmes for ongoing assessment and updating of targets.

Reference is made to section 2.3 of this report which addresses MSFD and to the **Volume 3, Appendix 1.4: MSFD Assessment**.

4. PLANNING POLICY COMPLIANCE STATEMENT

4.1 Overview

The following section aims to highlight policy provisions objectives that are relevant to the ABWP Phase I decommissioning project, and provide a response outlining how the Proposed Works Offshore and Onshore align with, or have regard to, these provisions and objectives.

As stated in Section **Error! Reference source not found.**;

- Under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended),

ACP (as a 'relevant body') 'shall, in so far as practicable, perform its functions in a manner consistent with —

- a. The most recent approved climate action plan;*
- b. The most recent approved national long-term climate action strategy;*
- c. The most recent approved national adaptation framework and approved sectoral adaptation plans;*
- d. The furtherance of the national climate objective; and*
- e. The objective of mitigating GHG emissions and adapting to the effects of climate change in the State'*

In considering an application for permission under Section 291 of the PDA 2000, as amended, the relevant body (ACP) shall, under Section 293(3) have regard to:

- a. the marine planning policy statement,*
- b. guidelines issued under Section 7 of the Maritime Area Planning Act 202,*
- c. guidelines issued under Section 28,*
- d. Any regional, spatial and economic strategy of a regional assembly –*
 - (i) within whose functional area it is proposed to carry out development to which the application relates, or*
 - (ii) whose functional area joins the maritime site to which the application relates,*
- e. The development plan of any coastal planning authority and any local area plan applicable to the functional area of any coastal planning authority -*
 - (i) within whose functional area it is proposed to carry out development to which the application relates, or*
 - (ii) whose functional area joins the maritime site to which the application relates,*
- f. any local area plan applicable to a part of the functional area of any coastal planning authority—*
 - (i) within whose functional area it is proposed to carry out development to which the application relates, or*
 - (ii) whose functional area joins the maritime site to which the application relates,*
- g. any submission or observations made in relation to the application for permission concerned –*
 - (i) by prescribed bodies,*
 - (ii) by members of the public, or*

(iii) pursuant to and in accordance with a notice referred to in paragraph (c) or (d) of subsection (3) of section 291

h. any –

(i) environmental impact assessment report,

(ii) information specified in Schedule 7A of the Regulations of 2001,

(iii) Natura impact statement, or

(iv) screening statement in relation to appropriate assessment in respect of the proposed development, accompanying the application for permission,

i. the likely effects of the proposed development on the environment or any European site,

j. any submissions or observations from –

(i) the Maritime Area Regulatory Authority,

(ii) the Environmental Protection Agency,

(iii) the Minister,

(iv) the Minister for Agriculture, Food and the Marine,

(v) the Minister for the Environment, Climate and Communications, or

(vi) a coastal planning authority—

(I) within whose functional area it is proposed to carry out development to which the application relates, or

(II) whose functional area adjoins the maritime site to which the application relates,

(k) any report prepared or recommendation made in relation to the application for permission in accordance with section 146,

(l) any recommendation or record referred to in subsection (7) of section 291 in relation to the application for permission,

(m) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008²², and any enactment or instrument under an enactment that gives effect thereto,

(n) land-sea interactions within the meaning of Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014²³,

(o) objectives of maritime spatial planning, and

(p) principles of proper planning and sustainable development’.

Additionally, under Section 30(1) of the MAP Act 2021, ACP must adopt measures necessary to secure the objectives of the NMPF.

This section demonstrates the compliance of the project with the relevant policy framework.

4.2 European Policy

In preparing this report, the applicant considered European energy policy including:

4.2.1 The European Green Deal

The *European Green Deal 2019* provides a growth strategy for the reduction of at least 50% of GHG-emissions by 2030, rising towards 55%, with the aim of neutrality by 2050 in its member states. The Green Deal places a great emphasis on ORE, including its industry and knowledge sectors. It also focuses on a clean and circular economy.

As the first OWF decommissioning project of its kind in Ireland, the proposal will represent a significant contribution to the development of skills, technical, and specialised supply chain capacity for the end-of-life stage of ORE developments. To date, there has been very few offshore wind decommissioning projects in the EU. In this respect, the project will continue to contribute to renewable energy sectoral research and innovation, to industrial mobilization in support of clean and circular economy, and to development of viable value chains attuned to the specific needs of the RE sector.

4.2.2 EU Strategy on Offshore Renewable Energy 2020

The primary focus of the *EU Strategy on Offshore Renewable Energy 2020* is on the increased capacity for offshore wind and ocean energy, with targets set to 2030 and 2050. The strategy also considers decommissioning, reusing and recycling or WTG component as an aspect of the circular economy that also underpins the strategy. As the project is an end-of-life OWF, the applicant will endeavour to reuse and recycle the retired WTGs and other components in appropriately licenced facilities. Reference is made to the outline versions of the **Onshore and Offshore Outline Waste Management Plans**, presented in EIAR **Volume 3, Appendices 3.3 and 3.8** respectively.

The project will also contribute to developing knowledge on the decommissioning of end-of-life projects, which will be particularly beneficial to the local supply chain and labour force in Ireland, which is currently underdeveloped.

4.2.3 RPowerEU

RPowerEU was published in May 2022. It identifies the pathways to reducing the EU's dependence on Russian fossil fuels and to tackle the climate crisis. It places a strong emphasis on scaling up the production of renewable energy.

The applicant is cognisant of the plan and is of the view that the decommissioning of an end-of-life OWF will not impinge upon the achievement of its goals.

4.3 National Policy

4.3.1 National Marine Planning Framework

The National Marine Planning Framework (NMPF) was formally adopted by the Cabinet in 2021 and published by the Minister for Housing, Local Government and Heritage, in line with the requirements of EU Directive 2014/89/EU to establish a framework for marine spatial planning. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area. It provides the overarching approach to marine management in Ireland.

Under Section 30 of the MAP Act –

‘(1) A public body shall adopt such measures, consistent with the body’s functions, as are necessary to secure the objectives of the National Marine Planning Framework.

(2) In this section, “functions” includes –

(a) [...]

(b) the giving of any authorisation by or under any enactment (whether the authorisation takes the form of a licence, consent, approval or any other type of authorisation) for the purposes of any maritime usage or proposed maritime usage, and

(c) the regulation of any maritime usage or proposed maritime usage.

ACP may however grant a permission under section 293(2)(b) of the PDA that would materially contravene the NMPF or a maritime spatial plan if it is satisfied that –

‘i) The proposed development is of strategic, economic or social importance to the State, and

ii) The National Marine Planning Framework or the maritime spatial plan, as the case may be, contains objectives that conflict with one another or that are ambiguous with regard to their application to the proposed development’

Relevant Provisions

The NMPF provides the vision, policies and objectives against which decisions relating to human uses of the sea will be assessed. It is articulated around the Overarching Marine Planning Policies (OMPPs), applicable to all marine activities and development, and the Sectoral Marine Planning Policies (SMPPs) which are sector specific.

The NMPF has three high-level objectives as follows:

- Environmental – Ocean Health (Section 5);
- Economic – Thriving Maritime Economy (Section 6); and
- Social – Engagement with the Sea (Section 7).

These in turn are supported by a series of OMPPs. SMPPs are provided in Sections 8 to 24.

Many planning policies within the NMPF require that proposals demonstrate that they will, in order of preference: a) avoid, b) minimise, or c) mitigate significant adverse impacts on the subject matter of the policy. In compliance with this requirement, proposals must demonstrate that avoidance of significant adverse impacts was considered as the preferred option. If the proposal demonstrates that significant adverse impacts cannot be avoided, minimisation of significant adverse impacts must be considered. If avoidance or minimisation of significant adverse impacts cannot be achieved, the proposal must include consideration of mitigation.

Both Chapter 13 on ORE and Chapter 19 on Safety at Sea contain provisions relating specifically to decommissioning. The Proposed Works Offshore have been informed by **Volume 3, Appendix 2.1 – Comparative Assessment Report** which considers the risks associated with the different options available for the decommissioning of ABWP Phase I.

The NMPF is also cognisant of MSFD and has been prepared using an ecosystem-based approach. MSFD is reflected through the OMPPs, specifically those under the Environmental – Ocean Health section.

Development Response

Reference is made to **Statement of Consistency with the National Marine Planning Framework – Appendix to the Planning Report**. The statement provides information on how the Proposed Works comply with the policies of the NMPF. It also provides signposting to other documents submitted as part of the application on which the statements made in respect to compliance are founded. An Ecosystem Services Assessment (EIAR **Volume 3, Appendix 1.5: Ecosystem Services Assessment**) has also been prepared to accompany this application. The EIAR is accompanied by **Volume 3, Appendix 1.4: MSFD Assessment**. The Statement of Consistency and the two appendices demonstrate how the development is aligned with the MSFD and shows that the development does not contravene the NMPF, including the OMPPs and the SMPPs.

4.3.2 Marine Planning Policy Statement

The Marine Planning Policy Statement (MPPS) is the top-level strategy document providing overarching guidance for the management of the maritime area. It sits above both the NMPF, and the Designated Maritime Area Maps (DMAPs). The first MPPS was published in November 2019, on a non-statutory basis. The adoption of the MAP Act 2021 provided, in Part 1 Section 6, for the preparation and publication of a three-year-period MPPS on a statutory basis, in line with the requirements in *EU Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014, establishing a framework for maritime spatial planning*.

