



codling
wind park



Environmental Impact Assessment Report

Volume 2

Chapter 2 Policy and Legislative Context



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Abbreviations

Abbreviation	Term in Full
AA	Appropriate assessment
ABP	An Bord Pleanála
AONB	Area of Outstanding Natural Beauty
CAP	Climate Action Plan
CDP	City / county development plan
CO ₂	Carbon dioxide
CPO	County Policy Objective
CRU	Commission for Regulation of Utilities
CWP	Codling Wind Park
DCC	Dublin City Council
DHLGH	Department of Housing, Local Government and Heritage
DLR	Dún Laoghaire–Rathdown
DLRCC	Dún Laoghaire–Rathdown County Council
DPC	Dublin Port Company
EC	European Commission
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EIS	Environmental Impact Statement
EMRA	Eastern and Midlands Regional Assembly
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
EU	European Union
FCC	Fingal County Council
FRA	Flood Risk Assessment
GCA	Grid Connection Assessment
GeS	Good Ecological Status
GES	Good Environmental Status
GHG	Greenhouse gas
GW	Gigawatt
IPPC	Integrated pollution prevention and control
KPI	Key Performance Indicator
LAP	Local Area Plan

LoD	Limit of Deviation
MAC	Maritime Area Consent
MAP	Maritime Area Planning
MARA	Maritime Area Regulatory Authority
MPPS	Marine Policy Planning Statement
MS	Member State
MSFD	Marine Strategy Framework Directive
MSO	Marine Survey Office
MW	Megawatts
NDP	National Development Plan
NECP	National Energy and Climate Plan
NHA	Natural Heritage Area
NIS	Natura Impact Statement
NMPF	National Marine Planning Framework
NPF	National Planning Framework
NPO	National Planning Outcome
NPWS	National Parks and Wildlife Services
ORE	Offshore Renewable Energy
OREDPP	Offshore Renewable Energy Development Plan
OMPP	Overarching Marine Planning Policies
PDA	Planning and Development Act
RBMP	River Basin Management Plans
Ro-Ro	Roll-on, Roll-off
RPO	Regional Policy Objective
RPS	Record of Protected Structures
RSES	Regional Spatial and Economic Strategy
SAAO	Special Amenity Area Order
SAC	Special Area of Conservation
SDG	Sustainable Development Goal
SDRA	Strategic Development Regeneration Area
SDZ	Strategic Development Zone
SEA	Strategic environmental assessment
SFRA	Strategic Flood Risk Assessment
SMPP	Sectoral Marine Planning Policy
SPA	Special Protection Area

SSFRA	Site specific flood risk assessment
SuDS	Sustainable Urban Drainage System
WFD	Water Framework Directive
WTG	Wind turbine generator
WWTP	Wastewater Treatment Pland
ZTV	Zone of Theoretical Visibility

2 POLICY AND LEGISLATIVE CONTEXT

2.1 Introduction

1. Codling Wind Park Limited (hereafter ‘the Applicant’) is proposing to develop the Codling Wind Park (CWP) Project, which is located in the Irish sea approximately 13 - 22 km off the east coast of Ireland, at County Wicklow.
2. This chapter forms part of the Environmental Impact Assessment Report (EIAR) for the CWP Project. It provides a summary of the hierarchy of European, national, regional and local planning and development policies of relevance to the CWP Project. The full suite of relevant legislation and policy is detailed in the **Planning Report** prepared by MacCabe Durney Barnes. The **Planning Report** also sets out how the CWP Project complies with the policy framework.
3. The CWP Project includes the Array Site located off the coast of County Wicklow, with its landfall point for the offshore export cables located on the Poolbeg Peninsula, Dublin.
4. Subsequently, this chapter provides an overview of some of the relevant marine policy and of policies derived from the County Development Plans (CDP) of the three coastal planning authorities; Wicklow County Council (WCC), Dún Laoghaire Rathdown County Council (DLRCC), Dublin City Council (DCC). Where relevant, an overview of the policies of the CDPs of Fingal County Council (FCC) is provided, as An Bord Pleanála identified FCC has a prescribed body.

2.2 International context

2.2.1 United Nations Sustainable Development Goals

5. The UN Sustainable Development Goals (SDGs) set out an international framework for securing global sustainable development. There are a total of 17 SDGs and key ones of relevance to the CWP Project are SDG 7 “Affordable and Clean Energy” and SDG 13 “Climate Action”.

2.2.2 COP21 Paris Agreement 2015

6. The agreement provides for a limitation of the global average temperature rise to well below 2°C above pre-industrial levels and to limit the increase to 1.5°C. It is flexible and takes into account the needs and capacities of each country.

2.2.3 Synthesis Report of the IPCC Sixth Assessment Report (AR6) – Longer Report

7. The sixth assessment report (AR6) of the IPCC was published in March 2023. It provides an assessment of the scientific basis of climate change, its impacts and future risks and options for adaptation and mitigation. The assessment found that since 2010, net GHG emissions have increased across major sectors, including energy. In 2019, it found that around 34% of net global GHG emissions came from the energy sector. Notwithstanding the increase, the report also noted that the increase slowed compared to the previous decade. In relation to renewable energy, it states that in the “*energy sector, transitions to low-emission systems will have multiple co-benefits, including improvements in air quality and health. There are potential synergies between sustainable development and, for instance, energy efficiency and renewable energy*”.

2.3 European context

2.3.1 The European Green Deal

8. The European Green Deal published by the European Commission (EC) in December 2019 commits the European Member States to climate neutrality by 2050. The Green Deal has four pillars:
 - (a) A predictable and simplified regulatory environment;
 - (b) Faster access to funding;
 - (c) Enhancing skills; and
 - (d) Open trade for resilient supply chain.
9. Electricity decarbonisation is central to reaching the climate objectives set out for 2030 and 2050, with offshore renewable energy playing a key role on the process. It set out a series of actions to be deployed which includes investments, financing tools, policy and regulatory development, with a view to scale up at national and union levels the transition toward net zero. The Green Deal requires a reduction in GHG emissions by 55% cut by 2030.

2.3.2 EU Strategy on Offshore Renewable Energy 2020

10. The European Union (EU) Strategy on Offshore Renewable Energy, published in November 2020, supports the EU's energy and climate targets for 2030 and 2050. It is envisaged that an installed capacity of 60 GW of offshore wind and 1 GW of ocean energy (wave and tidal) could be achieved by 2030. The target is set to reach 300 GW of offshore wind and 40 GW of ocean energy by 2050. Importantly, the Strategy notes that the development of ORE must comply with the EU environmental legislation.
11. The Strategy recognises the role of national maritime spatial plans in setting out ORE development objectives and that ORE can only be sustainable if it does not have adverse impacts on the environment.

2.3.3 EU Strategy on Adaptation to Climate Change 2021

12. The strategy was adopted in February 2021 and sets out how the EU can adapt to climate change and become resilient by 2050. It pursues three objectives which regard smarter adaptation, systemic adaptation and faster adaptation. The strategy in particular supports the Member States' commitment to the Paris Agreement. It is also derived from the European Green Deal, mentioned above.

2.3.4 REPowerEU Plan Communication (SWD (2022) 230 final, 18.05.22)

13. The REPowerEU Plan was finalised in May 2022 in response to the Russian invasion of Ukraine. The plan seeks to end the EU's dependence on Russian fossil fuels and to tackle the climate crisis. The plan includes a series of measures which regard energy savings, diversification of energy supplies; and the accelerated roll out of renewable energy. The latter requires a massive scaling-up and speeding-up of renewable energy in power generation. As a result, the 2030 target was increased to 45% for renewable energy from the 32% as previously envisaged by the Renewable Energy Directive 2018/2001/EU.
14. This will require a streamlined approach to design, consenting, construction and operation of ORE. There is therefore a demonstrable need for the early delivery of ORE.

2.4 European Directives

2.4.1 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')

15. The Water Framework Directive (WFD) sets out a framework for the protection and enhancement of inland surface waters, transitional waters, coastal waters and groundwater. It also seeks to prevent further deterioration.
16. The directive defines transitional waters as the *'bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows'*.
17. It also defines coastal waters as *'surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline which the breadth of territorial waters is measured, extending where appropriate up to the outer limit of transitional waters'*.
18. The directive introduces the concept of Good Ecological Status (GeS) which is the *'status of a body of surface water, so classified in accordance with Annex V'*.
19. Under Article 4(7), the directive states that Member States (MS) will not be in breach of the directive when they fail to *'to prevent deterioration from high status to good status of a body of surface water is the result of new sustainable human development activities'*. This can be done providing that:
 - a) *'all practicable steps are taken to mitigate the adverse impact on the status of the body of water;*
 - b) *the reasons for those modifications or alterations are specifically set out and explained in the river basin management plan required under Article 13 and the objectives are reviewed every six years;*
 - c) *the reasons for those modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the objectives set out in paragraph 1 are outweighed by the benefits of the new modifications or alterations to human health, to the maintenance of human safety or to sustainable development, and*
 - d) *the beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option'*.
20. In accordance with Article 8, MSs have to prepare programmes for the monitoring of water status. Such programme includes, inter alia, the ecological and chemical status of ecological potential of surface waters. The programme of measures take the form of the River Basin Management Plan (RBMP), which is discussed in Section 2.6 of this chapter.

