codling wind park

Planning Report


codling
wind park

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Abbreviations

Abbreviation	Term in full
AA	Appropriate assessment
ABP	An Bord Pleanála
ACA	Architectural Conservation Area
AEP	Annual Exceedance Probability
AI	Artificial Intelligence
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
BPO	Best Performing Option
CAP	Climate Action Plan
CBF	Community Benefit Fund
CDP	City / County development plan
CEMP	Construction Environmental Management Plan
CO_2	Carbon dioxide
CPO	County Policy Objective
CRA	Contamination and Remediation Assessment
CRU	Commission for Regulation of Utilities
CSO	Central Statistics Office
CWP	Codling Wind Park
CWPE	Codling Wind Park Extension
CWPL	Codling Wind Park Limited
CZM	Coastal Zone Management
DCC	Dublin City Council
DECC	Department of the Environment, Climate and Communications
DECLG	Department of the Environment, Community and Local Government
DEQ	Deemed Energy Quality
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
EDF R	Électricité de France Renewables

Abbreviation	Term in full
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EMRA	Eastern and Midlands Region
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
ESBN	ESB Networks
EU	European Union
FCC	Fingal County Council
FDP	Fingal Development Plan
FORL	Fred Olsen Renewables Ltd
FRA	Flood Risk Assessment
FTE	Full-Time Equivalent
GCA	Grid Connection Assessment
GeS	Good Ecological Status
GES	Good Environmental Status
GHG	Greenhouse gas
GIS (switchgear)	Gas insulated switchgear
GVA	Gross Value Added
GW	Gigawatt
HDD	Horizontal directional drilling
HLCA	Historic Landscape Character Assessment
HWM	High water mark
IAC	Inter-array cable
IPPC	Integrated pollution prevention and control
kV	Kilovolt
LA	Landscape Area
LAP	Local Area Plan
LC	Landscape Category
LCA	Landscape character assessment
LOD	Limit of Deviation
Lo-Lo	Load-on, Load-off
LVIA	Landscape and Visual Impact Assessment
MAC	Maritime Area Consent

Abbreviation	Term in full
MAP	Maritime Area Planning
MAPA	Maritime Area Planning Act
MARA	Maritime Area Regulatory Authority
MEC	Maximum export capacity
MPPS	Marine Policy Planning Statement
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
NIAH	National Inventory of Architectural Heritage
NIS	Natura Impact Statement
NMPF	National Marine Planning Framework
NNE	North northeast
NORA	National Oil Reserve Agency
NPF	National Planning Framework
NPO	National Planning Outcome
NPWS	National Parks and Wildlife Services
NRA	National Roads Authority
NSO	National Strategic Outcome
NTA	National Transport Agency
OD	Ordnance Datum
OECC	Offshore Expert Cable Corridor
OfTI	Offshore Transmission Infrastructure
ORE	Offshore Renewable Energy
OREDP	Offshore Renewable Energy Development Plan
ORESS	Offshore Renewable Energy Support Scheme
OTI	Onshore Transmission Infrastructure
OWE	Offshore Wind Energy
OWF	Offshore wind farm
O&M	Operations and maintenance
OMB	Operations and maintenance base

Abbreviation	Term in full
OMPP	Overarching Marine Planning Policies
OPW	Office of Public Works
OSS	Offshore substation structure
PDA	Planning and Development Act
PPA	Power purchase agreement
PSFRM	Planning System and Flood Risk Management Guidelines for Planning Authorities
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
SEAI	Sustainable Energy Authority of Ireland
SFRA	Strategic Flood Risk Assessment
SI	Site investigation
SID	Strategic infrastructure development
SLVIA	Seascape and landscape visual impact assessment
SMPP	Sectoral Marine Planning Policy
SPA	Special Protection Area
SPAR	Southern Port Access Route
SSFRA	Site specific flood risk assessment
SUDS	Sustainable Urban Drainage System
TCA	Townscape Character Area
TJB	Transition joint bay
TW	Terawatt
WFD	Water Framework Directive
WTG	Wind turbine generator

Abbreviation	Term in full
WWTP	Wastewater Treatment Plant
ZTV	Zone of theoretical visibility

Definitions

Glossary	Meaning
the Applicant	The developer, Codling Wind Park Limited (CWPL).
array site	The area within which the wind turbine generators (WTGs), inter-array cables (IACs) and the offshore substation structures (OSSs) are proposed.
the Board	The Board of An Bord Pleanála
Codling Wind Park (CWP) Project	The proposed development as a whole is referred to as the Codling Wind Park (CWP) Project, comprising of the offshore infrastructure, the onshore infrastructure and any associated temporary works.
Codling Wind Park Limited (CWPL)	A joint venture between Fred. Olsen Seawind (FOS) and Électricité de France (EDF) Renewables, established to develop the CWP Project.
Compound A	A temporary construction compound, support area and storage facility for the landfall works, and to support the installation of the onshore export cables. It will operate as a hub for the onshore construction works as well as acting as a staging post and secure storage for equipment and component deliveries.
Compound B	A temporary construction compound / laydown area for general cable route and onshore substation construction activities.
Compound C	A temporary construction compound for the onshore substation site. Contractor welfare facilities will be located in this compound as well as some material storage space.
Compound D	A temporary construction compound and laydown area to facilitate the construction of the bridge over the cooling water channel.
Dun Laoghaire Harbour	The historic harbour of Dun Laoghaire on the southern shore of Dublin Bay with limits defined as the areas contained within and including the East and West piers of Dún Laoghaire Harbour and within 600 metres of the entrance to that harbour, together with any adjoining land, banks, inlets and havens vested in Dún Laoghaire Harbour Company and the docks, piers, jetties, quays and other works vested in that company.
EirGrid	State-owned electric power transmission system operator in Ireland and nominated Offshore Transmission Asset Owner
ESB Networks (ESBN)	Owner of the electricity distribution system in the Republic of Ireland, responsible for carrying out maintenance, repairs and construction on the grid.
ESBN network cables *(previously the ESB grid connection)*	Three onshore export cable circuits connecting the onshore substation to the proposed ESBN Poolbeg substation, which will then transfer the electricity onwards to the national grid.
Environmental Impact Assessment (EIA)	A systematic means of assessing the likely significant effects of a proposed project, undertaken in accordance with the EIA Directive and the relevant Irish legislation.
Environmental Impact Assessment Report (EIAR)	The report prepared by the Applicant to describe the findings of the EIA for the CWP Project.

Glossary	Meaning
export cables	The cables, both onshore and offshore, that connect the offshore substations with the onshore substation.
generating station	Comprising the wind turbine generators (WTGs), inter array cables (IACs) and the interconnector cables.
high water mark (HWM)	The line of high water of ordinary or medium tides of the sea or tidal river or estuary.
horizontal directional drilling (HDD)	HDD is a trenchless drilling method used to install cable ducts beneath the ground through which onshore export cables from can be pulled. HDD enables the installation of cables beneath obstacles such as roads, waterways and existing utilities.
inter-array cables (IACs)	The subsea electricity cables between each WTG between and the OSSs.
interconnector cables	The subsea electricity cables between OSSs
landfall	The point at which the offshore export cables are brought onshore and connected to the onshore export cables via the transition joint bays (TJB). For the CWP Project The landfall works include the installation of the offshore export cables within Dublin Bay out to approximately 4 km offshore, where water depths that are too shallow for conventional cable lay vessels to operate.
limit of deviation (LoD)	Locational flexibility of permanent and temporary infrastructure is described as a LoD from a specific point or alignment.
Maritime Area Consent (MAC)	A Maritime Area Consent (MAC) provides State authorisation for a prospective developer to undertake a maritime usage and occupy a specified part of the maritime area. A MAC is required to be in place before planning consent can be sought.
Maritime Area Planning (MAP) Act 2021	An Act to regulate the maritime area, to achieve such regulation by means of a National Marine Planning Framework, maritime area consents for the occupation of the maritime area for the purposes of maritime usages that will be undertaken for undefined or relatively long periods of time (including any such usages which also require development permission under the Planning and Development Act 2000) and licences for the occupation of the maritime area for maritime usages that are minor or that will be undertaken for relatively short periods of time
metocean	Meteorological and oceanographic data (for example metocean data or metocean conditions).
offshore development area	The total footprint of the offshore infrastructure and associated temporary works including the array site and the OECC.
offshore export cables	The cables which transport electricity generated by the wind turbine generators (WTGs) from the offshore substation structures (OSSs) to the TJBs at the landfall.
offshore export cable corridor (OECC)	The area between the array site and the landfall, within which the offshore export cables will be installed along with cable protection and other temporary infrastructure for construction.

Glossary	Meaning
offshore infrastructure	The permanent offshore infrastructure, comprising of the WTGs, IACs, OSSs, interconnector cables, offshore export cables and other associated infrastructure such as cable and scour protection.
offshore substation structure (OSS)	A fixed structure located within the array site, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
OSS topside	The offshore substation topside structure resting on the OSS monopile foundation and housing all electrical and ancillary equipment. This includes all systems such as electrical, SCADA, safety and mechanical equipment.
OSS monopile foundation	The bottom fixed structure piled in to the seabed supporting the OSS topside. It consists of a monopile and a transition piece. It can include systems such as electrical, SCADA, cathodic protection, safety and mechanical equipment.
offshore transmission infrastructure (OfTI)	The offshore transmission assets comprising the OSSs and offshore export cables. The EIAR considers both permanent and temporary works associated with the OfTI.
onshore export cables	The cables which transport electricity generated by the WTGs from the TJBs at the landfall to the onshore substation.
onshore development area	The entire footprint of the OTI and associated temporary works that will form the onshore boundary for the planning application.
onshore transmission infrastructure (OTI)	The onshore transmission assets comprising the TJBs, onshore export cables and the onshore substation. The EIAR considers both permanent and temporary works associated with the OTI.
onshore substation	Site containing electrical equipment to enable connection to the national grid.
onshore substation site	The area within which permanent and temporary works will be undertaken to construction the onshore substation.
onshore substation site boundary	The physical boundary of the onshore substation site.
onshore substation operational site	The area within the operational site boundary within which operational activities will occur.
operations and maintenance (O&M) activities	Activities (e.g., monitoring, inspections, reactive repairs, planned maintenance) undertaken during the O&M phase of the CWP Project.
O&M phase	This is the period of time during which the CWP project will be operated and maintained.
operations and maintenance base (OMB)	The operational and maintenance facilities to support the CWP Project, including buildings / warehouses, laydown areas, cranes, parking and marine works such as pontoons for maintenance vessels.
parameters	Set of parameters by which the CWP Project is defined, and which are used to form the basis of assessments.
Phase 1 Project	Under the special transition provisions in the Maritime Area Planning Act 2021, as amended (the MAP Act), the Minister for the Department of

Glossary	Meaning
	Environment, Climate and Communications (DECC) has responsibility for assessing and granting a Maritime Area Consent (MAC) for a first phase of offshore wind projects in Ireland. The Phase 1 Projects include Oriel Wind Park, Arklow Bank II, Dublin Array, North Irish Sea Array, Codling Wind Park and Skerd Rocks. A MAC has since been granted by DECC for each of the Phase 1 Projects.
planning application boundary	The area subject to the application for development consent, including all permanent and temporary works for the CWP Project.
Poolbeg 220kV substation	This is the ESBN substation that the ESBN network cables connect into, from the onshore substation. This substation will then transfer the electricity onwards to the national grid
revetment	A facing of impact-resistant material applied to a bank or wall in order to absorb the energy of incoming water and protect it from erosion.
temporary cofferdam	A barrier to tidal inundation whilst the existing stone covered foreshore is temporarily removed to install the landfall cable ducts.
transition joint bay (TJB)	This is required as part of the OTI and is located at the landfall. It is an underground bay housing a joint which connects the offshore and onshore export cables.
tunnel	The onshore export cables will be installed within a tunnel that extends from within Compound A, near the landfall, to the onshore substation site.
wind turbine generator	All the components of a wind turbine, including the tower, nacelle, and rotor.

1 INTRODUCTION

1.1 The CWP Project

1.1.1 The Project summary

1. Codling Wind Park Limited (CWPL) (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. The Applicant is applying for permission for all components of the CWP Project under Section 291 of the Planning and Development Act 2000 (as amended) (PDA) (as inserted by the Maritime Area Planning (MAP) Act 2021). This includes:

   - The Generating Station, which comprises the wind turbine generators (WTGs), inter-array cables (IACs) (linking WTGs to each other and to the offshore substation structures (OSSs)) and interconnector cables (linking OSSs to each other) as can be seen on planning drawings **0007 – Offshore Site Layout Plan – Option A** and **0011 – Offshore Site Layout Plan Option B**;
   - The offshore transmission infrastructure (OfTI) which comprises the OSSs and offshore export cables also shown on the aforementioned drawings;
   - The landfall, which is described as the point at which the offshore export cables are brought onshore and connected at transition joint bays (TJBs) to the onshore export cables. This is shown on planning drawing **0016 – Intertidal Works Layout Plan**. For the CWP Project, the landfall works include the installation of the offshore export cables within Dublin Bay out to approximately 4 km offshore, where water depths are too shallow for conventional cable lay vessels to operate; and
   - The onshore transmission infrastructure (OTI), as described in planning drawing **0022- Onshore Development Area – Site Layout Plan – Permanent Works**, which comprises the onshore export cables, the onshore substation and network cables to connect the onshore substation to the Irish national grid at the existing 220kV Poolbeg substation.

3. The CWP Project is the largest renewable energy project in the State and the most important contributor to Ireland's overall offshore wind goals. With a planned output of 1300 megawatts (MW), it represents up to 26% of Ireland's 2030 target 5 gigawatts (GWs) for offshore wind energy. CWP makes significant contributions to the achievement of the CAP 2024 (the CAP). As a standalone project, it will make the most significant contribution to the achievement of abatements in the electricity sector; responsible for 43.7% of total carbon budget in 2030. A detailed description of the CWP Project is provided in the Environmental Impact Assessment Report (EIAR) **Chapter 4 Project Description**.

4. In accordance with the Offshore Renewable Energy Support Scheme (ORESS), the establishment of a significant Community Benefit Fund (CBF) is integral to the delivery of the CWP Project. The aim is to deliver tangible benefits for the neighbouring communities. Details of the Community Benefit Fund and Stakeholder Engagement are set out in **Section 6 Social and Community**.

1.1.2 The Applicant

5. CWPL is the Applicant. CWPL is a joint venture between Fred Olsen Seawind and EDF Renewables. Both companies are leading developers, owners and operators of renewable energy assets, with many years of global experience in the renewable energy and offshore wind sector.

1.2 Need for development

6. The CWP Project is built on the evolution of Marine Policy, environmental obligations and climate change. It has been in development for 20 years, after the Applicant was awarded a Foreshore Lease for the original CWP array in 2005. In the intervening period, there has been advancement in support of Offshore Renewable Energy (ORE) at a national and strategic policy level. The transition to renewable energy, including offshore renewable energy, is a matter of strategic importance, which is recognised in Project Ireland 2040 – The National Development Plan 2021–2030; in Project Ireland 2040 – National Planning Framework 2040; in Project Ireland 2040 – National Marine Planning Framework; and in the Climate Action Plan (CAP) 2024.

7. Ireland's carbon budgets for the period 2021 to 2030 require Ireland to emit no more than 495 million tonnes of CO_2 equivalent and to reduce its annual emissions.[1] Ireland has emitted 122.8 million tonnes of CO_2 equivalent in 2021 and 2022.[2] The rapid deployment of all measures envisaged by the CAP is essential to Ireland meeting its legally binding targets.

8. The CAP 2024 sets out a target of 5 GW of offshore wind to be deployed by 2030. The CWP Project is one of the Phase One projects (also referred to as the 'Relevant Projects'). The Government has set out ambitious targets for the production of offshore wind energy. These are to support significant reductions in greenhouse gas (GHG) emissions.

9. As noted in the Government's 'Energy Security in Ireland to 2030: Energy Security Package' (Government of Ireland, 2023): energy security is systemically linked and dependent upon the twin pillars of harnessing our indigenous renewable energy resources at speed and at scale and the rapid electrification of energy demand.

10. The speedy delivery of offshore wind projects, such as the CWP Project, is therefore a matter of urgency and of both national and European importance. The overall CWP Project will:

    - Facilitate the accelerated and increased use of renewable energy with a maximum export capacity of 1300 MW.
    - Stabilise electricity pricing. CWPL was successful at the ORESS-1, meaning the price of the electricity generated has been agreed and fixed for a period of 20 years, making this a reliable source of energy at a price indexed to inflation. There will be no sudden spike in price, as has been experienced in recent times as a result of the Russia–Ukraine conflict.
    - Improve the security of supply nationally by significantly increasing the domestic production of renewable energy; and therefore
    - Contribute to a reduction in the dependency on imported electricity and on fossil fuels. These will both support a more sustainable electricity mix and dilute the share of non-renewable sources in the overall energy mix.
    - Positively support the collective effort towards a reduction of GHG emissions.

11. If planning permission is granted, the CWP Project will, by 2030, deliver 1300 MW of clean electricity to the national grid. This power will be provided at prices indexed to inflation for up to 20 years. It will abate GHG emission by c. 1.3 million tonnes of CO_2 every equivalent to 43.7% of the total carbon budget for the electricity sector in 2030.[3]

12. In March 2024 the Government published Powering Prosperity – Ireland's Offshore Wind Industrial Strategy. The intent is to maximise the economic benefits associated with the delivery of the offshore wind targets up to 2050. It focuses on the supply chain and research, development and innovation. It

[1] Climate Action Plan, 2024, Table 3.1 (p 25).
[2] Greenhouse Gases and Climate Change - CSO - Central Statistics Office.
[3] Climate Action Plan 2024, p 152.

will particularly look at measures to maximise Ireland's participation in domestic and international Offshore Wind Energy supply chain.

13. On a macro-economic scale, the CWP Project has an economic potential of over €1 billion Gross Value Added (GVA) as reported in EIAR **Appendix 29.3 Economic Impact Analysis**. In addition, as the industry is in its infancy, the grant and subsequent development of the CWP Project would kickstart the development of the offshore wind industry by establishing a supply chain. The CWP Project will have positive supply chain effects from inception through to decommissioning.

14. The CWP Project is the largest renewable energy project in Ireland, be it onshore or offshore. As a standalone project, it is just over a quarter of the 2030 offshore wind target and will contribute to the reduction of c1.3 million tonnes of CO_2 per year for every year of its lifetime. Its economic benefits at local, regional and national levels are far reaching and have the capacity to propel Ireland into a new market.

15. Given its highly strategic nature and hugely advantageous benefits, the project should be granted planning permission.

1.3 Scope and purpose of the Report

16. MacCabe Durney Barnes has prepared this **Planning Report** to accompany the planning application to ABP in respect of the CWP Project. The planning application is made under Section 291 of the Planning and Development Act 2000, as amended, as introduced by the Maritime Area Planning Act (MAPA) 2021.

17. This report has been prepared to demonstrate compliance with the relevant policy framework and discuss arising issues. This includes considerations of policies contained in relevant development plans. It should be read in conjunction with the suite of documentation submitted as part of the planning application. This includes inter alia:

- The **EIAR Volume 2 Introductory Chapters**, **Volume 3 Topic Chapters** and **Volume 4 Appendices**;
- The **Natura Impact Statement** (**NIS**);
- The **Planning Drawings**;
- The **Onshore Substation Architectural Design Statement**;
- The suite of documentation provided in the **Planning Documents**; and
- **Supporting Documents**

18. The structure of this **Planning Report** has been developed to respond to the three main criteria of the Board's decision-making framework (**Table 1-1**):

Table 1-1 Three main criteria of the Board's decision-making framework

Criteria	Description
Proper Planning and Sustainable Development	The Board shall determine whether the application is supported by the applicable policy framework and its role in supporting the achievement of policy as described in the paragraphs following this table. These are set out under: • The Climate Action and Low Carbon Development Act 2015 • The Maritime Area Planning Act 2021 • The Planning and Development Act (PDA) 2000, as amended. The Board should conclude that the proposed development would accord with European and national policy and is acceptable having regard to regional and local planning policies, would increase the domestic production of renewable energy which would enhance the security of supply in Ireland. The proposed development would be acceptable in respect of its likely significant effects on the environment and its likely consequences for the proper planning and sustainable development of the area. The proposed development would be in accordance with the proper planning and sustainable development of the area.
Environmental Impact Assessment (EIA)	The Board will carry out an EIA to reach a reasoned conclusion of the significant effects of the proposed development on the environment. The information provided in the EIAR is up to date and complies with the provision of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the above, the Board should be able to conclude that the proposed development would not have any unacceptable direct or indirect effects on the environment on its own or cumulatively with other plans or projects.
Appropriate Assessment (AA)	The Board will carry out an AA to consider the implications of the proposed development on the relevant SAC/SPA (those that were screened in) and in particular: • The likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects; • The mitigation measures which are included as part of the current proposal; and • The conservation objective for the European sites. The board should be satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the sites' conservation objectives.

19. Under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended), ABP (as a 'relevant body') *'shall, in so far as practicable, perform its functions in a manner consistent with —*

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

20. Under Section 30(1) of the Maritime Area Planning Act 2021: *'A public body shall adopt such measures, consistent with the body's functions, as are necessary to secure the objectives of the National Marine Planning Framework.* This includes *(b) the giving of any authorisation by or under any*

enactment (whether the authorisation takes the form of a licence, consent, approval or any other type of authorisation) for the purposes of any maritime usage or proposed maritime usage.'

21. Under 293(2)(b): '*The Board may grant a permission under this section that would materially contravene the National Marine Planning Framework or a maritime spatial plan if it is satisfied that —*

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

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

22. In considering an application for permission under Section 291 of PDA 2000, as amended, the Board must under Section 293(3) '*have regard to;*

a) the marine planning policy statement,

b) guidelines issued under section 7 of the Maritime Area Planning Act 2021,
c) guidelines issued under section 28,
d) any regional, spatial and economic strategy of a regional assembly—
(i) within whose functional area it is proposed to carry out development to which the application relates, or
(ii) whose functional area adjoins the maritime site to which the application relates,
e) the development plan of any coastal planning authority—
(i) within whose functional area it is proposed to carry out development to which the application relates, or
(ii) whose functional area adjoins the maritime site to which the application relates,
f) any local area plan applicable to a part of the functional area of any coastal planning authority—
(i) within which it is proposed to carry out development to which the application relates, or
(ii) that adjoins the maritime site to which the application relates,

(m) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 on maritime spatial planning,

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

(o) objectives of maritime spatial planning, and

(p) principles of proper planning and sustainable development.

23. This report deals with relevant policy as of July 2024. The Applicant will have regard to amendments or revisions to this suite of information as and when the opportunity arises throughout the application process, including at oral hearing (if the Board decides to convene same). However, the Board must apply relevant policy at the date of its decision, which may have evolved following the latest available update from the Applicant.

1.4 Structure of the Report

24. The overarching aim of the report is to demonstrate compliance with the relevant policy framework. The report is structured as follows:

- **Section 1 Introduction** – this section
- **Section 2 Proposed Development** - provides the description of the CWP Project

- **Section 3 Legislative Context for the Proposal** - sets out the legislative context of the proposal
- **Section 4 Planning Policy Compliance Statement** - presents analysis of the relevant planning policy framework from strategic to local level
- **Section 5 Planning Appraisal** addresses issues of potential inconsistency identified in Section 4
- **Section 6 Social and Community** sets out information on the Offshore Renewable Electricity Support Scheme (ORESS) and Stakeholder Engagement
- **Section 7 Conclusion** provides a summary of conclusions

25. The report is supported by the **Planning Report Appendices**, which are provided as a separate document. The **Planning Report Appendices** document includes the statement of **Compliance with the NMPF** in **Appendix A**, **Compliance with the OREDP Project Level Mitigation Measures** in **Appendix B** and the **Ecosystem Service Report** in Annex 1 of **Appendix A**.

2 THE PROPOSED DEVELOPMENT

2.1 Project background

26. The Applicant was awarded a Foreshore Lease under the Foreshore Act 1933 for the original CWP array site in November 2005. The lease enabled installation of up to 220 WTGs within the original CWP array site with a generating capacity of up to 1100 MW and associated infrastructure on the northern part of the current MAC area.

27. In March 2009, the Applicant applied for a Foreshore Lease for the Codling Wind Park Extension (CWPE), a similar sized array containing up to 200 additional WTGs and with up to 1000 MW capacity. The proposed CWPE array adjoins the original CWP array site and extends to the south.