Relevant Provisions

Of particular relevance to ABWP Phase I Decommissioning are:

- The alignment with terrestrial planning ensuring that land-sea interactions are provided for;
- The application of an ecosystem-based approach;
- The protection and restoration of biodiversity;
- The compatibility of the collective pressure of activities with the achievement and maintenance of the Good Environmental Status (GES);
- The effective use of the maritime area through the identification of opportunities for co-location and co-existence where feasible;
- The promotion of safety-at-sea; and
- The assurance that all activities and development are regulated within a robust governance structure, which will oversee compliance with conditions for authorisations and licences

Development Response

The Proposed Works Offshore are aligned with the relevant provisions of the MPPS. The relevant considerations are addressed in the order that they appear above:

- Land-sea interactions provided for **Volume 2, Chapter 4: Coastal Processes, Water and Sediment**, in the EIAR – The development will not give rise to adverse effects on coastal processes.
- The development endeavours to minimise impacts on ecosystem services in line in the ecosystem-based approach as demonstrated in the Ecosystem Services Report.
- Measures for the protection and restoration of biodiversity during and following Proposed Works Offshore are addressed in the EIAR, with mitigation identified and proposed where required in this EIAR and its appendices.

- The achievement and maintenance of GES as relates to the Proposed Works Offshore is addressed in the **Volume 3, Appendix 1.4: MSFD Assessment**. Overall, the development will not prejudice either the achievement or the maintenance of the GES.
- As demonstrated under **Volume 2, Chapter 6: Commercial Fisheries**, subject to mitigation, the proposed works offshore will not have significant effects on commercial fisheries. In addition, the array is otherwise located in a zone that is not open to navigation given it is a sandbank so it is not expected that the works would affect existing users.
- Safety-at-sea is promoted foremost by the Proposed Works Offshore themselves. A key factor in the need for the progressing of the ABWP Phase I is the risk to third party individuals and assets, and the marine environment posed by the Offshore and Onshore infrastructure in their existing conditions. The Proposed Works' capacity to address safety-at-sea is discussed in detail in **Section 1.2 Need for Decommissioning**. The Proposed Works Offshore were informed by **Volume 3, Appendix 2.1 Comparative Assessment**. **Volume 3: Appendix 3.7: Lighting and Marking Plan** and **Volume 3, Appendix 7.1 Navigational Risk Assessment** and the **Volume 3, Appendix 3.5: Outline Vessel Management Plan** describe the safety-at-sea measures prescribed for the duration of Project, and beyond, and the analysis supporting these measures.
- Section **Error! Reference source not found.** and **Error! Reference source not found.** of this Planning Report outline project compliance with relevant legislation and policy. An overview of the relevant consents, authorisations and license applicable to the Proposed Works, and pursued by the Applicant is provided in Section 3.5 of this Report.

4.3.3 Draft Marine Planning Policy Statement 2025

The MMPS is due to be replaced by a new MPPS which was due for adoption in 2025. In the interim, a draft was published for consultation in the summer of 2025. It reprises the principles of MSP as per its predecessor. Please refer to the section on the MPPS for compliance with the principles. The proposed works comply with the principles as set out in the Draft MPPS.

4.3.4 Climate Action Plan 2025 (CAP)

At the time of submission of this application (August 2026), the relevant climate action plan is the Climate Action Plan 2025 (CAP 2025). CAP 2025 is the third statutory update to the Climate Action Plan to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and the fifth national Climate Action Plan overall. It builds on the progress of its predecessors CAP 2025 sets out a roadmap of actions for the achievement of a climate resilient, climate neutral economy. Measures and actions are aligned with legally binding economy-wide 5-year carbon budgets, and sectoral emissions ceilings agreed by Government in April and July 2022, respectively.

Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) requires ACP as a 'relevant body' to

'...shall, in so far as practicable, perform its functions in a manner consistent with —

- a. The most recent approved climate action plan;*
- b. The most recent approved national long-term climate action strategy;*
- c. The most recent approved national adaptation framework and approved sectoral adaptation plans;*

- d. *The furtherance of the national climate objective; and*
- e. *The objective of mitigating GHG emissions and adapting to the effects of climate change in the State'*

Relevant Provisions

Chapter 11 of CAP 2025 focuses on the Electricity sector, and contains Action EL/25/11, to '*Develop a framework of supporting policies for the repowering and extension of life of existing renewable electricity generation capacity*'. This action is contextualised in the CAP 2025 by the need for efficient use of established infrastructure and the minimisation of risk to security of electricity supply.

This chapter of CAP 2025 additionally makes reference to The Future Framework for Offshore Renewable Energy Policy Statement of May 2025, which in turn sets out actions for the delivery of a potential 20GW and 37GW of offshore wind capacity by 2040 and 2050 respectively. The role of ORE deployment in driving decarbonisation of the Irish electricity system is emphasised throughout the CAP.

Development Response

Scenarios for the repowering and extension of life of the ABWP Phase I were assessed in **Volume 2, Chapter 2: Description of Alternatives**, and found to be non-technically feasible or economically viable, noting that a full-scale economic viability assessment was not undertaken as it is outside the scope of an EIAR. Detailed technical justification for this assessment is available in that chapter.

The infrastructure of the ABWP Phase I has reached the end of its design-life, as laid out in **Section Error! Reference source not found.** and in **Volume 2, Chapter 1: Introduction**. As detailed in **EIAR Volume 3, Appendix 2.1: Comparative Assessment Report**, any hypothetical efficiency gains associated with the reuse of existing infrastructure are outweighed by the cost, supply chain and feasibility constraints of interventions in identified infrastructural decay and instability. In addition, ABWP Phase I has not generated or transmitted electricity since May 2024. Potentially deleterious electrical faults, leading to arc flash events, asset damage and network outage, associated with the maturity of project electrical infrastructure, are considered to be high risks to these components and to the electricity supply infrastructure to which they are connected. There is no economic or feasibility case for the retrofitting and repowering of these electrical components of the ABWP Phase I, as assessed in EIAR **Volume 2, Chapter 2: Description of Alternatives**.

ABWP Phase I no longer contributes materially to the decarbonisation of the electricity system in Ireland through the generation of offshore renewable energy. When considering the Proposed Works in this context, ACP is respectfully requested to regard the technical and economic constraints of project alternatives, as outlined in EIAR appendices referenced above and the relevance of national climate obligations to planning decision-making, as recently clarified by the Irish Supreme Court in the Coolglass Wind Farm judgment (Coolglass Wind Farm Limited v An Coimisiún Pleanála [2026] IESC 5).

The Proposed Works do not prejudice the achievement of the climate objective, but also does not contribute to it. **Volume 2, Chapter 2: Description of Alternatives**, supported by **Volume 3, Appendix 2.1: Comparative Assessment Report** clearly demonstrate why repowering is not a feasible option for the windfarm. Arklow Bank Phase I cannot be repowered as all components have reached their technological end of life.

4.3.5 National Waste Management Plan for a Circular Economy 2024-2030

The National Waste Action Plan for a Circular Economy 2024-2030, published 2020, is Ireland's latest roadmap for waste planning and management. Aims, targets and measures associated with the creation of a circular economy are laid out for each waste area.

Relevant Provisions

The document outlines the Construction and Demolition Sector's need to follow best available techniques and to meet the target of preparing for reuse, recycling and other material recovery (incl. beneficial backfilling operations using waste as a substitute) of 70% by weight of C&D non-hazardous waste (excluding natural soils and stone).

Development Response

Two Outline Waste Management Plans (WMP) accompany this application, one dedicated to offshore components and the other to onshore component.

As can be seen in in **Volume 3, Appendix 3.3: Outline Onshore Waste Management Plan** and **Volume 3, Appendix 3.8: Outline Offshore Waste Management Plan**, waste management will follow best available techniques. The documents were prepared having regard to the *Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction & Demolition Projects* (EPA, 2021), which set out the Irish good-practice approach. Contractors appointed to deal with onshore and offshore waste will prepare detailed management plans prior to commencement of the works.

Generally, preference will be given to waste routes that maximise re-use, recycling and recovery of materials as far as practicable.

4.3.6 Whole-of-Government Circular Economy Strategy 2026-2028

The Whole-of-Government Circular Economy Strategy 2024-2030 is the second whole-of-government Circular Economy Strategy, published in February 2026. The Strategy has statutory basis under the provisions of the *Circular Economy and Miscellaneous Provisions Act 2022*. Key themes throughout the Plan are the promotion of resource efficiency, extended material use lifetimes, and higher-value recovery.

Relevant Provisions

The most relevant of the core objectives of the Strategy is the intention set to increase Ireland's circular material use rate by two percentage points each year, to reach 12% by 2030.

Development Response

The Proposed Works Offshore and Onshore will prioritise prevention, preparing for re-use, recycling and recovery ahead of disposal. Decommissioning methods and waste routes will be selected to maximise these objectives as far as is practicable. All waste arising from the Proposed Works will be managed in accordance with the Waste Hierarchy, and transferred through authorised routes that support circular economy objectives. Indicative waste minimisation measures for each component of the onshore and offshore infrastructure are provided in **Volume 3, Appendix 3.3: Outline Onshore Waste Management Plan** and **Volume 3, Appendix 3.8 -Outline Offshore Waste Management Plan**.

4.3.7 Flood Risk Management – Climate Change Sectoral Adaptation Plan 2025-2030

The Flood Risk Management Climate Change Sectoral Adaptation Plan 2025-2030 was prepared by the Office of Public Works under the National Adaptation Framework updates the 2019 Plan. It is in line with newest available information on climate change and its impacts, developments in flood risk management, and 2024 Guidelines for the preparation of these plans. This document outlines Ireland's strategy for adaptation to increasing risks of flooding associated with climate change.

Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) requires ACP as a 'relevant body' to

'...in so far as is practicable, perform its functions in a manner consistent with –

- i. the most recent approved climate action plan.*
- ii. The most recent approved national long term climate action strategy,*
- iii. The most recent approved national adaptation framework and approved sectoral adaptation plans,*
- iv. The furtherance of the national climate objective, and*
- v. The objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State*

The Flood Risk Management Climate Change Sectoral Adaptation Plan 2025-2030 is one such sectoral adaptation plan (iii) with which ACP must align decisions.

Relevant provisions

The Sectoral Adaptation Plan notes in Section 1.4: Current Flood Risk Management Practice, the critical role of 'Prevention' (i.e the avoidance of creating new flood risk) as one of three pillars of flood risk management in Ireland. The document references 2009 Guidelines ('Planning System and Flood Risk Management'), published under Section 28 of the Planning Act to assist planners in taking flood risk into consideration during planning and development.

Development Response

The Planning System and Flood Risk Management Guidelines 2009 are considered in further sections of this report. The development will not give rise to an increased risk of flooding.

4.3.8 Programme for Government – Securing Ireland's Future

The Programme for Government 2025 – Securing Ireland's Future was ratified on the 24th of January 2025, and provides a summary of government objectives, policies and programme of investment for their term in power.

Relevant Provisions

The Programme for Government 2025 includes a number of provisions pertaining to offshore renewable energy projects. These include commitments to support Irish companies to integrate into the offshore wind supply chain, and to support research and development in renewable energy, as part of an ultimate objective to drive the installation of at least 5GW of offshore wind capacity by 2030. The potential spin-off benefits available to Irish ports as a result of the development and expansion of the ORE industry in Ireland is also highlighted in the Programme. The Government is also committed to reducing waste and marine litter.

Development Response

The decommissioned components will be taken to an available Irish port (Rosslare, Waterford, Dublin and Greenore are potential ports being considered at this time). Subsequently, components will be transferred and processed for reuse, recycle or disposal on land in line with legal requirements, and transferred to suitable and licenced waste management facilities in Ireland or outside of Ireland in line with **Volume 3, Appendix 3.8 Outline Offshore Waste Management Plan** (WMP). Preference will be given to indigenous contractors to support the waste management operations, unless it involves specialist hazardous or composite waste streams where the suitable treatment capacity is not available in Ireland. The applicants also plan to use of Irish ports for vessel loading, unloading and remobilisation.

As outlined in **Section 5.1** of this Planning Report, the need for decommissioning and partial removal of the infrastructure stems in part from health, safety and third-party asset damage risk associated with offshore infrastructural decay and dilapidation. The production of industrial marine litter through these processes of decay and corrosion of components is considered by the Applicant to represent a high risk if components are not decommissioned. The Proposed Works Offshore thus address this Programme for Government's concern with marine litter through the removal of potential significant sources of this litter.

4.3.9 Project Ireland 2040: National Planning Framework – First Revision 2025 & National Development Plan

The National Planning Framework (NPF) 2040 is the Government's high-level strategic plan for the growth and development of Ireland to 2040, and was published in its first iteration in February 2018. The NPF First Revision, was adopted in April 2025. It sets out the relevant terrestrial planning policy framework.

Relevant Provisions

The relevant NPOs include:

- *'NPO 52: Ensure that Ireland's coastal resource is managed to sustain its physical character and environmental quality.*
- *NPO 53: In line with the collective aims of national policy regarding climate adaptation and the associated legislative provisions, to take account of the effects of sea level changes and coastal erosion in planning and development management and to support the implementation of adaptation responses to limit risks to communities and coastal ecosystems from the impacts of coastal change.*
- *NPO 76: Sustainably manage waste generation including construction and demolition waste, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.*
- *NPO 85: In line with the National Biodiversity Action Plan; the conservation, enhancement, mitigation and restoration of biodiversity is to be supported by:*
 - *Integrating policies and objectives for the protection and restoration of biodiversity, including the principles of the mitigation hierarchy of - avoid, minimise, restore and offset - of potential biodiversity impacts, in statutory land use plan.*
 - *Retention of existing habitats which are currently important for maintaining biodiversity (at local/regional/national/international levels), in the first instance, is preferable to replacement/restoration of habitats, in the interests of ensuring continuity of habitat provision and reduction of associated risks and costs'*

The National Development Plan sets out the investments priorities based on the policies of the NPF.

Development Response

As evidenced in **EIAR Volume 2, Chapter 4: Coastal Processes, Water and Sediment Quality** the Proposed Works Offshore will not affect the physical character of the coast and will not give rise to risks of coastal erosion. The EIAR has generally not identified any significant adverse effects, meaning the applicant is able to avoid, minimise or mitigate environmental effects which would affect the overall quality of the environment.

Waste generated during the course of Proposed Works Offshore and Onshore will be managed through the preparation and implementation of Onshore and Offshore Waste Management Plans (WMPs), in line with legal requirements and industry best practice.

Reference is made to the Natura Impact Statement (NIS) which has not identified Adverse Effects on the Integrity (AESI) of the Natura 2000 sites that have been screening in. The EIAR confirms that there will be no residual likely significant effects on biodiversity. The development complies with the NPF.

4.3.10 National Energy and Climate Plan 2021-2033 (NECP)

The five-year update of the National Energy and Climate Plan (NECP) 2021-2030 was published in July 2024, in accordance with the Governance of the Energy Union and Climate Action Regulation. The updated Plan collates DCEE'S energy and climate policies in detail for the period 2021-2030, as they appear across a range of governmental plans, including CAP 2025, Project Ireland 2040: The NPF; and the NDP 2021-2030. NECP, in line with *Regulation (EU) 2018/1999 of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action* additionally provides projections and ambitions towards 2050.

Relevant Provisions

The NECP 2021-2030 includes policies intended to support the creation of a strong and resilient offshore wind supply chain in Ireland, and support cutting edge developments in offshore wind, are described.

Development Response

The contributions of the project to Ireland's offshore wind supply chain, and its role in technical and knowledge development for the sector have been outlined in other preceding sections of this report.

4.3.11 Long-Term Strategy on Greenhouse Gas Emissions Reductions 2024

Ireland's Long-Term Strategy on Greenhouse Gas Emissions Reductions is a document setting out indicative pathways for the achievement of carbon neutrality for Ireland by 2050. The most recent update to Ireland's Long-Term Strategy on Greenhouse Gas Emissions Reductions was published in August 2024, and was prepared pursuant to Ireland's Climate Action and Low Carbon Development Acts 2015 to 2021; Article 4 of the Paris Agreement; and Article 15 of the EU Regulation *EU 2018/1999 of the European Parliament and of the Council of 11 December 2018*.

Relevant Provisions

The Long-Term Strategy builds upon targets, policies, measures and actions set out in the Climate Action Plan 2025, and the National Energy and Climate Plan.

Development Response

The development is of a relatively modest scale and spread over a number of years. As detailed in **Volume 3, Appendix 3.1: Outline Onshore Decommissioning Environmental Management Plan** (DEMP) and **Volume 3, Appendix 3.4 Outline Offshore Decommissioning Environmental Management Plan**, the development will be subject to strict measures which will minimise GHG emissions.

4.3.12 Biodiversity Climate Change Sectoral Adaptation Plan

The Biodiversity Climate Change Sectoral Adaptation Plan (BSAP) assesses the risk of climate change in the context of its impact on biodiversity, with the aim of strengthening the evidence base guiding restoration response. The BSAP 2025 defines this biodiversity sector as;

'Ireland's natural assets (terrestrial, freshwater, and marine biodiversity, including species, habitats, and the ecosystem services they provide), and the collective of all governmental, economic, and societal actors whose activities directly or indirectly impact these assets, depend upon them, or are mandated to manage, conserve, and restore them to enhance resilience against climate change'

The second BSAP, BSAP 2025, was published under the National Adaptation Framework in November 2025. National and international strategies, including the 4th National Biodiversity Action Plan (NBAP), the EU Biodiversity Strategy for 2030, the Nature Restoration Regulation (2024/1991), and the Kunming Montreal Global Biodiversity Framework are integrated.

Relevant Provisions

The BSAP 2025 is structured by three overarching Goals, and eight associated objectives. Goal 1 is the most relevant to the ABWP Phase I project:

Goal 1 : Drive a whole-of-government, whole-of-society approach to integrate biodiversity and climate resilience into all sectors and decision-making.

Additionally, BPAS 2025 categorises proposed decommissioning works as taking place within the Marine and Coastal subsystems, which in turn contain elements identified as being at risk, namely marine life and ocean/seas.

Development Response

Marine Biodiversity has been considered throughout the ABWP Phase I project proposal. Baseline environmental conditions are described in detail in **Volume 2, Chapter 5: Marine Biodiversity**, alongside methodologies used (and associated limitations), likely effects of the Proposed Works Offshore on biodiversity, and mitigation measures to be employed with regard to effects identified.

Degradation of coastal ecosystems and erosion are discussed in the BPAS 2025 predominantly in the context of sea level rise. While the ABWP Phase I project does not contribute to local sea level rise, and the resultant change in sediment dynamics, erosion, and loss of coastal habitats described in BPAS 2025, the effect of works on coastal processes and other physical components of the coastal and marine ecosystem have been fully considered in the **Volume 2 Chapter 4 Coastal Processes, Water and Sediment Quality**, where mitigation measures have also been identified and proposed.

4.3.13 Water Quality and Water Services Infrastructure Sectoral Adaptation Plan

The Water Quality and Water Services Infrastructure Sectoral Adaptation Plan was published in September 2025, with the objective of building climate resilience in Ireland's water sector, as part of the National Adaptation Framework. The document is the primary adaptation tool for the water sector. Water quality in the Adaptation Plan refers to the status of rivers, lakes, estuaries, and coastal waters (surface waters) and groundwaters.

Relevant Provisions

For the Water Quality sector, priority risks for marine and coastal areas identified included flooding and pollution related to enhanced overland flows into coastal waters. For water services infrastructure, coastal flooding is identified as a risk, by inundating drinking water treatment plants, contaminating drinking water supplies, and disrupting purification processes.

Development Response

Onshore works are not considered to create or exacerbate a flood risk, or overland flow pathways for pollution. The ABWP Phase I project is not considered to increase the risk of coastal flooding. Coastal processes, water and sediment quality have been considered, in line with the Sectoral Adaptation Plan, in **Volume 2: Chapter 4 Coastal Processes, Water and Sediment Quality**, where mitigation measures have also been identified and proposed.

The Applicant also notes the proximity of the Uisce Éireann WWTP and associated marine outfall to the project site. The Applicant has consulted with Uisce Éireann in relation to their assets to ensure the Proposed Works Onshore and Offshore do not affect the functioning of the infrastructure.

4.3.14 Offshore Renewable Energy Development Plan I (OREDPI) and Transition Protocol

The Offshore Renewable Energy Development Plan I was published in February 2014, and sets out a framework for the sustainable development of an offshore wind and ocean energy industry in Ireland. The overarching vision of the OREDPI is

'[Ireland's] offshore renewable energy resource contributing to our economic development and sustainable growth, generating jobs for our citizens, supported by coherent policy, planning and regulation, and managed in an integrated manner'

Relevant Provisions

The 2014 OREDPI outlines five core principles, the most relevant of which provides that;

'All development of offshore wind and ocean energy in Irish waters is to be fully in line with EU environmental obligations, best practice, and the Plan and Suggested Project level Mitigation Measures developed as part of the SEA and AA processes carried out for the OREDPI'

The 2014 OREDPI suggests an extensive list of project level mitigation measures to minimise significant adverse effects in the marine environment during the decommissioning phase of ORE developments. Topics to be considered include geology, morphology and hydrography; seabed contamination and water quality; protected sites and species, benthic ecology; fish and shellfish; marine birds; marine mammals; marine reptiles; marine and coastal archaeology and wrecks; commercial fisheries; aquaculture, ports, shipping and navigation; recreation and tourism; aviation radar; military exercise areas; cables and pipelines; dredging and disposal areas; existing renewable energy infrastructure; natural gas and CO₂ storage; oil and gas activity; seascape; and climate.

Mitigation measures prescribed for potential effects arising within these topics number, *inter alia*, the execution of benthic surveys to characterise the seabed and identify sensitive sites and species, the modelling of transport sediment, the avoidance of sensitive seasons, e.g. breeding, and the maintenance of good communications with the relevant ports, and issuance of appropriate notifications during decommissioning.

Development Response

Project level mitigation measures to minimise significant adverse effects in the marine environment are in full accordance with the suggestions of the OREDP I, EU environmental obligations, and current international best practice and are outlined and reasoned in the relevant chapters of the EIAR.

4.3.15 Draft OREDP II – A National Spatial Strategy for the Transition to the Enduring Regime

The first draft of OREDP II was published in February 2023, and provides an updated spatial strategy for the development of Ireland’s offshore renewable energy, following the publication of the MAP Act 2021 and the NMPF. The Plan progresses a more plan-led approach to the development of ORE nationally. As such, it predominantly focuses on the ways in which the State will identify the areas best suited for ORE, in line with principles of good marine spatial planning.

Development Response

Relevant provisions include the long-term objective to achieve sustainable development of ORE, while recognising the importance of the protection of biodiversity and other maritime users and activities. OREDP II promotes the objectives of good maritime spatial planning and ensure the sustainable development of Ireland’s maritime area.

Development Response

As demonstrated in **Volume 2, Chapter 5 Marine Biodiversity** the protection of biodiversity has been considered throughout the ABWP Phase I project proposal. Subject to mitigation, only minor adverse and negligible effects will arise from the Proposed Works Offshore.

The effect of Proposed Works Offshore on other maritime users and activities has also been considered, and mitigated, as outlined in a number of technical reports accompanying the EIAR and this application, including **EIAR Volume 3:**

- **Appendix 3.6: Fisheries Management and Mitigation Strategy;**
- **Appendix 3.7: Outline Lighting and Marking Plan;**
- **Appendix 6.1: Commercial Fisheries and Aquaculture Technical Report, and**
- **Appendix 7.1: Navigational Risk Assessment.**

The ABWP Phase I proposal is aligned with the objectives of good maritime spatial planning, as discussed throughout this planning policy compliance statement section.

4.3.16 Draft Offshore Renewable Energy (ORE) Future Framework Policy Statement

The Future Framework for Offshore Renewable Energy was published in May 2024 under the Offshore Wind Energy Programme, by the Offshore Wind Delivery Taskforce. The Policy Statement outlines long-term ambitions

of 20GW of ORE by 2040, and 37GW by 2050, and lays out economic opportunities associated with the achievement of these targets, in domestic and international markets.

Relevant Provisions

The Framework was developed in line with Guiding Principles, the most relevant of which for this decommissioning project being the protection of environment and biodiversity

Development Response

As demonstrated in **EIAR Volume 2, Chapter 5: Marine Biodiversity** and the **Natura Impact Statement**, the development will not give rise to residual significant effects or to AESI.

4.3.17 Draft National Designated Maritime Area Plan (DMAP) for Offshore Renewable Energy (ORE)

The National DMAP for Offshore Renewable Energy (ORE) will provide a spatial planning policy framework for ORE, inclusive of spatial designations. The DMAP is currently in the high-level proposal phase. The DMAP Proposal is being prepared pursuant to the Minister's powers under section 29 of the MAP Act 2021, and the *EU Maritime Spatial Planning Directive 2014/89/EU* (the MSP Directive).

Under section 9 of the proposal for the National DMAP for ORE, the document states

'The National DMAP will take into account existing, permitted, and planned ORE developments, including Phase One projects, developments brought forward under the SC- DMAP, prospective ocean energy projects and test sites, which can continue to be progressed and determined prior to the adoption of this Plan. This will facilitate the continuity of those projects and plans'.

Relevant Provisions

At present, no further details are available.

Development Response

The DMAP will take into account the project. It is expected that a draft DMAP would be available for public consultation in the first quarter of 2027.

4.3.18 The Water Action Plan 2024: River Basin Management Plan for Ireland 2022-2027

The Water Action Plan 2024: River Basin Management Plan (RBMP) for Ireland 2022-2027 is a requirement of *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (the Water Framework Directive (WFD))*.

A programme of measures for the protection and restoration of water, to include rivers, groundwater, transitional waters and coastal waters, is prescribed, using an integrated catchment management approach. The Draft RBMP 2022-2027 is the third cycle RBMP. It aims to meet as close to full compliance as possible with the WFD by 2027.

Relevant Provisions

Ireland's river basin management planning process is based on a single national River Basin District that also incorporates two international River Basin Districts, the North-Western and the Neagh Bann, which are shared with Northern Ireland. This river basin is broken down into 46 catchment management units, and 538 sub-

catchments in turn. The Proposed Works, consisting of both onshore and offshore components, are located, wholly and in part respectively, within the Ovoca-Vartry (10) catchment region, and Avoca_SC_020 subcatchment.

There are two coastal and transitional water bodies in the vicinity or within the project redline boundary, as well as one groundwater body. The transitional and coastal water bodies of relevance to the ABWP Phase I decommissioning project are the Avoca Estuary and the Southwestern Irish Sea – Brittas Bay (HA 10) respectively. The Ground Waterbody located beneath the Proposed Onshore Works is Wicklow (IE_EA_G_076).

The RBMP and its associated programme of measures are the instruments by which Ireland aims to protect and restore water bodies to good status, and prevent deterioration, in line with the WFD.

Development Response

The Offshore Site is outside the area designated for coastal waters. The export cable traverses the coastal waters and the onshore site is adjacent to the transitional waters.

The impacts of the Proposed Works on the relevant waterbodies and their statuses are considered within **EIAR Volume 2, Chapter 4: Coastal Processes, Water and Sediment Quality and Volume 3, Appendix 4.5: WFD Assessment**.

4.3.19 National Ports Policy

The core objective of the National Ports Policy (NPP) 2013 is the facilitation of a competitive and effective market for maritime transport services. The NPP categorises Irish ports into Ports of National Significance (Tier 1), Ports of National Significance (Tier 2) and Ports of Regional Significance. The Policy envisages Tier 1 Ports as leading the development of future port capacity, and Tier 2 Ports as developing additional capacity to aid competitive conditions in certain sectors. The NPP is currently under review.

Development Response

As discussed in **Section** Error! Reference source not found., the port at which vessel loading, unloading and remobilisation will take place to serve Proposed Offshore Works, has not yet been selected. AEL will engage closely with the chosen port to ensure that the proposed works do not hinder or conflict with the development capacity of the port. The decommissioning project will present a revenue opportunity for the selected port.

The decommissioning of the onshore components will not hinder the operations of the port as demonstrated in the **EIAR Volume 2 Chapter 7– Shipping and Navigation**.

4.3.20 Draft National Ports Policy

The Draft National Ports Policy was published in July 2026. It follows on a first public consultation phase that was held between 3rd July 2026 and 28th August 2026. This will replace the National Ports Policy 2013, discussed above. The Draft generally recognises the need for a multiport approach to address the needs of the Offshore Renewable Energy industry, noting that Arklow Harbour has entered into arrangements with a developer.

Development Response

The land which is the subject of this planning application (where the onshore substation is located) has not been earmarked for another renewable energy project. It is not envisaged that the Proposed Works Onshore and Offshore would impinge on the potential of the Port of Arklow to act as the Operation & Maintenance Base for the Arklow Bank Phase II project as noted in the draft Revision.

4.4 Regional Level Policy Framework

Section 293(3) of the PDA 2000 requires An Coimisiún Pleanála to have regard to the relevant regional, spatial and economic strategy of a regional assembly within whose functional area it is proposed to carry out development to which the application relates, or whose functional area adjoins the maritime site to which the application relates.

4.4.1 Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region (EMRA) 2019-2031

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region 2019-2031, published on the 31st of January 2020, is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs). The RSES supports the delivery and implementation of the Project Ireland 2040: NPF's NPOs. The review of the RSES began in April 2026.

Relevant Provisions

Under RPO 7.1, the RSES seeks to ensure consistency and alignment between the NMPF and the regional approaches to marine spatial planning, and to ensure integration of the Marine Strategy Framework Directive (MSFD) and marine spatial planning into land-use plans in the region.

Other relevant RPOs include:

- *RPO 7.2 - 'to achieve and maintain "Good Environmental Status" for marine waters and to ensure the sustainable use of shared marine resources in the Region, and to promote the development of a cross-boundary and cross-border strategic management and stakeholder engagement framework to protect the marine environment'.*
- *RPO 7.5 – 'EMRA shall work with coastal stakeholders to support the sustainable development of the national Fishery Harbour Centre in Howth and the sustainable growth of the seafood and on-shore aquaculture sector in the Region, and to ensure that marine resources are sustainably managed and that planned activities on land do not adversely affect the marine economy and environment'.*

Development Response

Reference is made to **EIAR Volume 3 Appendix 1.4 MSFD Assessment**, the development does not prejudice the achievement or the maintenance of the GES. As demonstrated in **Chapter 6 – Commercial Fisheries and Aquaculture**, the development does not give rise to significant adverse effects on fisheries operational in the area. The demolition of the onshore components will not negatively impact on the functioning of the Port of Arklow. Both onshore and offshore decommissioning are detailed in **EIAR Volume 3 Appendix 3.1 Outline Onshore DEMP** and **EIAR Volume 3 Appendix 3.4 Outline Offshore DEMP**. The Proposed Works are fully

consistent with the NMPF as demonstrated in **Appendix 1 – Statement of Consistency with the NMPF** of this report.

4.4.2 Regional Spatial and Economic Strategy (RSES) for the Southern Region

The Regional Spatial and Economic Strategy (RSES) for the Southern Region 2019-2031, published on the 31st of January 2020, is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs). The RSES supports the delivery and implementation of the Project Ireland 2040: NPF's NPOs. The review of the RSES began in April 2026.

Relevant Provisions

Similar to the EMRA RSES, the Southern Assembly RSES promotes the alignment between land use and ocean-based planning and support the protection of the marine environment and the growth of the marine economy (RPO 76). This is further supported by other RPOs, specifically:

- *'RPO 77: Maritime Spatial planning - Consistency and Alignment It is an objective to support the integration of different uses in the marine environment and ensure consistency and alignment between high-level plans such as the National Marine Planning Framework, regional based approaches to maritime spatial planning and localised coastal management plans and local integrated coastal zone management plans. It is important to be cognisant of the need to promote crossboundary management of coastal areas within the Region. Any development of plans in coastal zones should be informed by the Strategic Flood Risk Assessment.*
- *RPO 78: First Mover under the National Marine Planning Framework. It is an objective to support the sustainable development of the potential of the marine environment foster opportunities for innovation in the maritime economy and drive forward the Region as a first mover under marine spatial planning while preserving the environmental and ecological conservation status of our marine natural resource. Initiatives arising from this objective shall be subject to robust feasibility and site selection, which includes flood risk assessments and explicit consideration of likely significant effects on European sites and potential for adverse effects on their integrity in advance of any development. The RSES encourages close interaction between higher education, state agencies, and enterprise to position the Region in as a leader in this field'.*

RPO 85 specifically considers the development of offshore energy but is rather focussed on new projects, instead of existing ones.

Finally, RPO 112 on Water Quality states that it is *'objective to support commitments to achieve and maintain "At Least Good" status, except where more stringent obligations are required, and no deterioration of status for all water bodies under the Marine Strategy Framework Directive and its programme of measures, the Water Framework Directive and the River Basin Management Plan. Key challenges include, inter alia, the need to address significant deficits in urban waste-water treatment and water supply, addressing flooding and increased flood risks from extreme weather events and increased intense rainfall because of climate change'.*

Development Response

As evidenced in **Chapter 4 – Coastal Processes, Water and Sediment Quality** and associated appendices, the development will not give rise to increased flood risk. It is also not anticipated that the development will prejudice the achievement and / or maintenance of the GES, as shown in the **MSFD Assessment**. The development also will not prevent the achievement and/ or maintenance of 'At Least Good' status under the Water Framework Directive as demonstrated in the **WFD Assessment**.

4.5 Local Policy Framework

Pursuant to Section 293(3) of the PDA, ACP must have regard to

- 'e) the development plan of any coastal planning authority—
 - (i) within whose functional area it is proposed to carry out development to which the application relates, or
 - (ii) whose functional area adjoins the maritime site to which the application relates,*
- f) any local area plan applicable to a part of the functional area of any coastal planning authority—
 - (i) within which it is proposed to carry out development to which the application relates, or
 - (ii) that adjoins the maritime site to which the application relates.'*

The ABWP Phase 1 infrastructure crosses and adjoins the functional area of Wicklow County Council. This section therefore addresses the applicable policies of Wicklow County Council.

4.5.1 Wicklow County Development Plan 2022-2028

The Wicklow County Development Plan (CDP) 2022-2028 (as varied), sets out the overall strategy for the proper planning and sustainable development of County Wicklow in the plan period and beyond. The plan has been in effect since October 2022.

The ABWP Phase I development is located within 10 kilometres of the coast of County Wicklow. The Offshore Export Cable crosses the nearshore area of Wicklow County Council (WCC), to the east of Arklow. The Onshore Substation is located within WCC's jurisdiction on land in the Port of Arklow.

Relevant Provisions – Marine Planning and Coastal Zone Management

This section of the WCDP was varied through Variation 4 in 2026. Relevant general goals identified as pertaining to the ABWP Phase I proposal include:

- 'Conserving and enhancing coastal and marine biodiversity, protected habitats and species;*
- Identifying, protecting and enhancing coastal green and blue infrastructure and ecosystem services and promote the sustainable management of strategic natural assets such as coastlines, farmlands, peatlands, uplands woodlands and wetlands;*

Marine Planning Objectives include;

- *'CPO19.6 To support developments which provide for safety at sea, navigation safety and maritime search and rescue operations, in particular, the development or expansion of port facilities, or the development of safety/navigation infrastructure in or adjacent to the maritime area.*
- *CPO 19.8 To protect the character and visual potential of the coast and conserve the character and quality of seascapes.*
- *CPO 19.15 To ensure the County's natural coastal defences (beaches, sand dunes, salt marshes and estuary lands) are protected and ensure they are not put at risk by inappropriate works or development.'*

The ABWP Phase I is located within Coastal Cell 11: Arklow Environs. This is defined in the Wicklow CDP as;

- 'This cell consists of the land between the old N11/ M11 and the coast, between Ballytunny / Ardinairy in the north and the northern 'settlement boundary' for Arklow Town and Environs at Seabank to the south.*

There are a number of fine stretches of sandy beach in this cell, particular Ennereilly beach. There is limited tourist development in this cell and few tourist facilities such as car parks, resulting in some car parking and traffic issues. The Buckroney-Brittias Dunes and Fen system (designated a cSAC and pNHA) and the Arklow Sand Dunes at Seabank to the south (designated a pNHA) extends into the area. There are fine long distance views available over this cell from the N11/M11.'

This designation carries with it specific objectives (collectively CPO 19.26) the most relevant of which being;

'1. To enhance the visual, recreational and natural amenities of the Arklow coastal area, in accordance with the policies and objectives set out in the Arklow Town and Environs Local Area Plan'

Development Response – Marine Spatial Planning and Coastal Zone Management

The CDP is consistent with the NMPF. This report has demonstrated in preceding sections and in the **Statement of Consistency with the NMPF**, how it complies with the NMPF, in particular in relation the conservation and enhancement of coastal and marine biodiversity and safety-at-sea. It has also demonstrated how it would not result in significant effect on coastal processes. Reference is also made to the **EIAR Volume 3, Appendix 1.5: Ecosystem Services Assessment** which shows how the development does not prejudice their protection and enhancement. The applicant has engaged with the Commissioners for Irish Lights and have prepared **EIAR Volume 3 Appendix 7.1 Navigational Risk Assessment, Appendix** and **EIAR Volume 3, Appendix 3.5 Environmental Vessel Management** which will ensure that safety as sea is maintained during and after the works. **EIAR Volume 2, Chapter 4: Coastal Processes, Water and Sediment Quality** has not identified significant effects on the natural coastal defences of the County.

In essence, the Proposed Works will consist of the removal of existing infrastructure and reinstatement to hardcore of a small area located on North Quay. The onshore demolition is anticipated to take place over 30 days and will not disrupt other port activities. **EIAR Volume 3 Appendix 3.1 Outline Onshore DEMP** accompanies with this application.

Overall, the project is aligned with CPO 19.8 and CPO 19.26, whether it regards the onshore or offshore components of the scheme as all elements which are visible will be removed. The WTGs and met mast have been sited off the coast of Wicklow for a period of over 20 years. Their removal will revert back the views from the coast to their natural state. The removal of the substation will also not prejudice either of the objectives. The substation is small in size and is located on harbour lands, which have an industrial / harbour nature, therefore its removal would likely have a neutral effect on its immediate surroundings.

The Proposed Works Onshore and Offshore will not put at risk existing coastal defences.

Relevant Provisions – Natural Heritage and Biodiversity

Natural heritage and biodiversity objectives in the Wicklow CDP of relevance to the ABWP Phase 1 proposal include:

- *CPO 17.2 Ensure the protection of ecosystems and ecosystem services by integrating full consideration of these into all decision making.*
- *CPO 17.12 To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment'*

- CPO 17.26 *Protect rivers, streams and other water courses by avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. Structures such as bridges should be clear span, and designed and built in accordance with Inland Fisheries Ireland guidance'.*

The CDP also contains a number of objectives seeking to protect and enhance the listed views and prospects around the county.

Development Response – Natural Heritage and Biodiversity

In response to CPO 17.12, the integration of an ecosystem services analysis into the ABWP Phase I proposal is discussed in the Development Response – Marine Spatial Planning and Coastal Zone Management subsection above.

The planning application is accompanied by an EIAR which considers non-designated sites. Outline Onshore and Offshore Decommissioning Environmental Management Plans (**Volume 3, Appendix 3.1** and **Volume 3, Appendix 3.4**) accompany the application and seek to prevent significant impact on locally important natural habitats, species or wildlife corridors.

The Applicant has engaged with Inland Fisheries Ireland (IFI) given the proximity to the Avoca River. The site is located on the north pier which has been heavily modified over the years. Reference is made to the **Volume 3, Appendix 3.1: Outline Onshore DEMP**, which sets out how the onshore decommissioning works will be strictly controlled to ensure no significant adverse effects on the Avoca River.

Relevant Provisions – Built Heritage

Archaeological heritage is defined in the Wicklow CDP as;

'...structures, constructions, groups of buildings, developed sites, underwater sites, moveable objects and monuments of other kinds, as well as their context, whether situated on land or under water.'

The CDP additionally notes that, pursuant to the National Monuments Acts 1930-1994;

'...all shipwrecks over one hundred years old, underwater archaeological structures, features and objects are protected. The quantification of the underwater archaeological resource is at a preliminary stage with the National Shipwreck Inventory currently being compiled. This source indicates areas of high archaeological potential within marine environments. The Record of Monuments and Places does not include all underwater archaeological sites. As a result the potential exists for development to impact negatively on our underwater cultural resource'

Wicklow CDP provisions pertaining to Built Heritage, as defined, that are relevant to the ABWP I proposal include the following objectives;

- CPO 8.1: *To secure the preservation of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites,*

features and objects of archaeological interest generally. In the development management process, there will be a presumption of favour of preservation in-situ or, as a minimum, preservation by record. In securing such preservation, the Planning Authority will have regard to the advice and recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage.

- CPO 8.3: Any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedules 08.01 & 08.02 and Maps 8.01 & 8.02 of this plan) shall be subject to an archaeological assessment.

Development Response– Built Heritage

There are no protected structures or national monuments in the vicinity of the Onshore Site. The presence of wrecks in the vicinity of the ABWP Phase I project's Proposed Works Offshore area is reviewed in detail with respect to marine archaeology and cultural heritage under **EIAR Volume 2, Chapter 8: Marine Archaeology and Cultural Heritage**.

A comprehensive programme of mitigation and management measures for identified underwater wrecks, as defined in the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023, is provided in the **EIAR Volume 2, Chapter 8: Marine Archaeology and Cultural Heritage**. Assessment is informed by **EIAR Volume 3: Appendix 8.1: Marine Archaeology Technical Report**.

EIAR Volume 2, Chapter 8: Marine Archaeology and Cultural Heritage concludes that there will be no significant effects arising from the decommissioning process.

Relevant Provisions – Waste and Environmental Emissions

Under chapter 15 – Waste and Environmental Emissions, the CDP requires under CPO 15.1 that '*all developments likely to give rise to significant quantities of waste, either by virtue of the scale of the development or the nature of the development (e.g. one that involves demolition) to submit a construction management plan, which will outline, amongst other things, the plan to minimise waste generation and the plan to protect the environment with the safe and efficient disposal of waste from the site*'.

Development Response – Waste and Environmental Emissions

In response to CPO 15.1, the Applicant refers to;

- **EIAR Volume 3, Appendix 3.4, Outline Offshore Decommissioning Environmental Management Plan,**
- **EIAR Volume 3, Appendix 3.1, Outline Onshore Decommissioning Environmental Management Plan,**
- **EIAR Volume 3, Appendix 3.3, Outline Onshore WMP;** and
- **EIAR Volume 3, Appendix 3.8, Outline Offshore WMP.**

These documents, accompanying the planning application and EIAR, address the environmental protection and demolition and waste management provisions of the Wicklow CDP.

4.5.2 Wicklow County Council Climate Action Plan 2024-2029

The Wicklow County Council Climate Action Plan (WCAP) 2024-2029 is being prepared with the aim of facilitating '*...the transition of WCC's services and operations to a low carbon resilient future...*', and sets out WCC's commitment to address climate change in line with statutory obligations, in line with the national CAP 2023. Preparation of the Plan is in accordance with central guidance, the Local Authority Climate Action Plan

Guidelines, published by the Department of Climate, Energy, and the Environment in March 2023. Eight Strategic Goals structure actions thematically within the WCAP.

Relevant Provisions

Under Strategic Goal 5 (Sustainability & Resource Management), Action 22 requires WCC to promote the development of the circular economy, including waste minimisation.

Development Response

The integration of circular economy principles and waste minimisation throughout the waste management plans associated with the Proposed Works is discussed in previous subsections within this Planning Policy Compliance section.

4.5.3 Arklow Local Planning Framework

Local Planning Frameworks form part of the Wicklow County Development Plan 2022-2028 and are integrated into the County Development Plan via the variation procedure set out under Section 13 of the Planning & Development Act 2000 (as amended). The role of the Arklow LPF is to provide a detailed planning framework for the development of Arklow and its environs.

The Arklow Local Planning Framework (LPF) 2026 Variation No. 5 came into effect on the 6th July 2026.

Relevant Provisions

There is limited relevance to the Proposed Works Onshore. The onshore substation is located in SLO1 Northern Waterfront Zone and is zoned as WZ 'Waterfront Zone' and is shown below

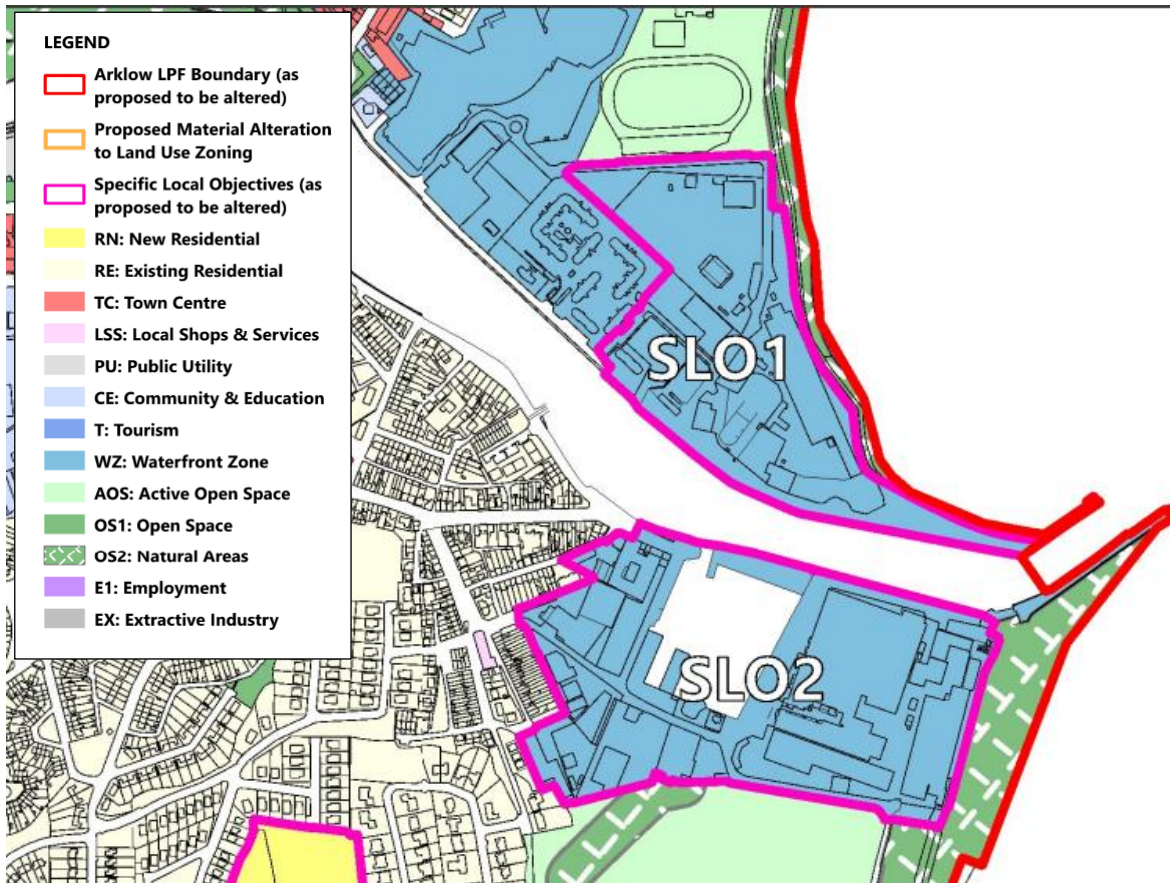


Figure 12: Extract of Zoning Map as displayed during material alterations stage

ARK 8 under the Arklow Waterfront Strategy Objective is noted as relevant insofar as it requires that '...Applications for the development of such lands (including in particular any development that entails demolition and / or site excavation) shall include appropriate site and ground surveys / investigations / remediation measures / waste management plans as required taking in account current and previous/historic land uses / site activities'.

Development Response

Overall, the LPF has limited bearing over the Proposed Works Onshore. The Applicant has considered the objectives included under SLO1 and is not of the view that these would apply to or be prejudiced by the proposed works. The application pack is accompanied by **EIAR Volume 3, Appendix 3.1, Outline Onshore Decommissioning Environmental Management Plan** and **EIAR Volume 3, Appendix 3.3, Outline Onshore WMP**.

4.5.4 Wexford County Development Plan 2022-2028

The Wexford County Development Plan (CDP) 2022-2028 (as varied), sets out the overall strategy for the proper planning and sustainable development of County Wexford in the plan period and beyond. The plan has been in effect since July 2022.

Relevant Provisions - Environmental Management

Chapter 10 of the CDP set out the framework for the sustainable management of the environment. Of particular relevance to the project are:

- EM01 and EM02 which regard EIA and AA;
- EM05 on the protection and improvement of surface and ground water, air quality and climate.
- WQ01, WQ05, WQ05, WQ08, WQ15 on compliance with the WFD, the achievement and maintenance of at least 'Good' status under MSFD, the achievement of compliance with the objectives and standards under which protected areas are designated and the avoidance of negative impact on water quality and quantity, including in estuarine, coastal and transitional waters.

Development Response – Environmental Management

The application is accompanied by an EIAR and a NIS, which demonstrate that the development does not give rise to significant effects on the environment and will not give rise to AESI. **Volume 2, Chapter 4 – Coastal Processes, Water and Sediment Quality**, the MSFD Assessment and the WFD Assessment review the project's impacts against the objectives of the respective directives. Their conclusions show that the development does not undermine the respective objectives and standards.

Relevant Provisions - Coastal Zone Management and MSP

Chapter 12 of the CDP focusses on coastal zone management and MSP. It promotes alignment with the NMPF and the management of land/sea interactions. The following policies are considered to be of relevance:

- CZM28 on the adoption of a precautionary approach in the absence of the updated national modelling of coastal erosion;
- CZM40 on the protection of the environmental quality of the coastal and maritime area;
- CZM41 on the application of an ecosystem approach so as to avoid displacement or disturbance of species, adverse impacts on coastal habitats, species and features which play an important role in flood relief and in protection from coastal erosion.
- CZM44 on compliance with WFD and MSFD;
- CZM45 on the maintenance, conservation and restoration of marine ecosystems in existing and future designated marine protected areas.

Development Response – Coastal Zone Management and MSP

The planning application before ACP considers land / sea interactions, particularly under **Volume 2, Chapter 4: Coastal Processes, Water and Sediment Quality** and associated appendices, which particularly consider coastal erosion. The development is not considered to give rise to significant effects on coastal assets. Reference is also made to the following documents:

- **Volume 2, Chapter 5: Marine Biodiversity;**
- **Volume 3, Appendix 1.5: Ecosystem Services Assessment;**
- **Volume 3, Appendix 1.4: MSFD Assessment;** and
- **Volume 3, Appendix 4.5: WFD Assessment.**

These documents demonstrate that the proposal does not prejudice of the achievement of the above objectives.

4.6 Conclusion

This section addresses compliance of the decommissioning of ABWP Phase I toward international, European, national and local policy frameworks, demonstrating the proposal's compatibility with, support for, or failure to prejudice, the applicable policy framework.

The decommissioning works have been informed by a comparative assessment that informed the methods and techniques that will be deployed. These are fully compliant with international law and have due regards to the environmental protection and nature conservation parameters put in place by European and Irish legislation and policy.

5. PLANNING APPRAISAL

5.1 Need for Decommissioning

ABWP Phase I has reached the end of its operational life and requires decommissioning. The continued operation or retention of its associated infrastructure represents a structural function for which its constituent parts were neither engineered nor intended. The full removal of the WTGs, transition pieces and met mast hardware is required to reduce potential future risk to health and safety to third parties, the environment and assets within the site and its zone of influence, including but not limited to allision, infrastructural decay and structural deficiency. It is also required to be removed to prevent harming wildlife that may be passing by or stationed near the site and to prevent risks of marine litter. Decommissioning is required to obviate risks in the project's zone of influence. Importantly, in accordance with clause 4.1 of the Sub Lease which covers the project, the project shall be decommissioned by 2033. Overall, there are two primary reasons for proceeding to decommissioning the facilities. These are:

- The applicant is legally bound by the terms of lease to decommission the infrastructure.
- Decommissioning is a precautionary measure given the risks associated with end-of-life, decaying infrastructure.

Importantly, leaving in-situ parts of the monopile is in compliance with international law and guidance, specifically the United Nations Law of the Sea (UNCLOS), the International Maritime Organisation (IMO)'s Guidelines and Standards for Removal of Offshore Installation, and the International Cable Protection Committee's Recommendation No. 1 and the OSPAR Convention's Decision 93/3 on the disposal of disused offshore installations, as amended by OSPAR Decision 2024/21.

The aforementioned instruments recommend a broadly similar set of criteria be applied in assessing proposals where parts of installations are left in-situ. These criteria broadly regard:

- Safety at sea and impacts navigation,
- Potential marine litter as a result of degradation of the facilities
- The risk of movement associated with the facilities
- Potential environmental effects
- Costs and technical feasibility, including risk of injury to personnel carried out the decommissioning
- Whether other uses of the sea are possible with the infrastructure left in situ
- Potential socio-economic benefits associated with recovery of the materials.

Under **Volume 3, Appendix 2.1: Comparative Assessment** of the EIAR, the Applicant has reviewed the proposal against the criteria and considered the different options that could be carried out. The proposed works are directly informed by this assessment and therefore is wholly aligned with international standards and law. This has also been addressed in section 3.2 of this report.

5.1.1 Obviating risks in the Project's Zone of Influence – Decommissioning as a precautionary measure

The model of WTG used in ABWP Phase I, the GE Vernova GE 3.6s, have an engineering design life of 20 years. Having been operational since 2004, operational activity of WTGs is no longer possible for the reasons set out below, primarily associated with the maturity of the ABWP Phase I development.

WTG Physical Infrastructure

The GE 3.6 MW WTGs at Arklow Bank Phase I have exceeded their 20-year design life and reached structural fatigue limits, increasing failure risk. Key components are obsolete—manufacturing ended in 2005—and supply chains and certified vendors no longer exist. Damage, including lightning strike impacts, and ongoing degradation further reduce viability.

Repair, life extension, and repowering are not technically or economically viable. Re-certification is prohibitively costly due to obsolete components and lack of supplier support; without it, the project cannot operate or obtain insurance. Repowering would require full infrastructure replacement.

Subsea Physical Infrastructure

The monopile foundations and subsea infrastructure are unsuitable for reuse due to structural degradation, including scour that has reduced stability and fatigue life. Corrosion of transition pieces and failing protection systems create risks of failure and marine litter, and cannot be effectively repaired. Limited specialist availability, supply-chain gaps, and challenging offshore conditions prevent meaningful maintenance.

As a result, there is no technical or economic case for retaining the infrastructure, and partial monopile removal with full TP removal is required.

Project Electrical Infrastructure

Electrical components, including switchgear and transformers, have surpassed operational thresholds and are deteriorating and are at risk of failure. Maintenance and certification cannot be sustained due to lack of vendor support and resources. Transformers have required repeated repairs, and further maintenance is not feasible. The main export cable has sustained damage and is affected by seabed scour, creating unsupported spans and increasing risk of failure. Given the overall condition of the project, there is no viable case for repair or replacement of electrical systems.

Meteorological Mast

The structural integrity of the mast is uncertain. Given the age and condition of the supporting infrastructure, there is a risk of degradation or collapse.

Onshore Infrastructure

The onshore substation is in poor condition, with significant corrosion and equipment deterioration. Oil leaks from cooling radiators pose a risk of environmental contamination, with potential for large-scale spills. Cooling systems and other components are also failing, and repair options are limited or ineffective. Given the degraded state of infrastructure and lack of viable repair solutions, decommissioning, demolition, and site reinstatement are required. There is also no planned use for the substation given that the offshore facilities are not producing electricity anymore.

Overall Conclusion

Across all infrastructure components—physical, digital, subsea, electrical, and onshore—advanced age, structural degradation, technological obsolescence, and lack of supply chain support mean that continued operation, repair, or repowering is not feasible. Decommissioning is therefore necessary on technical, economic, safety, and environmental grounds.

5.1.2 Compliance with terms of the lease

ABWP Phase I was constructed on foot of a foreshore lease issued under the Foreshore Act 1933, as amended. The planning history is detailed in **Section 2.4** of this report and in **Volume 2, Chapter 1: Introduction**. The Foreshore Lease requires that holder of the lease, makes provision for and to carry out decommissioning works and reinstatement of the Sub Lease Area and, if necessary, any adjacent Foreshore, to the satisfaction of the Minister for Climate, Energy and the Environment.

The full details of the history of the lease are provided in section 2 of this report. In summary, although the parent lease was subdivided, its decommissioning requirements also apply to the project. The applicant is therefore legally required to decommission the project by 2033.

5.2 Consideration of Alternatives

Consideration has been given to reasonable alternatives to decommissioning throughout the works design process, as is detailed in the **EIAR Volume 2, Chapter 2: Description of Alternatives** and its technical appendix. This process has included considerations of alternative works, processes and mitigation measures for both offshore and onshore infrastructure.

EIAR Volume 2, Chapter 1: Introduction and **Section 2.1** of this Report note the historical background of the ABWP Phase I site, including the provisions of Clause 4.1 of the Tri-Partite Deed. It is the responsibility of Arklow Energy Ltd., to fund, make provision for and carry out decommissioning of the 'Facilities' (defined in clause 1.1(32) of the Tri-Partite Deed as 7 GE 3.6MW electricity generating wind turbines to be installed in the Leasehold Area, including foundations and necessary associated works, and all cables associated with such turbines, or any of them), and if necessary, any adjacent Foreshore to the satisfaction of the Minister by:

- Submitting a Decommissioning and Reinstatement Plan (DRP) in accordance with Clause 4.2;
- Obtaining the approval of the Minister for the DRP;
- Complying with any approved DRP and any conditions imposed by the Minister in granting such approval; and
- Complying with all applicable Laws in relation to the decommissioning of the Facilities or reinstatement of any Foreshore.

The provisions of this clause produce the basis for the decommissioning of the ABWP Phase I in principle, from which the specifics of development planning, in compliance with planning policy and relevant legislation, was progressed through stakeholder and expert consultation.

Design and ongoing refinement of the ABWP Phase I decommissioning project integrates physical constraints, and environmental, technical, social and commercial considerations. A multi-disciplinary team undertook a review of the decommissioning options and associated methodology. This team comprised AEL (the Applicant),

EIA consultants (Ramboll); planners (MacCabe Durney Barnes); legal advisors (A&L Goodbody); and engineering consultants (GDG Venterra).

As provided in section 3.2 of this report, the design to decommission most of the components and retain in-situ parts of the monopiles was informed by international law which allows infrastructure to be left in situ on the seabed subject to criteria being met. The Applicant prepared a Comparative Assessment process which used qualitative and quantitative data to evaluate alternative decommissioning options. In the first phase of comparative assessment, workshops were held with the Applicant, AEL, to discuss/conduct:

- Definition of decommissioning options and assumptions.
- Assessment criteria and scoring – for criteria see **Table 5: Main Assessment Criteria for Assessment of Alternatives**, in **Section 5.2.1** of this document. For scoring, see **Table 3-2: Criteria. Sub-criteria, scoring used in the comparative assessment of decommissioning options** in **Appendix 2.1 Comparative Assessment Report**.
- Sensitivity analysis of assessment criteria – ensuring scoring system is robust, fair and comprehensive.

Subsequent phases of comparative assessment comprised the identification and review of partial and full decommissioning methods and supporting technologies, followed by the review of each decommissioning option in turn by the team, within their area of expertise, assigning impact values and weighting values to generate an overall assessment of alternatives.

5.2.1 Assessment of Alternatives for Offshore Components

The following alternatives were assessed and compared qualitatively at high-level for each offshore infrastructural component (wind turbine generators (WTGs) and meteorological mast; transition piece; monopile; scour protection; and inter-array and offshore export cables));

- **Do-nothing** – the retention of existing offshore infrastructure in situ and entirely intact, with no long-term maintenance undertaken;
- **Retain in situ** – the retention of existing offshore infrastructure in situ with installation of navigational aids and minimal maintenance in perpetuity to extend the structural integrity of offshore infrastructure. For inter-array of offshore export cables this would require maintaining these buried in perpetuity;
- **Life-extension maintenance** - keeping the existing offshore infrastructure operating safely and efficiently for additional years, with relatively limited intervention (e.g. repairs, component overhauls, retrofits, software and control upgrades, etc);
- **Repowering** - replacing or upgrading offshore infrastructure to extend productive life and increase output;
- **Conversion / re-purposing** - reusing offshore infrastructure for different purposes; and
- **Partial / full removal** - decommissioning offshore infrastructure partially and/or fully.

The Comparative Assessment (CA) presented in **Volume 3, Appendix 2.1: Comparative Assessment Report** utilised the following assessment criteria for this assessment of decommissioning options for monopiles (MPs) and inter-array and offshore export cables:

Table 5: Main Assessment Criteria for Assessment of Alternatives

Criterion	Definition
Safety	Considering health and safety (H&S) risks to decommissioning workers, other sea users and offshore infrastructure;
Environment	Considering potential environmental impacts during and after decommissioning activities;
Technical feasibility	Considering practical and engineering considerations;
Societal	Considering how stakeholders and third-party users may be affected by decommissioning options;
Cost	Considering economic considerations associated with decommissioning activities and long-term liability costs.

These five main criteria were derived from Annex 2 of OSPAR Decision 98/3 (OSPAR 2024),⁶ and modified to the context of the Proposed Works. These criteria and sub-criteria organised within these five thematic headings are defined and discussed in Table 3-1 of **Volume 3, Appendix 2.1 Comparative Assessment Report**, in **Volume 3 of the EIAR**.

Following the application of these criteria, and sub-criteria as detailed in **Volume 3, Appendix 2.1 Comparative Assessment Report**, the most favourable and therefore preferred alternatives for offshore works were selected, as summarised in **Table 6: Summary of Preferred Alternatives for Offshore Works**.

The potential dredging works required to support each alternative also underwent a comparative assessment process. Associated disposal methods and/or locations were considered within this process. The five criteria above – safety, environment, technical feasibility, societal and cost – were similarly utilised for the assessment of potential dredging methodology. Results of this comparative assessment are also summarised in **Table 6: Summary of Preferred Alternatives for Offshore Works**.

Table 6: Summary of Preferred Alternatives for Offshore Works

Works Component	Preferred Alternative
Dredging for vessel access method (if required):	Cutter Suction Dredging and Backhoe dredging
Disposal of dredge material location (if required)	Within the Sub Lease Area;
Disposal of dredge material method (if required)	Use of pipeline for dredge material located inside monopiles, and side casting for dredge material generated during vessel access dredging (if required);
WTG and meteorological masts	Full removal
Transition piece	Full removal
Monopiles	Partial removal
Scour protection	Partial removal
Inter-array and offshore export cables	Full removal

⁶ OSPAR Commission 2024 OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations (as amended by OSPAR Decisions 2024/21). Available at: <https://www.ospar.org> (Accessed: March 2026)

Criteria relating to the provisions of the Foreshore Lease Documentation, and the waste hierarchy captured in **Volume 3, Appendix 3.8: Outline Offshore Waste Management Plan**, also influenced decision-making on decommissioning methodology, and this is outlined where relevant in the **Volume 2, Chapter 2: Description of Alternatives**.

5.2.2 Assessment of Alternatives for Onshore Components

The following alternatives for the decommissioning of onshore infrastructure (the onshore substation and onshore cables) were considered:

- Do nothing – leaving existing onshore infrastructure *in situ* and entirely intact, with no long-term maintenance undertaken;
- Conversion/re-purposing – the reuse of onshore infrastructure for different purposes; and
- Full removal – full decommissioning of onshore infrastructure

Life-extension maintenance, repowering and partial removal are not considered applicable to onshore infrastructure due to their current condition and age. These works were therefore not considered as alternatives, and did not undergo the qualitative rating process in **EIAR Volume 2, Chapter 3 Proposed Works Description**.

Following the high-level qualitative assessment and comparison of alternatives for the Proposed Works, the following decommissioning works are considered the most favourable, and therefore preferred alternatives;

Table 7: Summary of Preferred Alternatives for Onshore Works

Works Component	Preferred Alternative
Onshore substation	Full removal
Onshore cable	Full removal

The design process for both offshore and onshore works benefitted from expert input from the wider marine sector. Consultations for the refinement of the ABWP Phase I decommissioning works and methodology alternatives were undertaken throughout the project development phase. This provided stakeholders the opportunity to provide input to shape decommissioning planning and approaches. This process and a summary of stakeholder input is detailed in the Stakeholder Consultation and Engagement Report.

In summary, **EIAR Volume 2: Chapter 2 Description of Alternatives** provides a description of the reasonable alternatives studied by the Applicant, that were considered environmentally appropriate, technically feasible, and economically viable for the ABWP Phase 1 decommissioning project. Justification for the selection of the chosen alternative is provided in detail.

5.3 Legal Interest

5.3.1 Foreshore Lease

Section 2.4 of this report reviews the planning history of the project, starting in 2002 with the award of the Head Lease to SPL and subsequently the grant of the sub-lease to the applicant. Pursuant to that sub-lease, the applicant is a holder of Foreshore Lease under the Foreshore Act 1933, which allows it in accordance with section 286(3) of the PDA to make a planning application in relation to the maritime area below the HWM.

5.3.2 Maritime Area Consent

The Applicant is not required to obtain a MAC. As demonstrated in Section 3.4 of this report, AEL is entitled to submit a planning application to ACP.

5.3.3 Land ownership

The Applicant has received a letter of consent from WCC who own the area onshore area above the HWM on which the substation and onshore export cable is located.

6. CONCLUSION

The proposed decommissioning of ABWP Phase I is a legal requirement under the terms of the sub-lease held by AEL. In accordance with international law and guidance, the Applicant has carried out a comparative analysis of the different options available to decommission or leave in-situ, as the case may be, the offshore components. The full details of same are provided in **EIAR Volume 2, Chapter 3: Proposed Works Description**.

The Applicant prepared an EIAR and a NIS which demonstrate that the development will not give rise to likely significant adverse effects or trigger AESI. The Applicant has also demonstrated how the Proposed Works Offshore and Onshore are fully aligned with government, regional and local policy and that it will not be detrimental to respective objectives.

The decommissioning works will be carried out in line with proper planning and sustainable development.

The decommissioning of ABWP Phase I is acceptable in respect of its likely environmental effects, as demonstrated in the EIAR, particularly within the context of the role of decommissioning in ensuring safety-at-sea, and marine litter reduction objectives. It will not give rise to AESI as demonstrated in the NIS. The ACP is respectfully invited to grant planning permission for the development.



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