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

21. The Marine Strategy Framework Directive (MSFD) establishes a framework to enable MSs to take the necessary measures to achieve or maintain good environmental status in the marine environment by 2020. In particular, MSFD aims to ensure that environmental concerns are integrated into policies, agreements and legislative measures which have an impact on the marine environment.

22. Article 3(5) defines good environmental status (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.'*
23. MSs were tasked with carrying out an assessment under Article 8, which included, inter alia, the analysis of predominant pressures and impacts, including human activity, on the environmental status of the waters. Under Article 9, MSs were required to determine the GES and establish environmental targets in accordance with Article 10.
24. Under Article 13(4), one of the measures to be considered as part of the programmes of members in respect of the marine regions is the use of spatial protection measures, which would contribute to the creation of a coherent and representative networks of marine protected areas (MPA). To date, there are no designated MPAs.

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

25. The Maritime Spatial Planning (MSP) Directive establishes a framework for MSP with the aim of promoting *'the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources'*. In doing so, it is envisaged that an ecosystem-based approach will be applied so that the *'collective pressure of all activities is kept within levels compatible with the achievement of GES'*.
26. Under Article 6, MSs have to take account of relevant activities and uses in marine waters, land-sea interactions, environmental, economic and social aspects, as well as safety aspects.
27. In accordance with Article 8, MSs had to establish and implement maritime spatial plans, which identify the spatial and temporal distribution of relevant existing and future uses in their marine waters.
28. The Cabinet adopted the National Marine Planning Framework to respond to the plan-making requirement arising from the Directive. The NMPF is discussed in Section 2.6 of this Chapter.

2.4.4 Directive on the Promotion of the Use of Energy from Renewable Sources (the Renewable Energy Directive) (EU) 2018/2001

29. The Renewable Energy Directive (RED II) recognises that an increased use of energy from renewable sources has *'a fundamental part to play in promoting the security of energy supply, sustainable energy at affordable prices, [...], while providing environmental, social and health benefits as well as major opportunities for employment and regional development.'*
30. It sets a binding EU target for the overall share of energy from renewable sources in the EU's gross final consumption of energy in 2030. MSs shall 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%. The target was later superseded by that set out under REPowerEU discussed above. The Directive also recognises that electricity from renewable sources should be deployed at the lowest cost possible to the consumers and taxpayers suggesting that MSs design support schemes.

2.4.5 Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652

31. The Directive known as RED III entered into force in November 2023. In summary, the Directive aims to increase the share of renewable energy to at least 40% by 2030 in the overall energy consumption, up from the 32% target previously set.
32. Under Article 16b, permitting procedures for offshore renewable energy projects outside of acceleration areas should be no longer than three years. This period may be extended by up to six months under extraordinary circumstances.
33. Article 16f regards overriding public interest. It confirms that in permit-granting procedures, the planning, construction and operation of renewable energy plants, their connection to the grid and the grid itself are '*presumed as being in the overriding public interest and serving public health and safety when balancing legal interests in individual cases for the purposes of Article 6(4) and Article 16(1), point (c), of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1), point (a), of Directive 2009/147/EC.*'

2.4.6 Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy

34. The regulation was adopted in December 2022 and aims to accelerate the deployment of renewable energy. To that effect, it introduces a series of measures for the consideration of EU MSs. The Regulation can be implemented by a MS without undergoing cumbersome procedure amendments. It particularly introduces the concept of renewable energy projects are of overriding public interest for the purposes of the relevant environmental legislation.
35. Paragraph 8 indicates that renewable energy projects are projects of overriding public interest and serving public health and safety.

2.5 Irish planning legislation

2.5.1 Planning and Development Act 2000, as amended

36. The Planning and Development Act 2000, as amended, (PDA) is the primary legislation for planning in Ireland. The Maritime Area Planning Act 2021 (MAP Act) and the Planning and Development, Maritime and Valuation (Amendment) Act 2022 amend the PDA to extend the planning regime into the maritime area. Most of the maritime planning provisions are contained in a new Part XXI of the PDA (Sections 278-321). The Law Reform Commission has produced an administrative consolidation of the PDA, which includes these amendments and is available on their website.
37. In broad terms, the standalone provisions of the MAP Act deal with matters of estate management in the maritime area and the amendments that the MAP Act makes to the PDA deal with matters of planning and development management in the maritime area, albeit there are significant overlaps between the two regimes.
38. Much of the applicable legislation is provided in the **Planning Report**. To avoid repetition, the following sections particularly focus on aspects of relevance to the EIAR.

Design flexibility

39. Under Section 287A, applicants making applications under Section 291 of the Act may submit to An Bord Pleanála (ABP) details or groups of details, which are unlikely to be confirmed at the time of the proposed application. This may be due to more effective or efficient technology that could be available after the application is made or other reasons. In such cases, the prospective applicant must provide two or more options in respect of each detail or group of details and the parameters within which each detail will fall. These will form the basis on which the application will be made and decided. In certain instances, in this report, or any of the documentation submitted as part of this application, those parameters are referred to as Limit of Deviation (LoD).
40. Under Section 287B, the Board will convene a meeting to consider the information provided by the applicant. It will then provide an opinion to the applicant setting out the details or groups of details that may be confirmed after the application has been made or decided and the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed those details.
41. The applicant made a request under Section 287A and ABP issued an opinion under Section 287B. The outcome of this consultation is summarised Section 2.2 of the **Planning Report**.

Environmental Impact Assessment

42. Section 317, as amended by the MAP Act, makes ABP the competent authority for EIA for the purposes of marine development, including that which is the subject of this application.
43. The projects which require Environmental Impact Assessment (EIA) are listed in Annex I and Annex II of the EIA Directive. Installations for the harnessing of wind power for energy production (wind farms) fall under paragraph 3 of Annex II.
44. Each Member State decides on a case-by-case basis whether Annex II projects require an EIA.
45. In Ireland, Schedule 5 of the Planning and Development Regulations 2001 (as amended) transposes Annex I and II of the EIA Directive into Irish legislation and establishes thresholds for development for which an EIA is always required and requires a case-by-case assessment for other development falling within those categories.
46. Class 3(i) of Part 2 of Schedule 5 relates to:
“Installations for the harnessing of wind power for energy production (windfarms) with more than 5 turbines or having a total output greater than 5 megawatts.”
47. The CWP Project exceeds this threshold and the Applicant is therefore required to prepare an EIAR for evaluation by ABP, the decision-making authority.

Appropriate Assessment

48. Article 6(3) and (4) of Directive 92/43/EEC provides that:
‘3. 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.

4. 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.'

49. Section 318 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 provides for the making of regulations in relation to AA and the existing regulations (Part 20 of the PDR) also apply to Section 291 applications.

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

50. Article 4 of the Regulations set out the procedures for submitting a planning application under Section 291. The Regulations set out further requirements in relation to the submission of the application under Section 291 of the MAP Act, including a requirement to submit the EIAR in electronic format.

2.5.3 Maritime Area Planning Act 2021

51. MAP Act 2021 deals with the management of the State's interests in the maritime area, which is defined by Section 3 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'.

52. The MAP Act established a new Maritime Area Regulatory Authority (MARA). MARA has taken over responsibility from the Minister for the Department of Housing, Local Government and Heritage (DHLGH) for the issuing of licences to conduct surveys in the marine environment (currently termed foreshore licences). MARA also has the power to grant Maritime Area Consents (MACs).

53. The MAC process provides for a new 'State consent' to allow for the occupation of a specified part of the maritime area for the purpose of carrying out any activities, operations, works or development. All activities in the maritime area will need either a Maritime Area Consent or a licence from MARA unless they are exempt. Where a MAC is required, it must be obtained before the developer applies for development permission.

Rehabilitation

54. Section 75(5) of the MAP Act requires that applications for development permission in the maritime area must include a rehabilitation schedule.

55. Section 96(4) requires the rehabilitation schedule to detail:

- (a) the proposed programme of rehabilitation;
- (b) the proposed date, or the occurrence of the event, on which the programme will start to be implemented and (if no ongoing maintenance is required by the programme) the proposed date on which the programme will have been fully implemented;

- (c) the estimated costs of the programme;
- (d) the expected timelines for applying for and obtaining other authorisations required in order to enable the applicant to discharge that obligation.