28. There have been significant advances in wind turbine technology, combined with considerable reductions in the cost of energy from offshore wind, which means that the original CWP array and CWPE can be developed as one cohesive project with a greatly reduced number of WTGs while optimising the renewable electricity production from the site.

29. The project, referred to as the CWP Project henceforth, now consists of a single array site, with associated Offshore Transmission Infrastructure (OfTI). Its maximum export capacity is 1300 MW. The landfall point where the offshore export cables are brought onshore and connect to the onshore cables, is located in Poolbeg, Dublin 4. The onshore export cables head north to meet the onshore substation which is proposed on a site bound by the River Liffey to its north.

30. The CWP Project was originally granted a Maritime Area Consent in December 2022 and was subsequently amended to include an extension to the MAC boundary and the time period within which the application shall be submitted. This consent is conditional on securing planning permission from the Board. The MAC is for a period of 45 years from 23 December 2022. A ten-year planning permission is sought, with an operational lifetime of 25 years. The 25-year operational lifetime shall commence on full commercial operation of the CWP Project. At the end of this period, the CWP Project may be repowered or decommissioned. If the operator of the wind park was minded to repower, then a new planning application and new EIAR would be required.

2.1.1 Pre-application consultations with An Bord Pleanála

31. The Applicant has undertaken statutory pre-application consultations with ABP in accordance with Sections 287 and 287A of the Act. There were previous consultations under Section 182E of the Act, in relation to electricity transmission infrastructure (Ref. No: ABP-307638-20). However, revisions to the Planning and Development Act have removed the need to submit separate applications for electricity generation and transmission, as now are all covered by Section 291 of the Act.

2.1.2 Section 287 Consultation

32. The Applicant submitted a request to ABP to commence the pre-application process on 8 February 2023 (Ref.No:ABP-317821-23). Following a request by ABP on 20 February 2023, further information was submitted on 31 March 2023. The Applicant met with representatives of ABP on five occasions during the pre-application consultation process. The dates and issued raised are summarised in **Table 2-1** below.

Table 2-1 Pre-application consultation with An Bord Pleanála

No.	Date	Issues
1	6 June 2023	The principal components of the scheme were outlined. These included timelines, project commitments, project areas, technology options, export and onshore cable considerations, and substation design. The process for separate applications for generation and transmissions infrastructure was discussed. The tiered approach to cumulative effects assessment was in principle acceptable, but collaboration with other Phase One projects was sought. Also discussed were cable laying, archaeology, fisheries impacts, sandbanks impacts, underwater noise, interface with Dublin Port Company's 3FM proposals, consultation with local planning authorities, construction compounds and dumping at sea licencing requirements.
2	22 August 2023	Issues considered included interface with 3FM proposals at Poolbeg; ongoing consultations with prescribed bodies, transboundary bodies, planning authorities, local communities and fisheries; the requirements for a cumulative effects assessment, particularly for birds and mammals; recent candidate designation of an SPA; MPA sensitivity mapping; National Marine Planning Framework (NMPF) compliance; EIA requirements; consideration of Seveso sites; and agreed data cut-off dates.
3	16 November 2023	The Applicant indicated an amendment to the MAC would be sought. Draft NIS concluded that development would not have an adverse effect on site integrity, alone or in combination with other Phase One projects. There had been some but limited engagement with National Parks and Wildlife Services (NPWS). Transboundary impacts in relation to foraging was discussed. Any design options deemed acceptable by the Board under s287B would be assessed in a systematic manner.
4	19 December 2023	Revision to the MAC was discussed. The community benefit fund under the terms of ORESS were highlighted. Additional standalone biodiversity measures are proposed as part of the CWP Project, but not the application.
5	23 January 2024	The meeting focused on procedural items relating to the submission of the planning application. The Board advised that it intends to close the Section 287 and the Section 287A consultation and complete the relevant Inspectors' Reports at the same time. The application must be consistent with any Opinion issued by the Board under Section 278B of the Act. The prescribed bodies will be confirmed by the Board in future correspondence with the Applicant regarding the closure of pre-application consultation.

33. ABP closed the consultation and issued a letter on 22 March 2024, which provided a list of prescribed bodies to be notified in the application. It also further listed the transboundary consultees. The Applicant received a written record of all meetings.

34. The Applicant has had due regard to the various matters that were raised by ABP during the pre-application consultation meetings that took place in 2023 and 2024, and these are reflected in the

drawings, the content of the EIAR, the content of the NIS, this planning report, and all of the application documentation.

2.1.3 Section 287A/B Consultation and Opinion

35. A request for a pre-application consultation under Section 287A of the Act was made on 4 December 2023 (Ref. No. ABP-318588-23). This section allows for design flexibility and an application must comply with the ABP opinion issued under Section 287B of the Act.

36. The Board issued an Opinion on 22 March 2024 (please refer to **Planning Documents, Schedule 1 – Form 22 Supplementary Opinion on Flexibility**). An amendment under Section 146A of the Act was issued on 25 April 2024.

37. In general terms, the Opinion on Flexibility confirms that the flexibility sought by the Applicant is appropriate and will enable the Applicant to avail of technology developments and advancements; and to take account of potential challenges in the supply chain to deliver the short-term national targets.

38. The ABP opinion and **Form 22** are included in the **Planning Documents** with this planning application, which demonstrates how the application accords with the 287B Opinion.

39. All of the matters within the scope of Section 287A and 287B are described in the planning application by way of options, parameters or a combination of options and parameters. All of these are used in respect of different details relating to CWP Project elements located in the maritime area, the landfall interface and onshore. The Applicant has provided within the Application two options in respect of each detail which is unlikely to be confirmed at the time of the Application, in compliance with the 287B Opinion, thereby setting out the information on the basis of which the Application may be determined by the Board.

40. It also uses parameters to describe two kinds of flexibility: dimensional flexibility, where the range of dimensions is described using a minimum to maximum range; and locational flexibility, where the range of locations is described by identifying a specific preferred location and a LoD from that location.

2.1.4 Consultations with prescribed bodies and other public bodies

41. The full list of consultations with prescribed bodies and other public bodies undertaken as part of the design phase of the project can be found in the **Planning Documents, Schedule 6 – Schedule of Pre-Application Consultations**.

2.1.5 Public consultations

42. Reference is made to the **Public and Stakeholder Consultation Report**, which presents the full extent of the public consultation undertaken.

2.2 Description of development

43. The CWP Project is a proposed OWF located in the Irish sea approximately 13–22 km off the east coast of Ireland, at County Wicklow.

44. This section of the Planning Report presents a high-level description of the offshore and onshore components of the CWP Project, which includes:

- The **Generating Station**, which comprises the WTGs, inter-array cables (IACs) and interconnector cables;
- The **offshore transmission infrastructure** (OfTI), which comprises the Offshore Substation Structures and offshore export cables;
- The **landfall**, which describes the point at which the offshore export cables are brought onshore; and
- The **onshore transmission infrastructure** (OTI), which comprises the onshore export cables, the onshore substation and associated infrastructure.

45. **Figure 2-1** illustrates these project components and how they relate to each other.

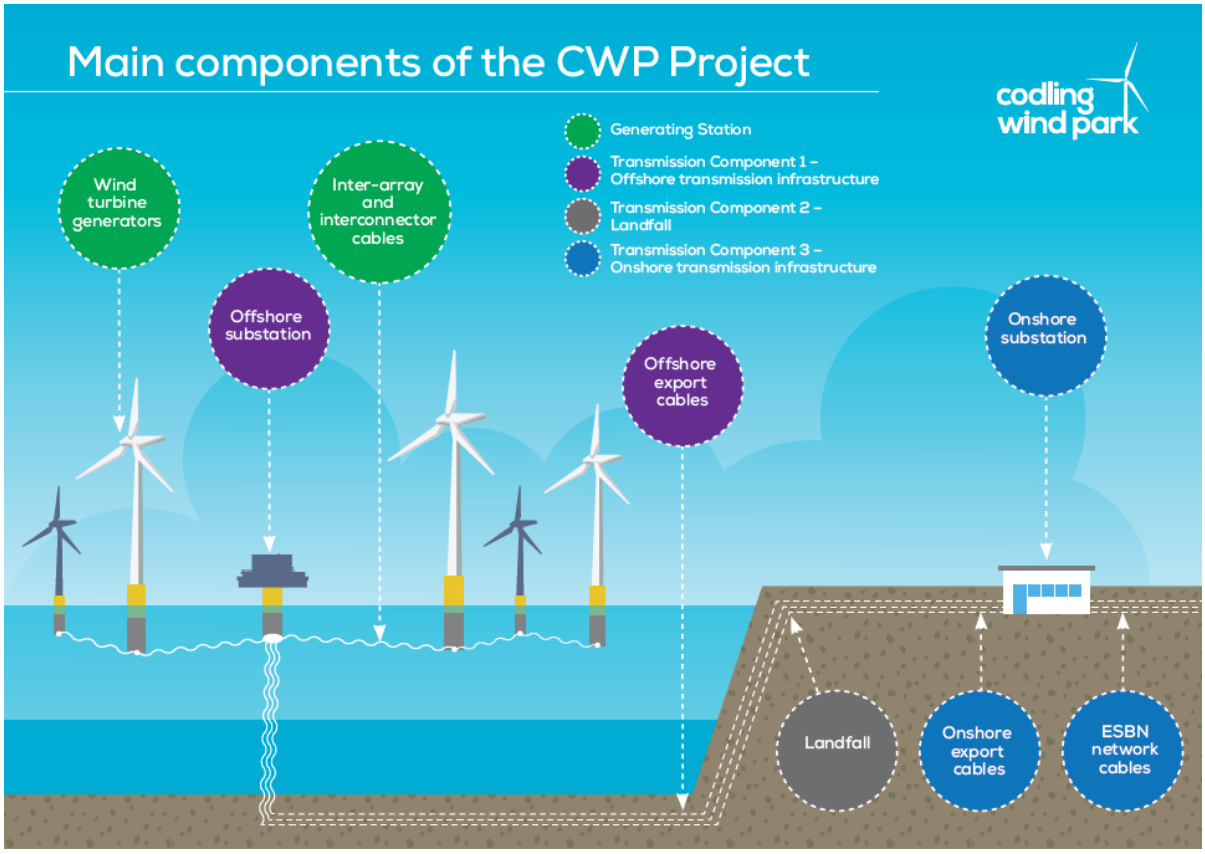


Figure 2-1 Main components of the CWP Project

2.2.1 Generating station

46. The Applicant is seeking limited flexibility on the size, and therefore the number of WTGs, that will be installed. Two WTG layout options are proposed:

- WTG Layout Option A, consisting of 75 WTGs with a rotor diameter of 250 m; and
- WTG Layout Option B, consisting of 60 WTGs with a rotor diameter of 276 m.

47. The Applicant is seeking planning permission for both WTG layout options, but only one of them will be constructed (and therefore not both or a combination of both). The WTG parameters for each option are described as specific. These parameters include WTG hub height; blade tip height; rotor diameter; tower diameter and blade chord.

48. The preferred location of the WTGs for each of the two WTG layout options, including foundation scour protection, are described with a LoD around the centre point of each WTG.

49. Flexibility is sought in relation to the dimension of the monopile foundations in respect of height, diameter, length, embedment depth and grout volume.

50. The preferred alignment of the IACs and interconnector cables for each of the two WTG layout options are described within a defined LoD.

51. The length of the IACs and the interconnector cables is described within defined parameters (i.e. a minimum to maximum range).

52. The details are described in **Chapter 4 Project Description** of the EIAR.

2.2.2 Transmission component 1 – Offshore transmission infrastructure

53. Three OSSs are proposed within the array site. Their size and location are the same for WTG layout options A and B.

54. The parameters of the OSS are described as specific.

55. Flexibility is sought in relation to the dimension of the OSS monopile foundations in respect of height, diameter, length, embedment depth and grout volume.

56. Preferred locations for the OSSs, including foundation scour protection, are described, and these are the same for the two WTG layout options. However, limited locational flexibility is sought in the form of a LoD around the centre point of each OSS.

57. Preferred alignments for the offshore export cables are described, with limited locational flexibility sought in the form of a defined LoD.

58. The length of the offshore export cables is described within defined parameters (i.e. a minimum to maximum range).

59. The details are described in **Chapter 4 Project Description** of the EIAR.

2.2.3 Transmission component 2 – Landfall

60. The offshore export cables will be joined to the onshore export cables in separate underground chambers known as TJBs in Poolbeg. Preferred locations of the TJBs are described within a defined LoD.

61. The preferred alignment of the landfall cable ducts, intertidal cable ducts and intertidal offshore export cables (non-ducted sections) out to approximately 4km from the High Water Mark (HWM) are described as specific within a defined LoD.

62. The details are described in **Chapter 4 Project Description** of the EIAR.

2.2.4 Transmission component 3 – Onshore transmission infrastructure

63. The onshore substation is located in Poolbeg, on the southern shoreline of the River Liffey. It is described in detail in the planning application.

64. The preferred location of the onshore substation revetment at the interface with the River Liffey is described within a defined LoD.

65. The details are described in **Chapter 4 Project Description** of the EIAR.

2.2.5 Construction programme and working hours

66. The construction programme for the CWP Project is dependent on a number of factors which may be subject to change, including the determination of the application for planning permission and the availability and lead-in times associated with procurement and installation of project components.

67. An indicative construction programme for the CWP Project is presented below in **Table 2-2** which assumes a total construction duration of 36 months, including commissioning.

68. Construction of the offshore components for the CWP Project will be completed in a number of stages. These may not necessarily be consecutive, and some flexibility is required in the construction process to account for changing construction programmes due to, for example, fabrication delays or vessel availability. Offshore construction will take place 24 hours per day.

69. Construction of the onshore components for the CWP Project will commence with the onshore substation preliminary works, including the establishment of access roads, site preparation and temporary compounds.

70. Onshore construction activity will mostly take place during daytime hours from Monday to Friday (7am to 7pm) and a half day on Saturdays (up to 2pm).

71. Evening, night-time and Sunday working will be required during certain periods to facilitate landfall works at low tide, tunnelling and horizontal directional drilling (HDD) activities onshore that, due to their nature, cannot be limited to daytime hours only. Seasonal restrictions will be in place for landfall works and the onshore substation site, as described in **Chapter 2 Project Description**.

Table 2-2 Indicative construction programme

Indicative construction programme	Year 1		Year 2		Year 3		Year 4		Year 5	
Onshore substation construction and commissioning										
Landfall works (Phase 1)										
Landfall works (Phase 2)										
Onshore export cable installation										
WTG and OSS foundation installation (incl. scour protection)										
WTG installation										
OSS topside installation and commissioning										
IAC and interconnector cable installation										
Offshore export cable installation										
WTG commissioning										

72. Offshore construction activities and piling at landfall will take place 24 hours due to vessel availability and tide cycles, which is acceptable from a noise perspective.

2.3 Planning history

2.3.1 Application site

Offshore

73. In November 2005, Fred Olsen Renewables Ltd (FORL) was awarded a Foreshore Lease under the Foreshore Act 1933 for the installation of up to 220 WTGs within the original CWP array site with a generating capacity of up to 1100 MW and associated infrastructure.

74. In March 2009, FORL applied for a Foreshore lease (Ref. FS006460) for the CWPE, a similar-sized array site containing up to 200 additional WTGs with up to 1000 MW generating capacity. The proposed CWPE adjoined the original CWP array site and extended to the south. However, issues in Ireland at the time concerning a viable route to market for OWF projects and grid connection delays meant that the application for the CWPE was not taken forward.

75. In 2013, CWPL applied for a foreshore licence (Ref. FS006241) for site investigation works off the coast of Wicklow.

76. In 2023, CWPL secured a foreshore licence for site investigation works (Ref. FS007546).

Onshore

77. The following applications were identified in respect of the application lands:

- PA.Reg.Ref.4600/08: A new stockpile area for the storage of granulated bulk slag at their plant. The application includes for a new bridge, retaining walls and associated site works and services on site area of 0.54ah. Planning permission was granted on appeal to Ecocem Ireland Ltd in August 2009. The site layout is shown in **Figure 2-2** Site layout submitted as part of 4600/08, as displayed on DCC's Register (Source: Muir Associates for Ecocem Ireland).

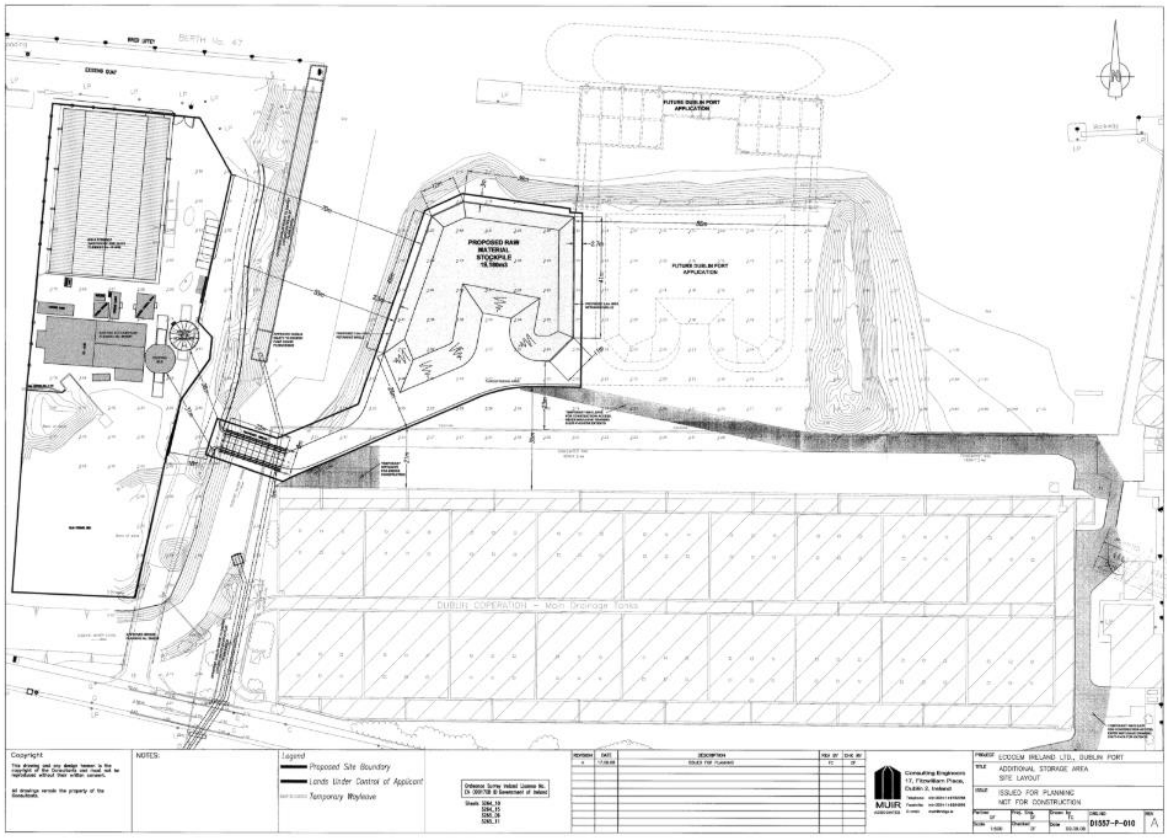


Figure 2-2 Site layout submitted as part of 4600/08, as displayed on DCC's Register (Source: Muir Associates for Ecocem Ireland)

- By condition, the use of the site for storage of granulated bulk slag was to cease before 31 December 2016.The permission was extended to 24 September 2019 (PA.Reg.Ref.4600/08/x1). The permission was not implemented.
- PA.Reg.Ref 3711/18: Planning permission was granted to Dublin Port Company in July 2019 for the construction of a bridge to span the existing cooling water outfall channel. The permission has not been implemented and expires on 25 September 2024, see **Figure 2-3** Site layout as submitted under PA.Reg.Ref.3711/18, as displayed on DCC's Register (Source: Doran for DPC)

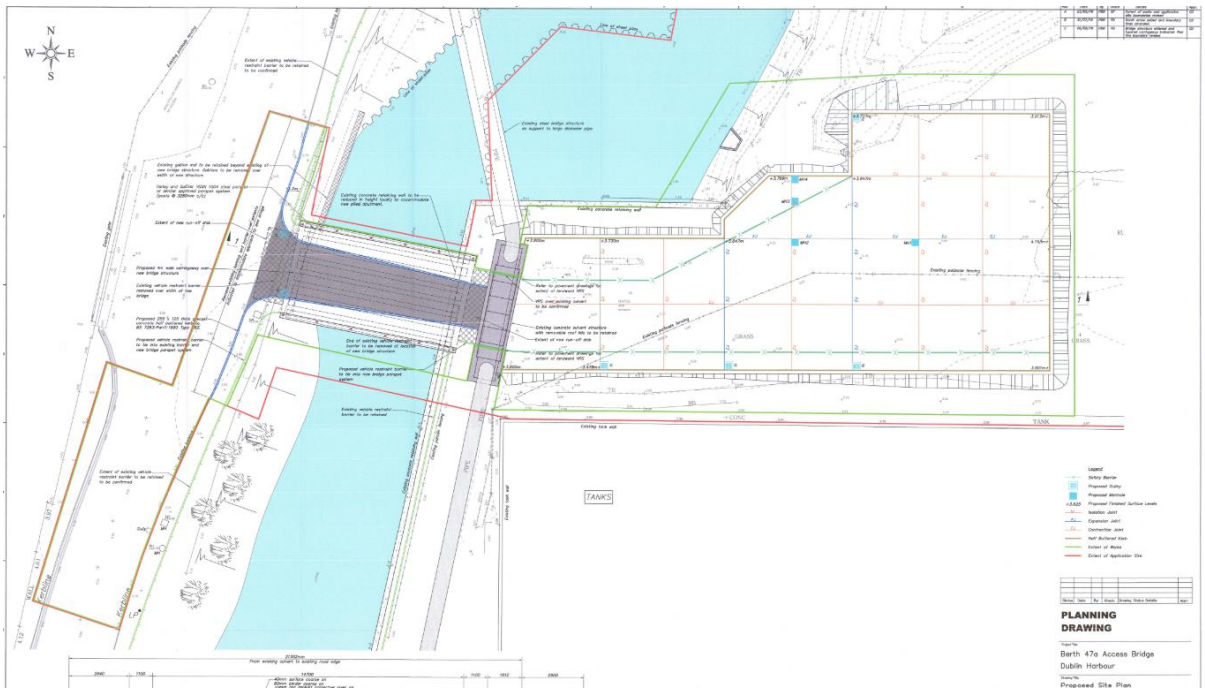


Figure 2-3 Site layout as submitted under PA.Reg.Ref.3711/18, as displayed on DCC's Register (Source: Doran for DPC)

- 3625/20: Planning permission for the demolition of three existing disused modern buildings (combined floor area 3,240 sq. m), works, the construction and operation of 75 MW capacity battery. Permission granted to ESB on 22 June 2021. The plant was officially launched in February 2024.
- PWSDZ3074/23: Planning permission was granted to ESB on 13 February 2024 for the construction / installation of one open cycle gas turbine generating unit and associated plant and equipment.

2.3.2 Other relevant developments

78. This section should be read in conjunction with the EIAR **Appendix 5.1 CEA Methodology**. A select number of key projects are highlighted below.

Phase one east coast projects

79. In December 2022, the Minister for Environment, Climate and Communications granted maritime area consents to six offshore renewable energy projects. Five of these projects are located off the east coast. These are:

- Bray Bank and Kish Bank (together referred to as Dublin Array);
- North Irish Sea Array;
- Oriel Wind Park;
- Arklow Bank II; and
- Codling Wind Park, the largest project overall of the Phase One grouping.

80. Similar to the CWP Project, these projects are undergoing the different stages of the planning process with the Board.

Dublin Port MP2 Project

81. An Bord Pleanála granted a 15-year permission for a strategic infrastructure development (SID) to the Dublin Port Company (DPC) on 1 July 2020 for development at Oil Berth 3 and Oil Berth 4, Eastern Oil Jetty and at Berths 50A, 50N, 50S, 51, 51A, 49, 52, 53 and associated terminal yards to provide for various elements including new Ro-Ro jetty for ferries up to 240 m in length and consolidation of passenger terminal buildings (ABP Ref: 304888). The works, which include dredging of the River Liffey and the redevelopment and future-proofing of Oil Berth 3 as a future deep-water container berth for the Container Freight Terminal, are located on the northern side of the river. MP2 has commenced with several capital dredging campaigns having already taken place. There are no direct interdependences between the CWP Project and the MP2 project.

Poolbeg Electrical Substation

82. In 2023, EirGrid applied to Dublin City Council (PA.Reg.Ref.4057/23) for the construction of a new 220kT GIS switchboard building, 2 no. shunt reactor units and 1 no. new series reactor unit (see **Figure 2-4** Proposed site layout plan of the Poolbeg 220KV substation (Source: Jacobs / EirGrid as displayed on DCC website)). The development is to be located at the Poolbeg 220 kV Electrical Substation and adjacent land, Pigeon House Road, Dublin 4. Planning permission was granted on 29 November 2023. A first party appeal against development contribution was submitted to An Bord Pleanála on the 8 January 2024 (ABP Ref 318795), meaning the grant of permission will remain in place regardless of the outcome of the appeal. The project is required to reinforce the broader grid. The CWP Project will connect to the new substation via a 220 kV cabling from the CWP substation. The connection will be at the southern side of the new structure.

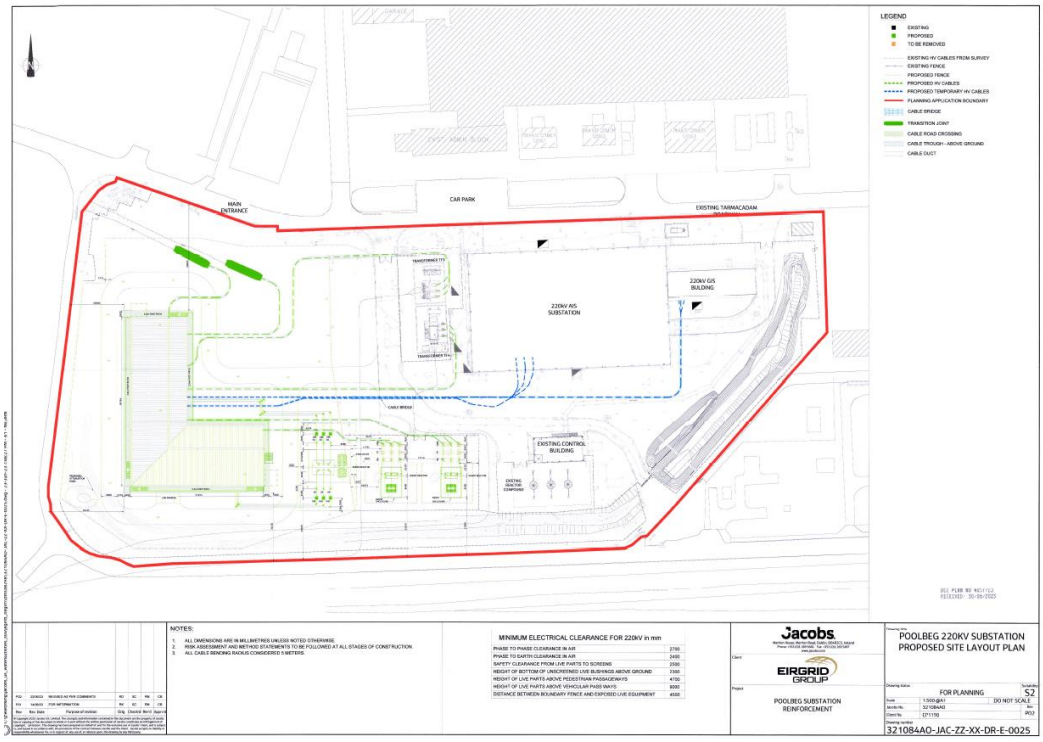


Figure 2-4 Proposed site layout plan of the Poolbeg 220KV substation (Source: Jacobs / EirGrid as displayed on DCC website)

Powering Up Dublin

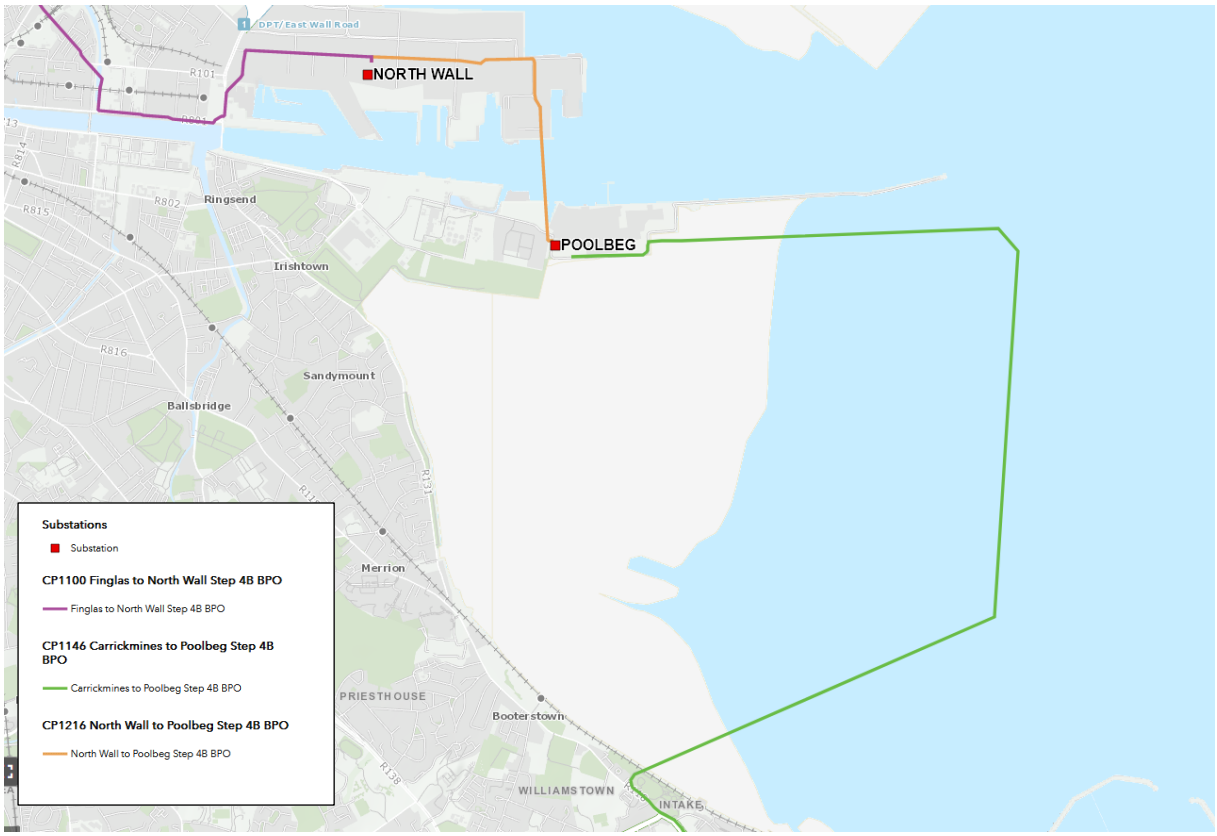
83. Powering Up Dublin is an initiative by EirGrid for the installation of 50 km of electric cables across the city to strengthen key electricity infrastructure in Dublin. It also includes the upgrade of a number of electricity substations to support the grid. As part of the CWP Project, studies have been carried out to identify new underground cable routes to link substations to each other, specifically:

- North Wall and Poolbeg;
- Finglas and North Wall;
- Poolbeg and Carrickmines; and
- Two cables linking Inchicore and Poolbeg.

84. As of January 2024, EirGrid had identified, following public consultation and stakeholder engagement, the best performing options for three of the cable routes associated with the CWP Project. These are:

- Carrickmines to Poolbeg (Eirgrid anticipates that works would start in 2025 and would be completed in 2028[4]);
- North Wall to Poolbeg; and
- Finglas to North Wall.

85. **Figure 2-5** Powering Up Dublin Public Consultation: Extract from Step 4b Best Performing Option (BPO) Routes (Source: EirGrid) is an extract of the interactive map showing the routes.



[4] https://cms-prd.eirgrid.dept.ie/sites/default/files/publications/PUD-Carrickmines-to-Poolbeg-Brochure_0.pdf

Figure 2-5 Powering Up Dublin Public Consultation: Extract from Step 4b Best Performing Option (BPO) Routes (Source: EirGrid)

86. Documentation available to date states the crossing of River Liffey will utilise tunnelling as it is considered to be the only feasible technology. It will be subject to planning and environmental consideration. The proposed tunnel-crossing reception shaft will be located close to the Poolbeg substation with the final route technology to be confirmed during the upcoming Powering Up Dublin phases.

87. EirGrid published a dedicated report per route. Given the location of these, two routes are particularly relevant to the CWP Project. These cables will require a maritime area consent (for Carrickmines to Poolbeg) and planning permission (Carrickmines to Poolbeg and Poolbeg to North Wall).

88. Of particular relevance to the CWP Project are the offshore elements of the Carrickmines to Poolbeg route and the terrestrial element of the Poolbeg to North Wall route. Part of the Carrickmines to Poolbeg route consists of a submarine cable departing from Blackrock Park to Shelley Banks car park, which is located adjacent to Shelley Bank Beach, south of the National Oil Reserve Agency (NORA) Poolbeg Oil Storage Terminal. The cable to be laid around Poolbeg will depart the Shellybanks Substation head towards the Irish Water lands at Shelly Bank before crossing to the east of the Dublin Port west jetty toward the north bank of the River Liffey, landing at the Irish Ferries Terminal.

Dublin Port 3FM Project

89. 3FM is DPC's third masterplan, which principally focuses on port lands located on the southern bank of the River Liffey. The overarching objective of 3FM is to bring Dublin Port to its maximum capacity by 2040. The planning application was lodged in July 2024. The application includes:

- Southern Port Access Route (SPAR).
- Construction of a new Lift-on Lift-Off (Lo-Lo) Terminal will be located north of the ESB's generation station with 650 m of deep water berthage plus associated cargo handling areas (known as Dublin Port Masterplan Area N) to accommodate Lo-Lo vessels of up to 240 m. It will operate in conjunction with a transit container storage yard located on waterside land currently used for bulk cargo handling (Dublin Port Masterplan Area L).
- Replacement of the existing Lo-Lo container terminal, currently operated by Marine Terminals Limited with a new Roll-on Roll-Off (Ro-Ro) Terminal. The terminal will be located at existing Berths 42–45 including provision of two berths, each with a single tier Ro-Ro ramp, plus associated cargo handling facilities (Dublin Port Masterplan Area K). The terminal will operate in conjunction with a transit RoRo trailer yard located on Dublin Port owned land on the southern side of the Poolbeg Peninsula (Dublin Port Masterplan Area O). This combined terminal will accommodate Ro-Ro vessels of up to 240 m length. There will be no stacking of containers or trailer, not use of gantry cranes on Area O, where ground level, single height freight trailers will be completely hidden from Sandymount Strand;
- Provision of a 325 m diameter ship turning circle in the river channel north of Pigeon House Harbour, dredged to a depth of -10.0m CD. The ship turning circle will enable safe navigation and efficient manoeuvring of vessels up to 240 m in length.
- Construction of a maritime village at Pigeon House Road at Berth 41. This village will accommodate local rowing, sailing and boat clubs, and will provide a significantly enhanced public realm and facilities on the waterside.
- The community gain elements include:
    - 7 km of active travel paths and 4.9 km of new or upgraded footway for the SPAR and the Poolbeg Peninsula.
    - Development of a sailing, rowing and maritime campus (Maritime Village).
    - Provision of recreational space in the form of Port Park and Wildflower Meadow (2.5ha) and Coastal Park (1.6ha) and 1.1 ha extension to Irishtown Nature Park.

  - Enhanced public realm through the development of a new public plaza as a key part of the Maritime Village.
  - Establishment of a community benefit fund.
- Heritage and biodiversity enhancements including the commissioning of a new Public Access Feasibility Study regarding the Great South Wall, the construction of an additional marine structure (dolphin) to expand the available habitat and range of the Dublin Port Tern Colonies and the provision of interpretative markers to delineate the alignment of the Great South Wall.

90. There has been close liaison between the CWP and DPC 3FM project. Each project has been designed so that it can be delivered independent of the other. The CWP Project has included in its design of the substation a curved quay wall at the north-eastern part of that site to cater for the ship turning circle in the River Liffey. The CWP Project onshore cables across the southern part of the Poolbeg Peninsula will be laid as part of coordinated construction programme to ensure compatibility with the 3FM project.

3 LEGISLATIVE CONTEXT FOR THE PROPOSAL

3.1 Introduction

91. This section provides an overview of the relevant legislative provisions and includes both European Directives and national legislation. As this report should be read in conjunction with the EIAR, certain legislative aspects are covered in the EIAR, particularly insofar as they relate to matter considered under the EIAR or the Natura Impact Statement.

3.2 European directives

92. The accompanying EIAR and NIS outline the European Directives which are relevant to the application.

93. The following Directives also have a bearing on the CWP Project insofar as they provide the policy context for this application:

- Directive 2014/89/EU of the European parliament and of the council of 23 July 2014 establishing a framework for maritime spatial planning.
- Directive on the Promotion of the Use of Energy from Renewable Sources (the Renewable Energy Directive) (EU) 2018/2001.
- 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.
- Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy as amended by Council Regulation (EU) 2024/223.

3.3 Irish legislation

94. The PDA 2000, as amended, is the primary legislation for planning in Ireland. The MAP Act 2021 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.

95. 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.

3.3.1 Planning and Development Act 2000, as amended

Development in the maritime area

96. The PDA provisions in relation to maritime development are similar to the traditional provisions in relation to terrestrial development.

97. Section 278 of the PDA defines development for the purposes of Part XXI (i.e. maritime planning) as:

'(a) The carrying out of any works in the maritime area, or

(b) the making of any material change in the use of the sea, seabed or any structure, in the maritime area, and Includes the reclamation of any land in the nearshore area.'

98. Section 281(1) provides that permission is required for such development, subject to the other provisions of the PDA (including as regards exempted development).

99. Part XXI, Chapter II deals with development entirely in the nearshore area or on land. It does not apply to the CWP Project.

100. Part XXI, Chapter III (Sections 284 to 306) deals with other maritime development, which does apply to CWPL. Chapter III establishes a number of criteria that applicants must satisfy before they apply for permission.

101. Under Section 286, they must hold (i) a MAC for the occupation of a maritime site for the purposes of the proposed development (see also Section 75 of the MAP Act in this regard), (ii) a foreshore licence, (iii) own land where the development is to be carried out, (iii) hold a foreshore lease or (iv) have the consent of the owner of land where the development is to be carried.

102. They must have engaged in pre-application consultation with the Board before applying for permission.

103. If they are making the application without confirming certain details of the development, they must hold an opinion from the Board issued under Section 287B confirming it is appropriate to make the application and have it decided on that basis.

104. This application is made to ABP under Section 291 of the PDA. The section sets out the application requirements in relation to submitting an EIAR, public notices, contents of the application, and consultation with prescribed bodies. Section 292 outlines supplementary provisions in relation to further information requests and decision-making processes.

105. Section 293(3) outlines the provisions in relation to the making of a decision and the matters which ABP must take into account in its decision, including the National Marine Planning Framework (NMPF), the Marine Planning Policy Statement (MPPS), ministerial guidelines, regional and spatial economic strategies of a regional assembly, a development plan of a coastal planning authority, a local area plan of a coastal planning authority, submissions made, any EIAR, or Natura Impact Statement (NIS). ABP may also attach conditions under section 293 (5).

106. Section 293(2) provides that ABP may only grant permission that would materially contravene the NMPF or a maritime spatial plan if ABP is satisfied that (i) the proposed development is of strategic, economic or social importance to the State, and (ii) the NMPF or the maritime spatial plan, as the case may be, contains objectives that conflict with one another or that are ambiguous with regard to their application to the proposed development.

107. In contrast, Section 293(3) provides that ABP is required only to *'have regard'* to the development plan of any coastal planning authority (i) within whose functional area it is proposed to carry out development to which the application relates, or (ii) whose functional area adjoins the maritime site to which the application relates. In this context, having regard implies looking at the development plans

concerned, and factoring in their relevance, if any, and weight, if any, as those matters appear to An Bord Pleanála.

Design flexibility

108. Under Section 287A, applicants making applications under Section 291 of the Act may submit to 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.

109. 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.

110. The Applicant made a request under Section 287A and ABP issued an opinion under Section 287B. The outcome of this consultation is summarised in **Section 302**.

Environmental Impact Assessment

111. 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.

112. 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.

113. Each Member State decides on a case-by-case basis whether Annex II projects require an EIA.

114. 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.

115. 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.'*

116. The CWP Project exceeds this threshold, and the Applicant is therefore required to prepare an EIAR for evaluation by ABP as the decision-making authority.

117. An EIAR accompanies the planning application.

Appropriate assessment

118. 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.'

119. Section 318 of the Planning and Development Act (PDA) 2000, as amended, provides that the existing procedures for Appropriate Assessment 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 Appropriate Assessment and the existing regulations (Part 20 of the planning and development regulations 2001 as amended) also apply to Section 291 applications.

120. A NIS accompanies the planning application.

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

121. Article 4 of the Planning and Development (Maritime Development) Regulations 2023 sets out the procedures for submitting a planning application under Section 291. The Regulations set out further requirements 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.

3.3.3 Maritime Area Planning Act 2021

122. MAP Act 2021 sets out 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.'

123. 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 management of the maritime estate, including the issuing of licences and Maritime Area Consents (MACs).

124. 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 MAC or a licence from MARA unless they are exempt. Where a development permission is required, the developer must obtain a MAC before applying for this.

Phase One Status

125. Section 101 of the MAP Act empowered the Minister for the Department of Environment, Climate and Communications (DECC) to invite applications for a MAC from 'Phase One Projects' prior to the establishment of MARA. Section 100 defined these projects as those that either had applied for or were granted a lease under the Foreshore Act 1933, or OWF projects that were eligible to be processed to receive a valid grid connection offer in December 2019.

126. The CWP Project is a Phase One Project by virtue of its existing Foreshore Lease for the original CWP array site and the Foreshore Lease application for the CWPE. This enabled the Applicant to apply for a MAC for the CWP Project in June 2022.

127. In December 2022 a MAC was granted for the CWP Project (MAC ref. no. 2022-MAC-006).

128. As a Phase One Project, CWPL has a preferential status, as outlined in the Policy section below.

Rehabilitation

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

130. 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; and*
>
> *(d) The expected timelines for applying for and obtaining other authorisations required in order to enable the applicant to discharge that obligation.*

131. 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; and*
>
> *(f) The removal of any deposited or waste material.*

132. An Bord Pleanála is entitled to include a condition in any grant of development permission requiring, and relating to (i) the removal of any structures authorised by the permission or (ii) the discontinuance of any activity so authorised, upon the expiration of such period as the Board may specify, and requiring, and relating to, the carrying out of any works necessary for the reinstatement of the site concerned upon such expiration. It is not limited to the contents of the rehabilitation schedule in this regard.

133. 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. A Rehabilitation Schedule accompanies the planning application.

3.3.4 Foreshore and Dumping at Sea (Amendment) Act 2009

134. A dumping at sea permit will be required for the proposed CWP Project from the Environmental Protection Agency (EPA) in accordance with the Foreshore and Dumping at Sea (Amendment) Act 2009.

135. The application for the dumping at sea permit is expected to be made within six months of the CWP Project application being submitted to ABP.

3.3.5 Electricity Regulation Act 1999

Electricity Generation and Construction Licences

136. 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 with Sections 14 and 16 of the Act.

137. Both applications to the CRU will be made by the Applicant on securing planning permission from ABP.

Grid connection offer

138. Under Section 34 of the Act, the Applicant must also apply for a grid connection offer from EirGrid.

139. A Grid Connection Assessment (GCA) will be a necessary requirement for each Phase One Project to qualify for a full grid connection offer from EirGrid. The Applicant submitted its GCA application for a preferred connection at Poolbeg on 12 April 2022. This GCA application was 'Deemed Complete' by EirGrid on 29 April 2022.The GCA was concluded in November 2022.

3.3.6 Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023

140. Section 247 of the Act amended Section 182 of the PDA insofar as it removed the requirement to make an application under Section 182A of the PDA for development subject of an application made under Section 291 of the PDA. This removes the requirement for the applicant to apply under Section 182A for approval to construct the transmission infrastructure associated with the proposed development.

3.3.7 Overview of relevant consents and notifications

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

Offshore

- Survey licence(s) under the MAP Act.
- Statutory Sanctions (from the Commissioner of Irish Lights) to allow for the installation of equipment and buoys offshore.
- Marine Notice(s), from the Marine Survey Office (MSO).

- Underwater Archaeology Survey Licence from the National Monuments Service (including under the new Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 if required); and
- Crossing Agreements. This is a formal agreement with third party asset owners in locations where CWP Project cables will cross other seabed assets (cables, pipelines, telecoms etc.).

142. A derogation licence under Regulation 54 of the EC (Birds and Natural Habitats) Regulations 2011 will be sought.

Onshore

- Commencement Notice from Dublin City Council (Building Control Act 1990).
- Potential Road Opening Licence from Dublin City Council.
- Consent or permit under the Waste Management Acts.
- Section 50 of the Arterial Drainage Act.
- Section 48 and 49 consents from the Commission for Regulation of Utilities for the installation of cables under roads and other lands.
- Consent under the National Monuments Act (including under the new Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 if required).

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

143. The Act was enacted in 2015 and amended in 2021. It requires the preparation of carbon budget to support the achievement of the national climate objective. The act envisages that the first two budgets shall provide a reduction in GHG emissions such as the total amount of annual GHG emissions in the year ending on 31 December 2030 is 51% less than the annual GHG emissions reported for the year ending on 31 December 2018, as set out in the national GHG emissions inventory prepared by the Agency.

144. The national climate objective is 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 economic'*.

145. Under Section 3, the Act requires that to achieve this objective:

- The preparation of the carbon budget, which consists of three sequential periods.
- Setting out sectoral emissions ceilings.
- The preparation of a climate action plan, which shall be updated annually.
- A national long-term climate action strategy, which shall be prepared at least every five years.
- A national adaptation framework.

146. The first two carbon budgets shall provide for a reduction in GHG emissions.

147. The Climate Action Advisory Council proposes carbon budgets for finalisation by the Minister for the Environment and approval by the government. Separate ceilings for individual sectors as determined by the Government are then prepared by the Minister for the Environment and approved by the Government. Ministers are required, as far as practicable, to comply with the sectoral emissions ceiling that applies to the sector for which he / she has the responsibility. In the event that the carbon budget is exceeded, the Minister will have to carry forward the excess and reduce the GHG emissions carried out forward.

148. Ministers of the Government have to set out sector-specific actions within their responsibilities. These are included in the Climate Action Plan. They should also prepare a sectoral adaptation plan.

149. Section 15 of the Act requires that '*a relevant body, in so far, as practicable, perform its functions in a manner consistent with –*

(a) the most recent approved climate action plan.

(b) the most recent approved national long-term climate action strategy.

(c) the most recent approved national adaptation framework and approved sectoral; plans.

(d) the furtherance of the national climate objective; and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

150. This would apply to decisions taken by An Bord Pleanála.

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

151. The Regulations transposed the Water Framework Directive (WFD) into Irish law in 2003. Under regulation 3, it explicitly sets out the duties of the public authorities. It requires that public authorities:

- Exercise their functions in a manner consistent with the provisions of the Directive, in particular the obligation to avoid actions that would cause the deterioration of water body status other than in case of derogation.
- 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.
- 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.
- Provide information appropriate to their respective functions.

152. Regulation 5 requires the definition of river basin districts.

153. Regulations 8 and 9 requires 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.

154. Regulation 12 requires the establishment of environmental objectives for the river basin districts, whereas Regulation 13 requires the preparation of River Basin Management Plans (RBMPs).

155. The Regulations provide in Schedule 1 an indicative list of characteristics, pressures and impacts that will inform the initial assessment.

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

156. The Statutory Instrument (S.I) allowed for the transposition of the Marine Strategy Framework Directive (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 good environmental status of those waters, and establish and implement a monitoring programme for ongoing assessment and regular updating of targets.

4 PLANNING POLICY COMPLIANCE STATEMENT

4.1 Overview

157. As stated in preceding sections of this report:

- Under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended), ABP (as a 'relevant body') '*shall, in so far as practicable, perform its functions in a manner consistent with —*
  - *a. The climate action plan;*
  - *b. The approved national long-term climate action strategy;*
  - *c. The approved national adaptation framework;*
  - *d. The approved adaptation plans;*
  - *e. The furtherance of the national climate objective; and*
  - f. *The objective of mitigating GHG emissions and adapting to climate change in the State'*.
- Under Section 30(1) of the Maritime Area Planning Act 2021, it must adopt measures necessary to secure the objectives of the NMPF; and
- In considering an application for permission under Section 291 of the PDA, ABP must under Section 293(3) have regard to:
  - *a. The Marine Planning Policy Statement (MPPS);*
  - *b. Guidelines issued under Section 7 of the MAP Act 2021;*
  - *c. Guidelines issued under Section 28 of the PDA 2000, as amended;*
  - *d. Any regional, spatial and economic strategy of a regional assembly;*
  - *e. The development plan of any coastal planning authority and any local area plan applicable to the functional area of any coastal planning authority;*
  - *f. MSFD;*
  - *g. The MSP Directive;*
  - *h. Land–sea interactions within the meaning of the MSP Directive;*
  - *i. The objectives of MSP; and*
  - *j. Principles of proper planning and sustainable development.*

158. **Section 4** of this report therefore seeks to highlight relevant policy provisions and provide a response and demonstrate how the development is consistent with, secures or has regard to the aforementioned policies and objectives to inform the Board's decision. **Section 5** of this report, Planning Appraisal, addresses specific areas of policy which are identified (in this section) as requiring further consideration in **Section 5 Planning Appraisal** of this report.

4.2 European policy

159. In reaching a determination, the Board will consider the strategic policy context which informs the decision. This includes a suite of European strategies and policies which are set out hereafter.

4.2.1 The European Green Deal

Relevant provisions

160. The European Green Deal published by the European Commission in December 2019 commits the European Member States to climate neutrality by 2050. The Green Deal has four pillars:

- A predictable and simplified regulatory environment;
- Faster access to funding;
- Enhancing skills; and
- Open trade for resilient supply chain.

161. Electricity decarbonisation is central to reaching the climate objectives set out for 2030 and 2050, with offshore renewable energy playing a key role in 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 towards net zero. The Green Deal requires a reduction in GHG emissions by 55% by 2030.

Development response

162. CWP is the largest Phase One project. As demonstrated in **Chapter 28 Climate Carbon Balance Assessment**, the CWP Project will make the most significant contribution to the reduction of the GHG emissions of the Irish electricity sector by 2030. It will result in annual emission savings equivalent to 43.7% of the total carbon budget for the sector in 2030. This, in turn, will support the objectives of the Green Deal.

4.2.2 EU Strategy on Offshore Renewable Energy 2020

Relevant provisions

163. The 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.

164. 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.

Development response

165. The CWP Project has a planned capacity of 1300 MW. It will be installed before the year 2030, therefore contributing to the energy and climate targets set out by the EC for the same year. The CWP Project will support Ireland's contribution to the targets set out in the Offshore Renewable Energy Strategy.

4.2.3 EU Strategy on Adaptation to Climate Change 2021

Relevant provisions

166. The strategy was adopted in February 2021 and sets out how the European Union can adapt to climate change and become resilient by 2050. It pursues four principal objectives to make adaptation smarter, swifter and more systemic, and to step up international action on adaptation to climate change. The strategy in particular, supports the Member States' commitment to the Paris Agreement. It is also derived from the European Green Deal, mentioned above.

Development response

167. As stated above, the CWP Project will make significant contributions to reducing Ireland's GHG emissions, helping the country meet its contributions towards its climate resilience commitments as a Member State.

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

Relevant provisions

168. 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.

169. 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.

Development response

170. As stated above, a key objective of REPowerEU is to reduce the dependency on imported fossil fuels. The CWP Project will provide the Irish electricity market with domestically produced renewable energy, therefore fully aligning itself with the objectives of the policy. It will also contribute to the diversity of energy supply in the Irish energy market.

4.3 National policy

4.3.1 National Marine Planning Framework (NMPF)

171. Under section 30(1) of the Maritime Area Planning Act 2021 —

'A public body shall adopt such measures, consistent with the body's functions, as are necessary to secure the objectives of the National Marine Planning Framework. This includes (b) the giving of any authorisation by or under any enactment (whether the authorisation takes the form of a licence,

consent, approval or any other type of authorisation) for the purposes of any maritime usage or proposed maritime usage.

172. Under 293 (2) (b) The Board may grant a permission under this section that would materially contravene the National Marine Planning Framework or a maritime spatial plan if it is satisfied that —

- *the proposed development is of strategic, economic or social importance to the State, and*
- *the National Marine Planning Framework or the maritime spatial plan, as the case may be, contains objectives that conflict with one another or that are ambiguous with regard to their application to the proposed development.'*

Relevant provisions

173. 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.

174. The NMPF establishes the vision, objectives and policies for all marine-based human activities. The NMPF is articulated around Overarching Marine Planning Policies (OMPP) and Sectoral Marine Planning Policies (SMPPs).

175. 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.

176. There are three high-level objectives in the NMPF:

- Environmental – Ocean Health;
- Economic – Thriving Maritime Economy; and
- Social – Engagement with the Sea.

177. Each of these are supported by policy grouping which cover a wide range of topics.

178. 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.'

179. This means that proposals should demonstrate how '*avoidance of significant adverse impacts is considered as the preferred option'*. If significant adverse impacts cannot be avoided or minimised, then a proposal must proceed to consider mitigating significant adverse impacts.

180. 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 – NIS.

181. 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 Compliance with the NMPF**.

182. The NMPF has been prepared considering an ecosystem-based approach as required under the Marine Strategy Framework Directive (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 Good Environmental Status (DES) of MSFD.

183. 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.'*

Development response

184. The NMPF is one of the main policy documents relevant to the determination of this planning application. It will be key in informing the Board's decision, in particular insofar as it relates to the offshore elements of the CWP Project. The **Ecosystem Services Report (Annex A of Appendix A)** is focused on the implications of the CWP Project on ecosystem services. The report particularly screens in ecosystem services for possible interaction with the CWP Project. If a service is screened in, reference is made to the relevant EIAR Chapter with the associated mitigation measures outlined.

185. An Bord Pleanála is obliged to consider the consistency of the CWP Project in relation to the OMPPs and SMPPs of the NMPF. Full development response to the relevant OMPPs and SMPPs can be found in **Appendix A Compliance with the NMPF** of this report. The Appendix demonstrates how the development complies with the NMPF and will help secure its objectives. It also shows that the development does not materially contravene the plan or its OMPPs and SMPPs.

4.3.2 Climate Action Plan 2024 (CAP)

Under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended), ABP (as a 'relevant body') *'shall, in so far as practicable, perform its functions in a manner consistent with —*

i. the most recent approved climate action plan,

ii. the most recent approved national long term climate action strategy,

iii. the most recent approved national adaptation framework and approved sectoral adaptation plans,

iv. the furtherance of the national climate objective, and

v. the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Relevant provisions – overview

186. The CAP 2024 is the third annual update to Ireland's CAP. In May 2024, the CAP 2024 was approved following the completion of a public consultation and SEA. It was also subject to 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 CWP Project.

187. The plan estimates that the 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.

188. 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.

189. The CAP 2024 builds on the previous CAP and additional work by the Environmental Protection Agency (EPA) and revisited national projections for emissions. It considers that by or before 2030, Ireland will achieve 80% of electricity demand from renewable sources and a projected decrease in GHG emissions of 75% 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 CWP Project will allow the achievement of extensive abatements to the electricity sector carbon budget as discussed in further sections.

Development response – overview

190. As is demonstrated in the forthcoming sections, the CWP Project will make significant contributions to the achievement of the CAP 2024. The CWP Project will deliver significant reduction in GHG emissions through the generation renewable energy. Further details are provided under the relevant themes below.

Relevant provisions – carbon budgets

191. The plan provides a roadmap for achieving the carbon budgets set by Government. It is expected that the CWP Project will be generating power during the 2026 to 2030 budget period. The targets are 200 $MtCO_2eq$ with an average annual reduction of 8.3%. For the electricity sector the budget for the 2026–2030 period is 20 $MtCO_2eq$ 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 quantum of excess emissions.

Development response – carbon budget

192. The CWP Project is the largest of the Phase One projects and will make the biggest contribution to the achievement of abatements in the electricity sector. **Chapter 28 Climate – Carbon Balance Assessment** of the EIAR found that the CWP Project alone will be responsible for abatements to the tune of 43.7% of the total carbon budget for the electricity sector in 2030. It is important to note here that any underachievement will be carried forward in the successive budget, making the achievement

of the two budgets by 2030 absolutely critical. Any excess carried forward will not only add pressure to the electricity sector to achieve more but also could potentially stymy other economic sectors. There is a significant lead-in time associated with the delivery of this significant energy project and a need to secure access to the workforce and resources for construction significantly in advance. Ireland is competing with other countries when it comes to access to vessels, workforce and technology needed to deliver projects.

193. It is therefore critical that projects such as the CWP Project be granted planning permission to not only allow for the achievement of the carbon budget but also to avoid any excess carried over in further budgets as it could have multiplier effects on other economic sectors.

Relevant provisions – just transition

194. 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 among parties.

Development response – just transition

195. The Economic Analysis provided in **Appendix 29.3 Economic Impact Analysis** of the EIAR recognises the role the CWP Project will have in kick-starting the offshore wind supply chain in Ireland. The CWP Project will create about 4,300 FTE years locally. It is therefore considered that the CWP Project very much aligns with the principles of the just transition. It will not only share benefits with local communities, but it will also allow for the creation of new employment opportunities in the net zero economy.

Relevant provisions – investment

196. To 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.

Development response – investment

197. The CWP Project will cost around one billion euros over its lifetime from project design to decommission. No specific details are available on how the cost is split between generation and transmission. Nonetheless, it is evident that the CWP Project, which is privately funded, comprises a significant share of the €30 billion to be allocated to wind and solar.

Relevant provisions – electricity sector

198. Under Chapter 12 Electricity of the CAP 2024, the key targets for 2030 are stated as: 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 towards the end of the two carbon budgets (2026–2030), which the CAP attributes 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 and but also the steepest trajectory across all sectors.

199. Section 12.3 is unequivocal in confirming that the connection of large offshore wind projects 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.

200. 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 $MtCO_2eq$ abatement (vs. 2018).

201. Three measures are required to achieve the KPIs, one of which specifically applies to the CWP Project 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.

202. 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*.'

203. 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.

Development response – electricity sector

204. The proposed development has a planned output of 1300 MW or 26% of the 2030 5 GW target. It will therefore make a significant contribution to the overall offshore wind target. Taken further, the overall renewable energy target (with onshore wind and solar included) for 2030 is 22 GW. The CWP Project would therefore contribute 5.9% of the overall renewable target nationally.

205. The CWP Project will make a significant contribution to the achievement of the KPI's set out in the CAP 2024.

206. As stated in **Chapter 28 Climate – Carbon Balance Assessment**, the CWP Project will generate 5,124,600 MWh annually, assuming a 45% offshore capacity factor. This translates to a total annual GHG emission savings equivalent to 1,707,367 tonnes of CO_2eq at the 2022 carbon intensity. This is equivalent to 56.7% of the total carbon budget for the electricity sector in 2030. Even if the embodied carbon from construction, operation and maintenance and decommissioning phases are taken into account, then the annual emission savings would be the equivalent to 43.7% of the total carbon budget for the electricity sector in 2030. This makes the CWP Project the single most significant contributor to the achievement of the GHG reduction targets for the electricity sector both onshore and offshore. Given these carbon budgets are heavily reliant on the connection of offshore renewable energy projects to the grid and the timespan associated with the permitting and construction phases of those projects, it can be reasonably assumed that much of the 2030 carbon budget will be achieved by the Phase One projects. On this basis, it is argued that the CWP Project is essential to the achievement of not only the renewable energy targets for 2030 but also to the GHG reduction targets, particularly for the electricity sector.

4.3.3 Electricity & Gas Networks Sector Climate Change Adaption Plan

207. Under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended), ABP (as a 'relevant body') *'shall, in so far as practicable, perform its functions in a manner consistent with —*

i. the most recent approved climate action plan,

ii. the most recent approved national long term climate action strategy,

iii. the most recent approved national adaptation framework and approved sectoral adaptation plans,

iv. the furtherance of the national climate objective, and

v. the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State

Relevant Provisions

208. Flooding, arising from river or drainage system channel/infrastructure capacity exceedances, storm surges, sea level rise and extreme precipitation levels is identified as the main risk to the generation and transmission system. Other risks include increased wind speeds (for overhead lines), lighting, temperature rise, salt fog and wintry showers.

209. It notes that in the event of a major energy network incident occurring the immediate response will be from ESB Networks and EirGrid, with DECC as the Lead Government Department.

210. EirGrid requires all transmission equipment on the current grid be procured to IEC / CENELEC Standards in accordance with current Irish climate conditions and estimates of future conditions where adverse increases may be relevant. The network design aims to ensure that power can flow freely to where it is needed and that if one power station, power line or transmission station is non-operational, whether due to a fault or maintenance or other reason, there are other options or routes available.

Development Response

211. The OTI will be fully compatible with EirGrid's requirements, which incorporate measures to minimise the impact of climate change.

212. The substation is within Flood Zone A. The **Site Specific Flood Risk Assessment** (**SSFRA**) in **Appendix 20.2** of the EIAR identifies the mitigation measures required to defend the substation site from flood risk in a manner compatible with Criteria 2 of the Justification Test for Development Management in accordance with the Planning System and Flood Risk Management Guidelines 2009. The Guidelines are discussed in **Section 4.4** of this report.

4.3.4 Flood Risk Management – Climate Change Sectoral Adaptation Plan, Prepared under the National Adaptation Framework 2019

213. Under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended), ABP (as a 'relevant body') *'shall, in so far as practicable, perform its functions in a manner consistent with —*

i. the most recent approved climate action plan,

ii. *the most recent approved national long term climate action strategy,*

iii. *the most recent approved national adaptation framework and approved sectoral adaptation plans,*

iv. *the furtherance of the national climate objective, and*

v. *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State*

Relevant Provisions

214. The Plan notes that prevention (i.e. the avoidance of creating new flood risks) is a critical aspect of flood risk management. The Plan identifies the Planning System and Flood Risk Management Guidelines 2009 as a clear framework for sustainable planning taking a risk-based approach whereby flood-sensitive development should avoid flood-prone areas, based on classifications of land-use vulnerability and flood zones.

Development Response

215. The Planning System and Flood Risk Management Guidelines 2009 are fully considered in **Section 4.4** of this report and in the **SSFRA** (**Appendix 20.2**).

4.3.5 Programme for Government – Our Shared Future

Relevant provisions

216. The Programme for Government 2020 (June 2020) places specific emphasis on climate change, stating that the next ten years are a critical period in addressing the climate crisis, and therefore, a deliberate and swift approach to reducing more than half of Ireland's carbon emissions over the course of the decade (2020–2030) must be implemented. The programme states that the government is committed to reducing greenhouse gas emissions by an average of 7% per annum over the next decade in a push to achieve net zero emissions by the year 2050. With regard to energy generation, the Programme notes that the government is committed to the rapid decarbonisation of the energy sector. The Programme states the government's ongoing support and commitment to take '*the necessary action to deliver at least 70% renewable electricity by 2030'*. While it is noted this has been updated by the 2021 and subsequent Climate Action Plan, the Programme for Government sets out a range of measures to achieve this target and sets the goal of achieving 5 GW of grid connected capacity in offshore wind by 2030 off the East and South coasts.

Development response

217. The CWP Project has a generating capacity of 1300 MW or 26% of the 2030 5 GW target. It will therefore make significant important contribution to the overall offshore wind target. Taken further, the overall renewable energy target (with onshore wind and solar included) for 2030 is 22 GW. The development would therefore contribute up to 5.9% of the overall renewable target nationally. To date, no single renewable energy project has presented such potential.

4.3.6 Project Ireland 2040: National Planning Framework (NPF)

Relevant provisions

218. The NPF sets out Ireland's planning framework up to 2040 as part of Project Ireland 2040. It sets out around 10 National Strategic Outcomes (NSOs) or strategic goals and 75 National Policy Outcomes (NPOs).

219. NSO 8 sets a goal for the 'Transition to a Low Carbon and Climate Resilient Society'. This includes the delivery of 40% of electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond. As of 2022, data collected by the Sustainable Energy Authority of Ireland (SEAI) shows that the share of renewables in the overall mix contributed to 12.8%.[5] This will require a reinforcement of the distribution and transmission network to facilitate planned growth and distribution of more renewables.

220. Chapter 7 of the NPF 'Realising Our Island and Marine Potential' makes it National Policy under NPO 38 that *'Regional, metropolitan and local development plans will take account of and integrate relevant maritime spatial planning issues*'. Under NPO 42 the NPF makes its national policy to *'To support, within the context of the Offshore Renewable Energy Development Plan (OREDP) and its successors, the progressive development of Ireland's offshore renewable energy potential, including domestic and international grid connectivity enhancements'.*

221. In July 2024, the Government published the Draft Revised NPF. Two NPOs may be considered of relevance. These are:

- *'NPO 53 – Ensure that Ireland's coastal resource is managed to sustain to its physical character and environmental quality.'*
- *'NPO 56 – To support the progressive development of Ireland's offshore renewable energy potential, the sustainable development of enabling onshore infrastructure including domestic and international grid connectivity enhancements, non-grid transmission infrastructure, as well as port infrastructure for the marshalling and assembly of wind turbine components and for the operation and maintenance of offshore renewable energy projects.'*

Development response

222. The NPF applies to all elements of the CWP Project as the NPF fully recognises its marine equivalent, the NMPF. The CWP Project will make a significant contribution to increasing the share of renewable energy in the overall energy mix. As stated in previous sections of this report, it will make a significant contribution to the achievement of the national offshore renewable energy target. The CWP Project will generate sufficient for up to 1 million homes. The development of the CWP Project will also allow to kick start an indigenous industry, allowing Ireland to compete internationally as well as supporting future offshore renewable developments in Irish waters. On this basis, it is considered that the CWP Project will contribute meaningfully to the progressive development of Ireland's offshore renewable energy potential.

223. CWPL commissioned BVG to carry out an economic benefit analysis of the CWP Project. The BVG report, which can be viewed in **Appendix 29.3 Economic Impact Analysis** of the EIAR, states that the CWP Project will create about €1 billion GVA over its lifetime and has an associated FTE of 8,500, of which 4,300 are local. These estimates cover the entirety of the CWP Project from development

[5] Source: SEAI Energy Data Portal – Primary Energy.

and project management to decommissioning. These numbers combine direct and indirect GVA and FTE.

224. The report acknowledges that it is not possible to translate this into an actual number of roles as some of the individuals will only devote part of their working time to the CWP Project. Notwithstanding this, project development and management and operation and maintenance (O&M) are the areas which will bring the most direct impacts in terms of GVA and FTE.

225. On this basis, it is considered that the CWP Project will make positive contributions to NSO 8 insofar as it supports the country's move to a low carbon and climate resilient society. The CWP Project will help achieve the desired outcomes of both NPO 38 and NPO 42, as it will support the development of the offshore wind industry while promoting sustainable growth in the maritime economy. As stated in response to the CAP 2024, the CWP Project will make significant contributions to the GHG emissions abatement of the electricity sector.

226. In relation NPO 38 of the draft NPF: the cables which cross the coastal area have been designed to give rise to minimum impacts, therefore maintaining the environmental quality of the coastal area, and NPO 56: the substation is proposed on an appropriate site in Poolbeg. The CWP Project, is supported by the Draft Revised NPF.

4.3.7 Project Ireland 2040: National Development Plan 2021–2030 (NDP)

Relevant provisions

227. The NDP is 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 replicates the NPF's ten NSOs, which the Government intends to achieve in the lifetime of the plan.

228. Action in the energy sector will be critical to the achievement of Ireland's climate targets and the transformation to a high-renewable, net-zero emissions future. This will require a fundamental shift in the way energy is supplied, stored and used. The long-term objective is to transition to a net-zero carbon, reliable, secure, flexible and resource-efficient energy services at the least possible cost for society by mid-century. This will require a coordinated programme of investment in:

- Grid-scale renewable electricity generation and storage; and
- An expanded and strengthened electricity transmission and distribution network.

Development response

229. The CWP Project is fully aligned with the provisions of the NDP as it will expand the electricity transmission network.

4.3.8 National Energy and Climate Plan 2021–2030 (NECP)

Relevant provisions

230. The 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.

231. 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.

Development response

232. The CWP Project fully aligns with the NECP and will contribute to the achievement of the national renewable energy target and in the reduction of the greenhouse gas emissions as it has the potential of abating national GHG emissions by the equivalent of 1,311,190 tonnes of CO_2eq every year.

4.3.9 Marine Planning Policy Statement (MPPS)

Relevant provisions

233. The MPPS 2019 sits at the top of the new marine planning framework in Ireland. The MPPS sets out the principles and priorities of the Government in relation to marine planning by the State in the maritime area for the period to which the statement relates. The current MPPS was adopted on a non-statutory basis in 2019 and is designated as a relevant consideration for planning decisions in the maritime area by Section 293(2)(a) of the Planning and Development Act 2000. An update to this Statement is currently under development by the DHLGH.

234. Under the MPPS, the overarching principles and high-level priorities of the marine planning system are inter alia to:

- Support the transition to a low carbon and climate resilient economy. In particular, it should ensure that developments consider ways to reduced GHG emissions.
- Take into account land–sea interactions.
- Consider safety at sea.
- Ensure the sustainable use of the marine environment and consistency with the GES requirements of the MSFD, of OSPAR, and of the UN Sustainable Development Goals (SDG).
- Support the maintenance and restoration of biodiversity and the sustainable development of maritime and coastal areas.
- Support the preservation of marine (natural and cultural) heritage.

235. Importantly, all marine interests will be treated in a fair and transparent manner, particularly insofar as decisions are made.

Development response

236. The proposed development is aligned with the overarching principles considered under the MPPS. It will particularly support the transition to a low-carbon economy. It also takes account of land–sea interactions which are reflected in the relevant chapters of the EIAR. The EIAR also addresses international and European requirements as they apply to the CWP Project. The EIAR addresses biodiversity and marine heritage with mitigation measures included and proposed where needed.

237. As part of this application, the Applicant has undertaken substantial stakeholder and public engagement to inform the design and assessment of this application, records of which can be found in the dedicated **Public and Stakeholder Consultation Report** and the **Planning Documents**, **Schedule 6 - Schedule of Pre-Application Consultations** that accompanies this application.

4.3.10 Policy Statement on Security of Electricity Supply

Relevant provisions

238. The Policy Statement on Security of Electricity Supply was published in November 2021. The statement acknowledges inter alia national challenges in relation to the need to ensure adequate electricity generation capacity, storage, grid infrastructure, interconnection and system services and the need to ensure a diversity of fuel supply sources. It recognises the need to ensure the security of electricity supply as a national priority.

239. As part of the policy decisions made in the statement, the government has approved *'additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply'*.

Development response

240. The proposed development is a positive step towards achieving security of supply with a generating capacity of 1300 MW of indigenous renewable electricity. The CWP Project is the single largest renewable energy project in Ireland, onshore or offshore. It will make substantial contribution towards improving electricity supply and should be granted planning permission in line with the government's policy framework.

4.3.11 Energy Security in Ireland to 2030: Energy Security Supply Package

Relevant provisions

241. The Energy Security in Ireland to 2030: Energy Security Package was published in November 2023.It sets out a strategy to ensure energy security in Ireland for this decade, while ensuring a sustainable transition to a carbon neutral energy system by 2050. The strategy sets out a range of measures grouped under four themes:

- Reduced and responsive demand;
- Renewables-led system;
- More resilient systems; and
- Robust risk governance.

242. It considers that to reduce fossil fuel demand, there needs to be an increase in the deployment of renewable energy generation and reiterates the need to reduce electricity emissions by 75% by 2030 based on the 2018 baseline. It acknowledges the central role of offshore renewables and considers it '*central to Europe's shared energy future'*. The policy considers Ireland's weaker position as a net importer of energy, Ireland imported 82% of its energy needs in 2022, 71% of which were oil and gas.

243. The package makes clear links with the CAP 2023, superseded by, CAP 2024, discussed in detail in previous sections of this report. It proposes to reinforce the importance of developing indigenous

renewables as both a short- and long-term measure. The development of renewables to match the CAP targets is deemed critical to maximising energy security and to the diversification of supply. It specifically identifies renewables as one the six high-impact sectors for the delivery of GHG emissions abatements and as enabling the electrification of other technologies.

244. Key actions include the acceleration of the delivery of offshore wind through the Offshore Taskforce.

Development response

245. The CWP Project will make significant contribution to the abatement of GHG emissions in the electricity sector. Its development will allow for the establishment of a currently nascent industry and will therefore support the future development of offshore renewable energy. With a generating capacity of 1300 MW, the CWP Project will result in annual emission savings totalling 1,311,190 tonnes of CO_2eq equivalent to 43.7% of the total carbon budget for the electricity sector in 2030.

4.3.12 Long-Term Strategy on Greenhouse Gas Emissions Reductions 2024

Relevant provisions

246. The 2024 Long-Term Strategy on Greenhouse Gas Emissions Reductions covers a period of 30 years with a 2050 horizon. The first review will be in 2029 at the earliest. This strategy updates the 2023 strategy, which was first prepared under the Climate Action and Low Carbon Development 2015, as amended. The strategy is aligned with the CAP 2024, discussed in preceding sections of this report.

247. The strategy identifies risks associated with inaction in respect of the reduction of greenhouse gas emissions. It notes, inter alia, annual compliance costs and negative consequences for the Irish economy, particularly on the international stage.

248. The long-term strategy presents the total greenhouse gas emission reductions and enhancements of removals using carbon sinks in the different sectors and expected progress. It also considers the associated socio-economic effect of the decarbonisation measures.

249. The strategy identifies the pathways to climate neutrality by sector. In relation to electricity, the strategy recognises the role to be played by offshore wind in setting Ireland on a long-term trajectory for a net zero electricity system. It notes that to deliver net zero, significantly higher renewable capacity needs to be delivered and that the grid should be modernised and expanded.

Development response

250. Much of the aspects considered under this strategy have been addressed in response to the CAP 2024. The development supports the achievement of the objectives included in the strategy and is in turn supported by these policies.

4.3.13 Powering Prosperity – Ireland's Offshore Wind Industrial Strategy

Relevant provisions

251. Powering Prosperity – Ireland's Offshore Wind Industrial Strategy was published in March 2024. The overarching aim is to maximise the economic benefits that can be derived from the establishment of an offshore wind supply chain in Ireland. The industry is viewed as a once in a generation opportunity,

with the potential economic benefits to be harnessed by Ireland nationally and internationally. It articulated around 40 actions across four themes.

- Offshore Wind Supply Chains;
- Research, Development and Innovation;
- Future Demand and End Uses for Renewable Energy; and
- Balanced Regional Economic Development Opportunities.

252. Its key ambitions and targets include inter alia:

- 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 offshore wind in Ireland and around the world.
- Deliver up to 5,000 jobs in the sector and related industries.

Development response

253. The CWP Project is integral to the successful realisation of the key ambitions and targets set out in '*Powering Prosperity*'. Reference is made to **Appendix 29.3 Economic Impact Analysis**, which found that '*The supply chain opportunities for CWP are mainly in development and project management and operations and maintenance categories of the supply chain. Turbine and balance of plant components will mostly be supplied from Europe or rest of the world. The project will produce about €1 billion GVA and about 8,500 FTE years in Ireland, over its lifetime. Of which, about €530 million GVA and about 4,300 FTE years are created locally. Most of the economic impacts to Ireland will arise during 25 years of operations*'.

254. The CWP Project is the single largest renewable energy project in Ireland, be it onshore or offshore. The Economic Impact Analysis highlights that: '*Areas of the supply chain such as project development and management, and O&M are the areas with the most direct economic impacts in Ireland.'*

255. The proposed development will enable kick-starting the industry in Ireland, which is aligned with the provisions of the Industrial Strategy.

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

Relevant provisions

256. The OREDP I was first published in 2014. The Government's website[6] indicates that OREDP I is currently guiding the State's policy approach to achieving 5GW of ORE by 2030, mostly through fixed-bottom wind turbines in relatively shallow waters off the east and south coasts.

257. 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

[6] https://www.gov.ie/en/publication/71e36-offshore-renewable-energy-development-plan-ii-oredp-ii/#:~:text=Published%20in%202014%2C%20Ireland's%20first,significant%20potential%20in%20this%20area.

- The creation of jobs in the green economy.

258. 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*'.

259. The OREDP sets out three high level goals of equal importance:

- Harnessing the market opportunities presented by ORE to achieve economic development, growth and jobs;
- Increasing awareness of the value, opportunities and societal benefits of developing ORE; and
- Ensuring that ORE developments do not adversely impact the rich marine environment and its living and non-living resources.

260. Policy Action and Enabler No 7 of the OREDP is to '*Introduce a New Planning and Consent Architecture for Development in the Marine Area*', then identified as DECLG's 'Maritime Area and Foreshore (Amendment)' with the following features:

- *'A streamlined development consent process to include both the onshore and offshore elements of strategic infrastructure projects';*
- *'An Bord Pleanála [as] the consent authority';*
- *'Enable project developers to seek a maritime option at an early stage, subject to certain qualifying criteria, depending on the nature and location of the proposal';*
- *'Provisions concerning the designation of areas suitable for renewable energy within the Maritime Area';*
- *'The process of designation will be carried out in consultation with other marine users'.*

261. In May 2018, the Government published an interim review of the OREDP. In relation to the new planning and consent architecture, it noted that: "*In the meantime* [i.e. pending enactment of the new legislation] "*there is a challenge to maintain the level of interest in Ireland from ORE companies. It is the opinion of technology and project developers that they are unable to attract investment for the development of ORE projects in Irish waters due to uncertainty over the consenting processes and timelines involved. There is also a view that there is no path towards commercialisation for ORE projects in Irish waters*."

262. In May 2020, the Government published a Transition Protocol to give guidance regarding the treatment of certain offshore wind projects in the context of the new planning and consent architecture. The name of the establishing legislation had by then changed to the Maritime Planning and Development Management Bill (MPDM) 2020. The Transition Protocol announced the Government's intention to provide for a transition route for projects that were sufficiently advanced to make a contribution to the decarbonisation targets in the CAP 2019 and the Programme for Government. Such projects included those which applied for (and substantially advanced) or were granted a lease under the Foreshore Act 1933, as amended (the Foreshore Act), in respect of which material changes are proposed to that which was originally applied for and assessed under the Foreshore Acts, which changes require further assessment (all of which had been identified in the SEA Environmental Report for the OREDP).

263. The MPDM Bill became the Maritime Area Planning Bill, which contained the transition route. Following enactment, the Minister for the Environment opened a window for relevant projects (now called Phase One projects) and granted a Maritime Area Consent for the proposed development and other Phase One projects. Further detail is set out in **Section 3.3.3**.

264. 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.

265. They also consider the development phase which would include:

- Construction / decommissioning cables.
- Construction / decommissioning devices.
- Operation cables.
- Operation devices.
- Survey.

266. Mitigation measures cover an extensive list of 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 CO_2 storage; oil and gas activity; seascape and climate.

267. The SEA Environmental Report (2010) prepared for the OREDP I took into account a number of existing projects, including the then consented Codling Bank Wind Farm (1100 MW). These existing and proposed projects were taken into account in the cumulative assessment undertaken for the OREDP. The SEA indicated that the East Coast (south) could accommodate between 3000 and 3300 MW of fixed wind without likely significant effects on the environment after mitigation has been taken into account.

Development response

268. The OREDP and associated SEA considered several existing projects, including the original CWP array site (1100 MW). These existing and proposed projects were taken into account in the cumulative assessment undertaken for the OREDP. The SEA indicated that the East Coast (south) could accommodate 3000-3300 MW of fixed wind without likely significant effects on the environment after mitigation has been taken into account. This indicates that the CWP Project can be developed in conjunction with other sites in the East Coast (South) area without likely significant effects at a plan level.

269. **Appendix B Response to OREDP I Project Level Mitigation Measures** of this report addresses the project-level mitigation measures included in OREDP.

4.3.15 Offshore Renewable Energy Development Plan (OREDP) – Interim Review May 2018

Relevant provisions

270. The OREDP committed to an interim review of the plan and associated SEA in 2017. The objective was to undertake an assessment of progress on the delivery of the key policy actions.

271. It should be noted that:

- Action 3 sought to introduce an initial market support tariff for ocean energy; whereas
- Action 5 sought to develop the supply chain for the ORE industry in Ireland.

272. The interim review makes recommendations which includes in particular:

R16 – '*support 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'*.

Development response

273. The proposed development is one such 'early mover'. Given its size, the largest in the country, it has the potential to stimulate the supply chain nationally. This is discussed in more detail in the BVG report provided as **Appendix 29.3 Economic Impact Analysis** of the EIAR.

4.3.16 Draft OREDP II – A National Spatial Strategy for the Transition to the Enduring Regime 2023

Relevant provisions

274. The first draft of OREDP II was published in February 2023, with public consultation closing in April of the same year. The plan is intent on supporting the delivery of the aforementioned Programme for Government to become a major contributor to a pan-European renewable energy generation and transmission system.

275. The plan considers that '*the development of ORE in Ireland is crucial to delivering on this ambition to achieve, among other objectives:*

- *Enhancing our security of energy supply;*
- *Supporting the achievement of Ireland's climate goals, including decarbonising our energy system by 2050;*
- *Significantly reducing greenhouse gas emissions through replacing fossil fuels with renewable sources of energy;*
- *Delivering balanced regional development, benefitting coastal, marine and island communities'*.

276. The plan acknowledges that the role the CAP held in setting out the target to deliver the 5 GW of offshore wind. It notes that Phase One Projects, i.e. those awarded a MAC in 2022 are expected to deliver around half of the 50% of the 2030 target.

Development response

277. The proposed development is one of the Phase One projects highlighted by the draft OREDP II in **Section 2.2**. The plan does not specifically set out policies and relates mainly on the enduring regime for ORE.

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

Relevant provisions

278. The draft Future Framework was published in January 2024 and open to public consultation until the end of February 2024. It identifies 21 key actions setting out future directions and intergovernmental dependencies to be addressed through subsequent policies to allow for the long-term establishment of a plan-led approach to ORE.

279. In summary, the Future Framework will:

- Set out national ORE targets for the years 2030, 2040 and 2050.

- Continue to develop procedures specifically in relation to Designated Maritime Area Plans and future Maritime Area Consent; GCA and grid offers and development permissions to be assessed by the Board and the Coastal Planning Authorities.
- Assess resourcing off the coast of Ireland, with the implication that a gross technical resource capacity assessment in GW will be carried in the Irish Exclusive Economic Zone.
- Acquire more data of relevance.
- Take into account domestic and industrial considerations, including supply chain expansion, grid infrastructural requirements and port facilities.
- Consider the ORE export potential.
- Consider the economic return to the State.

280. It is particularly important to note that the framework considers the development of an indigenous supply chain capability as an opportunity to maximise the value of the offshore energy sector. While in the short term, it would be focused on the domestic market, with predicted growth of 2.5 terawatt (TW) on a global scale, there are clear advantages to supporting the development of an Irish supply chain.

Development response

281. The Future Framework is primarily concerned with the development of offshore wind subsequent to Phase One and Phase Two projects. Nonetheless, as stated in previous sections of this report, reference is made to **Appendix 29.3 Economic Impact Analysis**. There is clear evidence of the role the Phase One projects play in establishing an Irish supply chain, the development of which is a key objective of the Future Framework. In the short term it will generate local economic benefits but in the longer term it is envisaged that an established and experienced supply chain will allow Ireland to compete internationally. The CWP Project will be a significant driving force to the development of the industry which will then support the achievement of the policies of the Future Framework.

4.3.18 River Basin Management Plan for Ireland 2018–2021

Relevant provisions

282. The RBMP is required under the Water Framework Directive. 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.

283. 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.

284. 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.

285. The plan identifies a number of action areas, several of which are located in Wicklow, Dún Laoghaire and Dublin City.

Development response

286. The proposed development is broadly located east and within the Midlands and Eastern catchment region. There are six coastal and transitional water bodies within the study area, as well as 29 groundwater bodies. The transitional and coastal water bodies of relevance to the CWP Project are Dublin Bay, Liffey Estuary Lower, Irish Sea Dublin, Tolka Estuary, Liffey Estuary Upper and North Bull Island.

287. Reference is made to **Chapter 7 Marine Water Quality** of the EIAR and to **Chapter 20 Hydrology and Hydrogeology**, which consider the impacts of the proposed works on the relevant bodies and to **Appendix 7.3 Water Framework Directive (WFD) Assessment**, which concludes that there will be no deterioration of the WFD status, or prevention by a water body from achieving good status in the future.

4.3.19 Draft River Basin Management Plan for Ireland 2022–2027

Relevant provisions

288. The RBMP is required under the Water Framework Directive. Currently at draft stage, it would cover the period 2022–2027, which is the third cycle of planning. 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.

289. The WFD requires that all Member States protect and improve water quality in all waters with a view to achieve good ecological status (GeS) by 2015, or at least by 2027.

290. On adoption, the plan will supersede the River Basin Management Plan 2018–2021.

Development response

291. **Appendix 7.3 WFD Assessment** of the EIAR is the CWP Project's WFD assessment. The assessment identifies water bodies where there is potential for impacts to water quality. These are:

- Dublin Bay coastal water body;
- Liffey Estuary Lower transitional water body;
- Irish Sea Dublin coastal water body;
- Southwestern Irish Sea – Killiney Bay coastal water body; and
- Tolka Estuary transitional water body.

292. The impact assessment concludes that '*No deterioration or prevention of water body to achieve good status is anticipated as a result of the proposed works*.'

293. It is therefore considered that the development is compliant with the provisions of the RBMP 2018–2021 and its successor, the draft RBMP 2021–2027. Full details are available in the **Appendix 7.3 WFD Assessment**.

4.3.20 National Ports Policy 2013

Relevant provisions

294. 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 the CWP Project; and
- The Ports of Regional Significance which include Dún Laoghaire Harbour and Wicklow.

295. 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 port master-planning to be carried out 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, with the continued commercial development of DPC as a key strategic objective for the National Ports Policy.

296. 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 to Dún Laoghaire Harbour and Wicklow.

Development response

297. CWPL has engaged closely with DPC to ensure that the proposed development does not hinder or conflict with the development capacity of Dublin Port. The site of the OSS will be built to facilitate and align with the proposed turning circle of the 3FM project. In addition, the Applicant is planning on using two areas on the southern part of the peninsula for Compounds A and B. This has been discussed and agreed with DPC, which has given consent to CWPL making an application on its lands. It is therefore considered as the development does not hinder proposed plans by DPC and that it is compliant with the broad objectives of the National Ports Policy.

298. CWPL also engaged with the relevant Tier 2 (Dún Laoghaire) and Regionally Significant Ports and Harbours (Wicklow) to ensure construction and operation of the wind farm will not impact significantly on the operations of the ports and harbours.

4.4 Section 28 Ministerial Guidelines

4.4.1 The Planning System and Flood Risk Management Guidelines

Relevant provisions

299. 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 relate to the natural environment and nature conservation.

300. 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.'*

301. 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.

302. 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 preferrable 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.

303. The guidelines recommend the use of the sequential approach in flood risk management. The approach consists of several steps: avoid, substitute, justify and mitigate.

304. The guidelines also identify vulnerability class, 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.

305. 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 carry out a justification test. It comprises two processes, the first being the plan-making justification test and the second being the development management justification test.

306. 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.

307. 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.

- It includes measures to minimise risk to people, property, the economic and the environment.
- Measures are included 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; and
- The development addresses the above criteria in a manner that is consistent with the wider planning objectives in relation to good urban design.

308. Finally, the guidelines state that flood risk should form an integral part of the EIAR.

309. 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.*'

Development response

310. The **SSFRA** for the OTI is in **Appendix 20.2** of the EIAR. The **SSFRA** concludes that the onshore substation has been assessed against the PSFRM Justification Test and is in compliance with the outlined criteria 2.

311. **Section 4.6.3** below sets out relevant Flood Risk Policy at the local level in the Dublin City Development Plan 2022–2028 and its Strategic Flood Risk Assessment. **Section 5.2.2** provides an assessment of potential inconsistencies in respect of the development, **SSFRA** and SFRA under the CDP.

4.5 Regional Level Policy Framework

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

312. Under Section 293(3) of the Planning and Development Act, ABP must have regard to

'd) any regional, spatial and economic strategy of regional assembly.'

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

(ii) whose functional area adjoins the maritime site to which the application relates'

313. This section hereafter provides an overview of the development compliance with the EMRA RSES.

Relevant provisions

314. The RSES for the Eastern and Midland Region 2019–2031 is a strategic plan which identifies policies in response to regional strategic assets, opportunities and challenges. These are referred to as Regional Policy Objectives (RPOs). The RSES supports the delivery and implementation of the NPF's NPOs. The RSES came into effect on 31 January 2020.

315. The RSES provides the Spatial Strategy, Economic Strategy, Metropolitan Plan, Investment Framework and Climate Action Strategy for the Eastern and Midlands Region. Its vision 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.'

316. The Eastern and Midland Region is made up of nine counties and 12 local authorities and includes all the coastal planning authorities of relevance to this project.

317. 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 Marine Strategy Framework Directive (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

'*to achieve and maintain "Good Environmental Status" for marine waters and to ensure the sustainable use of shared marine resources in the Region, and to promote the development of a cross-boundary and cross-border strategic management and stakeholder engagement framework to protect the marine environment'.*

318. RPO 10.24 supports

'*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*.'

319. Section 10.3 of the RSES sets out the Guiding Principles for Energy. It requires that local authority development plans facilitate the provision of energy network have regard to 8 guiding principles which are addressed in the following section.

Development response

320. The CWP Project has considered the implications of the proposed development at differing relevant scales, including those relevant to the MSFD. The CWP Project, through appropriate design and mitigation, allows the maritime area to achieve and maintain GES on the relevant indicators. The relevant assessments that support this conclusion have been undertaken for marine water and sediment quality, benthic ecology, fish ecology and marine mammals, as presented in **Volume 3, Chapters 7, 8, 9, and 11** of the EIAR respectively. Each concludes that there will be no significant effects on habitats, species and GES indicators such as contamination. In this respect, the proposed development of the CWP Project will align with the RPO of the EMRA (Eastern and Midland Regional Assembly) RSES. The Guiding Principles under Section 10.3 of the RSES are addressed below as these are reprised in the Dublin City Development Plan 2022–2028.

322. *Guiding Principle:* The development is required in order to facilitate the provision or retention of significant economic or social infrastructure.

Development response: As articulated in the national policy section, it is an imperative requirement that renewable energy be deployed at scale. This is particularly applicable to offshore renewables as it enables a diversion from fossil fuels and supports Ireland in its international and European Climate and energy commitments. The CWP Project was successful in the ORESS and will make significant contribution towards the community benefit fund. This will enable local communities and local authorities to avail of funding provided by the Applicant which would not be otherwise available. The ORESS is a form of benefit-sharing between offshore wind developers and local communities. These funds will serve the enhancement of the local area. As demonstrated in the BVG report (mentioned in previous sections of this report), the proposed development will result in major economic benefits in terms of GVA and FTE. It will also serve to kick start an indigenous supply chain which is a fundamental requirement to any significant uplift in the industry. It is therefore considered that the development will

facilitate the provision of significant economic infrastructure and will make significant financial contribution to social infrastructure through the establishment of the ORESS community benefit fund.

323. *Guiding Principle:* The route proposed has been identified with due consideration for social, environmental and cultural impacts, and addresses issues of climate resilience, biodiversity, impact on soils and water quality.

Development response: The Applicant has engaged extensively with EirGrid in relation to the grid connection. As part of the design phase, the Applicant followed a series of steps to ensure they had selected the most suitable location for The CWP Project. Reference is made to **Chapter 3 Site Selection and Consideration of Alternatives**.

One of the key considerations for the selection of the OECC was the evaluation and characterisation of geological conditions, including the assessment of preliminary geological, geophysical and geotechnical information. Other aspects were considered including bathymetry (water depth), seafloor and shallow bed lithology, currents, weather, seismology, tides, permits, other seabed users, fishing and shipping. The EIAR acknowledges that it is unable to avoid the Rockabill to Dalkey Island SAC and the South Dublin SAC and SPA so the design before the Board incorporates mitigations to avoid or reduce impacts on the conservation features of the designated sites. Overall, the proposed OECC:

- Is the shortest route possible, which reduces both the footprint of the project and lowers the costs;
- Minimises the number of cable turns;
- Avoids a maximum of designated sites with a few exceptions;
- Avoids physical obstructions insofar as possible;
- Avoids conflicts with other seabed users (oil and gas, aggregate extraction areas);
- Minimises the number of cable crossings and ensures that 90-degrees crossing angle can be achieved;
- Avoids overlap with challenging ground conditions;
- Takes account of the need to accommodate flexibility in cable installation methods; and
- Accommodates flexibility in the routing of individual offshore cables.

The EIAR establishes the magnitude and significance of the likely significant impacts on the environment. Where required, mitigation measures have been factored into the development to avoid or reduce effects that may arise from the development.

As detailed in **Chapter 3 Site Selection and Consideration of Alternatives**, the design phase also considered several alternative sites for the landfall, onshore cable routes and onshore substation including several design variations. The EIAR found that the selected site was the least constrained site.

324. *Guiding Principle:* The design is such that it will achieve the least environmental impact.

Development response: Refer to **Chapter 3 Site Selection and Consideration of Alternatives**, which provides the constraints analysis (also, see summary of Consideration of Alternatives in **Section 5.1** of this report). All of the key environmental constraints have been mapped out by the Applicant. On this basis, the Applicant is satisfied that the route with the least environmental impact was selected.

325. *Guiding Principle:* Where impacts are inevitable mitigation features have been included.

Development response: As above, mitigation measures have been applied where relevant.

326. *Guiding Principle*: Where it can be shown that the proposed development is consistent with international best practice with regard to materials and technologies and that it will ensure a safe, secure, reliable, economic and efficient high-quality network.

Development response: As evidenced in the suite of documents made available by the Applicant, the proposed development will be consistent with international best practice with regard to materials and

technologies. It is important to reiterate here that the Applicant proposes two options (WTG Layout Option A and WTG Layout Option B) for the array layout to allow, inter alia, for technological advancements. The Applicant is committed to delivering a safe, secure, reliable, economic and efficient high-quality network.

327. *Guiding Principle:* In considering facilities of this nature that traverse a number of counties or that traverse one county in order to serve another, planning authorities should consider the proposal in light of the criteria outlined above. It is important that planning authorities are engaged in early consultation and discussion with the relevant Transmission System Operator.

Development response: The OECC crossing the nearshore area of three coastal planning authorities: Wicklow County Council, Dún Laoghaire Rathdown County Council and Dublin City Council. As part of the development proposal and environmental assessment, the Applicant has engaged with these authorities and with EirGrid.

328. Guiding Principle: Corridors for energy transmission or pipelines should avoid creating sterile lands proximate to key public transport corridors, particularly rail routes, and in built-up urban areas.

Development response: The onshore export cables will not create sterile lands proximate to key public transport corridors as there are none within or within close proximity to the OTI. *Guiding Principle:* Regard for any National or Regional Landscape / Seascape Character Assessment.

Development response: There is no National Landscape / Seascape Character Assessment. The Regional Seascape Character Assessment Report published by the Marine Institute in 2020 is considered in **Chapter 15 Seascape and Landscape Visual Impact Assessment (SLVIA)** of the EIAR.

4.6 Local Level Policy Framework – Coastal Planning Authorities

329. Under Section 293(3) of the Planning and Development Act, ABP must have regard to

'e) the development plan of any coastal planning authority—

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

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

f) any local area plan applicable to a part of the functional area of any coastal planning authority—

(i) within which it is proposed to carry out development to which the application relates, or

(ii) that adjoins the maritime site to which the application relates.'

330. The CWP Project crosses and / or adjoins the functional area of three Coastal Planning Authorities as can be seen in **Figure 4-1** Location of the CWP Project in relation to the nearshore areas of CPAs (Source: CWPL) below. This section therefore addresses the applicable policies of Wicklow County Council, Dún Laoghaire – Rathdown County Council and Dublin City Council.

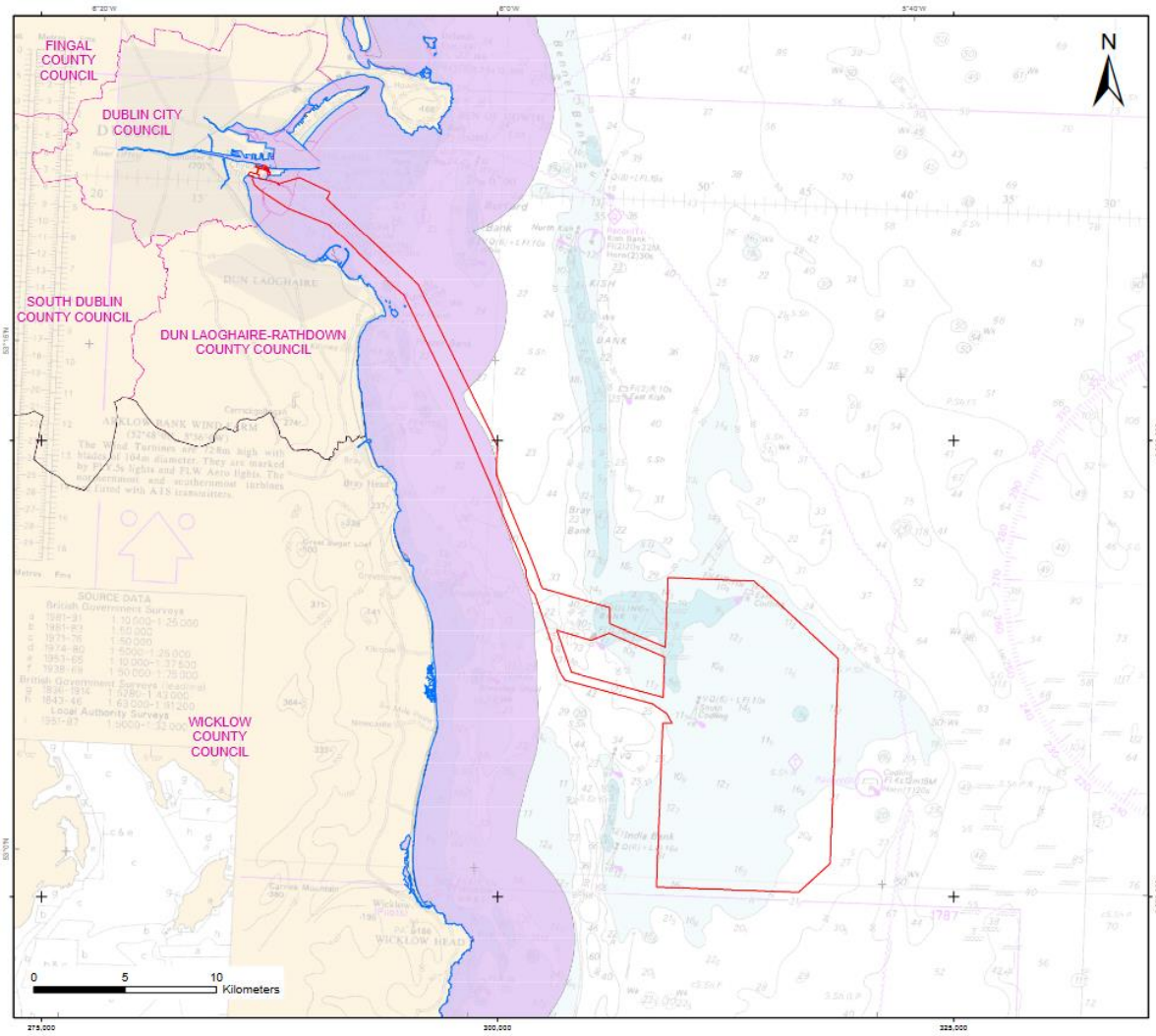


Figure 4-1 Location of the CWP Project in relation to the nearshore areas of CPAs[7] (Source: CWPL)

4.6.1 County Wicklow

Wicklow County Development Plan 2022–2028 (WCC CDP)

331. The Wicklow CDP 2022–2028 sets out the overall strategy for the proper planning and sustainable development of the County for the plan period. It covers the area from Little Bray to the north, to Kilmurray Point to the south.

332. The array is located 13–22 km off the coast of County Wicklow. The OECC crosses the nearshore area of the Wicklow County Council to the east of Bray. Under Section 293, the Board is required to have regard to the development plan of any coastal authority (i) within whose functional area it is proposed to carry out development to which the application relates; or (ii) whose functional area

[7] The nearshore area has been calculated as 3 nm from the High-Water Mark. It was prepared for the sole purpose of representation and should be viewed as notional.

adjoins the maritime site to which the application relates. In this case, both apply. Wicklow County Council has been identified by ABP as a Coastal Planning Authority and the OECC crosses its nearshore east of Bray Head.

333. The following sections address the policies and objectives of the WCC CDP considered to be most relevant to the CWP Project.

Relevant provisions – information, communication and energy

334. The WCC CDP includes several County Policy Objectives (CPO), which are supportive of the development of offshore renewable energy and of transmission infrastructure.

335. Under the General Energy Objectives and more specifically CPO 16.01, the plan seeks *'to support and facilitate to the highest degree possible the development of alternative and renewable sources of energy, particularly in the generation of electricity / heating and for use as transport fuel.'*

336. CPO 16.06 aims to '*facilitate and support the development of off-shore wind energy projects insofar as onshore facilities such as substations / connections to the grid may be required and the development of Operations and Maintenance (O&M) bases as may be required*.'

337. In relation to transmission, the CDP supports under CPO 16.18 *'the development and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required'.*

Development response – information, communication and energy

338. The CWP generating station is located off the coast of County Wicklow. Part of the offshore transmission infrastructure is also located off the coast with the OECC crossing the nearshore east of Bray. The WCC CDP is supportive of the development of renewable energy projects and associated transmission infrastructure. Although the development does not connect in Wicklow, the WCC CDP is supportive of the shift to renewables such as the CWP Project. Appendix 5 of the WCC CDP, Wicklow Wind Energy Strategy, for identifying suitable locations at a strategic level to be considered for wind energy development. ORE is not referred to in that appendix. The CWP Project is fully supported by the above-mentioned policies of the WCC CDP.

Relevant provisions – landscape as presented under Natural Heritage and Biodiversity

339. Chapter 17 of the WCC CDP sets out policy on Natural Heritage and Biodiversity. It identifies six landscape categories (see **Figure 4-2** Wicklow Landscape Category Map (source: Wicklow CDP Map no. 17.09B), 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 Buckroney-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.'

340. 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.'

341. The WCC CDP identifies 'Views and Prospects' which are defined in Section 17.3 as follows:

- 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.
- Where listed views / prospects 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 part of this plan. 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 and 17.12 and Maps 17.10 A, B, C, D and 17.11.

342. 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.'*

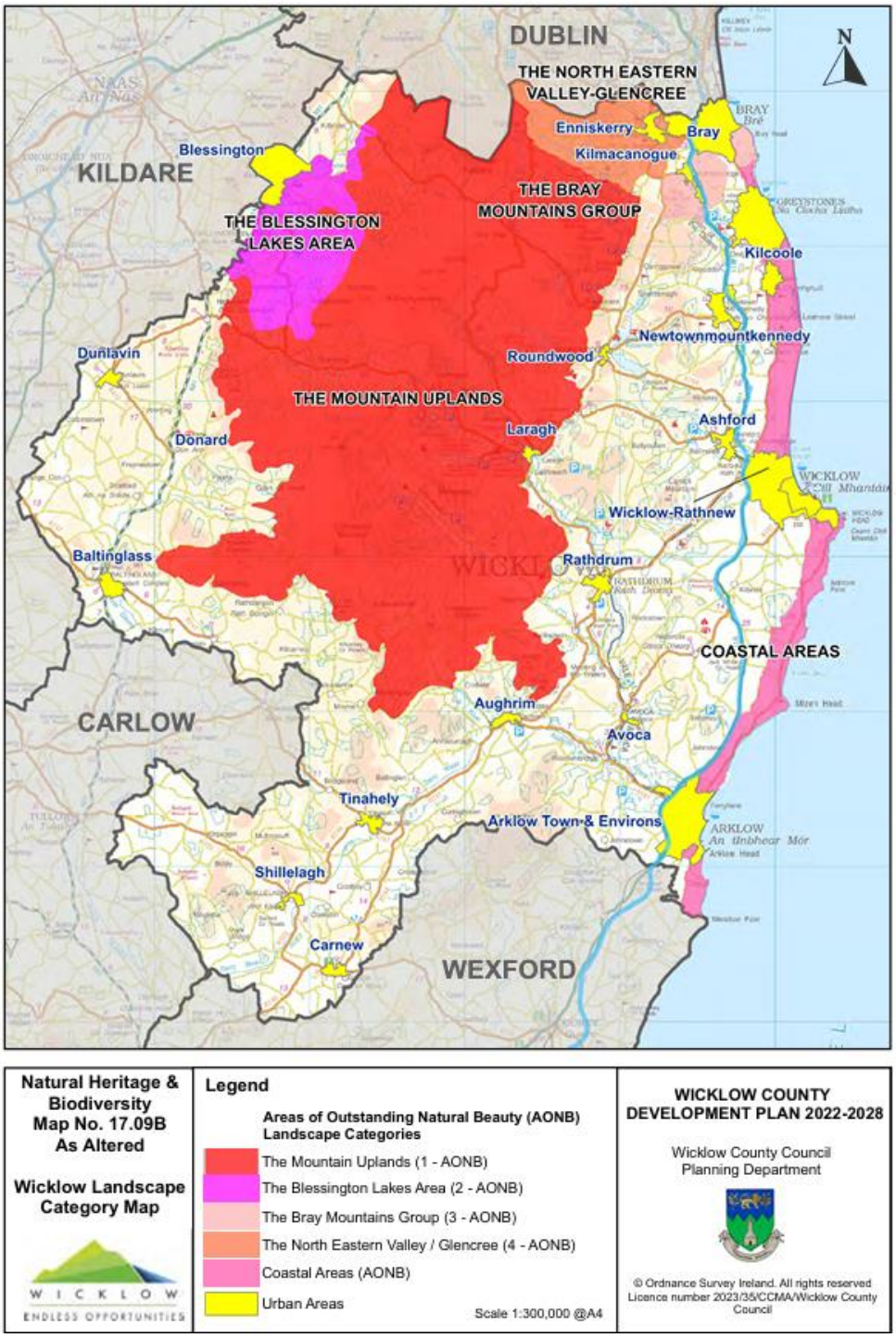


Figure 4-2 Wicklow Landscape Category Map (source: Wicklow CDP Map no. 17.09B)

343. 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 and 17.11 of the CDP, see **Figure 4-3** Views of Special Amenity Map (source: Wicklow CDP Map no. 17.10A). 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 (see **Figure 4-3** Views of Special Amenity Map (source: Wicklow CDP Map no. 17.10A) and **Figure 4-4** Prospects of Special Amenity Map (source: Wicklow CDP Map no. 17.11)):

    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.

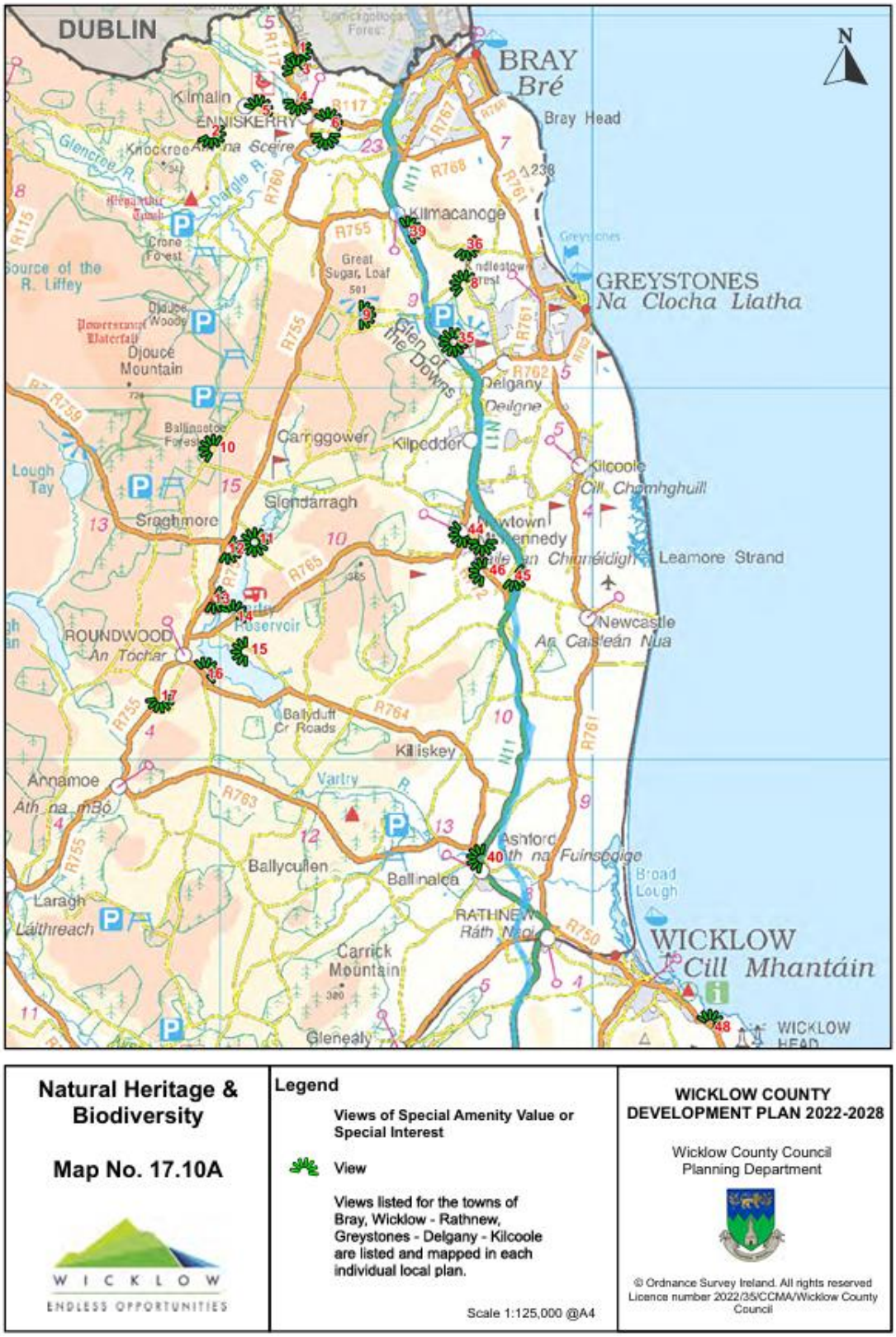


Figure 4-3 Views of Special Amenity Map (source: Wicklow CDP Map no. 17.10A)

Figure 4-4 Prospects of Special Amenity Map (source: Wicklow CDP Map no. 17.11)

Development response – Landscape as presented under Natural Heritage & Biodiversity Natural Heritage

344. The assessment of views in this report refers to the interaction with the policies and objectives of the WCC CDP which are primarily concerned with the control of development on the land area. The WCC CDP specifically distinguishes between Views and Prospects, where the former have identifiable locations and orientations, whereas a Prospect may be considered as a linear route that may be travelled or experienced, but no specific place or orientation is detailed. For example, AONB 2(a) notes '*The northern coastline provides intermittent views of the sea from the coast road'*, whereas AONB 2(b) describes a *'continuous prospect and numerous views from the coast road out to sea'.*

345. Having regard to the policy set out in CPO 17.38 there is potential for the CWP generating station to be considered as *'an obtrusive or incongruous feature in that view / prospect'*. A detailed assessment of this Policy is set out in **Section 5 Planning Appraisal** of this report.

346. In accordance with CPO 17.35, the SLVIA has had regard to the landscape classification hierarchy and the landscape assessment in the assessment of landscape impacts as set out in **Chapter 15 SLVIA** of the EIAR and associated appendices.

347. In relation to CPO 17.38, where relevant the SLVIA considers listed views and prospects detailed in Schedule 17.11 Views of Special Amenity Value or Special Interest and Schedule 17.12 Prospects of Special Amenity Value or Special Interest of the WCC CDP.

348. **Appendix 15.5 Landscape Character Assessment** assesses the different landscape categories (LC) of County Wicklow. These are subdivided into Landscape Areas (LA). Several of them were scoped out of assessment due to limited visibility and distance. It is considered, in their cases, that the development would result in insignificant effects or that they were located outside the study area. Several Townscape Character Areas (TCA) were also scoped out for similar reasons. The Greystones, Kilcoole, Newcastle, Wicklow, Arklow and Bray TCAs are predicted to interact with the defined zone of theoretical visibility.

349. In relation to views and prospects, the EIAR selected several viewpoints as representative of listed views. More details on the methodology are provided in **Appendix 15.6 Viewpoint Assessment** of the EIAR.

350. The EIAR identified significant effects on several Character Areas and selected views, as follows:

- Character Areas:
    - 1c Bray Mountain Group (significant effects arising from both array options during operation and maintenance (O&M)).
    - 2a Northern Coastal LA (as above).
    - 2b Southern Coastal LA (as above).
    - TCA 6a Greystones (WTG Layout A during O&M).
- Selected Views:
    - Greystones (very significant effects arising from both WTG layout options during operation and maintenance (O&M)).
    - Kilcoole (as above).
    - Kilcoole Rock (as above).
    - Magheramore Beach (as above).
    - Greystones Beach Bear (as above).

351. The SLVIA has assessed the likely effects of the CWP Project on the listed viewpoints.

352. It should be noted that whilst an effect may be significant, that does not necessarily mean that such an impact would be unacceptable or should necessarily be regarded as an 'undue consequence'

(GLVIA3 (Landscape Institute and IEMA, 2013) para 5.40). The professional judgement of the assessors of the SLVIA concluded that the CWP Project could be accommodated within views experienced by visual receptor groups, residents and visitors to settlements and receptors of key routes. Visual receptors perceived experience of the surrounding environment would not fundamentally change. Having regard to the policy reference to 'span and scope', expansive views would remain out across a large-scale seascape with, due to location, a greater focus on immediate coastal and landscape features. The CWP Project has therefore been judged to be capable of being accommodated_in SLVIA terms. Please refer to **Chapter 15 SLVIA**, **Section 15.4.3 Impact Assessment**.

353. Further discussion on consistency of the development with CPO 17.38 is provided in **Section 5 Planning Appraisal** of this report.

Relevant provisions – Marine Spatial Planning and Coastal Zone Management

354. Chapter 19 of the WCC CDP highlights the importance of the marine economy/blue economy for the county, stating the following at section 19.2:

- '*The marine economy, including Wicklow's ports and shipping services, is a key enabler of effective economic growth and it is an important gateway for the movement of people and freight. Established ocean and coastal economic sectors include seafood related enterprise, such as commercial fishing and aquaculture, products of marine biotechnology and bio-discovery, marine tourism, energy exploration and production, maritime transport, shipbuilding and ship leasing. There are likely to be increased demands on Wicklow Port as a Port of Regional Significance, arising out of Brexit. Planning will play a key role in managing the environmental impacts of the growth of the blue economy on marine biodiversity, introduction and/ or spread of invasive species and increased pollution.*
- *Fishing is an important economic sector in the county. It is acknowledged that the industry faces challenges in relation to seasonal employment, fish stocks and coastal hazards, there are also opportunities for diversification and development of new products (see also Chapter 9 of this plan).*
- *There is a significant opportunity for Wicklow to take advantage of the Offshore Wind Sector and any associated spin offs such as on-shore "operations and maintenance" facilities and the creation of a "local offshore wind enterprise zones".'*

355. Section 19.0 cites the objective of the chapter is to balance

'*the protection and appropriate development of our coastal zone and marine environment will contribute to numerous goals across the three pillars of "sustainable healthy communities", "climate action" and "economic opportunity"* by *inter alia*:

- *conserving and enhancing coastal and marine biodiversity, protected habitats and species;*
- *supporting and appropriately managing the impacts of the development of alternative and renewable sources of electricity including offshore wind, wave and tidal energy;*
- *supporting employment growth around Wicklow's natural resources and supporting key sectors for growth particularly the maritime industry including support services for off-shore wind energy, tourism and recreation.'*

356. Under Chapter 19 Marine Spatial Planning (MSP) and Coastal Zone Management (CZM), a series of 'Coastal Cells' are identified in recognition of the different characteristics or pressures that apply to the varied coastline.

357. A total of 12 coastal cells are identified, each with their own specific objectives. Policies relating to these cells include protection of landscape and specific views. The settlements of Greystones and Wicklow Town fall within coastal cells (Cell 4 and Cell 7 respectively). The generating station will front

Cell 5 Greystones to Kilcoole (Ballynerrin) and Cell 6 Kilcoole – Wicklow Town (The Murrough) and in part Cell 8 Wicklow Head / Kilpoole. Cell 3 covers Bray Head to Greystones (Rathdown).

358. For *Cell 4 Greystones CPO* 19.19 seeks under point 1:

> '*To support the objectives of the relevant Local Area Plan for Greystones – Delgany and Kilcoole, in particular to provide for a high quality integrated harbour/marina mixed development linked to a linear coastal public park and any future heritage park. The development shall provide leisure, recreational, open space and marine facilities, and mixed form residential, commercial, civic and social amenities, centred around the harbour and marina. The development shall provide a link to the coastline with public access and coastal protection works provided to preserve the landscape from further erosion in the future'.*

359. For *Cell 5 Greystones to Kilcoole (Ballynerrin*), CPO 19.20, point 4 is relevant as it seeks: '*To protect all listed views and prospects along the R761 and coast in this cell.'*

360. For *Cell 8 Wicklow Head Kilpoole*, specifically CPO 19.23 point 3, it further states that '*Development that is detrimental to the quality or amenity of heritage features will not be permitted, including views and prospects, archaeological features and protected trees/structures*.'

361. The chapter also includes a number of relevant CPO, in particular:

> *'CPO 19.3: To support the development of the Marine Economy / Blue Economy sector, particularly in the renewable energy, shipping and fishing / aquaculture sectors. To support the work of the Wicklow Maritime Business Development Group and the implementation of strategies and projects related to enhancing the marine economy.*'
>
> *'CPO 19.6: To support developments which provide for safety at sea, navigation safety and maritime search and rescue operations, in particular, the development or expansion of port facilities, or the development of safety / navigation infrastructure in or adjacent to the maritime area*.'
>
> *'CPO 19.*8: *To protect the character and visual potential of the coast and conserve the character and quality of seascapes.'*

Development response

362. The WCC CDP is supportive of the principle of the CWP Project as expressed under CPO 19.3 and 19.6.

363. In response to CPOs 19.13, 19.19 to 19.23, the Applicant refers to **Table 15.23a Summary of potential impacts and residual effects (Seascape)** in **Chapter 15 SLVIA** of the EIAR. The table presents the potential impacts as they may arise from WTG Option A and WTG Option B on the seascape. The SLVIA has assessed the effects of the proposed development on the coastal cells and identified instances of significant effects. It is important to understand these effects in light of other policy objectives contained within the CDP, including those included in Chapter 19 of the WCC CDP.

364. Chapter 19 of the WCC CDP is specific in reiterating its support for the marine economy / blue economy, particularly renewable energy as stated under CPO 19.3. The County has a dedicated Maritime Business Development Group which has actively promoted the Blue Economy and offshore renewable energy in Wicklow. In accordance with other WCC CDP policies and objectives, the plan is guided by three strategic principles, two of which apply to the CWP Project: 'Climate Action' and 'Economic Opportunity'. The CWP Project is a significant development in support of meeting National climate action targets and also presents an economic opportunity for Ireland.

365. CPO 19.8 seeks to '*conserve the character and quality of seascapes'.* This policy seeks to address the different characteristics or pressures that apply to the varied coastline. It is considered the CWP Project does not compromise the policy objective to protect the character and visual potential of the

coast in this cell and the policy objective to conserve the character and quality of seascapes for the coastal cell.

366. The generating station would be a prominent change in the view with the addition of several features, would be of large to medium in size and scale, spanning over a wide horizontal field of view and seen in the middle distance sitting on the horizon. Views would be affected from Wicklow Town, Wicklow Harbour and Harbour / Wall subject to the location, orientation and presence of intervening vegetation / built form. It is considered that the CWP Project has potential to be inconsistent with this policy and is therefore discussed in further detail in **Section 5 Planning Appraisal** of this report.

The Wicklow Local Area Plans

Relevant Plans

367. The design and assessment of the CWP Project has had regard to relevant provisions of a number of Local Area Plans. These are listed below.

Greystones Local Area Plan 2013–2019

368. The Greystones Local Area Plan (LAP) has expired. WCC has commenced preparation of a new Draft LAP with public consultation on a pre-draft Greystones – Delgany and Kilcoole LAP held in January 2024. It is expected that a draft LAP would be published in late Q3 of 2024.

369. Policy objectives insofar as they relate to the protection of the landscape, views and character as presented below.

- *'HER6: To maintain and protect the coastal and marine character of the Greystones and Kilcoole area and to provide for its enjoyment as a recreational and natural asset.*
- *HER7: To support the implementation of Bray Head as a Special Amenity Area (SAAO)'.*
- *HER11: To protect the views and prospects as set out in the Wicklow County Development Plan and this plan. Protected views and prospects within the plan area are indicated in Appendix B and Map B.'*

370. The following views and prospects are relevant to the CWP Project:

- View 3 '*Views seaward from Cliff Road, Rathdown Upper'.*
- View 4 '*View from R761 north of Greystones – View northwards to Bray Head and view Southwards of sea and built up area of Greystones'*.
- View 6 *'View from Cliff Road Windgates Coast Road or Bray Head'.*
- Prospect 1 '*The Prospect seaward from the R761 north of Redford'*.
- Prospect 2 '*The Prospect of the coast and sea from the R761 from the junction with the Southern Access Route northwards to the northern boundary of Glenbrook'.*

371. The CWP Project has taken account of these viewpoints as part of the assessment of effects on the landscape and seascape. Reference is made to preceding sections considering the policies of the WCC CDP.

Wicklow Town – Rathnew Development Plan 2013–2019

372. The Local Area Plan has expired. WCC has commenced preparation of a new Draft LAP with public consultation on a Pre-draft Wicklow Town – Rathnew LAP in held September 2023.

373. Under Section 13.3.5 Views and Prospects, the plan lists views and prospects which are considered to be of the highest amenity value. Their protection is enabled through one main policy objective as follows:

- *VP1 '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.'*

374. The relevant views and prospects are:

- View WTC 1 – from Black Castle, Dunbur Road, towards coastline.
- View WTC 2 – from Black Castle, Dunbur Road, towards coastline.
- View WTC 3 – from Dunbur Road towards coastline.
- View WTC 4 – from Dunbur Road towards coastline.
- View WTC 5 – from Dunbur Road towards coastline.
- Prospect 7 – Railway from Greystones to Wicklow Town.
- Prospect 30 – R750 to Arklow.
- Prospect 29 – South of Rathnew.
- Prospect 31 – R750 Wicklow to Arklow.

Development response

375. The proposed development has taken account of the viewpoints as part of the assessment of effects on the landscape and seascape. Reference is made to preceding sections considering the policies of the WCC CDP.

Wicklow County Council CAP 2024-2029

Relevant provisions

376. The Wicklow County CAP 2024–2029 considers a reduction of 51% of greenhouse gas emissions as an amended target for the county to 2030 and neutrality by 2050.

377. 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'*.

378. 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.

379. 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 seven 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*'.

380. Under theme 5, 'Sustainable Resource Management', the council '*will develop collaboration and sharing of experience, promoting economic opportunities that arise from climate action*'.

Development response

381. **Section 4** of this report details how the development will contribute to significant reduction in GHG emissions.

4.6.2 County Dún Laoghaire-Rathdown

Dún Laoghaire-Rathdown County Development Plan (DLR CDP) 2022–2028

382. The DLR CDP sets out the policy framework for the county. Its jurisdiction covers the coastline from Old Connaught / Cork Great, just north of Bray, to Booterstown, at the boundary with Dublin City.

383. The OECC crosses the nearshore area of the DLRCC. Under section 293, ABP is required to have regard to the development plan of any coastal authority (i) within whose functional area it is proposed to carry out development to which the application relates; or (ii) whose functional area adjoins the maritime site to which the application relates. In this case, both apply. DLRCC has been identified by ABP as a Coastal Planning Authority and the OECC crosses its nearshore.

384. The following sections address the policies and objectives of the DLR CDP considered to be the most relevant to the CWP Project.

Relevant provisions – Climate Action

385. The DLR CDP is supportive of the development of renewable energy through a number of policies, namely Policy Objective CA11: Onshore and Offshore Wind Energy and Wave Energy: '*It is a Policy Objective to support in conjunction with other relevant agencies, wind energy initiatives, both on-shore and offshore, wave energy, onshore grid connections and reinforcements to facilitate offshore renewable energy development when these are undertaken in an environmentally acceptable manner. (Consistent with NSO 8 and NPO 42 of the NPF and RPO 7.36 and 10.24 of the RSES*).'

386. 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 offshore wind farm development and / or associated hybrid technologies. The DLR CDP also recognises the role that DLRCC can play in facilitating associated onshore development, including grid infrastructure.

387. Dún Laoghaire Rathdown County Council (DLRCC) supports the OREDP and the NMPF, which are dealt with in previous sections of this report.

Development response – Climate Action

388. The DLR CDP clearly acknowledges and recognises the importance of offshore renewable energy both through CA11 and the Wind Energy Strategy. In addition, it is important to note that the EIAR has not identified any significant effects arising from the development onto the jurisdiction of DRLCC. In this respect, it can be considered that the CDP supports the proposed development.

Relevant provisions – landscape and seascape as included under green infrastructure and biodiversity

389. A number of policies seeks the protection and enhancement of the landscape and of the seascape (Chapter 8). Of particular relevance are:

- Policy Objective GIB2: Landscape Character Areas: 'It is a Policy Objective to continue to protect, manage and plan to conserve, maintain or enhance the distinctive characteristics of the County's landscapes, townscapes and seascapes in accordance with the recommended strategies as originally outlined in the Landscape Character Assessment (2002 and since updated), in accordance with the "Draft Guidelines for Landscape and Landscape Assessment" (2000) as issued by the Department of Environment and Local Government, in accordance with the European Landscape Convention (Florence Convention) and in accordance with "A National Landscape Strategy for Ireland – 2015-2025". The Council shall implement any relevant recommendations contained in the Department of Arts, Heritage, and the Gaeltacht's National Landscape Strategy for Ireland, 2015–2025.'
- Policy Objective GIB3: Seascape*: 'It is a Policy Objective to carry out a Local Seascape Assessment in accordance with methodologies contained in the Irish Marine Institute's National Seascape Character Assessment and the Department of Culture, Heritage and the Gaeltacht's 'National Landscape Strategy for Ireland, 2015–2025.'*
- Policy Objective GIB4: High Amenity: '*It is Policy Objective to conserve and enhance existing High Amenity Zones and to seek to manage these and other areas to absorb further recreational uses and activity without damaging their unique character*.'
- Policy Objective GIB5: Historic Character Areas: '*In assessing development proposals and in the preparation of plans, it is a Policy Objective to have regard to the recommendations and findings of the Historic Landscape Character Assessments (HLCA), already undertaken for a number of the urban-rural fringe areas of the County most likely to come under development pressure*.'
- Policy Objective GIB6: Views and Prospects: '*It is a Policy Objective to preserve, protect and encourage the enjoyment of views and prospects of special amenity value or special interests, and to prevent development, which would block or otherwise interfere with Views and/or Prospects.'*

390. Only one protected view is noted, Carrickgollogan from the Bray Road (Shankill to Bray area).

391. Section 8.5 'The Coast' does not make reference to Seascapes or ORE.

Development response – green infrastructure and biodiversity

392. The EIAR assessed landscape character areas, town character areas, views and prospects. The EIAR found no significant effects on the landscape character areas, High Amenity Zones or Views and Prospects highlighted in the DLR CDP. The development therefore complies with Policy Objectives GIB2, GIB4, GIB5 and GIB6.

Relevant provisions – open space, parks and recreation

393. The DLR 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 seeks 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*'.

Development response – open space, parks and recreation

394. As part of the design and assessment phase of the CWP Project, all yacht clubs were invited to attend a navigation risk workshop and have been consulted. The Applicant will notify them during the construction phase to minimise disruption. **Chapter 16 Shipping and Navigation** acknowledges that the OECC passes within 500 m of Dún Laoghaire Harbour's limits. Any impact would be temporary in nature and spatially limited to the area immediately around the installation operation. Access into the

harbour would not be compromised. On this basis, given the spatially limited and temporary nature of the effects, it is not considered that the CWP Project would impede the achievement of OSR12.

Relevant provisions – environmental infrastructure and flood risk

395. *'Policy Objective EI18: Energy Facilities encourages the provision of energy facilities in association with the appropriate service providers and in accordance with "Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure"* (2012). In addition, the Council will facilitate, subject to the proper planning and sustainable development of the area, the expansion of the services and infrastructure of existing service providers, notably Bord Gáis, EirGrid, the ESB, other strategic infrastructure developers and statutory undertakers, in order to ensure satisfactory levels of supply and to minimise constraints for development.'

Development response – environmental infrastructure and flood risk

396. The CWP Project is supported by Policy Objective EI18, specifically the provision of transmission cables along the nearshore of DLRCC.

Relevant provisions – heritage and conservation

397. The CDP includes several policies aimed at the protection of heritage, the most relevant one being Policy Objective HER6: Underwater Archaeology: '*It is a policy objective for all developments which have potential to impact on riverine, intertidal; and sub-tidal environments to require an archaeological assessment prior to the works being carried out*.'

Development response – heritage and conservation

398. **Chapter 14 Marine Archaeology and Cultural Heritage** of the EIAR considers the impact of the development on marine archaeology and heritage. The EIAR did not identify significant effects in relation to structures located in the jurisdiction of DLRCC.

Dún Laoghaire – Rathdown County Council CAP 2024–2029

Relevant provisions

399. The Dún Laoghaire-Rathdown County CAP 2024–2029 was adopted in February 2024. The plan 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 Dún Laoghaire as a pathway towards a reduction in greenhouse gas emissions. Cross-cutting indicators to measure progress are proposed as being among renewable energy generation in the city and the improvement in air quality.

400. The plan recognises the potential presented by offshore wind development in contributing to renewable electricity generation. 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.'

Development response

401. As demonstrated in previous sections of this report, the proposed development will allow for significant reduction in GHG emissions and the EIAR does not conclude significant effects on the jurisdiction of DLRCC. It can therefore be considered that the CWP Project is supported by the aims and objectives of the DLR CAP 2024–2029.

4.6.3 Dublin City

Dublin City Development Plan 2022–2028

402. The Dublin City Development Plan (DCC CDP) 2022–2028 came into effect in November 2022. The plan sets out an integrated and coherent framework for Dublin City with a view to improve the quality of life of citizens and to ensure it is an attractive place to live, work and visit. The plan guides the future growth and development of the City and provides the overall strategy to achieve proper planning and sustainable development, using a range of policies and objectives.

403. The OECC crosses the nearshore area of the DCC administrative area, and the OTI located on the Poolbeg Peninsula. The landfall is located to the south of Poolbeg, and the substation is on the northern boundary on the south bank of the River Liffey. Under Section 293, ABP is required to have regard to the development plan of any coastal authority (i) within whose functional area it is proposed to carry out development to which the application relates; or (ii) whose functional area adjoins the maritime site to which the application relates. In this case, point (i) applies, and DCC has been identified by ABP as a Coastal Planning Authority.

404. The following sections regard the policies and objectives of the DCC CDP considered to be the most relevant to the CWP Project.

Relevant provisions – Climate Action

405. The DCC CDP recognises the challenge posed by climate change and supports under CA1 – National Climate Action Policy, 'the implementation of national objectives on climate change including the 'CAP 2021: Securing Our Future' (including any subsequent updates to or replacement thereof), the 'National Adaptation Framework' 2018 and the 'National Energy and Climate Plan for Ireland 2021–2030 and other relevant policy and legislation'.

406. The Council is supportive of offshore and wind energy production as evidenced under:

- CA11 – Energy from Renewable Sources, whereby it is Council Policy '*to support, encourage and facilitate the production of energy from renewable sources, such as from solar energy, hydro energy, wave/tidal energy, geothermal, wind energy, combined heat and power (CHP), heat energy distribution such as district heating / cooling systems, and any other renewable energy sources, subject to normal planning and environmental considerations*;' and
- CA13 – Offshore Wind-Energy Production, which supports, encourages and facilitates '*the implementation of the 2014 'Offshore Renewable Energy Development Plan (OREDP) and any forthcoming review and 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 NMPF.'*

Development response – Climate Action

407. At a strategic level DCC CDP is supportive of ORE including associated transmission infrastructure. In principle, the CDP is fully supportive of the development.

Relevant provisions – city economy and enterprise

408. The DCC CDP envisages that for major planning applications, a more strategic view shall be taken of the economic impacts. Under CEE2 – Positive Approach to the Economic Impact of Applications, the plan requires *'to take a positive and proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high-quality outcomes.*'

409. Under CEE13 – Towards a Green and Circular Economy, the plan supports '*the growth of the "green economy" including renewable energy, retrofitting, and electric vehicles and charging infrastructure and to support the transition towards a circular economy in line with national policy and legislation'*.

410. The plan also recognises the importance of New Growth Sectors as evidence under CEE22, whereby it is Council policy to '*support the growth of innovative new growth sectors as identified in the National Economic Recovery Plan relating to the digital transformation, Artificial Intelligence (AI), to the decarbonisation of society, and to the circular economy*'.

411. The Council particularly recognises the role of the marine sector and seeks to support its development, '*including the development, where appropriate, of land-based infrastructure, which facilitates marine activity, and the diversification or regeneration of marine industries*.' (CEE24 – The Marine Sector).

412. In relation to Dublin Port, the plan recognises that it is *'a key economic resource and to have regard to the policies and objectives of the Dublin Port Masterplan 2040 including the reintegration of the Port with the City'* (CEE35 – Dublin Port).

Development response – City Economy and Enterprise

413. Reference is made to the BVG Economic Impact Analysis in **Appendix 29.3 Economic Impact Analysis** of the EIAR and discussed in previous sections of this report. The report provides an overview of the beneficial impacts that result from the project. It finds that having considered the supply chain, which consists principally of the development, project management and operations and maintenance categories of the project supply chain, the CWP Project would produce about €1 billion GVA and about 8,500 FTE years in Ireland, over its lifetime (i.e. 25 years). Of this, it is expected that around €530 million GVA and about 4,300 FTE years would be created locally. On this basis, it is evident that the proposed development would be hugely beneficial.

414. Given the nature of the development, it belongs to both the green economy and a new growth sector. It is also widely acknowledged that that offshore renewable energy contributes to the diversification of marine industries. On this basis, it can be considered that the CDP is supportive of the CWP Project.

415. In relation to CEE35, the proposed development has regard to the DCC CDP and to DPC's planned 3FM project. The Applicant has engaged extensively with DPC to ensure that the CWP Project does not prejudice planned proposals by DPC.

Relevant provisions – zoning and designations

416. Four main zoning designations apply to the Onshore Development Area:

- Landfall cable ducts and the eastern extent of the substation cable route are zoned Z9 Amenity / Open Space Lands / Green Network.
- The TJBs and a portion of onshore cable will be located in Z14 Strategic Development and Regeneration Areas (SDRAs) and the Poolbeg West Strategic Development Zone (SDZ); Temporary Construction Compounds A and B are also located within these areas.
- Land uses identified in the SDZ, include mixed use (commercial, creative industries, industrial (including port related) activities) and development infrastructure / open space. The SDZ is discussed in detail in a dedicated section.
- The tunnel route traverses the SDZ mixed use lands and then Z7 Employment (heavy) across the peninsula.
- The substation site is also zoned Z7 Employment.

417. An extract of the zoning map F of the DCC CDP is presented in **Figure 4-5**. The SDZ is outlined in red, and the substation site marked with a star, for context. The specific policies are discussed in detail in further sections of this report.

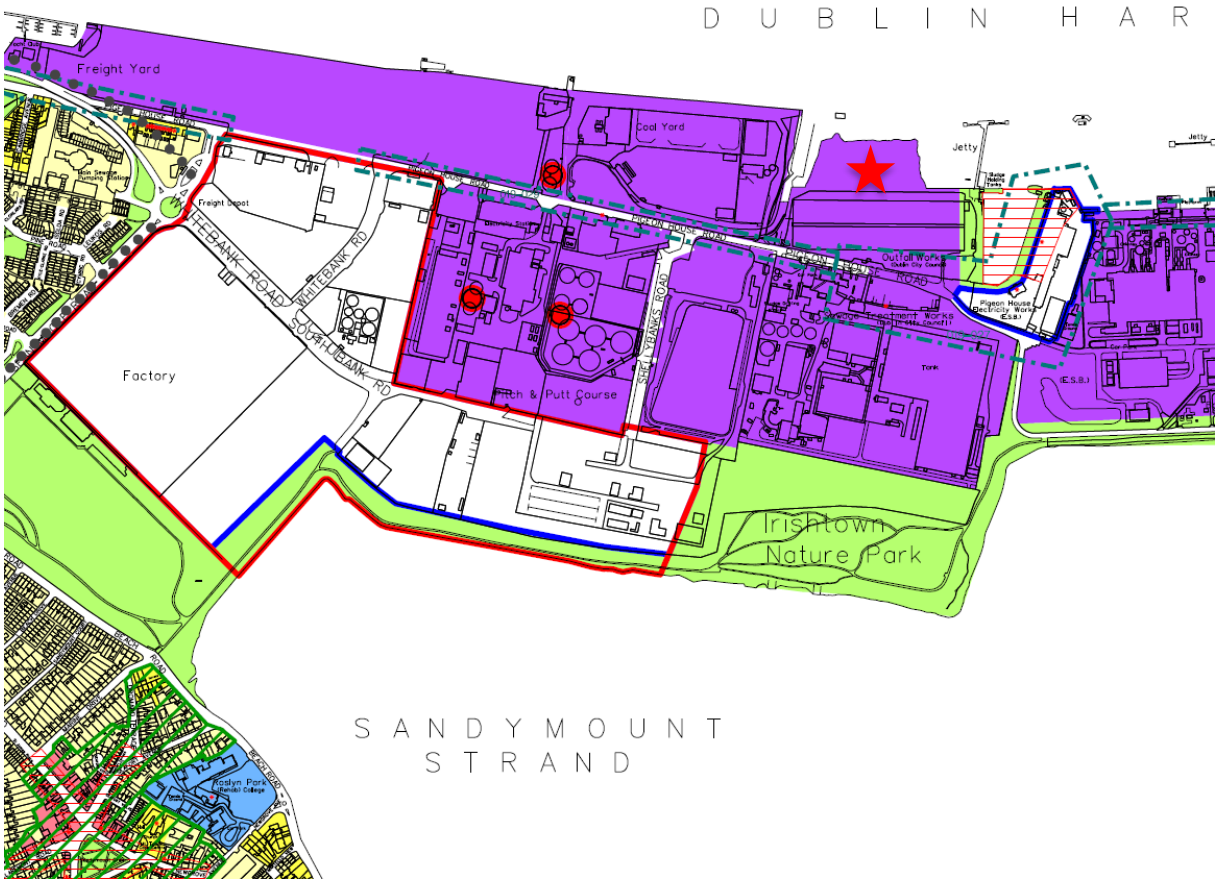


Figure 4-5 Extract from land use zoning Map F (Volume 3) of the DCC CDP 2022–2028

418. The permanent and temporary elements of the OTI are shown in planning drawings **0022- Onshore Development Area – Site Layout Plan – Permanent Works** and **0023 – Onshore Development Area – Site Layout Plan Temporary Works.**

419. The land use surrounding the onshore development area is dominated by port activity, utilities and heavy industry. Irishtown Nature Park is located to the east of the landfall area and Compound A.

420. 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'.* 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.'*

421. Uses permissible in principle are uses which are generally acceptable but which are still subject to normal planning considerations, including policies and objectives of the CDP.

422. The Zoning designation needs to be considered in conjunction with Map F of Volume 7 of the DCC CDP, *'Strategic Flood Risk Assessment'*. This identifies the onshore substation site as being located within Flood Zone A and B designations. The landfall area is primarily located within Flood Zone C (the landfall zone at the edge of foreshore is located in Flood Zone A and B).

423. In this context, consideration of the use must have regard to the policies and objectives in Chapter 9 Flood Risk and Sustainable Urban Drainage Systems of the DCC CDP which notes the following in respect of Z7 lands:

> *'The majority of these lands are located in the Port area and at the Diageo/ Guinness complex (see Chapter 4: Shape and Structure of the City, Chapter 6: City Economy and Enterprise, Chapter 9: Sustainable Environmental Infrastructure and Flood Risk, and Chapter 15: Development Standards). The primary uses in these areas are those that can result in a standard of amenity that would not be acceptable in other areas. Such activities include industry (other than light industry), manufacturing, repairs, open storage, waste material treatment, utility operations, and transport operation services These areas require a measure of protection from other non-compatible uses as this can result in conflict and limit the expansion or adaption of the primary use in the area. In particular, activities that fall within the scope of the SEVESO-III (COMAH) Regulations should only be permitted on lands zoned Z7 and the expansion of such facilities may be impacted by the requirement to protect surrounding land-uses. See Appendix 8 – COMAH (Seveso) Establishments, for further guidance.'*

424. The CDP therefore provides direction that utilities and heavy industry should be encouraged to locate in Z7 lands, being land uses that would not be acceptable in other areas, subject to other policies and objectives of the CDP including SFRA.

Figure 4-6 Extract from Map F of Volume 7 of the Dublin CDP 2022–2028 (site noted with a star in red)

425. 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*.'

426. 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.'*

427. Although 'public service installation' is not specifically defined in the DCC CDP glossary, the previous Dublin CDP 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…'

Development response – zoning and designations

- Landfall cable ducts and the eastern extent of the substation cable route are zoned Z9 Amenity / Open Space Lands / Green Network.
- The TJBs and a portion of onshore cable will be located in Z14 Strategic Development and Regeneration Areas (SDRAs) and the Poolbeg West Strategic Development Zone (SDZ). Temporary Construction Compounds A and B are also located within these areas.
- Land uses identified in the SDZ, include mixed use (commercial, creative industries, industrial (including port related) activities) and development infrastructure / open space. The SDZ is discussed in detail in a dedicated section.
- The tunnel route traverses the SDZ mixed use lands and then Z7 Employment (heavy) across the peninsula.
- The substation site is also zoned Z7 Employment.

428. Landfall cable ducts and the eastern extent of the substation cable route are zoned Z9 Amenity / Open Space Lands / Green Network. The proposed works in the Z9 zoning are located underground and will not impact the area being used for amenity and open space uses.

429. The TJB's and a portion of the onshore cable route is located under the Z14 zoning. This is considered an acceptable use as cables constitute a public service installation. The **SSFRA** confirms the landfall cable ducts and TJBs and onshore export cable are defined as 'water compatible'.

430. The onshore substation is in an area zoned Z7. The substation is considered to be public utility which is understood to fall under the category of public installation as evidenced by recent planning precedents in the vicinity. The onshore substation is considered appropriate in principle under the Z7 zoning objective. The acceptability of the use is also subject to flood risk objectives and policies. These are considered below and in **Section 5**.

Relevant provisions - Flood Management Policy

431. Chapter 9 (Section 9.5.3) of the DCC CDP addresses 'Sustainable Environmental Infrastructure and Flood Risk'. DCC in preparing the CDP carried out a Strategic Flood Risk Assessment (SFRA).

432. It notes '*The SFRA has been prepared in accordance with the Planning System and Flood Risk Management Guidelines (2009) to provide a broad (wide area) assessment of all types of flood risk to inform strategic land-use planning decisions*.'

433. Relevant policies:

434. **Policy SI14 Strategic Flood Risk Assessment:** It is the policy of Dublin City Council to '*To implement and comply fully with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Dublin City Development Plan 2022–2028, including all measures to mitigate identified climate change and flood risks, including those recommended under Part 3 (Specific Flood Risk Assessment) of the Justification Tests, and to have regard to the Flood Risk Management Guidelines (2009), as revised by Circular PL 2/2014, when assessing planning applications and in the preparation of statutory and non-statutory plans'*.

435. **SI15 Site-Specific Flood Risk Assessment:** '*All development proposals shall carry out, to an appropriate level of detail, a SSFRA that shall demonstrate compliance with*:

- *The Planning System and Flood Risk Management, Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2009), as revised by Circular*

PL 2/2014 and any future amendments, and the Strategic Flood Risk Assessment (SFRA) as prepared by this development plan.

- *The application of the sequential approach, with avoidance of highly and less vulnerable development in areas at risk of flooding as a priority and/ or the provision of water compatible development only. Where the Justification Test for Plan Making and Development Management have been passed, the SSFRA will address all potential sources of flood risk and will consider residual risks including climate change and those associated with existing flood defences. The SSFRA will include site-specific mitigation measures, flood-resilient design and construction, and any necessary management measures (the SFRA and Appendix B of the above mentioned national guidelines refer). Attention shall be given in the site-specific flood risk assessment to building design and creating a successful interface with the public realm through good design that addresses flood concerns but also maintains appealing functional streetscapes. Allowances for climate change shall be included in the SSFRA.*
- *On lands where the Justification Test for Plan Making has been passed and where a small proportion of the land is at significant risk of flooding, the sequential approach to development will be applied, and development will be limited to Minor Development (Section 5.28 of the Planning System and Flood Risk Management Guidelines 2009) on the portion at significant risk of flooding. There will be a presumption against the granting of permission for highly or less vulnerable development which encroaches onto or results in the loss of the flood plain. Water compatible development only will be considered in such areas at risk of flooding which do not have existing development on them'.*

436. **SI16 Site-Specific Flood Risk Assessment:** '*Proposals which may be classed as "minor development", for example small-scale infill, extensions to houses and small-scale extensions to existing commercial and industrial enterprises in Flood Zone A or B, should be assessed in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management and Technical Appendices (2009), as revised by Circular PL 2/2014 and any future amendments, with specific reference to Section 5.28 and in relation to the specific requirements of the Strategic Flood Risk Assessment. This will include an assessment of the impact of climate change and appropriate mitigation. The policy shall be not to increase the risk of flooding to the development or to third party lands, and to ensure risk to the development is managed*.'

437. **SI19 Provision and Upgrading of Flood Alleviation Assets:** '*To facilitate the provision of new, or the upgrading of existing, flood alleviation assets where necessary and in particular, the implementation of proposed flood alleviation schemes, on the Santry, Camac, Dodder, Wad, Naniken, Mayne, Tolka and Poddle rivers as well as Clontarf Promenade, Sandymount/ Promenade (northwards towards Irishtown Nature Park subject to the outcome of a flood/ environmental study), Liffey estuary and any other significant flood risk areas being progressed through the planning process to completion during the lifetime of the 2022-2028 Dublin City Development Plan, with due regard to the protection of natural heritage, built heritage and visual amenities, as well as potential climate change impacts'*.

Strategic Flood Risk Assessment – Appendix 7 of DCC CDP

438. Appendix 7 of the DCC CDP includes the SFRA and provides the basis of zoning objectives and land use policy for the plan. Its stated purpose is '*to provide a broad assessment of flood risk to inform strategic land-use planning decisions, in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities and Technical Appendices, 2009'.*

439. The SFRA includes a review of the land-use zonings in relation to flood risk and also recommends flood risk management policies and objectives. The Planning Guidelines recommend a sequential approach to the management of flood risk where the preferred option is the avoidance of development in areas of flood risk; where this is not possible development type should be substituted to a less vulnerable or water compatible land-use. Land-use zoning in an area of flood risk has been subject to

the Justification Test for Plan Making to demonstrate that development is necessary for strategic growth of the area and that flood risk can be mitigated and managed appropriately.

440. The land-use zoning allocations aim to avoid areas of high flood risk and where this is not achieved, but the proposed zoning has passed parts 1 and 2 of the Justification Test, recommendations have been made in part 3 of the Justification Test, relating to flood risk.

441. The SFRA cites the Planning System and Flood Risk Management Guidelines for Planning Authorities and Technical Appendices (PSFRMG) (November 2009) which defines three types or levels of Flood Zones. The onshore substation is located within Flood Zones A and B. The Executive Summary of the CDP SFRA *notes:*

> *"The Flood Zones are based on an undefended scenario and do not take into account the presence of flood protection structures such as flood walls or embankments".*

442. **Zone A: High probability of flooding –** where the estimated average probability of flooding from rivers and sea is highest (greater than 1% annually or more frequent than 1 in 100 years for river flooding or greater than 0.5% annually or more frequently than 1 in 200 years respectively for coastal flooding). Most forms of development are deemed to be inappropriate here unless the requirements of the Justification Test for Plan Making are met.

443. Under Table 1-2 '*Classification of Vulnerability of Different Types of Development' of the DCC SFRA, the land use, 'electricity generating power stations and sub-station*s' are included within the 'Highly vulnerable development' (including essential infrastructure).

444. Table 1-3 of the SFRA 'Matrix of Vulnerability Versus Flood Zone to Illustrate Appropriate Development and that Required to Meet the Justification Test' clarifies that within Flood Zone A, a 'Justification Test' is required in respect of land use categories of 'Highly Vulnerable Development.'

445. The SFRA distinguishes between the levels of Strategic Flood Risk Assessment and Site Specific FRA.

> ***'Strategic Flood Risk Assessment (SFRA):*** *The SFRA provides a broad basis (masterplan, area-wide or city/ countywide) assessment of all types of known flood risk to inform strategic land-use planning decisions. The SFRA allows the Planning Authority to undertake the sequential approach (described below) and identify how flood risk can be reduced as part of the Development Plan process. Where development is planned in flood risk areas, a detailed flood risk assessment may have to be carried out within the SFRA so that the potential for development of the lands and their flood risk and wider environmental impact can be assessed. The SFRA will provide more detailed information on the spatial distribution of flood risk to enable adoption of the sequential approach and to identify where it will be necessary to apply the Justification Test. The Flood Risk Assessment undertaken for the Dublin City Development Plan is at the Strategic Flood Risk Assessment scale.*
>
> ***Site Specific Flood Risk Assessment (site FRA):*** *A site specific FRA is undertaken to assess all types of flood risk for a new development. This requires identification of the sources of flood risk, the effects of climate change on the flood risk, the impact of the proposed development, the effectiveness of flood mitigation and management measures and the residual risks that then remain. The requirement for and scope of site specific flood risk assessments is detailed in this report in Appendices B and C.'*

446. In this context it is important to note that the SFRA considers the substation site is 'undefended' and does not take account of current proposals to improve the quays to mitigate the Flood Risk in the area of the substation site.

447. Table 3.1 of the SFRA (see **Table 4-1** below) states that the Justification Test is required for highly vulnerable uses in Flood Zones A and B.

Table 4-1 Land-use zoning and vulnerabilities

Zoning objective use	Vulnerability	Justification Test required
Z7: To provide for the protection and creation of industrial uses and facilitate opportunities for employment creation including port-related activities	Less with water compatible elements (High if a vulnerable use is proposed)	For highly vulnerable uses in Flood Zones A and B For less vulnerable development in Flood Zone A

Area Assessment Index

448. The Area Assessment Index Appendix of the SFRA addresses flood risk issues and Justification Test (for the Development Plan zoning) in respect of specific areas of the city. It sets out the following for the Dublin Port South of the Liffey from Tom Clarke Bridge (in which the substation site is located). It summarises the SFRA as follows:

3. Specific flood risk assessment	Some of the lands shown in the above flood cell are directly connected with Dublin Port and its related facilities. The lands are zoned Z7 in the Development Plan which is to provide for the protection and creation of industrial uses and facilitate opportunities for employment creation including Port Related Activities. The types of uses that generally go into this area would be heavy industrial port-related uses/ infrastructural uses. There are a number of existing COMAH (SEVESO) establishments located in the Port area, and fuel storage depots etc. Part of the lands above are included in the Docklands SDRA 6 which will provide a significant number of mixed uses. Use Classes considered as 'Vulnerable Development' shall not be permitted in Flood Zone A or B (this includes essential infrastructure such as primary transport and utilities distribution including electricity generating power stations and sub stations, water and sewage treatment, and potential significant sources of pollution (SEVESO sites, IPPC sites etc.). As the flood risks are tidal, mitigation through land raising (or bunding for smaller developments) will have no impact on neighbouring development, so compensatory storage will not be required. The focus of the FRA will be to ensure the safety and long-term operability of the development and safety of operatives. Where development will be in the defended area, consideration should be given to the likelihood of the defences failing (either through overtopping or breach) and how the operation will ensure it can retain functionality/ recover following an extreme flood event. Buildings should be of flood resilient construction.
Conclusion:	The subject area passes the Justification Test for Development Plans.

449. Circular letter PL2/2014 from the Department of the Environment, Community and Local Government (DECLG) dated 13 August 2014 provides further advice and detail to Planning Authorities on previously developed areas of towns and cities located in Flood Zones A and B, and also guidance on the development of Flood Zones.

450. It states that for existing developed areas at risk of flooding, and proposed regeneration areas, the Planning Authority or Development Plan must '*specify the nature and design of structural or non-structural flood risk management measures prior to future development in such areas to ensure that flood hazard and flood risk to the area and other locations is not increased, or if practicable, will be reduced'*.

451. The circular also provided for the insertion of new footnote 4 to Box 4.1, paragraph 2(v) – page 37 of the Guidelines: (v) *There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.*

Development Response – Dublin City Council Flood Management Policy

452. The SFRA of the CDP qualifies the Z7 designation zoning of the substation site to note that 'Vulnerable Development' (sub stations are specifically referred to) shall not be permitted in Flood Zones A or B.

453. As noted above, the SFRA Flood Zones are based on an undefended scenario and do not take into account the presence of flood protection structures such as flood walls or embankments.

454. Table 1.3 of the SFRA 'Matrix of Vulnerability Versus Flood Zone to Illustrate Appropriate Development and that Required to Meet the Justification Test' states that *'Within Flood Zone A, a "Justification Test" is required in respect of land use categories of 'Highly Vulnerable Development'*. Table 3.1 of the SFRA further clarifies that the Justification Test is required for highly vulnerable uses in Flood Zones A and B.

455. Policy Objective SI 15 of Chapter 9 of the CDP SFRA requires *'All development proposals shall carry out, to an appropriate level of detail, a Site-Specific Flood Risk Assessment (SSFRA)*'.

456. The Governmental Guidelines state that: '*Where development is planned in flood risk areas, a detailed flood risk assessment may have to be carried out within the SFRA so that the potential for development of the lands and their flood risk and wider environmental impact can be assessed*.'

457. Overall, it is noted that the DCC CDP includes conflicts and inconsistencies between land use categorisation under the SFRA and procedural planning policy for the assessment of development in Flood Risk Zones.

- The Z7 zoning of the sub-station site directs heavy industry and utilities to this area '*to provide for the protection and creation of industrial uses and facilitate opportunities for employment creation including Port related activities'*.
- Under Policy SI14 Strategic Flood Risk Assessment, DCC seeks to implement and comply fully with the recommendations of the CDP SFRA and to have regard to the Flood Risk Management Guidelines (2009), as revised by Circular PL 2/2014, when assessing planning applications.
- SI15 Site-Specific Flood Risk Assessment: 'All development proposals shall carry out, to an appropriate level of detail, a SSFRA that shall demonstrate compliance with The Planning System and Flood Risk Management, Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2009), as revised by Circular PL 2/2014 and any future amendments, and the Strategic Flood Risk Assessment (SFRA).
- Table 1.3 of the CDP SFRA requires that 'Within Flood Zone A, a "Justification Test" is required in respect of land use categories of 'Highly Vulnerable Development';
- The Area Assessment Index Appendix of the SFRA for the area 'Dublin Port South of the Liffey from Tom Clarke Bridge' notes Use Classes considered as 'Vulnerable Development' shall not be permitted in Flood Zone A or B.

- The CDP SFRA Flood Zones are based on an undefended scenario and do not take into account the presence of flood protection structures such as flood walls or embankment which is inconsistent with The Planning System and Flood Risk Management, Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2009), as revised by Circular PL 2/2014.

458. In light of this inconsistency, **Section 5** of this Planning Report accompanying this application for permission sets out the basis whereby ABP may grant permission for the CWP Project, based upon its power *inter alia* to *'have regard to' 'the development plan of any coastal planning authority within whose functional area it is proposed to carry out development to which the application relates'*.[8]

459. The CWP Project **SSFRA** in **Appendix 20.2** of the EIAR comprehensively addresses Criteria 2 of the Justification Test for the site and provides a detailed assessment of design of structural or non-structural flood risk management measures prior to future development in such areas to ensure that flood hazard and flood risk to the area will be reduced (as required by Circular PL2/2014).

River corridors

460. DCC CDP requires that '*development proposals that are within or adjacent to river corridors in the City (excluding the Camac River) to provide a minimum set-back distance of 10–15m from the top of the river bank in order to create an appropriate riparian zone. The Council will support riparian zones greater than 10 metres depending on site-specific characteristics and where such zones can integrate with public/communal open space*' (SI10 – Managing Development Within and Adjacent to River Corridors).

Development response – river corridors

461. The Applicant notes the Council's requirement to set back development in accordance with CDP policy SI10. In this regard it is noted that this section of the River Liffey has been heavily modified given the port and industrial uses in the vicinity. The River Liffey, at this particular location in Dublin Port, would not be considered to form a natural river bank. The site itself was reclaimed in the late 1990s / early 2000s by Dublin Port Company.

462. Given that the site falls within the 10-15m buffer, this may be viewed as potentially inconsistent, a response is provided to that effect under **Section 5 Planning Appraisal** of this report.

Relevant Provisions - Flood Risk and Sustainable Urban Drainage Systems (as presented under Chapter 9 of the CDP)

463. In addition to the SFRA accompanying the DCC CDP, which was prepared in accordance with the Planning System and Flood Risk Management Guidelines (2009), the DCC CDP also includes policies relating to flood risk. SI14, SI15, SI 16 and SI 19 are quoted above. Policies SI13, SI 18 and SI 21 are also noted:

- SI13 – Minimising Flood Risk: '*To minimise the flood risk in Dublin City from all other sources of flooding as far as is practicable, including fluvial, coastal, reservoirs and dams, the piped water system, and potential climate change impacts.'*
- SI18 – Protection of Flood Alleviation Infrastructure: '*To put in place adequate measures to protect the integrity of flood alleviation infrastructure in Dublin City and to ensure new developments or*

[8] Section 293(3) of the Planning and Development Act 2000 as amended.

temporary removal of any flood alleviation asset does not increase flood risk, while ensuring that new flood alleviation infrastructure has due regard to nature conservation, natural assets, open space and amenity values, as well as potential climate change impacts.'

- SI21 – Managing Surface Water Flood Risk: '*To minimise flood risk arising from pluvial (surface water) flooding in the City by promoting the use of natural or nature-based flood risk management measures as a priority, by requiring the use of sustainable drainage systems (SuDS) to minimise and limit the extent of hard surfacing and paving, and requiring the use of sustainable drainage techniques, where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risk and to deliver wider environmental and biodiversity benefits, and climate adaption*'.

464. Through its Development Plan, the Council promotes the use of Sustainable Urban Drainage Systems (SuDS) and nature-based solutions. As a result, the CDP includes policies and objectives in the written statement and additional guidance in the appendices, in the form of the Surface Water Management Guidance. A number of policies and objectives:

- SI22 – Sustainable Drainage Systems: '*To require the use of Sustainable Drainage Systems (SuDS) in all new developments, where appropriate, as set out in the Greater Dublin Strategic Drainage Study (Vol 2: New Development)/ Greater Dublin Regional Code of Practice for Drainage Works and having regard to the guidance set out in Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design Best Practice Interim Guidance Document (DHLGH, 2021). Sustainable Drainage Systems (SuDS) should incorporate nature-based solutions and be designed in accordance with the Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021) which is summarised in Appendix 12. SuDS should protect and enhance water quality through treatment at source while enhancing biodiversity and amenity.'*
- SI25 – Surface Water Management: '*To require the preparation of a Surface Water Management Plan as part of all new developments in accordance with the requirements of Appendix 13 – the Council's Surface Water Management Guidance*.'

Development response – Flood Risk and Sustainable Urban Drainage Systems (as presented under Chapter 9 of the CDP)

465. As can be seen in **Onshore Substation Site Drainage and Water Supply Design Report** and associated drawings of the EIAR, a storm water collection system will be provided to drain runoff from the proposed buildings, structures and hard standing areas. The system is divided into four separate networks to minimise the depth of pipe installation to avoid risks associated with high tides. Each of the four networks will have a dedicated outfall to be located to the north of the site on the southern bank of the River Liffey. Storm water is to be discharged directly to the River Liffey. This option was selected to alleviate flood risk within the site in the case of an extreme rainfall event. The development therefore aligns with SI13.

466. In response to flood risk, the Applicant refers to Map F of Volume 7 of the CDP's SFRA which identifies that the site falls within Flood Zone A and Flood Zone B, an extract of which is presented in **Figure 4-6**.

467. As can be seen above, the development's landfall point, TJBs will be located to the south of Poolbeg. The onshore transmission cable will also cross this area (Flood Zone C). But the onshore substation would be located on a site on the north side of Poolbeg designated as both Flood Zone A and Flood Zone B which has been assessed under the CDP SFRA as undefended. As such, the site does not satisfy Criteria 1 of the Justification test (which is addressed in **Section 5**, **Planning Appraisal**). In accordance with SI15 SSFRA, the Applicant has undertaken an **SSFRA** which can be found in **Appendix 20.2** of the EIAR. The **SSFRA** demonstrates that the proposed substation development satisfies Criteria 2 of the Justification Test.

468. The **SSFRA** provides details of proposed quay works and reclamation measures will enable the onshore substation to be considered 'defended' and therefore suitable for the purposes of 'vulnerable infrastructure'. This is considered to be in accordance with the assessment process set out in the Dublin City Development Plan. Therefore, the development of the onshore substation satisfies the Criteria 2 of the PSFRM Justification Test.

469. Overall, it is noted that the Dublin City Development Plan 2022–2028 includes conflicts and inconsistencies between land use categorisation under the SFRA and procedural planning policy for the assessment of development in Flood Risk Zones. In light of this inconsistency, the Board may grant permission for the CWP Project, based upon its power inter alia to *'have regard to' 'the development plan of any coastal planning authority within whose functional area it is proposed to carry out development to which the application relates'.*[9]

470. The **SSFRA** provides an appropriate Criteria 2 Justification Test for the site and provides a detailed assessment of design of structural or non-structural flood risk management measures prior to future development in such areas to ensure that flood hazard and flood risk to the area will be reduced (as required by Circular PL2/2014).

471. The issue of flood risk, specifically policies SI14, SI15, SI16, SI18 and SI19, is discussed further in **Section 5 Planning Appraisal** of this report. In particular, it addresses policy inconsistencies which concurrently and contradictorily require the preparation of an SSFRA in Flood Zones A and B, while the SFRA prevents Vulnerable development on undefended sites.

472. In relation to the management of surface water flood risk, as demonstrated in the **SSFRA** in **Appendix 20.2** accompanying this application, based on the indicative pluvial flood mapping presented in the Office of Public Works (OPW) PFRA, the onshore substation site is not at risk from pluvial flooding during an extreme 0.1% Annual Exceedance Probability (AEP) pluvial flood event. It also found that the natural landscaping and topography of the site will provide safe exceedance flow paths and prevent surface water ponding, therefore estimating that the risk of flooding associated with the onshore transmission infrastructure is minimal. On this basis, the proposed development aligns with SI21. Given the minimal risk associated with pluvial flooding, it is also considered that the provision of Sustainable Urban Drainage Systems (SUDS) is not warranted but that it is does not detract from SI22.

473. The Applicant has included a **Site Drainage and Water Supply Design Report**, which details proposals for surface water management on the site.

Relevant provisions utilities and energy (as presented under Chapter 9 of the CDP)

474. Chapter 9 of the DCP is supportive of the '*development of enhanced electricity gas supplies, and associated transmission and distribution networks, to serve the existing and future needs of the City, and to facilitate new transmission infrastructure projects and technologies including those to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid that might be brought forward in the lifetime of this plan. In this respect, the City Council will have regard to the 'Guiding Principles*' for facilitating the provision of energy networks set out by the EMRA RSES (2019–2031)' (SI49 – Support for Energy Utilities).

475. Under SI51 – Renewable Energy Use and Generation, the council reiterates its support for renewable energy generation at appropriate locations.

476. Importantly, under SI52 – Poolbeg Peninsula Strategic Sustainable Infrastructure Hub, the Council supports the *'development of the Poolbeg Peninsula as a Sustainable Energy and Infrastructure Hub for Dublin, with a strategic role in accommodating the City's critical hard infrastructure and to recognise*

[9] Section 293(3) of the Planning and Development Act, 2000 as amended.

the significant role that it plays in facilitating Dublin's transition to a low carbon and climate-resilient city'.

477. SIO30 shows the Council's support for '*the sustainable development of Ireland's offshore renewable energy resources in accordance with the NMPF (2021) and OREDP (2019) and its successor, including any associated domestic and international grid connection enhancements'*.

Development response – Utilities and Energy

478. The CWP Project is supported by the Utilities and Energy policies of the DCC CDP. For a response to development compliance with SI49, reference is made to **Section 4.5.1** of this report on the Guiding Principles in respect the provision of energy networks as set out under section 10.3 of the RSES. It is the understanding of the Applicant that although these guiding principles were intended as spatial planning principles, these are interpreted by DCC as development management principles.

480. Importantly, the DCC CDP reiterates the role of the Poolbeg Peninsula Strategic Sustainable Infrastructure Hub (SI52) as the key strategic location for the City's critical infrastructure and acknowledges its role in facilitating the capital city's low carbon transition. The location of the CWP substation at Poolbeg will strengthen the role of the Poolbeg area as a key strategic location, making a significant contribution to the achievement of this policy and aligned with SI52 and to the rebalancing of the energy mix in Dublin City since the delivery of the Dublin Waste-to-Energy plant. The provision of the OTI is also supported by SIO30.

Relevant provisions – Strategic Development and Regeneration Area – Pigeon House

481. The onshore export cable will cross the lands west and south of the Former Power Station and Pigeon House Hotel, Poolbeg Strategic Development Regeneration Area (SDRA). The plan notes the need for extensive refurbishment of the existing buildings and associated structures and would support development focused on creative, technological and green industries.

Development response – Strategic Development and Regeneration Area – Pigeon House

482. The onshore export cables cross the lands designated as SDRA as shown in planning drawing **0022: Onshore Development Area Site Layout Permanent Works**. The planning application boundary does not include the Power station or the Pigeon House Hotel. Cables are lain at a distance from the structures and the EIAR has not identified any significant impacts on those. The OTI would not negatively affect or prejudice the Council's ambition for the site. **Chapter 22 Onshore Archaeology, Architectural and Cultural Heritage** of the EIAR addresses Conservation. It finds that the development would not give rise to any adverse impact on the Power Station and the Pigeon House Hotel.

Relevant provisions – Habitats Protection, Creation and Restoration (as presented under Chapter 10 Green Infrastructure and Recreation)

483. Green infrastructure has a critical role to play in making the City climate resilient. It is defined as an interconnected network of green and blue spaces that conserves natural ecosystem values and functions. These are known ecosystem services. The plan also aims to conserve, manage, protect or restore nature designated sites (GI9 to GI13).

484. Other policies of particular relevance to the CWP Project are the following:

- GI14 – Ecological / Wildlife Corridors: '*To maintain and strengthen the integrity of the city's ecological corridors and stepping stones which enable species to move through the city, by increasing their connectivity [to be shown in the proposed Green Infrastructure Strategy] under Article 10 of the EU Habitats Directive. Development proposals should not compromise their ecological functions and should realise opportunities to contribute to enhancing the nature conservation value of them by landscaping that provides complementary habitats. An Ecological Impact Assessment will be required for any proposed development likely to have a significant impact on habitats and species of interest on or adjacent an ecological corridor.'*
- GI16 – Habitat Creation and New Development: '*That new developments (as appropriate) will be required to support local biodiversity and incorporate biodiversity improvements through urban greening and the use of nature-based infrastructural solutions that are of particular relevance and benefit in an urban context. Opportunities should be taken as part of new development to provide a net gain in biodiversity and provide links to the wider Green Infrastructure network. All suitable new buildings will be required to incorporate swift nesting blocks into the building fabric.'*

- GI17 – Habitat Restoration: '*To increase the percentage of restored and naturalised areas on public land in the city. That new development on private and public lands should provide opportunities for restoration of degraded habitats and soils where feasible and provide for their long-term maintenance to limit degradation.'*

Development response – Habitats Protection, Creation and Restoration (as presented under Chapter 10 Green Infrastructure and Recreation)

485. Reference is made to **Chapter 21 Onshore Biodiversity** of the EIAR. As part of the works, vegetation will be replanted within the onshore development areas (around 7,856 sq. m.) and will comprise native woodlands, shrub and wildflower beds at the landfall site, proposed along Shelly Banks Road and Pigeon House Road see planning drawing **0057 Onshore Landscaping Plan**. The substation site has been recolonised by vegetation. There will therefore be a net loss in terms of geographic span. However, the replanting will increase native species diversity. This will, on balance, benefit biodiversity in the area. It should also be noted that that any invasive species will be removed in accordance with best practice as shown in the **Onshore Invasive Species Management Plan**. The EIAR has also identified that there were foraging habitats for badgers. Again, as result of mitigation, it is not expected that there will be significant effects. Overall, the development will not result in significant effects on habitats. It will seek to restore degraded habitats insofar as practical. **Chapter 19 Land, Soils and Geology** of the EIAR also identifies approaches to remediation should contaminated soils be identified. A water framework directive assessment was also carried out (see **Appendix 7.3 WFD Assessment** of the EIAR). It concludes that there will be no deterioration or prevention of a water body to achieve good status. On this basis, it is concluded that the proposed development aligns with GI14 and supports GI16 and GI17.

Relevant provisions – Landscape and Seascape (as presented under Chapter 10 Green Infrastructure and Recreation)

486. The CDP includes policies and objectives seeking to protect and enhance the landscape, including seascape. The following are particularly relevant:

- GI19 – