

Volume 2: Introductory Chapters

Chapter 3
**Legal and Policy
Framework**

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3. Legal and Policy Framework

3.1 Introduction

This chapter of the Environmental Impact Assessment Report (EIAR) sets out the legal and policy frameworks at European, national, regional and local scales which underpin the North Irish Sea Array (NISA) Offshore Wind Farm (hereafter referred to as the ‘proposed development’) project. The proposed development is comprised of both offshore and onshore infrastructure. This chapter demonstrates the specific need for the proposed development in the context of the renewable energy, climate change and marine policy frameworks. Refer also to Volume 2, Chapter 4: Need for the Proposed Development (hereafter referred to as the ‘Need for the Proposed Development Chapter’) which further demonstrates the need for the proposed development. Additional legislation, policies, and other material considerations for specific receptors are listed within the relevant technical assessment chapters of this document (see Chapters in Volume 3 to Volume 5).

In response to the growing electrification of the Irish economy, it is anticipated that by 2030 Ireland’s electricity demand is forecasted to rise between 19% and 50%¹. The sections below demonstrate Ireland’s commitment to meeting 80% of this demand with electricity from renewable energy sources (RES-E) by 2030 and particularly to install 5GW of offshore wind capacity prior to 2030.

A review of the renewable energy, climate change and marine policy at a European and national level shows that the proposed development not only aligns with these policies at all levels but will be essential in helping achieve some of the actions, objectives and targets set out in these policies. The 2023 Climate Action Plan set a target for 5GW of offshore wind energy with the Climate Action Plan 2024 subsequently establishing a roadmap for how this would be achieved (see Section 3.5.5 for further information on Ireland’s Climate Action Policy). The proposed development will deliver a significant contribution to the national 5GW² of offshore wind energy target by connecting to the national electricity grid system before 2030.

This chapter also summarises the legal framework through which consent for the proposed development will be sought.

3.2 Legal Framework

3.2.1 Introduction

This section summarises the legal framework through which consent of the proposed development will be sought.

In 2021, Ireland enacted the Maritime Area Planning Act³ (hereafter referred to as the ‘MAP Act’) which effectively overhauled the system for consents in the maritime area. Prior to this legislation, consent was granted within the 12 nautical mile (nm) baseline pursuant to the Foreshore Acts and the consenting process for outside of the 12nm baseline was uncertain.

The MAP Act comprehensively transformed the legislative landscape to obtain consent for offshore renewable energy (ORE) in the maritime area by introducing a two-step consent process. The first step in that process is the requirement to obtain a Maritime Area Consent (MAC).

¹ Climate Action Plan 2021

² As per the additional measures described in CAP 2023, at least 5GW of offshore wind is required by 2030 with an additional 2GW of offshore wind for green hydrogen production.

³ Government of Ireland Maritime Area Planning Act Number 50 of 2021, Dublin 2021, <https://www.irishstatutebook.ie/eli/2021/act/50/enacted/en/html>, accessed September 2022.

Once a MAC is obtained an applicant can then submit an application for planning consent to An Bord Pleanála. The MAP Act also underpins an entirely new marine planning system and facilitates ORE development aligned with the National Marine Policy Framework (NMPF).

A MAC is the gateway into the planning system as MACs are required before any planning applications are made to An Bord Pleanála and the coastal local authorities. A MAC may be granted following assessment of the applicant and the proposed project, and only MAC holders can apply for development permission in the maritime area. A MAC is the right to occupy a part of the maritime area, conditional on securing other necessary approvals.

The Planning and Development Act 2000⁴, as amended (hereafter referred to as the “Planning Acts”) is the primary legislation controlling the consent process for development on land in Ireland. These have recently been amended by the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023,⁵ the MAP Act 2021 and the Planning and Development Maritime and Valuation (Amendment) Act 2022⁶.

3.2.2 Marine Area Consent (MAC)

Part 4 of the MAP Act 2021, as amended, provides for the issuance of MACs. All maritime usages, except those listed in Schedules 3 and 4 of the MAP Act, require a MAC for the purposes of such a usage.

“Maritime usage”, in relation to the maritime area is defined in the legislation as:

“any activity, operation, works or development undertaken in that area for any purpose (including conservation), and includes—

(a) the construction or use, or both, of any infrastructure in that area associated with, or otherwise supporting, the activity, operation, works or development, and

(b) the maintenance of such infrastructure, and references in this Act to “proposed maritime usage” shall be construed accordingly”;

It is only after a project is issued with a MAC that it can then take the first step in the new planning consent process. Following receipt of a MAC, projects are eligible to proceed to consult with An Bord Pleanála prior to applying for development consent from An Bord Pleanála. This process involves full statutory consultations and environmental assessment processes.

In 2020, the proposed development was deemed a “Relevant Project” by the Department of Housing, Local Government and Heritage (DHLGH) (previously known as the Department of Housing, Planning & Local Government) in the context of the forthcoming Marine Planning and Development Management legislation at that time. This designation allowed the proposed development to be one of the first projects considered for MAC under the new MAP Act 2021⁷. An application for a MAC was submitted by North Irish Sea Array Wind Farm Limited (Ltd) (hereafter referred to as ‘the Developer’) in June 2022, seeking the right to occupy a part of the maritime area and the ability to subsequently apply for development consent within that maritime area to An Bord Pleanála under Section 291 of the Planning Acts (this application).

⁴ Government of Ireland Planning and Development Act 2000, Dublin 2000, <https://www.irishstatutebook.ie/eli/2000/act/30/enacted/en/html>. Accessed September 2022.

⁵ Government of Ireland *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023*, Dublin 2023, <https://www.irishstatutebook.ie/eli/2023/act/26/enacted/en/html> accessed March 2024

⁶ Government of Ireland *Planning and Development Maritime and Valuation (Amendment) Act 2022*, Dublin 2022 <https://www.irishstatutebook.ie/eli/2022/act/29/enacted/en/pdf>, accessed September 2022

⁷ Government of Ireland *Maritime Area Planning Act Number 50 of 2021*, Dublin 2021, <https://www.irishstatutebook.ie/eli/2021/act/50/enacted/en/html>, accessed September 2022

The Developer is the holder of a MAC granted on 23 December 2022 (Reference No 2022-MAC-005) for the occupation of a maritime site for the purposes of the proposed development. As outlined in the Developer's MAC, the permitted maritime usage is for "the construction and operation of an Offshore Wind Farm and associated infrastructure (including decommissioning and other works required on foot of any Development Permission for such Offshore Wind Farm". The MAC boundary is provided in Figure 1.1 of Volume 7.

3.2.3 Pre-Application Consultations with An Bord Pleanála

Pre-application consultation with An Bord Pleanála is required under section 287 of the Planning Acts before an application for consent for the proposed development can be made under section 291 of the Planning Acts. On 5th January 2023, the Developer submitted its request to enter into pre-application consultation with An Bord Pleanála under section 287(1) of the Planning Acts (ABP-315801-23). There were four meetings held during the Section 287 pre-application process (30th May 2023, 21st September 2023, 2nd November 2023, and 14th December 2023). An Bord Pleanála closed the Section 287 pre-application consultations on 2nd February 2024. Further details of pre-application consultation under Section 287 are provided in Section 2.7.1 of Volume 2, Chapter 2: EIA and Methodology for the preparation of an EIAR, of this EIAR.

Section 287A of the Planning Acts provides for a developer to enter pre-application consultation with An Bord Pleanála in relation to flexibility for certain details of a proposed development. Following Section 287 pre-application consultation meetings with An Bord Pleanála on 30 May 2023 and 21 September 2023, the Developer was invited to submit an application for a design flexibility opinion under section 287A of the Planning Acts. On 26 October 2023, the Developer submitted this application to An Bord Pleanála (ABP-316332-23). On 2 February 2024, An Bord Pleanála issued its opinion on design flexibility under section 287B, signed 30 January 2024 (the "DF Opinion"). This DF Opinion was subsequently clarified by way of letter dated 4 April 2024 and updated by way of decision pursuant to Section 146A of the Planning Acts on 16 April 2024. Further details of pre-application consultation under Section 287A are provided in Section 2.7.2 of Volume 2, Chapter 2: EIA and Methodology for the preparation of an EIAR, of this EIAR. Further details on design flexibility are provided in Section 2.8 of Chapter 2.

Following receipt of the DF Opinion and closure of the pre-application consultations with An Bord Pleanála on 2 February 2024, the Developer was in a position to submit a planning application for the proposed development under section 291 of the Planning Acts.

The consultation undertaken, including with An Bord Pleanála, prior to submission of the planning application is summarised in the Consultation Report, Appendix 1.2 of Volume 8.

3.2.4 Development Consent application under Section 291 of the Planning Acts

The planning permission system now extends into the entire maritime area with development subject to a single comprehensive environmental assessment by the relevant planning authority. Under the Planning Acts, An Bord Pleanála shall independently assess planning applications including environmental assessments for certain strategic infrastructure projects listed in Schedule 8 of the Planning Acts, including offshore energy projects. This includes the proposed development. An Bord Pleanála has established a new Maritime Directorate with responsibility for the assessment of planning applications for offshore development.

Following closure of the pre-application consultations with An Bord Pleanála under section 287(1) (and where requested, receipt of an opinion as to flexibility under section 287B of the Planning Acts), an application for planning permission under section 291 of the Planning Acts can be made. The planning application must be consistent with any opinion issued in accordance with section 287B.

The Developer has subsequently made an application for the proposed development under section 291 of the Planning Acts, consistent with the DF Opinion.

3.3 International Policy Context

The international policies which are relevant to the proposed development are outlined below.

3.3.1 United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC) is an international environmental treaty negotiated at the United Nations Conference on Environment and Development (UNCED), in Rio de Janeiro in 1992. 154 countries ratified the international treaty in 1992 as a framework for international efforts to combat the challenge posed by climate change. The UNFCCC seeks to limit average global temperature increases and the resulting climate change. In addition, the UNFCCC seeks to cope with impacts that are already inevitable. It recognises that the climate system is a shared resource whose stability can be affected by industrial and other emissions of carbon dioxide and other greenhouse gases. 198 countries have now ratified the Convention and are called Parties to the Convention.

The UNFCCC set no binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. Instead, the UNFCCC outlines how specific international treaties (called "Protocols" or "Agreements") may be negotiated to set binding limits on greenhouse gas emissions. The convention enjoys near universal membership, with 197 countries listed as being Parties to the Convention.

Amongst these negotiations, the Kyoto Protocol of 1997 and the Paris Agreement of 2015 (See Section 3.3.2 and 3.3.3 respectively) shaped the responsibilities of the UNFCCC Secretariat in its current state. A key responsibility of the UNFCCC is the organisation of the Conference of Parties (COP) which are hosted annually. Ireland is currently considered an Annex I party within the UNFCCC which legally obligates Ireland to reduce overall greenhouse gas (GHG) emissions⁸.

Therefore, the proposed development will directly align with the UNFCCC by reducing GHG emissions in the in the Irish energy sector.

3.3.2 Kyoto Protocol

COP3 took place in 1997 and resulted in the 11 December 1997 introduction of the Kyoto Protocol. Following a complex ratification process, the Kyoto Protocol was formally ratified on 16th February 2005 when it was ratified by 192 parties around the world. Under the Kyoto Protocol, the EU agreed to achieve a significant reduction in total GHG emissions of 8% below 1990 levels in the period 2008 to 2012.

The Kyoto Protocol served to operationalise the UNFCCC by committing industrialised countries and economies in transition to limit and reduce emissions in line with individually agreed targets. As a member of the UNFCCC, Ireland signed the Kyoto Protocol on 29th April 1998 and ratified it on 31st May 2002⁹. As a result, Ireland agreed to a legally binding target to limit the increase in its GHG emissions relative to 1990 levels to no more than 13% for the period of 2008-2012. Ireland was successful in meeting the Kyoto Protocol targets under the EU burden-sharing agreement.

On 8th December 2012, the Doha Amendment to the Kyoto Protocol was adopted to cover a second commitment period for members for the period of 2013-2020. However, this was superseded by the Paris Agreement of 2015 (See Section 3.3.3).

3.3.3 Paris Agreement

The Paris Agreement is a legally binding international treaty on climate change adopted by 196 Parties at the Paris climate conference (COP21) on 12th December 2015. It was ratified by all Parties and entered into force on 4th November 2016.

⁸ Annex I parties include the industrialised countries that were members of the OECD in 1992

⁹ UNFCCC, *Ireland*, <https://unfccc.int/node/61086> (accessed May 2023)

The Paris Agreement establishes a global framework to limit global warming to well below 2°C and to pursue efforts to limit it to 1.5°C. Ireland signed the Paris Agreement on 22 April 2016 and ratified the Agreement on 4th November 2016¹⁰.

A further commitment under the Paris Agreement is for countries to submit national Climate Action Plans to demonstrate national commitments to limit GHG emissions (See Section 3.5.5 for information on Ireland's climate action policy).

Furthermore, in COP 26, additional agreements were made by the Paris Signatories to phase out coal power globally and accelerate the transition to 100% zero emission cars and vans by 2040. Following COP 27, the Sharm el-Sheikh Implementation Plan was published on 20th November 2022 which reaffirmed the commitment to limiting global temperature increases to 1.5 degrees Celsius against pre-industrial levels. Finally, in 2023, COP 28 explicitly addressed the need to end global reliance on fossil fuels and to triple the renewable energy capacity to 2030.

Also in the COP 28, Ireland committed ongoing financial support to the new Climate Account of the Central Emergency Response Fund and financing of the new Loss and Damage Fund once established. Ireland further committed to doubling the climate finance to at least €225 million by 2025 which demonstrates ongoing commitment to investing in energy access and low carbon development globally.

The proposed development will contribute a significant amount of renewable electricity to reduce the emissions from the Irish energy sector and is essential to Ireland's compliance with the binding climate targets laid out in the Paris Agreement.

3.4 European Planning Policy Context

Following on from its commitments under the UNFCCC, Kyoto Protocol and Paris Agreement, over the years the EU has proposed progressively more ambitious targets for the reduction of GHG emissions and the increased use of renewable energy. These are outlined in the relevant policies in Sections 3.4.1 to 3.4.13.

3.4.1 European Marine Spatial Planning Directive (2014/89/EU)

Directive 2014/89/EU¹¹ established a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources. Directive 2014/89/EU required member states to make marine spatial plans for their seas. The spatial plans should be prepared by 31 March 2021. Directive 2014/89/EU specified the range of activities that must be included in the marine spatial process and plan.

Ireland made a marine spatial plan for its seas, the National Marine Planning Framework (NMPF), which is summarised in Section 3.5.2, in response to Directive 2014/89/EU. The proposed development will comply with the NMPF, as outlined the NMPF Compliance Report Appendix 3.1.

3.4.2 Marine Strategy Framework Directive 2008/56/EC

In 2008, the EU adopted the Marine Strategy Framework Directive (MSFD) to maintain clean, healthy, productive and resilient marine ecosystems. The MSFD directly contributes to the ambitions of the European Green Deal (refer to Section 3.4.5) with specific emphasis on the EU's Biodiversity Strategy for 2030 and the Zero Pollution Action Plan.

¹⁰ *Ibid*

¹¹ Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0089>

The MSFD aims to guide sustainable development in the marine environment by establishing environmental guidelines for the protection of marine ecosystems and biodiversity. Its aim is to achieve a good environmental status of all the EU's marine waters and to protect the resources on which socio-economic and social activities rely upon.

The DHLGH is responsible for the implementation of the MSFD in Ireland, which has been carried out in a number of implementation cycles. These cycles guide member states to undertake an assessment of their marine environments to determine a 'Good Environmental Status'. The second cycle of the MSFD reporting is underway with public and stakeholder participation incorporated into each aspect of the MSFD implementation.

In providing a source of renewable energy in an effort to tackle rising global temperatures, the proposed development will contribute to the management of rising sea temperatures and will indirectly support the objectives of the MSFD.

3.4.3 Promotion of the use of energy from renewable sources Directive (EU) 2018/2001

Directive (EU) 2018/2001¹² on the promotion of the use of energy from renewable sources (otherwise known as the revised Renewable Energy Directive (RED II)) imposed the requirement that Member States set national contribution targets in order to achieve the EU's overall renewable energy targets. RED II became legally binding on January 1, 2021 and amended the previous Renewable Energy Directive (RED I) (2009/28/EC).

RED II was introduced as part of the Clean Energy for all Europeans package and acts as a key policy to drive European growth in renewable energy. The policy objectives and binding targets outlined within RED II were introduced to ensure that the EU would remain a global leader in renewables and meet the binding targets introduced in the Paris Agreement (See Section 3.3.3).

RED established a new European-wide binding target for Member States to collectively ensure that the share of energy from renewable sources in the EU's gross final consumption of energy in 2030 is at least 32%, an increase from the 2020 target of 20% outlined in RED I. Directive 2018/2001 included a clause for a possible upwards revision by 2023 and an increased 14% target for the share of renewable fuels in transport by 2030.

Annex I of RED II states that Ireland's target share of energy from renewable sources in gross final consumption of energy by 2020 was 16%¹³. Ireland's actual share of energy from renewable sources in 2020 was 13.5% which meant Ireland was obligated to acquire statistical transfers of renewable energy from other Member States to compensate¹⁴.

The European Commission agreed in March 2023 to raise the EU's binding renewable energy target for 2030 under the RED to a minimum of 42.5%, up from the previous target of 32%. The increased target brings the EU closer to the delivery of the targets embedded in the European Green Deal (See Section 3.4.5) and the REPowerEU objectives (see Section 3.4.10).

The proposed development will be operational by 2030 and will contribute significantly to the generation of renewable energy which will enable Ireland to meet its 42.5% final consumption target. In contributing a substantial supply of renewable energy to the Irish energy mix, the proposed development will facilitate future success in meeting climate targets.

¹² European Union, *Directive (EU) 2018/2001 of the European Parliament and of The Council of 11 December 2018 on the promotion of the use of energy from renewable sources* Official Journal of the European Union 21.12.2018, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=EN>, accessed August 2022

¹³ Ibid

¹⁴ SEAI, *Renewables*, <https://www.seai.ie/data-and-insights/seai-statistics/key-statistics/renewables> (accessed May 2023)

3.4.4 Governance of the Energy Union and Climate Action Regulation (EU) 2018/1999

Regulation 2018/1999¹⁵ applies to the five dimensions of the EU Energy Union Strategy, which requires Member States to prepare an integrated national energy and climate plan to demonstrate how the targets for the five dimensions, including the 32% target for the share of energy from renewable sources, will be achieved. The national energy and climate plans must be prepared every 10 years, with the first plan covering the period 2021 to 2030.

Each Member State must describe in its national plan the main existing and planned policies and measures to achieve the objectives of its plan, including, where applicable, measures providing for regional cooperation and appropriate financing at national and regional level, including mobilisation of Union programmes and instruments. Each Member State must also provide a general overview of the investment needed to achieve the objectives, targets and contributions set out in its national plan, as well as a general assessment on the sources of that investment.

The National Energy and Climate Plan (NECP) 2021 – 2030¹⁶ was published in 2019 to comply with the requirement of Regulation (EU) 2018/1999, referred to above. An updated draft of the NECP was submitted to the European Commission in December 2023 with a final version due for submission in June 2024. The proposed development will facilitate the achievement of the renewable energy targets within the NECP by providing a significant source of offshore renewable energy.

3.4.5 The European Green Deal

The European Green Deal¹⁷, published by the European Commission in December 2019, provides an action plan to boost the efficient use of resources by moving to a clean, circular economy while cutting pollution and restoring biodiversity.

The Green Deal outlines the investments needed and financing tools available. It also explains how to ensure a just and inclusive transition. The main elements of the Green Deal include increasing the EU's climate ambition for 2030 and 2050 and supplying clean, affordable and secure energy.

In relation to increasing the EU's climate ambition for 2030 and 2050, the Green Deal provides a plan to increase the EU's GHG emission reductions target for 2030 to at least 50% and towards 55% compared with 1990 levels. One of the core objectives of the European Green Deal to achieve these targets is *“to develop the full potential of Europe's offshore wind energy”*.

Table 3.1 Summary of EU Green Deal Climate and Energy Targets

EU Green Deal Objectives	EU Green Deal Targets to 2030
Cut in greenhouse gas emissions (from 1990 levels)	>55%
Share for renewable energy in total energy mix	38% - 40%
Renewable electricity as % of electricity generation	65%

¹⁵ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (Text with EEA relevance.) https://eur-lex.europa.eu/legal-content/EN/TXT/?toc=OJ:L:2018:328:TOC&uri=uriserv:OJ.L_.2018.328.01.0001.01.ENG

¹⁶ Government of Ireland. *National Energy and Climate Plan 2021-2030, Dublin 2019* <https://www.gov.ie/en/publication/0015c-irelands-national-energy-climate-plan-2021-2030/> (accessed January 2024)

¹⁷ European Commission, *Communication from the Commission The European Green Deal* COM (2019) 640 final, Brussels, 2019, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN#:~:text=Brussels%2C%2011.12.2019%20COM%20%282019%29%20640%20final%20COMMUNICATION%20FROM,for%20the%20European%20Union%20%28EU%29%20and%20its%20citizens> . Accessed August 2022

EU Green Deal Objectives	EU Green Deal Targets to 2030
Improvement in energy efficiency	36%

In relation to the supply of clean affordable and secure energy, the Green Deal states that the clean energy transition should involve and benefit consumers. The Green Deal further stipulates the necessity for offshore wind production in developing regional cooperation between Member States in decarbonising the EU's energy system to achieve carbon neutrality by 2050.

The proposed development will fully comply with and support the European Green Deal through the generation of new renewable electricity generation from the deployment of offshore wind. By effectively lowering Ireland's GHG emissions in the electricity sector, the proposed development will also directly align with the European Green Deal objectives.

3.4.6 2020 EU Strategy for Offshore Renewable Energy

In 2020, the EU launched its *Strategy for Offshore Renewable Energy*¹⁸. The aim of the strategy is to make offshore renewable energy a core component of Europe's energy system by 2050.

The strategy assesses the EU's contribution to the offshore renewable energy sector and addresses bottom-fixed and floating offshore wind and ocean energy technologies. It reviews the offshore renewable energy potential of the EU sea basins and considers the challenges of increasing existing offshore wind generation capacity by establishing a clear ambition for an installed capacity of 60GW of offshore wind by 2030, and 300GW by 2050.

The proposed development, as a Phase 1 project, will be one of the first commercial scale offshore wind projects deployed in Irish waters. The project will unquestionably comply with and support the EU Strategy for Offshore Renewable Energy by providing a new source of offshore renewable wind energy in Ireland which will contribute to making offshore renewable energy a core component of Ireland energy system by 2050 and as such, will support the continued delivery of a renewable energy system throughout Europe.

3.4.7 European Climate Law Regulation 2021/1119

The European Climate Law (Regulation (EU) 2021/1119)¹⁹ commits the EU and its Member States to make continuous progress towards adaptive capacity, strengthened resilience and reduced vulnerability to climate change. Regulation 2021/1119 sets the long-term vision that the EU will be a climate resilient society by 2050 by becoming climate neutral with reinforced adaptive capacity and minimised vulnerability to climate impacts.

It also establishes the intermediate target of reducing net GHG emissions by at least 55% by 2030, compared to 1990 levels. The targets of 55% reduction by 2030 and climate neutrality by 2050 are legally binding within the EU Climate Law. It further includes measures to monitor progress of member states' implementation of National Energy and Climate Plans (see Section 3.6.2). Written into the law are progress reviews every five years in line with the global stocktake exercise under the Paris agreement.

The proposed development will help Ireland implement the EU Climate Law by delivering clean electricity. The proposed development will be critical to lowering Ireland's GHG emissions in the electricity sector which will directly align with the EU Climate Law's objectives.

¹⁸ European Commission *Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future*, Com (2020) 741, Brussels 2020 https://ec.europa.eu/energy/sites/ener/files/offshore_renewable_energy_strategy.pdf, accessed August 2022

¹⁹ Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')

3.4.8 8th European Environmental Action Programme

Successive general Environment Action Programmes (EAPs) have guided the development and coordination of EU environment policy and provided the framework for EU action in the field of the environment and climate since 1973. The 8th such programme was published in April 2022²⁰ and replaces the 7th EAP to become a 10-year programme to keep the 2050 vision of becoming climate neutral on track.

The EAP sets out its priority objectives and identifies the enabling conditions necessary to attain those priority objectives. It establishes a monitoring framework to measure the progress of the EU and its Member States towards the attainment of the priority objectives and a governance mechanism to ensure attainment of those priority objectives.

The overall long-term priority objective of the EAP is *“that by 2050 at the latest, people live well, within the planetary boundaries in a well-being economy where nothing is wasted, growth is regenerative, climate neutrality in the Union has been achieved and inequalities have been significantly reduced.”*²¹

To achieve this objective, the EAP requires a swift and predictable reduction of GHG emissions in line with the EU’s climate and environmental objectives whilst ensuring a just transition which leaves no individual behind.²²

The proposed development will provide an essential contribution to the reduction of GHG emissions in Europe and thus directly aligns with the objectives of the EAP.

3.4.9 Council Regulation (EU) 2022/2577

On 22 December 2022, the European Council adopted Regulation (EU) 2022/2577. The Regulation established a framework to accelerate the deployment of renewable energy across the EU to phase out dependence on Russian fossil fuels. Faster deployment of renewables is considered necessary to strengthen the EU’s security of supply and to immediately and structurally reduce the demand for fossil fuels in the power, heating/cooling, industry, and transport sectors.

The Regulation also aimed to accelerate the permit-granting procedures for renewable energy projects as well as for grid and infrastructure projects, that are needed to integrate renewable energy into the electricity system, as detailed in Article 6 of the Regulation.

3.4.10 REPowerEU

In May 2022 the EU issued the REPowerEU Plan²³ to respond to the disruption in the global energy market caused by Russia's invasion of Ukraine. REPowerEU aims to rapidly reduce EU dependence on Russian fossil fuels and simultaneously accelerate the green transition across Europe. The green transformation will aid strengthening economic growth, security, and climate action for Europe and its partners.

The measures outlined in the REPowerEU plan aim to implement energy savings, accelerate roll-out of renewable energy to replace fossil fuels in homes, industry, and power generation, and diversify energy supplies. REPowerEU is backed by financial and legal measures in order to build new energy infrastructure and systems that Europe needs.

²⁰ European Commission, *Decision (EU) 2022/591 Of The European Parliament And Of The Council of 6 April 2022 on a General Union Environment Action Programme to 2030*, Official Journal of the European Union, 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022D0591&from=EN> accessed August 2022

²¹ Ibid 30

²² Ibid

²³ European Commission, *REPowerEU Plan*, Brussels, 2022 [EUR-Lex - 52022DC0230 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/lexuris/52022DC0230) accessed February 2024

Scaling-up and speeding-up of renewable energy in power generation, industry, buildings, and transport has been emphasised in REPowerEU to accelerate Europe's independence from Russian fossil fuels, facilitate the green transition and reduce energy cost to the consumer over time. The European Commission has proposed to increase the headline 2030 target for renewables from 40% to 45% under the Fit for 55 package.²⁴

Table 3.2 REPowerEU Targets

REPowerEU Objective	REPowerEU Target 2030
Cut in greenhouse gas emissions (from 1990 levels)	>55%
Share for renewable energy in total energy mix	45% by 2030
Renewable electricity generation	1236GW by 2030

In relation to the acceleration of clean energy, REPowerEU facilitates the green transition and encourages investment in domestic renewable energy to reduce reliance on energy imports. Several short-term measures in REPowerEU related to the proposed development have been summarised as follows; The necessity for new energy partnerships with reliable suppliers, including future cooperation on renewables and low carbon gases are essential for the success of measures within REPowerEU. There is also a growing necessity for a rapid roll out of solar and wind energy projects, combined with renewable hydrogen deployment, as these deployments can save around 50 billion cubic metres of natural gas imports across Europe.

The need to transition away from natural gas was re-emphasised on 19 January 2023, when EU countries agreed to adapt new long-term goals for the deployment of offshore renewable energy up to 2050 in each of the EU's five sea basins. In total, these goals encompass 111GW of total offshore capacity by 2030, and 317GW by 2050²⁵.

The proposed development will deliver offshore renewable energy into the Irish energy mix. Offshore wind is a source of clean, affordable, reliable, energy and as such, the proposed development will support Ireland's contribution to RePowerEU targets of 111GW of total offshore wind deployment for 2030 and 45% renewable energy in the total energy mix by 2030.

3.4.11 European Directive 2023/2413

Directive (EU) 2023/2413 (otherwise known as RED III) on the promotion of the use of energy from renewable sources, amends Directive (EU) 2018/2001. Expanding on the 2018 Directive (see Section 3.4.3), Directive 2023/2413 sets a binding target for the share of energy from renewable sources in the EU of 42.5% by 2030, with the aim of securing 45%.

Directive 2023/2413 notes that the energy sector contributes 75% of total GHG emissions in the EU. Through the reduction of associated GHG emissions, renewable energy will directly contribute to tackling additional environmental challenges including the loss of biodiversity and pollution. Directive 2023/2413 notes that member states should be able to combine different non-fossil energy sources by taking into account their specific national circumstances to achieve climate neutrality by 2050.

The proposed development will directly contribute to the achievement of Directive 2023/2413 targets by utilising Ireland's offshore resources to provide a significant source of offshore renewable energy by 2030.

²⁴ European Commission, *REPowerEU Plan*, Brussels, 2022 [REPowerEU \(europa.eu\)](https://europa.eu/europa/en/repower-eu) accessed February 2024

²⁵ https://energy.ec.europa.eu/news/member-states-agree-new-ambition-expanding-offshore-renewable-energy-2023-01-19_en#:~:text=Member%20States%20agree%20new%20ambition%20for%20expanding%20offshore%20renewable%20energy,-%C2%A9iStock%2FBe nGrasser&text=EU%20countries%20have%20agreed%20on,achieved%20by%202030%20and%202040. (Accessed February 2024)

3.4.12 European Wind Power Action Plan

The European Commission published the European Wind Power Action Plan to navigate the future growth of the European wind industry in order to meet the EU target of at least 42.5% share of energy from renewable sources by 2030 (see Section 3.4.11).

The European Wind Power Action Plan ensures that the clean energy transition will go hand-in-hand with industrial competitiveness to continue delivering the continued success story of European wind power.

The European Wind Power Action Plan aims to accelerate the deployment of wind installations to meet the 2030 target for renewable energy, and notes that whilst a record 16GW of wind power installations were added in 2022, it remains well below the 37GW/year²⁶ required to achieve the 2030 targets. From an offshore wind perspective, the European Wind Power Action Plan notes that to meet the 111GW target committed to by the EU Member States from the 2022 installed capacity of 16.3GW, 12GW of offshore wind installations are required per annum to meet this objective. That represents a target of 10 times more than the 1.2GW installed in 2022.

The proposed development represents a critical step as it will provide a significant contribution to the 12GW per annum target required for the European Union to meet the objectives established in RED III under the European Wind Action Plan.

3.4.13 European Wind Charter

The European Wind Charter was published in December 2023 which builds upon the European Wind Power Action Plan (Section 3.4.12). The European Wind Charter seeks to develop and improve the necessary conditions for the realisation of at least 42.5% share of energy from renewable sources by 2030 as set out in RED III (see Section 3.4.11).

The key commitments outlined in the European Wind Charter are:

- Ensure a sufficient, robust, and predictable pipeline for the deployment of wind energy.
- Improve, simplify, and provide consistency in the design of auctions for wind energy.
- Ensure that business processes, governance, products, and services offered by the undersigning wind sector representatives satisfy high qualitative standards.
- Improve the predictability of demand and supply through clear auctions.
- Contribute to a fair and competitive international environment including through the Foreign Direct Investment Regulation; and
- Scale up wind equipment manufacturing capacity in EU.

Ireland signed up to the European Wind Charter and pledged indicative targets of 20GW of offshore wind energy by 2040. The proposed development will contribute a significant proportion of this target and therefore will facilitate the Government of Ireland in meeting the obligations inherent in the signing of the European Wind Charter.

²⁶ European Commission, *Commission sets out immediate actions to support the European wind power industry*, Brussels 2023, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5185, accessed April 2024

3.5 National Marine Area Policy

3.5.1 Marine Planning Policy Statement

The Marine Planning Policy Statement²⁷ was published in 2019 on a non-statutory basis, pending the introduction of legislation in 2020 which provided for the preparation, adoption and review of statutory marine planning policy statements on six-yearly cycles. The purpose of the statement was to set out the core principles to inform the new marine planning and development management process.

The new marine planning and development management process comprised three elements, a marine spatial plan, a new marine development management system and new marine enforcement systems. The marine spatial plan is now called the NMPF Framework.

3.5.2 National Marine Planning Framework

The NMPF²⁸ published in 2021 is Ireland's first comprehensive marine spatial plan since Harnessing Our Ocean's Wealth in 2012. The publication of the NMPF satisfies the requirements of Article 4 of Directive 2014/89/EU, the Maritime Spatial Planning Directive, that required each member state to publish and implement a marine spatial plan by 2021. The NMPF is also one of the three elements of the new marine planning and development management process, proposed in Marine Planning Policy Statement, addressed in Section 3.5.1.

The NMPF sets out, over a 20-year horizon, how Ireland intends to use, protect and enjoy its seas. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area.

The NMPF covers all of Ireland's maritime area, an area of 490,000 km² from high water mark seaward to the limits of the Irish EEZ. The NMPF is a single plan for the entire Irish marine area. It is envisaged that sub-national (regional and local) plans will be part of future iterations. Throughout the NMPF, climate change is a central consideration and the NMPF sets out the forward planning framework within which Ireland's offshore renewable energy targets will be realised.

Under Section 30 of the MAP Act 2021, as part of their functions and decision-making processes, public bodies involved in authorising any marine usage are required to adopt such measures, consistent with the body's functions, as are necessary to secure the objectives of the NMPF.

In the NMPF, 32 overarching marine planning policies (OMPPs) are grouped under three high level objectives and 19 policy groupings. 16 key sectors/activities are identified. Sectoral objectives and policies (SMPPs) are stated for each of these key sectors/activities.

The overarching marine planning policies are a broadly-based series of environmental and sustainability policies. The environmental policies arise from the requirement, imposed by Directive 2014/89/EU, the Marine Strategy Framework Directive, and Directive 2000/60/EC and the Water Framework Directive, to achieve and maintain 'Good Environmental Status' for marine waters and the coastal, estuarine and inland waters covered by the Water Framework Directive. The overarching marine planning policies have very wide application and apply to all proposals capable of having impacts in the maritime area, i.e., both proposals that would be in the maritime area, and to proposals that would be outside of the maritime area, e.g., on land, but capable of having an impact in the maritime area.

ORE is one of the sectors addressed in the NMPF and the key sectoral policies are set out in chapter 13 of the NMPF.

²⁷ Government of Ireland *Marine Planning Policy Statement*, Dublin 2019, <https://www.gov.ie/en/publication/3e262-marine-planning-policy-statement/>, accessed September 2022

²⁸ Government of Ireland *National Marine Planning Framework*, Dublin 2021 <https://www.gov.ie/en/publication/60e57-national-marine-planning-framework/>, accessed September 2022

The NMPF has seven objectives and 11 planning policies in relation to Energy - Offshore Renewable projects. The objectives are:

- *“Support the development of ORE in Ireland as a driver to significantly reduce greenhouse gas emissions and accelerate the move to cleaner energy in line with national and EU policy.*
- *Increase the sustainable ORE use of our extensive marine resource in an efficient and co-ordinated manner identifying, where possible, potential for synergies and opportunities for multi-use of our shared maritime area.*
- *Support Ireland’s decarbonisation journey through increased use of ORE while delivering significant and sustained benefits, import substitution, fiscal return, national and local economic development and technology learning.*
- *Support the strategic growth of the ORE industry recognising the potential to derive benefits particularly for Ireland’s coastal communities.*
- *Provide enhanced security of energy supply for Ireland in the short and medium term, in accordance with the Climate Action Plan.*
- *Develop a robust, effective transparent consenting process to ensure appropriate environmental protections are built-in, while enabling sustainable ORE developments to progress.*
- *Ensure good regulatory practices in ORE installation and generation, including decommissioning of existing facilities, at end of life, according to international best practice.”²⁹*

The NMPF supports the establishment of Ireland as a world leader in ORE deployment, highlighting the importance of ORE in Ireland’s decarbonisation journey.

The proposed development supports the objectives of the NMPF in that it will contribute to the decarbonisation of electricity generation and will enhance the security of energy supply in Ireland.

An Bord Pleanála, as part of its decision-making processes authorising marine development, is obliged to consider the consistency of the proposed development with the objectives of the NMPF. Further information on the proposed development’s compliance with the NMPF and the embedded policy points is provided in Appendix 3.1 of Volume 8.

3.6 National Planning Policy and Guidance

3.6.1 Offshore Renewable Energy Development Plan

3.6.1.1 Offshore Renewable Energy Plan 2014

In 2014, the Government published the Offshore Renewable Energy Development Plan (OREDPP) setting out key principles, policy actions and enablers for delivery of Ireland's significant potential for offshore renewable energy. In this way, the OREDPP provides a framework for the sustainable development of Ireland's offshore renewable energy resources.

The Offshore Renewable Energy Development Plan (OREDPP) identifies the opportunity for the following:

- The sustainable development of Ireland's abundant offshore renewable energy resources
- To increase indigenous production of renewable electricity

²⁹ Ibid 120

- To contribute to reductions in our greenhouse gas emissions.
- To improve the security of our energy supply; and
- Creating jobs in the green economy.

The proposed development will comply with the current OREDP by providing an offshore renewable energy source to the National Electricity Transmission Network providing electricity for Irish homes. The proposed development will increase indigenous production of renewable energy to enhance energy security (see Section 3.6.8) and will generate significant employment opportunities in the green economy (see Volume 5, Chapter 33: Socioeconomic, Tourism and Recreation for further information on employment opportunities).

3.6.1.2 Offshore Renewable Energy Development Plan Interim Review May 2018

The objective of the interim review was to assess progress on the key policy actions set out in the OREDP and identify the challenges that had emerged since its publication in 2014. The Interim Review did not make any changes to the OREDP. Its aim was to chart progress on the OREDP. It identified the challenges that had emerged and identified the areas that needed to be prioritised or required attention.

3.6.2 Climate Action Policy

3.6.2.1 National Energy and Climate Plan 2021 – 2030

It is a requirement of Regulation (EU) 2018/1999 for all member states to establish integrated 10-year National Energy and Climate Plans. The National Energy and Climate Plan 2021 – 2030 was published in 2019 to comply with the requirement of Regulation (EU) 2018/1999 to fulfil this obligation and committed Ireland to decarbonising the economy by establishing sectoral roadmaps. A draft update of the NECP was submitted to the European Commission in December 2023. A final, updated submission will be made to the European Commission in June 2024.

The NECP 2021-2030 introduced the concept of 70-by-30, a target of 70% renewable electricity (RES-E) generation by 2030. The Programme for Government proposed this to increase to 80%. This increase was subsequently reflected in a revised target for 80% RES-E generation in the 2021 revision of the CAP alongside an increased target for ORE from 3.5GW to 5GW by 2030.

The proposed development will directly align with the objectives of the NECP 2021-2030 by providing a significant source of renewable energy to meet the Irish targets for offshore renewable energy and RES-E generation.

3.6.2.2 Climate Action and Low Carbon Development Acts 2015 to 2021

The Climate Action and Low Carbon Development Act 2015³⁰ requires the relevant Government minister to prepare and submit to the Government a national low carbon transition and mitigation plan. Within 24 months of the passing of the Climate Action and Low Carbon Development Act the relevant minister, was required to prepare a national climate change adaptation framework with updates required every five years. The Climate Action and Low Carbon Development Act also provides for the making of sectoral adaption plans by the relevant ministers, the establishment of a Climate Change Advisory Council and the submission to the Houses of the Oireachtas of an annual transition statement.

³⁰ Government of Ireland *Climate Action And Low Carbon Development Act 2015*, Number 46 of 2015, <https://www.irishstatutebook.ie/eli/2015/act/46/enacted/en/html>, accessed August 2022

The Climate Action and Low Carbon Development (Amendment) Act 2021³¹ amends the Climate Action and Low Carbon Development Act 2015 (together, the Climate Acts). Section 3(1) of the Climate Acts provides for the national climate objective as follows:

“The State shall, so as 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 (in this Act referred to as the “national climate objective”).”³²

The Climate Acts commit Ireland to a legally binding target of net-zero emissions no later than 2050, and a cut of 51% by 2030³³, compared to 2018 levels.

3.6.2.3 Climate Action Plan 2024

The Climate Action Plan 2024 (CAP 2024) is the third update to Ireland’s Climate Action Plan, prepared in compliance with the Climate Acts. It was approved by Government on 20 December 2023. The CAP 2024 was accompanied by an Annex of Actions.

The CAP 2024 builds upon the previous CAPs (2019, 2021 and 2023) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings. The CAP 2024 provides a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Acts.

As outlined in the CAP 2024, current and future key actions are required:

- Rapid and significant reductions in GHG emissions are required if we are to meet the 2015 Paris Agreement Goals
- The European Green Deal commits to delivering net-zero GHG emissions at EU level by 2050; with
- Ireland committed to achieving a 51% reduction in emissions from 2021 to 2030, and to achieving net-zero emissions no later than 2050.
- While the benefits of transitioning to a low carbon economy are increasingly being recognised, action to reduce emissions must be significantly accelerated in the period to 2030.
- Ireland must act now to secure an economy-wide low carbon future for all its citizens.

In relation to energy, the CAP 2024 notes transformational policies, measures and actions, and societal change are required to increase the deployment of renewable energy generation in Ireland. The same is needed to strengthen the electricity grid and meet the demand and flexibility needs required for, but not limited to the following challenges:

- Increasing renewable generation to supply 80% of demand by 2030 through the accelerated expansion of onshore wind and solar energy generation, developing offshore renewable generation, and delivering additional grid infrastructure.
- Transforming the flexibility of the electricity system by improving system services and increasing storage capacity; and
- Developing micro and small-scale generation, as well as community projects, through actions such as grant funding and enabling small-scale production to participate in energy markets.

³¹ Government of Ireland *Climate Action and Low carbon Development (Amendment) Act 2021*, Number 32 of 2021, <https://www.irishstatutebook.ie/eli/2021/act/32/enacted/en/pdf>, accessed August 2022

³² Ibid 8

³³ Ibid 14

The CAP 2024 includes key targets for offshore wind energy. The national target for offshore wind energy is to have at least 5GW operational by 2030.³⁴

The proposed development will prioritise local supply chains and will provide clean, secure and local electricity to between 500,000 -700,000 homes in an area of peak demand around Dublin and will represent up to 14% of the 5GW offshore wind target set for 2030. Without the generation of offshore renewable energy provided by the proposed development, there is a very strong chance that Ireland will miss meeting the binding renewable energy objectives set for 2030.

3.6.2.4 Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction

Ireland's publication of the Long-term Strategy on Greenhouse Gas Emissions Reductions³⁵ (hereafter referred to as the 'Emissions Strategy') in 2023 lays out the indicative pathways towards achieving climate neutrality beyond 2030 for 2050. The Emissions Strategy was established to comply with Article 4 of the Paris Agreement and with Article 15 of the EU Regulation 2018/1999 on the Governance of the Energy Union and Climate action to describe sector specific pathways to reach climate neutrality.

The Emissions Strategy builds upon the decarbonisation pathways laid out by the carbon budgets, sectoral emission ceilings and the CAP 2023 to ensure a coherent approach towards achieving carbon neutrality.

Benefits of action from a socio-economic perspective are highlighted in the Emissions Strategy which include reaping economic benefits from the development and export of offshore wind. To support this, the Emissions Strategy supports the continued roll out of *"regular, competitive auctions for onshore and offshore renewables under the Renewable Electricity support Scheme"*³⁶.

The Emissions Strategy recognises the importance of renewables in meeting climate targets by stating:

*"The core measures necessary to deliver a net zero emissions electricity sector are to deliver significantly higher renewable power capacity mostly through onshore wind, offshore wind, and solar PV. To achieve the required increase in renewable electricity capacity, installation rates of wind and solar power will need to significantly accelerate."*³⁷

The proposed development has secured a route to market as the Developer was successful in Ireland's first offshore renewable electricity support scheme (ORESS 1) auction in 2023, therefore, directly contributing to the Emissions Strategy by providing a long-term source of renewable energy. This will also facilitate the decarbonisation of the energy sector which will drive other sectors including heating and transportation towards carbon neutrality.

3.6.3 Project Ireland 2040: National Planning Framework (NPF)

Project Ireland 2040: National Planning Framework (NPF) and the National Development Plan 2018 – 2027 were published in 2018 and together set out a number of National Strategic Outcomes to support the OREDP. In 2021 a revised National Development Plan (NDP) was published to guide economic growth from 2021-2030.

The NPF is the overarching policy and planning framework for the social, economic, and cultural development of the country. Together with the NDP (outlined in Section 3.5.3), the two policies present one vision – Project Ireland 2040, meaning that implementation of the NPF is fully supported by the Government's investment strategy for public capital investment and investment by the State sector in general.

³⁴ Department of Environment, Climate and Communications, *Climate Action Plan 2024*, Dublin 2024 [gov - Climate Action Plan 2024 \(www.gov.ie\)](http://gov.ie) accessed February 2024

³⁵ Department of Environment, Climate and Communications, *Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction* (2023), 10

³⁶ Ibid, 42

³⁷ Ibid, 44

One of the primary objectives of the NPF is to improve resource efficiency and promote the movement towards a low carbon economy. The aim is to achieve this by:

- Sustainable Land Management and Resource Efficiency - adopting the principles of the circular economy to enable more sustainable planning and land use management of our natural resources and assets.
- Low Carbon Economy - accelerating action on climate change; and
- Renewable Energy - transition to a low carbon energy future.

The proposed development will support these objectives as it supports the growth and integration of low carbon and renewable energy.

Offshore renewable energy is specifically addressed in Chapter 7 of the NPF, Realising our Island and Marine Potential. Ireland's territorial waters are recognised as presenting "*major opportunities in the blue economy and offshore renewable energy sectors, which would support our transition to a zero-carbon economy*".

National Policy Objective 42 states:

*"To support, within the context of the Offshore Renewable Energy Development Plan (OREDPA) and its successors, the progressive development of Ireland's offshore renewable energy potential, including domestic and international grid connectivity enhancements."*³⁸

The proposed development will help to achieve the objectives of the NPF by sustainably capturing a portion of Ireland's offshore renewable energy potential and supporting the Irish transition to a low carbon energy system.

3.6.4 National Development Plan

The National Development Plan (NDP) 2018 – 2027 was published in conjunction with the NPF in February 2018. The NDP has subsequently been updated for the period 2021-2030. The NDP acts as the national plan setting out investment priorities to guide national, regional and local planning and investment decisions. The NDP prioritises investment in high-quality infrastructure through both public and private investors. The NDP 2021-2030 aimed to deliver a Green Recovery Plan to manage the impact of the COVID 19 pandemic.

The NDP 2021-2030 has set out capital spending levels and priorities for the next decade. It has been developed as a plan that demonstrates the Government's unequivocal commitment to securing a sustainable Ireland.

NDP 2021-2030 also introduced the Economic Recovery Plan (ERP) which aims to have 2.5 million people employed in productive, innovative, resilient, secure, valued, and in new areas of opportunity. The ERP aims to combine policies and initiatives to drive this recovery and places emphasis on the CAP 2021 to guide the direction of this growth. Specifically, regarding the concept of a "Just Transition" wherein the NDP will measure the contribution to employment that is compatible with Ireland's long-term climate and environmental objectives.

The proposed development will deliver the economic growth necessary to the realisation of the Economic Recovery Plan by prioritising local employment and investment opportunities in the rapidly developing green economy. It will also be consistent with the NDP by providing critical infrastructure that will provide a source of renewable energy to contribute to the decarbonisation of Ireland's electrical system. Further information on the socioeconomic benefits of the proposed development is presented in Volume 5, Chapter 33: Socioeconomic, Tourism and Recreation.

³⁸ Ibid

3.6.5 Programme for Government: Our Shared Future

The current Irish Government, formed in 2020, published its Programme for Government: Our Shared Future³⁹, which was adopted in June of 2020. The purpose of the Programme for Government is to provide a clear indication of the objectives and policies which the Government proposes to pursue over its 5-year term of office.

The Programme for Government places considerable emphasis on developing the vast potential of Ireland's offshore renewables industry and identifies a clear path to achieving national offshore wind energy targets.

The Programme for Government commits to a "revolution in renewables" by committing to the rapid decarbonisation of the energy sector and thereby creating new, quality jobs across the country⁴⁰.

The Programme for Government also states that the Government will produce a long-term plan that will set out a path to achieving 5GW capacity in offshore wind by 2030 off Ireland's eastern and southern coasts. The proposed development will directly contribute towards Ireland meeting its offshore renewable energy targets which directly align with the aims of the Programme for Government.

3.6.6 Powering Prosperity – Ireland's Offshore Wind Industrial Strategy

In 2024, the Department of Enterprise, Trade and Employment published Powering Prosperity: Ireland's Offshore Wind Industrial Strategy which seeks to capitalise on the economic opportunities inherent in the 2050 target of 37GW of offshore renewable energy. Powering Prosperity establishes a pathway to 2030 to develop a strong domestic supply chain of industries and skills to create a resilient offshore renewable energy industry. The key targets for 2030 of Powering Prosperity include:

- Develop an innovative enterprise ecosystem, with indigenous and multinational companies, that will provide world-leading service to the offshore wind sector.
- Dramatically scale up the enterprise base that will service the offshore wind sectors in Ireland and around the world.
- Deliver up to 5,000 jobs in the offshore wind sector and related industries.
- Maximise opportunities for companies and investors to develop a vibrant and successful supply chain.
- In collaboration with other Departments, develop major industrial hubs around key deployment and operation and maintenance ports; and
- Transform Ireland's regional capability, and deliver opportunity for the people of Ireland, throughout Ireland, by developing industrial hubs and balanced regional economic growth.

The proposed development will directly align with the objectives of Powering Prosperity: Ireland's Offshore Wind Industrial Strategy and will represent a crucial development for the realisation of a successful, vibrant, and impactful offshore wind energy industry in Ireland.

3.6.7 The National Implementation Plan for the Sustainable Development Goals

In October 2022, Ireland launched a new National Implementation Plan for the Sustainable Development Goals 2022-2024. The National Implementation plan was established in direct response to the United Nation's 2030 Agenda for Sustainable Development and provides a whole-of-government approach to implement the 17 Sustainable Development Goals (SDGs).

³⁹ Government of Ireland, *Programme for Government: Our Shared Future*, Dublin 2020, gov.ie - Programme for Government: Our Shared Future (www.gov.ie), accessed September 2022.

⁴⁰ Ibid 34

Goal 7 is to ensure access to affordable, reliable, sustainable and modern energy for all. The two targets embedded in this goal are as follows:

- Target 7.1: By 2030, ensure universal access to affordable, reliable and modern energy services; and
- Target 7.2: By 2030, increase substantially the share of renewable energy into the global energy mix.

The proposed development will deliver offshore renewable energy into the Irish energy mix. Offshore wind is an affordable, reliable and modern energy source and as such, the proposed development is a necessary contribution that supports Ireland's targets set out in the National Implementation Plan for the Sustainable Development Goals 2022-2024. Thus, the proposed development will substantially contribute to Ireland's ability to increase its energy share of renewables within the global energy mix.

3.6.8 Energy Security in Ireland to 2030

Energy Security in Ireland to 2030 was published in November 2023, as part of an Energy Security Package. The report presents a new strategy to ensure energy security in Ireland for this decade, while also ensuring a sustainable transition to a carbon neutral energy system by 2050.

The Energy Security report outlines how Ireland's future energy will be secured by moving from an oil and gas-based energy system to an electricity-led system. In order to facilitate this transition, the report places emphasis on maximising Ireland's renewable energy potential, flexibility, and the need to be integrated into Europe's energy systems.

The proposed development will deliver offshore renewable energy into the Irish energy mix. Offshore wind is a source of clean, affordable, and tried and tested energy that can aid the Ireland's transition to having an electricity-led energy system, in place of imported oil and gas-based energy systems and will support the reduction in reliance on the volatile imported energy market. As such, the proposed development will directly support the objectives of Energy Security in Ireland to 2030.

3.6.9 National Hydrogen Strategy

The National Hydrogen Strategy was published on 12 July 2023 and sets out the strategic vision for the role that hydrogen will play in Ireland's energy system. This Strategy looks into hydrogen's long-term role as a key component of a zero-carbon economy, and the short-term actions that are needed over the coming years to enable the development of the hydrogen sector in Ireland. The main aims of the Strategy are to decarbonise Ireland's economy, enhance Ireland's energy security and to develop industrial opportunities, through the potential development of export markets for renewable hydrogen and other areas such as sustainable aviation fuels.

In relation to enhancing Ireland's energy security, this Strategy, like many others, recognises Ireland's maritime area as having one of the best offshore renewable energy resources in the world. It is noted that utilising this asset and harnessing its renewable energy for the production of renewable hydrogen, can provide a significant opportunity for Ireland to reduce its reliance on imported fossil fuels, aid the achievement of energy independence, and could also provide an opportunity for Ireland to become a net exporter of renewable hydrogen in the long term.

The proposed development will deliver offshore renewable energy, which can potentially be harnessed for the production of renewable hydrogen in the future. Thus, the proposed development will support Ireland's contribution to the National Hydrogen Strategy.

3.6.10 Draft Offshore Renewable Energy Future Framework Policy Statement

The draft ORE Future Framework Policy Statement, published in January 2024, is an over-arching future framework for the development of offshore wind in Ireland's territorial seawaters and exclusive economic zone (EEZ). This framework aims to deliver 20GW of ORE by 2040 and at least 37 GW in total by 2050.

The draft Future Framework Policy Statement identifies 21 key actions to facilitate a long term and structured approach for the delivery of the ORE targets and which maximise the economic benefits to the State. These objectives are crucial for the decarbonisation of Ireland's economy, the delivery of long-term energy security and the development of green industrial opportunities for offshore renewable energy. As the proposed development is a fixed bottom foundation offshore wind farm which will be operational by 2030, it will facilitate the achievement of the targets in the draft Future Framework Policy Statement and will ensure delivery of offshore wind by 2030, which in turn will support the 37GW target of ORE by 2050.

3.6.11 Policy Statement on the Framework for Ireland's Offshore Electricity Transmission System

The Irish Government approved a new framework and associated policy for Ireland's future offshore electricity system on April 14, 2021. The key ambition driving the policy statement on the framework for Ireland's offshore electricity transmission system is the 5GW of offshore wind by 2030, as well as the subsequent objective of harnessing approximately 30GW of floating wind in the Atlantic. The policy statement on the framework for Ireland's offshore electricity transmission system provides clarity for all stakeholders regarding the future development, operation and ownership of Ireland's offshore electricity grid by providing for a phased transition from a decentralised offshore transmission system model to a centralised model over the course of this decade, with ownership of offshore transmission system assets to be assigned to EirGrid.

In the first phase of the phased transition, the Phase 1 projects, i.e., the projects which were successful in the first offshore RESS auction (including the proposed development) will develop the associated offshore transmission system requirement. The second phase entails the development of the offshore transmission system being carried out either by the respective developers or EirGrid. In the third phase, the offshore transmission systems will be developed solely by EirGrid, in specific areas designated for renewable development outlined in OREDP II.

As a Phase 1 project, the proposed development includes provision for the required transmission systems, the details of which are provided in Volume 2, Chapter 6: Description of the Proposed Development – Offshore, and Volume 2, Chapter 7: Description of the Proposed Development – Onshore.

3.7 Regional Planning Policy and Guidance

3.7.1 EMRA Regional Spatial & Economic Strategy 2019-2031

The Eastern and Midland Region covers the administrative areas of twelve local authorities. These are Longford, Westmeath, Offaly, Laois, Louth, Meath, Kildare, Wicklow, Fingal, South Dublin and Dún Laoghaire-Rathdown County Councils and Dublin City Council. The Eastern and Midland Regional Assembly (EMRA) published the Regional Spatial and Economic Strategy⁴¹ (RSES) in 2019 as a framework for implementing Project Ireland 2040's policy objectives on a regional scale. The RSES replaces the Regional Planning Guidelines.

The RSES aims to create a sustainable and competitive region that reflects three pillars of sustainability: social, environmental, and economic. The principles of climate action and economic opportunity are defined in the RSES as:

- The need to enhance climate resilience and to accelerate a transition to a low carbon society recognising the role of natural capital and ecosystem services in achieving this; and
- To create the right conditions and opportunities for the Region to realise sustainable economic growth and quality jobs that ensure a good living standard for all.⁴²

⁴¹ Eastern and Midland Regional Assembly, 2019, *Regional Spatial and Economic Strategy 2019-2031*. https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf accessed July 2022

⁴² Ibid 23

The RSES came into effect on 31st January 2020. The RSES sets out a 12-year strategic development framework for the Eastern and Midlands Region, with chapters dealing with strategic vision, economy and employment, environment and climate, infrastructure including responding to climate change, biodiversity, green infrastructure, water and energy and implementation, monitoring, and evaluation. The RSES establishes a broad framework for development and the way in which the Region's society, environment, economy, and the use of land should evolve.

The policies in the RSES are structured under Regional Policy Objectives (RPOs). The proposed development aligns with several objectives of the RPOs, including RPO 10.24, in Chapter 10 of the RSES –

“RPO 10.24: Support the sustainable development of Ireland's offshore renewable energy resources in accordance with the Department of Communications, Energy and Natural Resources 'Offshore Renewable Energy Development Plan' and any successor thereof including any associated domestic and international grid connection enhancements.”⁴³

The proposed development will effectively support the fulfilment of this objective by delivering a low carbon energy supply whilst promoting economic growth within the region. The proposed development will further deliver significant opportunities for the regional development of the green economy through implementation of indigenous energy infrastructure.

3.8 Local Planning Policy and Guidance

3.8.1 County Development Plans

The county development plans for the coastal planning authorities (CPA) of relevance to the proposed development are described in Sections 3.8.1.1 to 3.8.1.4. The offshore infrastructure of the proposed development will be located off the coast of Counties Louth, Meath and Dublin.

3.8.1.1 Fingal Development Plan 2023-2029

The vast majority of the proposed onshore infrastructure elements of the proposed development will be located within the administrative boundaries of Fingal County Council (FCC).

The Fingal Development Plan 2023-2029 (hereafter referred to as the FDP) was adopted on 22nd February 2023 and came into effect on the 5th of April 2023.

The FDP is underpinned by four key themes: climate action, healthy place-making and sustainable development, social inclusion, and high-quality design. With respect to climate action, the FDP embodies the policy objectives outlined in the NPF (See Section 3.5.2) and serves to guide Fingal's development towards a low carbon community. The FDP supports the decarbonisation of the energy sector by transitioning to a diverse range of low, zero-carbon sources and through large renewable energy facilities.

With particular regard to renewable energy, *Section 5.5.3.3 Wind Energy* of the FDP notes:

“Potential also exists for the production of electricity from large-scale off-shore wind energy facilities off the coast of Fingal in the Irish Sea. In this regard, Fingal County Council supports the implementation of the Offshore Renewable Energy Development Plan 2014 and subsequently reviewed in 2018 and will co-operate with state and semi-state agencies in relation to the implementation of projects in the Irish Sea.

Where appropriate, Fingal County Council will also seek to facilitate infrastructure such as grid infrastructure on the land side of any renewable energy proposals of the offshore wind resource, in accordance with the principles of the National Marine Planning Framework.”

⁴³ Ibid 226

Additional policies relating to Climate Action are presented in the FDP, which supports the implementation of the Climate Actions Plans and promotes the development of renewable energy sources and associated electrical grid infrastructure. CAP16 specifically relates to the support for the development of offshore wind production and associated infrastructure including grid facilities in line with the principles set out in the NMPF.

The FDP further emphasises the need to support national energy targets by reducing dependency on imported fuels, and replacing them with domestic energy supplies which will benefit the economy as well as the environment. The FDP highlights the commitment of FCC to support new infrastructure projects with a particular emphasis on renewable energy to provide a safe, secure and reliable source of electricity.

The FDP also provides for the protection of high-quality landscape and vantage points from which views and prospects of great natural beauty may be obtained over both seascape and rural landscape. Further information on policy objectives relating to seascape and landscape is presented in Volume 5, Chapter 29: Seascape, Landscape and Visual (hereafter referred to as the ‘Seascape, Landscape and Visual Chapter’).

Policy objectives in the FDP relating to biodiversity and heritage are addressed in Volume 4, Chapter 23: Biodiversity and Volume 4, Chapter 25: Onshore Archaeology, Architectural and Cultural Heritage respectively.

Land use zoning in the FDP is considered in Volume 4, Chapter 26: Material Assets.

The proposed development will support the objectives of the FDP by providing a large source of offshore renewable energy off the coast of Fingal within the Irish sea. The proposed development will contribute to low carbon generation development and has been designed and will be constructed with due consideration for social, environmental and cultural impacts.

Fingal County Climate Change Action Plan 2024-2029

Fingal County Council (FCC) developed the Climate Change Action Plan (CCAP) in collaboration with the other Dublin local authorities to deliver effective measures to respond to impacts driven by climate change on the Dublin Region and its citizens. The CCAP features actions across six key areas: energy and buildings, transport, flood resilience, nature-based solutions, circular economy and resource managements, and community engagement. In the CCAP, FCC committed to the target of a 51% reduction in GHG emissions by 2030.

The CCAP aligns with Irish and EU policy and identifies regional actions to achieve the climate targets for 2030 and beyond. Key actions include preparing local authority renewable energy strategies and undertaking studies on potential viable renewable energy projects. The CCAP is guiding the development of renewable energy projects through key objectives outlined in the FDP.

The proposed development will directly align with the objectives outlined in the FCC CCAP by delivering a significant source of offshore renewable energy to facilitate the decarbonisation of the energy sector within the region.

Our Balbriggan Rejuvenation Plan 2019-2025⁴⁴

The onshore cable of the proposed development will be routed through the town of Balbriggan.

FCC prepared the Our Balbriggan Rejuvenation Plan 2019-2025. This plan includes a number of initiatives and funded projects proposed to rejuvenate Balbriggan town. Those of relevance to the proposed development included the proposed Bremeare Regional Park (located to the south of the proposed development) (under construction) and the Fingal Coastal Way (which will run parallel to the rail line within the proposed development landfall area (at Emerging Preferred Route stage, planning application 2024) and Harry Reynolds Pedestrian and Cycle Scheme. Engagement is ongoing between the Developer and FCC in relation to the above projects.

⁴⁴Balbriggan (2019) Our Balbriggan Rejuvenation Plan 2019-2025 <https://balbriggan.ie/wp-content/uploads/2019/05/Our-Balbriggan-Rejuvenation-Plan-compressed.pdf> (accessed March 2024)

3.8.1.2 Dublin City Council Development Plan 2022-2028

A short section of the onshore cable route of the proposed development will be located in Dublin City where the onshore cable connects to the National Grid Transmission Network at Belcamp Substation.

The Dublin City Development Plan 2022-2028 (hereafter referred to as the DCDP) (Dublin City Council (DCC), 2022) was adopted on the 2nd of November 2022 and came into effect on the 14th of December 2022.

The DCDP aims to guide the City to develop in a manner to meet the needs of its residents, visitors and workers.

The vision of the DCDP 2022-2028 is to champion compact city living, distinct character, a vibrant culture, and a diverse, smart, green, innovation-based economy. DCC aims to establish the City as one of Europe's most sustainable, dynamic, and resourceful city regions.

Decarbonising the energy sector, by facilitating a shift from fossil fuels to low-carbon energy sources, forms a key element of the climate action policy within the DCDP.

The DCDP recognises that wind power will make the most significant contribution to the achievement of national renewable energy targets and as such it is clear that the proposed development will support the delivery of large scale offshore wind power which will make a large contribution to the achievement of the national renewables energy target of 80% renewables by 2030 in Ireland. The proposed development is situated close to one of Ireland's major load and growth centres in the Greater Dublin Area and as such supports the delivery of Eirgrid's strategic aims in supporting the growth of the electricity network.

The DCDP includes policy objectives which directly support, encourage and facilitate the production of energy from renewable energy sources including offshore wind energy production in line with the OREDP. The proposed development will contribute to meeting the objectives of the DCDP by providing a large source of offshore wind energy to support the decarbonisation of the energy environment in Dublin City. The proposed development will be constructed with due consideration for social, environmental and cultural impacts.

The Dublin Region Energy Master Plan

The Dublin Region Energy Masterplan (DREMP) was a project funded by the Sustainable Energy Authority of Ireland's Research, Development and Demonstration Funding Programme 2018. Codema⁴⁵ led the project and collaborated with the four Dublin local authorities to establish the first regional energy masterplan in Ireland.

The DREMP provides a realistic pathway for the Dublin Region to achieve carbon emission reduction targets to 2030 and 2050. The DREMP uses spatially driven energy scenario modelling to identify the cost-optimal solutions to deliver targeted actions to best reduce energy-related emissions within every region. At its core, the DREMP combines national and European plans and policies to demonstrate the impacts on the Dublin Region.

The DREMP highlights the potential that offshore wind has to generate low-carbon electricity within the Dublin area with an estimated 5,241GWh of generation by 2030 and 13,124GWh in 2050. This represents the potential to provide electricity for the equivalent of 3.1 million homes by 2050. The DREMP provides a bottom-up approach to energy planning to deliver holistic approaches that combine different energy systems to enable local authority areas to achieve emission reduction targets. This pathway was produced in conjunction with the plans set forth in the Dublin City Development Plan and seek to cater to individual needs of each area within Dublin to deliver socially viable targets to improve connectivity.

3.8.1.3 Meath County Development Plan 2021-2027

The offshore infrastructure of the proposed development will be located off the coast of Counties Louth, Meath and Dublin and as such the Meath County development Plan has been considered in further detail.

⁴⁵ Codema is Dublin's Energy Agency and was set up as a not-for-profit limited company by Dublin City Council in 1997 under the SAVE II Programme of the European Union. It is one of 14 local energy agencies set up around Ireland to help local authorities meet their energy performance targets <https://www.codema.ie/about-us/>, accessed March 2024

The Meath County Development Plan 2021-2027 (MCDP) was adopted on 22nd September, 2021 and came into effect on 3rd November 2021.

The MCDP seeks to establish guiding policies and objectives for the development of County Meath to continue to make significant contributions to the national economic recovery through sustainable development.

The MCDP recognises the significant role the green economy has to play in the competitiveness of the County and the country as a whole. Climate change adaptation and mitigation strategies are integrated throughout the MCDP with climate change as one of the cross-cutting themes.

In relation to energy, the MCDP includes several policy objectives which promote sustainable, locally based renewable energy alternatives. This includes the development of wind energy in accordance with government policies whilst supporting Ireland's renewable energy commitments.

The MCDP also provides for the protection of high-quality landscape and seascapes. Further information on policy objectives relating to seascape and landscape is presented in the Seascape, Landscape and Visual Chapter

The proposed development will align with the objectives of the MCDP by providing a large source of offshore renewable energy off the coast of Co. Meath. This will facilitate the transition to a low carbon economy and will contribute to the regional and national climate objectives.

3.8.1.4 Louth County Development Plan 2021-2027

The offshore infrastructure of the proposed development will also be located off the coast of County Louth.

The Louth County Development Plan 2021-2027 (LCDP) was adopted on 30th September, 2021 and came into effect on 11th November, 2021.

The LCDP sets out the overall strategy of Louth County Council for establishing a framework for sustainable develop in spatial, economic social and environmental terms.

One of the key strategic objectives of the LCDP, which will support the achievement of the LCDP's overall vision, is SO 4 which states:

Transition to a low carbon and climate resilient County supporting energy efficiency and reducing energy demand, through a combination of mitigation and adaptation responses to climate change. This includes for increased usage of renewable energy through developing indigenous energy resources, supporting the transition to a low carbon economy by 2050, and ensuring flood risk management. The Council will work with other bodies and organisations as appropriate, to identify and help protect critical infrastructure.

The LCDP recognises the need to take urgent and radical climate action through a combination of mitigation and adaptation measures. Amongst these is the Council's recognition that wind energy can significantly contribute to providing a clean and sustainable solution to meet the energy requirements of the local and national economy.

The following objectives are included which demonstrate the support of the LCDP in facilitating renewable energy to meet national climate objectives:

The LCDP also provides for the protected views and scenic routes from both a landscape and seascape perspective. Further assessment on protected landscape and seascapes is presented in the Seascape, Landscape and Visual Chapter.

The proposed development will directly support the objectives of the LCDP by providing an indigenous source of renewable energy.

3.8.2 Local Area Plans

The Local Area Plans (LAPs) of relevance within close proximity of the proposed development are assessed in this section.

3.8.2.1 *Lissenhall East Local Area Plan 2022*

The onshore cable of the proposed development will be routed adjacent to the Lissenhall LAP boundary.

The Lissenhall East Local Area Plan (Lissenhall LAP) was adopted in January of 2023. It provides the land use framework to guide development on the Lissenhall East lands, which are situated in the northeastern part of Swords, within its development boundary. The lands are strategically located approximately 5km north of Dublin Airport and adjacent to the M1 motorway, within the Dublin-Belfast economic corridor. The Lissenhall LAP provides a policy context to ensure that development which takes place within the lifetime of the LAP is consistent with strategic planning policy and has regard to relevant planning and environmental considerations.

Climate change was one of the three themes which shaped and informed the objectives of the Lissenhall LAP to align with national policy.

The proposed development will satisfy the objectives of the LAP by providing a large source of low carbon energy alternatives to the region.

3.8.2.2 *Kinsaley Local Area Plan*

The onshore cable of the proposed development will be routed along the R107 which is located within the boundary of the Kinsaley LAP.

The Kinsaley Local Area Plan (Kinsaley LAP) was adopted as part of the Fingal Development Plan 2017-2023 in May 2019. The Kinsaley LAP provides a framework for the planned, coordinated and sustainable development of Kinsaley for the period of 2019-2025. The Kinsaley LAP was created in the context of the FDP and national climate policy (see Sections 3.8.1.1 and 3.5.5 respectively) which underpin the objectives of sustainable development, climate change adaptation, social inclusion and high quality design.

The proposed development will support the objectives of the Kinsaley LAP by providing a significant amount of low carbon renewable energy to the region.

3.9 Conclusion

The above policies and plans emphasize the essential contribution offshore wind will make to meeting national and European climate and renewable energy targets. The proposed development supports and is key to the delivery of multiple national and international policies and plans in relation to the production of renewable energy.

As an offshore wind project, the proposed development will deliver a significant proportion of Ireland's target of 5GW offshore renewable electricity and 80% of total electricity from renewables by 2030, thus contributing also to achieving the relevant EU objectives and targets. As a significant indigenous energy source, the proposed development will help meet Ireland's security of supply requirements and the EU's objective to move away from imported fossil fuels. The proposed development will support the specific objectives of the NMPF in that it will contribute to the decarbonisation of electricity generation and will enhance the security of energy supply in Ireland.

Being located off the East Coast, the proposed development will deliver renewable electricity to an area of high demand and assist the transition of the region to low carbon energy, thereby meeting the climate and renewable energy objectives in the relevant county development plans.

3.10 References

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