56. The purpose of the rehabilitation programme is to ensure that any part of the maritime area adversely affected by the maritime usage is rehabilitated, including one or more of the following:
- (a) the decommissioning of infrastructure;
 - (b) the removal of infrastructure;
 - (c) the partial removal of infrastructure;
 - (d) the re-use of infrastructure for the same or another purpose;
 - (e) the burying or encasing of infrastructure;
 - (f) the removal of any deposited or waste material.
57. MARA can direct developers to update their rehabilitation schedules from the first anniversary of the grant of planning permission onwards. This may require amendments to the parent permission.

2.5.4 Foreshore and Dumping at Sea (Amendment) Act 2009

58. A dumping at sea permit from the Environmental Protection Agency (EPA) in accordance with the Foreshore and Dumping at Sea (Amendment) Act 2009.
59. The application for the dumping at sea permit is expected to be made within six months of the CWP application being made to ABP.

2.5.5 Electricity Regulation Act 1999

Electricity Generation and Construction Licences

60. The Commission for Regulation of Utilities (CRU) is Ireland's independent energy regulator. The Applicant must apply to the CRU for a licence to generate electricity and an authorisation to construct a generating station in accordance Sections 14 and 16 of the Act.
61. Both applications to the CRU will be made by the Applicant on securing planning permission from ABP.

Grid connection offer

62. Under Section 34 of the Act, the Applicant must also apply for a grid connection offer from EirGrid.
63. A Grid Connection Assessment (GCA) will be a necessary requirement for each Phase 1 Project to qualify for a full grid connection offer from EirGrid. The Applicant submitted its GCA application for a preferred connection at Poolbeg on the 12th April 2022. This GCA application was "Deemed Complete" by EirGrid on the 29th April 2022. The GCA was concluded in November 2022.

2.5.6 Other licences and approvals

64. In addition to the above, a number of consents and approvals have either already been secured or will be required outside of the process undertaken with An Bord Pleanála. These include:

Offshore

- Licence(s), under the MAP Act;
 - (a) Statutory Sanctions (from the Commissioner of Irish Lights) to allow for the installation of equipment and buoys offshore;
 - (b) Marine Notice(s), from the Marine Survey Office (MSO);
 - (c) Underwater Archaeology Survey Licence from the National Monuments Service; and
 - (d) Crossing Agreements. This is a formal agreement with 3rd party asset owners in locations where CWP cables will cross other seabed assets (cables, pipelines, telecoms etc.).
- A dumping at sea permit will be required for the CWP Project from the Environmental Protection Agency (EPA) in accordance with the Foreshore and Dumping at Sea (Amendment) Act 2009.

Onshore

- Commencement Notice from County Councils (Building Control Act 1990);
- Potential Road Opening License from County Councils;
- Consent or permit under the Waste Management Acts;
- Section 50 of the Arterial Drainage Act;
- Consent under the National Monuments Act.

Onshore / Offshore

- The Applicant will apply for a derogation licence under Regulation 54 of the of the Birds and Natural Habitats Regulations 2011 (transposing Article 12 of the Habitats Directive) close to the date of submission of the application for development permission for the CWP Project.

2.5.7 The Climate Action and Low Carbon Development Act 2015 (as amended)

65. The Act requires the preparation of the national adaptation framework which shall be reviewed at least every five years. This framework which specifies the national strategy for the application of adaptation measures (Section 5(2)) with a view to reduce the vulnerability of the State to the negative effects of climate change. Under the Act, the State must take into account any existing obligation of the State under the law of the European Union or any international agreement.
66. Under the Act, the government has to prepare a carbon budget to cover the period from 2021 to 2025.
67. Under Section 16, local authorities shall prepare and make a plan relating to a period of five years, known as a Climate Action Plan (CAP). The Plan shall be consistent with the most recent national CAP and national adaptation framework. Adjoining local authorities must coordinate with authorities in their preparation of their plan.

2.5.8 European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003) (as amended)

68. The Regulations transposed the WFD into Irish law in 2003. Under Regulation 3, it explicitly sets out the duties of the public authorities. In particular, it requires that public authorities:
- (a) Exercise their functions in a manner consistent with the provisions of the Directive;
 - (b) Take actions to secure compliance with the Directive and with the provisions of any river basin management plan made and any programme of measures established;

- (c) Consult, co-operate and liaise with other public authorities as necessary to ensure the achievement of environmental objectives in relation to each river basin, the review of human activities on the status of surface and groundwater.
- (d) Provide information appropriate to their respective functions.

- 69. Regulation 5 requires the definition of river basin districts.
- 70. Regulations 8 and 9 require that the EPA creates a register of protected areas in accordance with Article 6 of the Directive and the classification and presentation of the ecological status and chemical status of surface water; and the classification and presentation of the chemical status and quantitative status of groundwater.
- 71. Regulation 12 requires the establishment of environmental objectives for the river basin districts, whereas Regulation 13 requires the preparation of RBMPs.
- 72. The Regulations provide in Schedule 1 an indicative list of characteristics, pressures and impacts that will inform the initial assessment. It considers physical and chemical features (topography, bathymetry).

2.5.9 European Communities (Marine Strategy Framework Directive) Regulations 2011 (S.I. No. 249/2011) (as amended)

- 73. The Regulations allowed for the transposition of MSFD into national legislation. Under Regulation 5, the Minister for Environment, Community and Local Government shall develop a marine strategy for the marine waters, determine the GES of those waters and establish and implement a monitoring programme for ongoing assessment and regular updating of targets.
- 74. The Programme of Measures required under Article 13 of the Directive includes specific initiatives to ensure the Irish marine environment reaches the Environmental Targets set under Ireland's Marine Strategy Part 1 in 2020. The programme includes 153 measures which aim to maintain to maintain and, where necessary, improve the status of all 11 descriptors.

2.6 Irish policy context

- 75. There is a wide breadth and range of policies and plans which are of relevance to the project. These are detailed in the **Planning Report** and are accompanied by compliance statements. The **Planning Report** has particularly considered:

National Level

- The National Marine Planning Framework (NMPF);
- The Climate Action Plan (CAP) 2024;
- The Programme for Government 2020 – Our Shared Future;
- Project Ireland 2040: the National Planning Framework (NPF);
- Project Ireland 2040: the National Development Plan (NDP) 2021 -2030;
- The National Energy and Climate Plan (NECP) 2021-2030;
- The Marine Planning Policy Statement (MPPS);
- The Policy Statement on Security of Electricity Supply;
- Energy Security in Ireland to 2030: Energy Security Supply Package;
- Long-Term Strategy on Greenhouse Gas Emissions Reductions 2024
- Powering Prosperity – Ireland's Offshore Wind Industrial Strategy;
- Offshore Renewable Energy Development Plan (OREDPA);
- Draft OREDPA II – a National Spatial Strategy for the Transition to the Enduring Regime 2023;
- Draft Offshore Renewable Energy Future Framework Policy Statement;

- River Basin Management Plan (RBMP) for Ireland 2018-2021;
- Draft RBMP for Ireland 2022-2027; and
- National Ports Policy 2013.

Section 28 Ministerial Guidelines

- The Planning System and Flood Risk Management Guidelines

Regional Level

- Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA)

Local Level (Coastal Planning Authorities)

- Wicklow CDP 2022-2028 and WCC CAP 2024-2029
- DLR CDP 2022-2028 and DLR CAP 2024-2029
- Dublin CDP 2022-2028 and Dublin City CAP 2024-2029

Local Level (Prescribed Body)

- Fingal CDP 2023-2029 and Fingal CAP 2024-2029

76. This chapter provides a summary of these policies. The **Planning Report** should be consulted for full details.

2.6.1 Project Ireland 2040: National Marine Planning Framework (NMPF)

77. The NMPF was adopted by cabinet in June 2021. It sets out the overarching approach to managing Ireland's maritime activities to ensure the sustainable use of resources up to 2040. This single framework establishes the vision, objectives and policies for all marine-based human activities.
78. ABP as a public body is required to take such measures consistent with the the body's functions, as are necessary to secure the objectives of the NMPF (Section 30 of the Maritime Area Planning Act 2021). It can also grant permission for a proposed development that would materially contravene the NMPF only where (i) the proposed development is of strategic, economic or social importance to the State, and (ii) the NMPF contains objectives that conflict with one another or that are ambiguous with regard to their application to the proposed development.
79. The NMPF is articulated around Overarching Marine Planning Policies (OMPPs) supplemented by Sectoral Marine Planning Policies (SMPPs).
80. OMPPs apply to all proposals which are capable of having an impact on the maritime area and to all proposals located in the maritime area and to proposals located outside the maritime area but which are capable of having an impact on the maritime area. OMPPs are supplemented by the SMPPs which may need to be considered and applied to ensure compliance with all relevant NMPF objectives and policies.
81. There are three high-level objectives in the NMPF:
1. Environmental – Ocean Health
 2. Economic – Thriving Maritime Economy
 3. Social – Engagement with the Sea

82. Each of these are supported by policy grouping which cover a wide range of topics.
83. Under a large number of OMPPs and SMPPs, the NMPF require that '*proposals must 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.'*
84. This means that proposals should demonstrate how '*avoidance of significant adverse impacts is considered as the preferred option*'. In the event that significant adverse impacts cannot be avoided or minimised, then a proposal must proceed to consider mitigating significant adverse impacts.
85. The NMPF is cognisant of MSFD and was prepared as a result of the transposition of the Maritime Spatial Planning Directive (MSPD). It was subject to Strategic Environmental Assessment (SEA) and AA, for which it went to Stage 2 – Natura Impact Statement (NIS).
86. In accordance with the MSPD, the NMPF requires that land-sea interactions be considered. This is reflected in the policies set out under some of the SMPPs, including Energy – Offshore Renewable Energy and Energy – Transmission. Responses to the NMPF policies can be found in **Appendix A** of the **Planning Report Appendices**.
87. The NMPF has been prepared considering an ecosystem-based approach as required under MSFD. It incorporates aspects of the MSFD such as environmental targets and threshold values, environmental monitoring requirements and the programme of measures. Under the Environmental – Ocean Health section of the NMPF, policies have been informed by the GES of MSFD.
88. The glossary of the NMPF defines public benefit as follows:
- 'This term is used in a number of policies and requires a proposal to consider public benefit where significant impact cannot be avoided, minimised or mitigated. Where consideration of public benefit is required, a proposal must demonstrate that the overall benefits that will result from it outweigh any significant impact on particular marine activity identified within a policy. The definition of public benefit will vary depending upon the marine activity addressed by the policy, as well as proposal-specific features such as scale, location, timing and nature of the proposal. Where evidence of public benefit is put forward as part of a proposal, it is for decision makers to evaluate in a proportionate and appropriate way whether or not the public benefit of a proposal will outweigh the significant impact(s). Evaluation of public benefit should balance consideration of environmental, social (community, health), and economic factors as well as all phases of a proposal such as exploratory works, installation, operation and decommissioning. Decision makers should seek advice from the expert bodies related to the topics of policies and / or proposals where relevant, details of which may be found in supporting text throughout this NMPF.'*
89. A wide range of OMPPs and SMPPs are of relevance to the CWP project. The **Planning Report** discusses these in more details in **Appendix B** of the **Planning Report Appendices**. The EIAR Topic Chapters have also taken into account the relevant OMPPs and SMPPs.

2.6.2 Climate Action Plan 2024 (CAP)

Overview

90. The CAP 2024 is the third annual update to Ireland's CAP. The plan approved by the Government on the 20th December 2023 and was subject to SEA and AA. The plan sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the legally binding economy-wide carbon budgets that were

approved by the Oireachtas and sectoral ceilings that were agreed by the Government in July 2022. The plan is relevant to the entire project.

91. The plan estimates that electricity (primarily power generation) is responsible for 14.4% of Ireland's total emissions. It also shows that electricity emissions fell by 1.9% in 2022 due to an increase in renewable electricity generation, the effect of which was compounded by a reduction in the use of coal, oil and peat generation.
92. The plan reiterates the climate targets as including a reduction of 51% in GHG emissions by 2030, compared to 2018 levels. The targets have been set under the Climate Action and Low Carbon Development (Amendment) Act 2011.
93. The CAP 2024 builds on the previous CAPS and additional work by the EPA and revisited national projections for emissions. It considers that by or before 2030, Ireland will achieve 80% of electricity demand from renewable source and a projected decrease in GHG emissions of 29% in 2030 relative to 2018 levels. The CAP's objective is to assist in the delivery of the required GHG emissions abatement to meet climate targets. In particular, the project will allow the achievement of extensive abatements to the electricity sector carbon budget as discussed in further sections.

Relevant Provisions - Carbon Budgets

94. In particular, the plan provides a roadmap for achieving the carbon budgets set by Government. It is expected that CWP would be connected during the 2026 to 2030 budget with the targets: 200 MtCO₂eq with an average annual reduction of 8.3%. For the electricity sector the budget for the 2026-2030 period is 20 MtCO₂eq or exactly half of the sectoral carbon budget for 2021-2025. To achieve this, the plan notes the implementation in 2023 of corrective actions to deliver renewable electricity generation. The plan notes that corrective or additional measures will be introduced to assist the targets. However, it does also state that any excess emissions will be carried forward to the next budgetary period, with that carbon budget reduced by the amount of excess emissions.

Relevant Provisions – Just Transition

95. The plan also considers the need to cater for a just transition by those that may be affected. In particular, it sets out the just transition framework and principles which include inter alia giving people the right skills to be able to participate in and benefit from the future net zero economy and the need to share costs amongst parties.

Relevant Provisions – Investment

96. The support the delivery of emissions ceilings, the CAP estimates that there needs to be capital investments to the tune of €119 to €125 billion. Of this €30 billion should directly go to wind and solar energy and €9 to €13 billion to transmission/distribution systems operator upgrades. The CAP also requires the mobilisation of private sector investment to expand new types of infrastructure, including clean sources of energy.

Relevant Provisions – Electricity Sector

97. Under Chapter 12 – Electricity, the key targets are stated as follows for 2030: 80% of all our electricity needs should come from renewable sources and generation from offshore wind should be at least 5 GW. The subsequent measures and actions to achieve the targets therefore include the development of offshore renewable generation and the delivery of additional grid infrastructure. The CAP 2023 had identified the need to prioritise infrastructural actions to transform and reinforce the electricity grid and

develop new sources of renewable energy. The CAP 2024 recognises that the emissions would be reduced toward the end of the two carbon budgets (2026-2030), which the CAP input to the deployment of offshore wind in that period. The CAP is very clear that all measures included in chapter 12 must be deployed to meet the carbon budget requirements for the electricity sector. The electricity sector has the smallest budget but also the steepest trajectory across all sectors.

98. Section 12.3 is unequivocal in confirming the fact that the connection of large offshore wind parks will be the principal contributor to the targets by 2030. It also clearly states that the growth of renewable energy should outpace that of energy demand to deliver absolute GHG emissions reductions.
99. Key Performance Indicators (KPIs) are set out for 2030:
- 80% renewable electricity share of demand;
 - At least 5 GW of offshore wind capacity;
 - 7.18 MtCO₂eq abatement (vs. 2018)
100. Three measures are required to achieve the KPIs, one of which specifically applies to CWP insofar as it requires the accelerated and increased deployment of renewable energy to replace fossil fuels. Although not directly connected to the project itself, the second measure seeks to deliver a flexible system to support renewables and demand.
101. Significantly, the CAP states: *‘All relevant public bodies will carry out their functions in a manner which supports the achievement of the renewable electricity targets.’*
102. Actions attached to the electricity sector are not project-specific and not considered to be relevant to the project itself but are rather system-wide.

2.6.3 National Energy and Climate Plan 2021-2030

103. The National Energy Climate Plan (NECP), required under the EU Clean Energy Package, will see the production of a climate strategy with a statutory basis in EU law. This Plan builds on previous national strategies and sets out in detail objectives including those relating to renewables and greenhouse gas emissions reductions.
104. The NECP incorporates all planned energy and climate policies and measures (up to the end of 2019) and if implemented will contribute to deliver a 30% reduction by 2030 in non-ETS greenhouse gas emissions (from 2005 levels). The objectives set out in the NECP are regarded as a baseline, as opposed to the limit, of Ireland’s ambition. It should be noted that the NECP was finalised prior to the formation of the new Government (2020) and the corresponding more ambitious commitment to achieving a 7% annual reduction in greenhouse gas emissions between 2021 and 2030. The NECP will be revised during the lifetime of the plan to bring it in line with this more ambitious approach, and to include the policies and measures required to achieve this trajectory.

2.6.4 Offshore Renewable Energy Development Plan (OREDPP)

105. The OREDPP was first published in 2014. It sets out the key principles and policy actions and identifies enablers for the delivery of ORE within the Irish maritime territory. It identifies opportunities for the following:
- The sustainable development of Irish ORE resources;
 - The increase in indigenous production of renewable electricity;
 - The contribution to reducing GHG emissions;
 - The improvement of the security of energy supply; and
 - The creation of jobs in the green economy.

106. The overarching vision of the OREDP states: *‘our 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’.*
107. The OREDP sets out three high level goals of equal importance:
4. Harnessing the market opportunities presented by ORE to achieve economic development, growth and jobs;
 5. Increasing awareness of the value, opportunities and societal benefits of developing ORE; and
 6. Ensuring that ORE developments do not adversely impact the rich marine environment and its living and non-living resources.
108. The OREDP was the subject of an interim review in 2018 which assessed progress on the actions set out under the OREDP. One recommendation is particularly relevant. Under R16, it supports *‘early mover projects to stimulate the supply chain and act as clear signals that Ireland is open for business leveraging support from the Marine Development Team.’*
109. The OREDP contains a series of ‘suggested’ project level mitigation measures. These are categorised based on the timescale of development and construction of a project meaning, they regard one or more of the following categories:
- Site / cable route selection stage
 - Project design stage
 - EIA stage
 - Project installation
 - Project operation and maintenance
110. They also consider the development phase which would include:
- Construction / decommissioning cables
 - Construction / decommissioning devices
 - Operation cables
 - Operation devices
 - Survey
111. Mitigation measures cover an extensive list of broad topics, to include: geology, geomorphology 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.
112. The **Planning Report** discusses the ODREP mitigation measures in more detail in **Appendix B** of the **Planning Report Appendices**.
113. As part of the ODREP, the Irish Sea and its approaches were assessed for its potential to support offshore wind development in terms of GW that could be deployed. The associated SEA and Appropriate Assessment (AA) identified the east coast (south) assessment area (within which the CWP Project sits) as having the potential to accommodate between 3000 and 3300 MW without causing any likely significant adverse effects on the environment and other marine activities / users. This assessment took into account of the OWF developments in the Irish Sea that had already been approved by means of the foreshore consenting process including the original CWP array site (1,100 MW), Arklow Bank II (520 MW) and Dublin Array (214 MW).

2.6.5 Guidance on EIS and NIS Preparation for Offshore Renewable Energy Projects

114. The non-statutory guidance was published in 2016 with a view to assist developers in preparing Environmental Impact Statements (EIS) and NISs that may be required for development projects and

to provide competent authorities, consultation bodies and the public with a basis for determining the adequacy of these statements. The guidance refers to the EPA Guidelines on EIA and the NPWS Guidance on AA. The purpose of the guidance, rather than providing legal / procedural or statutory advice, is to identify good practice.

2.6.6 Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR) 2022

- 115. The updated guidelines were published in 2022 to reflect the amended provisions of the 2014 EIA Directive. The primary aim of the Guidelines is to improve the quality of EIARs and ensure/facilitate compliance with the directive. The guidelines include a review of the role of EIARs in the EIA process and identify fundamental considerations such as alternatives, avoidance of significant adverse effects, mitigation and monitoring, provision of relevant information, public participation and objectivity.
- 116. It provides an overview of the key activities involved in the preparation of an EIAR to include screening, scoping, consultation, consideration of alternatives, baseline, assessment of effects, mitigation and assessment of residual effects.
- 117. It also gives guidance on the presentation of information.
- 118. As the guidelines reflect the new provisions of the directive, they reinstate the environmental factors as being: population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape and their interactions.

2.6.7 River Basin Management Plan (RBMP) for Ireland 2018-2021

- 119. The RBMP is required under the WFD. This plan covers the second cycle of planning. It includes a programme of measures to protect and restore water, which includes inter alia river, groundwater, transitional waters and coastal waters. The plan applies an integrated catchment management approach.
- 120. The plan considers the need to protect and enhance high-status waters and sets out the implementation priorities, which include the full implementation of the existing directives, the prevention of the deterioration of the status of the different water bodies and meeting water-related objectives for protected areas.
- 121. Broadly, policy responses are aimed at sectors which are considered to be responsible for the deterioration of water quality. These are agriculture, urban wastewater, domestic wastewater and peat extraction.
- 122. The plan identifies a number of action areas, several of which are located in Wicklow, Dún Laoghaire and Dublin City.

2.6.8 Draft River Basin Management Plan for Ireland 2022-2027

- 123. The RBMP is required under the WFD. Currently at draft stage, it would cover the period 2022-2027. The plan includes a programme of measures to protect and restore water. It identifies categories of pressure on the quality of the water bodies and proposes measures necessary to achieve the environmental objectives.
- 124. The site of the proposed development crosses or abuts a number of coastal waterbodies including the Dublin Bay catchment, the Irish Sea Dublin (HA 09) catchment, the Southwestern Irish Sea – Killiney Bay (HA 10) catchment. It also interacts with the transitional water body Liffey Estuary Lower catchment.
- 125. On adoption, the plan will supersede the River Basin Management Plan 2018-2021.

2.6.9 National Ports Policy 2013

126. The National Ports Policy aims to facilitate a competitive and effective market for maritime transport services. The policy introduced a categorisation of ports into three groups:
- Tier 1 – Ports of National Significance which have a clear potential to lead the development of future port capacity and include Dublin Port. Dublin Port is included in the TEN-T core network.
 - Tier 2 - Ports of National Significance, none of which are located near CWP; and
 - The Ports of Regional Significance which include Dún Laoghaire Harbour and Wicklow.
127. As stated in Section 4, the policy is not prescriptive as to where the future port capacity will be and considers that it is up to the hierarchy of plans and policy to set out the requirements. This same section refers to a non-statutory publication by the Irish Maritime Development Office which concludes that the Tier 1 Ports are the greatest potential in servicing current and future demand in the offshore renewable energy sector. It requires to carry out port masterplanning to allow for the continued development of the ports and harbours. The policy states that it endorses the core principles of the masterplan put forward by Dublin Port Company (DPC), with the continued commercial development of DPC as a key strategic objective for the National Ports Policy.
128. The implementation of the policy resulted in the transfer of governance and therefore management to certain port and harbour companies to local authorities, specifically in relation Dún Laoghaire Harbour and Wicklow.

2.6.10 The Planning System and Flood Risk Management Guidelines

Relevant provisions

129. The Planning System and Flood Risk Management Guidelines and Technical Appendices were published in 2009. Their objectives are to avoid inappropriate development in areas at risk of flooding and to avoid those which may increase flood risk elsewhere. It also seeks to avoid the unnecessary restriction of national, regional and local economic and social growth. It also seeks to ensure that the requirements arising from European and Irish legislation are complied with, particularly insofar as they related to the natural environment and nature conservation.
130. The guidelines are articulated around three principles:
- *'Avoid the risk, where possible;*
 - *Substitute less vulnerable uses, where avoidance is not possible; and*
 - *Mitigate and manage the risk, where avoidance and substitution are not possible.'*
131. The guidelines identify three flood zones, each with a likelihood of flooding. These are used as a key tool in flood risk management. They are referred to as:
- Flood Zone A – where the probability of flooding from rivers and the sea is highest;
 - Flood Zone B – where the probability of flooding from rivers and the sea is moderate; and
 - Flood Zone C - where the probability of flooding from rivers and the sea is low.
132. The planning system incorporates actions aimed at minimising the effect of flooding. In particular:
- Flood hazard and potential flood risk should be considered at the earliest stage possible, meaning through the forward planning process.
 - Development is preferable to be located in areas with little to no flood hazard to avoid or minimise risk. This includes **all** construction.
 - Where development is necessary in areas of flooding, the land use should be appropriate.
 - A precautionary approach should be applied to allow for uncertainties, meaning development should be designed with careful consideration to possible future changes in flood risk.

133. The guidelines recommend the use of the sequential approach in flood risk management. The approach consists of the following steps: avoid, substitute, justify and mitigate.
134. The guidelines also identify vulnerability class and identified land uses and types of development which may qualify. Under the highly vulnerable development (including essential infrastructure) class, essential infrastructure such as utilities distribution, including electricity generating power station and sub-stations are considered.
135. According to table 3.2 of the guidelines essential highly vulnerable development including essential infrastructure proposed to be located in flood zone A has to undergo the justification test. It comprises two processes, the first being the plan-making justification test and the second being the development management justification test.
136. In the case of the plan-making justification test, the plan should first undergo a strategic flood risk assessment (SFRA) so that all areas prone to flooding are mapped. It may then carry out more detailed assessment of specific areas as necessary. The planning authorities may then decide to:
 - remove the existing zone,
 - reduce the zoned area and change or add zoning categories,
 - replace zoning with another zoning or add a specific objective,
 - prepare a local area plan informed by a detailed Flood Risk Assessment (FRA); and
 - in exceptional circumstances and where the criteria of the justification test are met, apply prerequisites in relation to the design of structural and non-structural flood risk management measures.
137. When undertaking the justification test for development management, several criteria should be satisfied:
 - The subject lands have been zoned or otherwise designated for the particular use.
 - The proposed development has been subject to an appropriate flood risk assessment which demonstrates:
 - Development will not increase flood risk elsewhere
 - Measures to minimise risk to people, property, the economic and the environment
 - Measures to ensure that residual risks to the area and/or development can be managed to an acceptable level, having considered the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency access
 - The development addresses the above criteria in a manner that is consistent with the wider planning objectives in relation to good urban design
138. Finally, the guidelines state that flood risk should form an integral part of the EIAR.
139. Under chapter 5, the guidelines state that planning authorities may grant permission even if they consider that flood risk is an issue, subject to conditions to ensure that the justification test is satisfied. The guidelines also instruct that *'permission should be refused where flood issues have not been, or cannot be, addressed successfully and where the presence of unacceptable residual flood risks remain for the development, its occupants and adjoining property.'*

2.7 Regional context

2.7.1 Regional Spatial & Economic Strategy for the Eastern and Midlands Region 2019-2031

140. The RSES for the Eastern and Midland Region 2019-2031 is a strategic plan which identifies policy in response to regional strategic assets, opportunities and challenges. These are referred to as Regional Policy Objectives (RPO). The RSES supports the delivery of the NPF's NPOs. The RSES was implemented on the 31st of January 2020.

141. The RSES provides a Spatial Strategy, Economic Strategy, Metropolitan Plan, Investment Framework and Climate Action Strategy. The vision for the Eastern and Midlands Region is as follows:
- “To create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all”.*
142. The Eastern and Midland Region is made up of nine Counties and 12 Local Authority areas and includes all the coastal planning authorities of relevance to this project (WCC, DLRCC and DCC) and those who fall within the Zone of Theoretical Visibility (ZTV) of the project.
143. 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 integrate the MSFD and marine spatial planning into land use plans in the region, the objective being to harness Ireland’s ocean potential. Meanwhile, RPO 7.2 aims at achieving and maintaining GES.
144. RPO 10.24 on the sustainable development of Ireland’s ORE resources in accordance with OREDP and any successor thereof including any associated domestic and international grid connection enhancements is particularly relevant to this project.
145. Section 10.3 of the RSES sets out the Guiding Principles for Energy. It requires that local authorities’ development plans facilitate the provision of energy networks having regard to eight guiding principles which are addressed in details in the **Planning Report**.

2.8 Local context

2.8.1 Wicklow County Development Plan 2022-2028

146. Chapter 17 of the CDP sets out WCC’s policy on Natural Heritage and Biodiversity. The CDP identifies six landscape categories, one of which is ‘**Coastal Areas Area of Outstanding Natural Beauty (AONB)**’. Two subsets of the Coastal AONB are identified and defined as follows:

‘2(a) - The Northern Coastline: The Northern Coastline comprises of lands north of Wicklow Town Rathnew extending to south of Greystones. The northern coastline provides intermittent views of the sea from the coast road with this area being somewhat more developed than the southern coastline. This landscape category includes a number of key environmental features such as the Murrough SAC/SPA, a designated European site and Natural Heritage Area (NHA). While this section of the Wicklow coastline is not as heavily utilised from a tourist perspective compared to the southern coastline it does act as a significant recreational resource to the local residential population, the use of which must be managed in an appropriate manner.

2(b) - The Southern Coastline: The southern coastline comprises of lands south of Wicklow Town beginning at the Glen Turn, encompassing Wicklow head and extending as far as south of Arklow Rock. This area comprises of the main sandy beaches of Brittas Bay, Ennereilly and Clogga and provides for a continuous prospect and numerous views from the coast road out to sea. Sand dunes are dominant in sections of the area forming a number of important environmental designations such as Magherabeg Dunes and Buckronev-Brittas Dunes and Fen (NHA and SAC) and Arklow Rock/Askintinny NHA. These areas are important not just from a landscape or habitat perspective but also are increasingly important for recreational activities, the development and promotion of which must be managed appropriately.’

147. The Bray Mountains Group/Northern Hills is also defined as an AONB:

‘The area of land covering the Great and Little Sugarloaf including Bray Head comprising of the mountainous region surrounding the town of Bray. These areas are important

locations for recreation amenity both locally and for visiting tourists, with Bray Head having a Special Area Amenity Order designation’.

148. The CDP identifies ‘Views and Prospects’ which are defined in **Section 17.3**. The views and prospects listed in this plan for protection are those views / prospects that are considered to be of the highest amenity value in the County. Some views / prospects will form a cohesive set, such as coastal or lake drives, while some appear suddenly and provide the viewer with a new and interesting angle on a natural feature or place. Some views / prospects are intermittent in nature and appear through gaps in vegetation or buildings.
149. Where listed views / prospect occur in settlements, it is not the intention that all lands in the view / prospect will be ‘sterilised’ from development. Any application for development in such locations will be required to provide an assessment of the view / prospect and an evaluation of how the development would change or interfere with that view / prospect. Views and prospects listed for the towns of Bray, Wicklow, Arklow and Greystones-Delgany are listed and mapped in each individual Local Area Plan (LAP). Landscape, Views and Prospects, specifically are: Town Development Plan / Local Area Plan. The policies and objectives set out in this Plan shall apply to all views/prospects listed for preservation in these local plans. Views and prospects listed in this plan for County are set out in Schedules 17.11 & 17.12 and Maps 17.10 A, B, C, D & 17.11
150. The overarching relevant policy provisions for Landscape, Views and Prospects are:
- *‘CPO 17.35: All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016 County Development Plan) and the ‘Key Development Considerations’ set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.’*
 - *‘CPO 17.38: To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.’*
151. Views of Special Amenity Value or Special Interest and prospects are identified in Schedule 17.11 and prospects of Special Amenity Value or Special Interest in Schedule 17.12 and maps 17.10 A, B,C,D & 17.11 of the CDP. The following are noted:
- Views of Special Amenity Value or Special Interest:
 - 36: L5529, Templecarrig, southern slopes of Little Sugar Loaf: View to the south and southeast of Kindlestown Hill and the coast;
 - 48: Coast Road, Wicklow Town: View / panorama towards Wicklow Golf Course, Brides Head, Wicklow Head and the Coastline.
 - Prospects of Special Amenity Value or Special Interest:
 - 6: Bray-Greystones Cliff Walk Prospect of sea, cliffs and across southern slopes of Bray Head to R761 from Cliff Walk.
 - 7: Railway from Greystones to Wicklow town. Prospect of coast along railway line.
 - A number of views are also identified within settlements, as follows:
 - Wicklow Town:
 - WTC1 - From Black Castle, Dunbur Road: view towards the coastline
 - WTC2 - From Black Castle, Dunbur Road: view towards the coastline
 - WTC3 - From Dunbur Road: view towards the coastline
 - WTC4 - From Dunbur Road: view towards the coastline

- WTC5 - From Dunbur Road: view towards the coastline

152. Chapter 19 sets out the marine and coastal planning objectives. It identifies 12 coastal cells, each with their own specific objectives. Policies relating to these cells include protection of landscape and specific views.
153. CPO 19.3 is particularly relevant as it supports the development of the Marine Economy / Blue Economy sector, particularly in the renewable energy, shipping and fishing / aquaculture sectors and supports implementation of strategies and projects related to enhancing the marine economy.
154. CPO 19.6 supports developments which provide for safety at sea, navigation safety and maritime search and rescue.
155. CPO 19.8 regards the protection of the character and visual potential of the coast and the conservation of character and quality of seascapes.

2.8.2 Wicklow County Council Climate Action Plan 2024-2029

156. The Wicklow County Climate Action Plan 2024 considers a reduction of 51% of GHG emissions as an amended target for the county and neutrality by 2050.
157. The stated mission of the plan is to *'Deliver transformative change and measurable climate action in the operation of our services for the people of Wicklow, through leadership and example. Mobilise action on mitigation and adaptation through partnership with communities, enterprise and other stakeholders at regional and local level. Create a low carbon, climate resilient future, for the county.'*
158. The plan is articulated around Guiding Principles. The first, 'Governance and Leadership' is supported by a number of objectives. Objective 1.3 particularly seeks to ensure planned development considers the long term outcomes and pathways for a net zero economy by 2050.
159. Theme 3 'Natural Environment and Green Infrastructure' seeks to *'deliver on climate adaptation, biodiversity resilience and enhanced capacity for our environment to adapt to changing conditions.'* It is supported by 7 objectives, with objective 3.5 being particularly relevant insofar as it seeks to *'harness the capacity of nature to assist in building resilience, protecting and restoring natural systems including biodiversity, water, soil and air.'*
160. Under theme 5 'Sustainable Resource Management', the council *'will develop collaboration and sharing of experience, promoting economic opportunities that arise from climate action.'*

2.8.3 Wicklow Local Area Plans

161. The relevant provisions of the Bray Municipal District Local Area Plan 2018-2024, The Greystones-Delgany and Kilcoole Local Area Plan 2013-2019, The Arklow and Environs Local Area Plan 2018-2024 and Wicklow Town-Rathnew Development Plan 2013-2019 have been taken into account in the formulation of the CWP proposals. These are detailed in the Planning Report. The Local Area Plan has expired. WCC has commenced preparation of a new Draft LAP with public consultation on a Pre-draft Greystones - Delgany and Kilcoole LAP in January 2024 and of a new Draft LAP with public consultation on a Pre-draft Wicklow Town - Rathnew LAP in September 2023.

2.8.4 Dún Laoghaire Rathdown County Development Plan 2022-2028

162. The DLR CDP 2022-2028 sets out the local policy framework. Its jurisdiction covers the coastline from Old Connaught/Cork Great, just north of Bray, to Booterstown. The offshore export cables cross the nearshore area of DLR.

163. The CDP is supportive of the development of renewable energy, particularly offshore renewable energy (Objective CA11: Onshore and Offshore Wind Energy and Wave Energy). Appendix 10 (Wind Energy Strategy) highlights the strong wind resource located off Ireland's east coast and notes that this offers the greatest contribution that the County is likely to make in terms of large-scale renewable energy development in the form of offshore wind farm development and/or associated hybrid technologies.
164. A number of policies seeks the protection and enhancement of the landscape and of the seascape. Of particular relevance are Policy Objective GIB2: Landscape Character Areas; Policy Objective GIB4: High Amenity, Policy Objective GIB5: Historic Character Areas and Policy Objective GIB6: Views and Prospects. Only one view is noted, Carrickgollogan from Bray Road (Shankill to Bray area).
165. The CDP also includes policy objectives which relate to water sports and the use of Dún Laoghaire Harbour as a recreational facility. In particular, reference is made to Policy Objective OSR12: Dún Laoghaire Recreational Harbour which seek to *'protect and enhance the water based recreational and sporting amenity of national significance of Dún Laoghaire Harbour, and its ability to host National and International competitions'*.

2.8.5 Dún Laoghaire - Rathdown County Council Climate Action Plan 2024-2029

166. The DLR County CAP 2024 considers a reduction of 51% of greenhouse gas emissions as an amended target for the county and neutrality by 2050. It specifically notes offshore wind as the most significant potential for renewable electricity in DLR as a pathway toward a reduction in greenhouse gas emissions. Cross-cutting indicators to measure progress are proposed as being the among of renewable energy generation in the city and the improvement in air quality.
167. The plan recognises the potential presented by offshore wind development in contributing to renewable electricity generation. Although the draft plan does not refer to the CWP project, it discusses the benefits of offshore wind development to encompass environmental benefits and the establishment of the community benefit fund. It proposes one action specifically aimed at offshore wind. EB3 seeks to *'Facilitate the development of offshore renewable energy projects whilst advocating and exerting influence to ensure such projects promote climate action co-benefits and do not contravene relevant environmental protection criteria or cause significant negative environmental effects.'*

2.8.6 Dublin City Development Plan 2022-2028

168. The Dublin City Development Plan (2022–2028) came into effect in November 2022. The relevant objectives have been extracted and presented below.
169. Chapter 3 relates to climate action. Relevant policies include Policy CA1 on the National Climate Action Policy, Objective CA11 on Energy from Renewable Sources, CA13 on Offshore Wind Production. The latter seeks to:
"facilitate infrastructure such as grid facilities on the land side of any renewable energy proposals of the offshore wind resource, where appropriate and having regard to the principles set out in the National Marine Planning Framework."
170. Chapter 9 sets out Dublin City Council's policy in relation to sustainable infrastructure. The CWP Project involves landfall of cables at Poolbeg and the provision of onshore grid infrastructure, including a substation on the northern side of the Peninsula along the River Liffey. Chapter 9 sets out the Council's policy in relation to sustainable infrastructure. Policy SI 49 recognises the importance of facilitating connection of ORE to the onshore grid system, Policy SI 51 promotes renewable energy use and generation at appropriate locations, Policy SI 52 recognises the importance of the Poolbeg Peninsula as a strategic sustainable infrastructure hub to facilitate a transition to a low carbon resilient city and Policy SIO 30 facilitates ORE in accordance with national policy.

171. Under the same chapter, the CDP provides a number of policies and objectives in relation to flood risk and Sustainable Urban Drainage Systems (SuDS) (SI10, SI13, SI14, SI15, SI16, SI18, SI19, SI21, SI22 and SI25).
172. The SFRA of the City Development identifies the onshore substation site as being undefended and at risk of flooding. It justifies the Z7 designation zoning of the substation site with the qualification that Use Classes considered as 'Vulnerable Development' shall generally not be permitted in Flood Zone A or B. Policy Objective SI 15 of Chapter 9 requires a 'Site-Specific Flood Risk Assessment' (SSFRA) for any highly vulnerable development within this zone. The rationale for granting planning consent having regard to this matter is fully addressed in the SSFRA and the **Planning Report**.
173. Chapter 10 on Green Infrastructure of the CDP includes policies and objectives considering habitat protection, creation and restoration. In particular, it requires that new developments should not compromise ecological functions (GI14), incorporate biodiversity improvements (GI16) and restore degraded habitats and soils where feasible (GI17).
174. It also includes policies on the protection and enhancement of landscape and seascape (GI19, GI20, GI21, GI22, GI23, GIO21, GI29, GI33, GI34).
175. Chapter 11 relates to conservation of the built heritage. The Poolbeg Harbour close to the onshore substation site is identified as a conservation area to which Policy BHA9 applies. The Great South Wall of Dublin Port is on the Record of Monuments and Places (RMP) (DU019-029002) and a Protected Structure (RPS 6798). The alignment of the Great South Wall is also an identified zone of archaeological interest. Policy BHA26 seeks to protect archaeological features.
176. Chapter 14 relates to land use zoning. Three main zoning designations apply to the lands forming part of the application:
- The landfall point located on the Sandymount side is zoned Z9 Amenity / Open Space Lands / Green Network. The same zoning applies to the cable corridor as it departs the CWP substation to meet with the Eirgrid site.
 - The southern part of the Poolbeg Peninsula over which the cables traverse is zoned Z14 Strategic Development and Regeneration Areas (SDRAs) and where the cables travers to connect with the Eirgrid substation near the Pigeon House.
 - The site of the substation is zoned Z7 Employment (heavy).
177. An extract of the zoning map F is presented below as **Plate 2-1**:

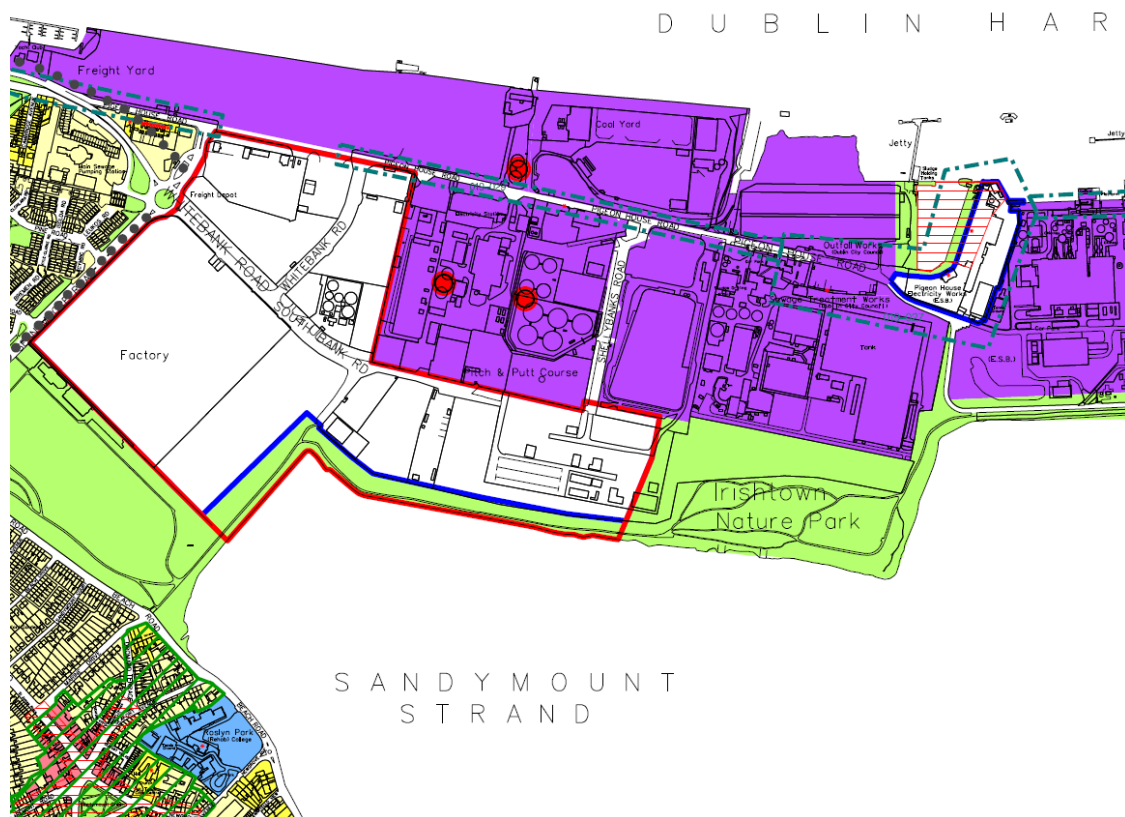


Plate 2-1 Extract from land use zoning Map F (Volume 3) of the DCC CDP 2022-2028

178. The onshore transmission cable will cross in a south-north manner lands designated under the Poolbeg West Strategic Development Zone (SDZ) Planning Scheme. The specific policies are discussed in detail in further sections of this report. It is the location which has been selected as the onshore construction compound.
179. As can be seen in the figure above, the use of land in the vicinity is dominated by Port Activity, utilities and heavy industry. It is also relevant to note the amenity and conservation use at Irishtown Nature Park (also zoned Z9) and further away, institutional and residential uses along Beach Road and the Strand Road at Sandymount.
180. The land use zoning objective for Z7 is *'to provide for the protection and creation of industrial uses, and facilitate opportunities for employment creation including Port related activities'*. The plan considers that uses would include heavy industry including utility operations. The specific land uses which are permissible in principle include:

*'Café/tearoom, chemical processing and storage, childcare facility, civic and amenity/recycling centre, cruise shipping and marine services (in port area and ancillary services), data centre, delicatessen, enterprise centre, garage (motor repair/service), general industrial uses, heavy vehicle park, household fuel depot, industry (light), office, open space, outdoor poster advertising, park and ride facility, petrol station, port-related industries and facilities, **public service installation**, science and technology-based industry, scrap yard, shop (local), storage depot (open), transfer station, transport depot, warehousing.'*
181. Uses permissible in principle are uses which are generally acceptable in principle in a given zoning but which are still subject to normal planning considerations, including policies and objectives of the CDP.

182. The Zoning designation needs to be considered in conjunction with Map F of Volume 7 of the CDP, 'Strategic Flood Risk Assessment'. This identifies that the onshore substation site is included within Flood Zone A and B designations. The landfall area is primarily located within Flood Zone C. In this context, consideration of the use must have regard to the policies and objectives of the CDP under Chapter 9 Flood Risk and Sustainable Urban Drainage Systems (set out below).
183. The land use zoning objective for Z9 is 'to preserve, provide and improve recreational amenity, open space and ecosystem services'. The plan considers that Z9 lands are multi-functional, provide for amenity open space together with a range of ecosystem services. The specific land uses which are permitted include:
- 'Allotments, cemetery, club house associated with the primary Z9 objective, municipal golf course, open space, **public service installation**.'*
184. The central part of the Peninsula and the Pigeon House Harbour are covered by objective Z14 where the objective is 'to seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.' The southern part of the Z14 zoning is covered by the Poolbeg Planning Scheme 2019. The specified land uses which are permitted include:
- 'Assisted living/retirement home, beauty/ grooming services, bed and breakfast, building for the health, safety and welfare of the public, Build To Rent residential, café/ tearoom, childcare facility, community facility, conference centre, craft centre/ craft shop, cultural/recreational building and uses, delicatessen, education, embassy office, embassy residential, enterprise centre, financial institution, guesthouse, halting site, home-based economic activity, hotel, industry (light), live-work units, media-associated uses, medical and related consultants, mobility hub, office, off-licence, off-licence (part), open space, park and ride facility, place of public worship, primary health care centre, public house, **public service installation**, residential, restaurant, science and technology-based industry, shop (local), shop (neighbourhood), sports facility and recreational uses, student accommodation, take-away, training centre, veterinary surgery.'*
185. Although 'public service installation' is not specifically defined in the CDP glossary, the previous Dublin City Development Plan 2016-2022 defined it as:
- 'A building, or part thereof, a roadway or land used for the provision of public services. Public services include all service installations necessary for electricity, gas, telephone, radio, telecommunications, television, data transmission, drainage, including wastewater treatment plants and other statutory undertakers: bring centres, green waste composting centres, public libraries, public lavatories, public telephone boxes, bus shelters, etc. but does not include incinerators/waste to energy plants.....'*
186. Statements on how the development aligns with the policies of the Dublin CDP 2022-2028 can be found in the **Planning Report**.

2.8.7 Poolbeg West Strategic Development Zone (SDZ) 2019

187. The Poolbeg West SDZ, which forms part of the Development Plan, comprises an area of approximately 34ha, located to the east of Irishtown, south of Dublin Port and north of Sandymount Strand. The eastern part of the Planning Scheme area is allocated for "Mixed use- Commercial, Creative Industries, industrial (including Port Related Activities)". Objective LP1 seeks to ensure that land uses are in compliance with the provisions of the Planning Scheme. In addition, there is a strip along the southern coastline of the peninsula, which is identified as "Parks and Recreation". It is envisaged that it would be enhanced and provide a link between Sean Moor Park and the Irishtown Nature reserve. Section 7.8 of the Scheme relates to utilities and ducting. It relates principally to existing powerlines and ducting for new urban development. Existing ESB powerlines are deemed essential. The Planning Scheme contains detailed requirement in relation to contamination. These are

addressed in other chapters of the EIAR and the **Planning Report**. Compliance with the Poolbeg West SDZ can be found in the **Planning Report**.

2.8.8 Dublin Port Masterplan 2040 – Reviewed 2018

188. The Dublin Port Masterplan 2040 is a non-statutory plan prepared by DPC. Policies of the Dublin City Development Plan listed above consider this plan to be a ‘guiding document’ for port lands on both sides of the Liffey. The overarching objective of the masterplan is to ensure the appropriate use of lands within the port estate.
189. The Masterplan sets out the infrastructure development proposals which have been advanced following an assessment of options available for the provision of port capacity in Dublin Port. The development options considered under the masterplan are not prescriptive and, in any event, would need development consent from the relevant competent authority.
190. There are several elements of the Masterplan which relate to the onshore element of the CWP Project. Area ‘O’ of the Masterplan is the location of the main construction compound which will accommodate a section of the onshore export cable route. The Masterplan indicates that the area is to be redeveloped to support cargo handling activities. Such cargo handling facilities are proposed as part of DPC’s 3FM project. Although 3FM deviates from the masterplan, it effectively comprises the third and final phase of the Dublin Port Masterplan 2040. In summary, 3FM includes a number of proposals which seek to expand the capacity of Dublin Port. The proposed onshore substation and associated infrastructure is located within Area ‘M’ which was identified by the masterplan as a multi-purpose deep water berth as can be seen in the figure below, but it is clear from proposals included in 3FM and CWP’s engagement with DPC that DPC is no longer pursuing that development. The export cables planned to run along the Waste-to-Energy site will also bisect Area ‘L’.
191. The 3FM project includes a ship turning circle in this area and so the option considered in area ‘M’ as per the masterplan is not being pursued by DPC. The lands immediately to the west of Area ‘O’ are identified as an area for public realm as per the SDZ planning scheme discussed in the previous section. 2.7 acres of Area ‘O’ will be allocated by DPC to recreational/open space, with ownership transferred to DCC. As envisaged in the SDZ planning scheme, parts of Area ‘O’ will be allocated to DCC for the development of infrastructure required to deliver the District Heating for the area. Area ‘O’ will be used as ground level single height Ro-Ro freight trailer area, while area ‘L’ as a transit container storage yard.

2.8.9 Dublin City Climate Action Plan 2024-2029 – Climate Neutral Dublin 2030

192. The Dublin City Climate Action Plan 2024-2029 considers a reduction of 51% of greenhouse gas emissions as an amended target for the county and neutrality by 2050. Cross-cutting indicators to measure progress are proposed as being the amount of renewable energy generation in the city and the improvement in air quality. The plan also puts an emphasis on green infrastructure and on the restoration of the city’s rivers.

2.8.10 Fingal Development Plan 2023-2029

193. The Fingal Development Plan 2023-2029 came into effect on the 6th April 2023. FCC was identified as a Prescribed Body by ABP. The principal effects of the CWP Project on the administrative area of Fingal relates to visual impacts; a number of policies and objectives should therefore be considered, including Policy GINHP26 (Preservation of Views and Prospects); Objective GINHO57 (Protection of Views and Prospects); and Objective GINHO58 (Landscape/Visual Assessment). A Special Amenity Area Order (SAAO) is in place for Howth and has a series of protected views towards the CWP Project. Policy GINHP27 on the Howth and Liffey Valley Amenity Orders specifically seeks to protect and

enhance the special amenity value of Howth, including *‘its landscape, visual, recreational, ecological, geological and built heritage value’*.

2.9 Conclusion

194. This chapter provides an overview of the legislation and policies relevant to the CWP Project. The **Planning Report** provides a more detailed review of these and addresses compliance of the project with the policy framework.
195. EU and national energy policy and climate actions plans, set out above, identify the need to further develop ORE in Ireland as a key requirement to contribute to increased renewable electricity generation target. The revised target is 5 GW of offshore wind by 2030. The CWP Project will provide a significant contribution to this with a capacity of 1,300 MW and therefore aligns with the objectives of these plans and policies.
196. The generation of renewable energy over the anticipated 25-year lifespan of the CWP Project will also help to reduce Ireland’s reliance on imported energy and to improve energy security. This is a key objective set of EU and national policy as set out above.

2.10 References

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219. Maritime Area Planning Act 2021

- 220. Planning and Development Regulations 2001-2023
- 221. Planning and Development Act 2001, as amended
- 222. Planning and Development, Maritime and Valuation (Amendment) Act 2022
- 223. United Nations Sustainable Development Goals 2015
- 224. Wicklow County Council (2022) Wicklow County Development Plan 2022-2028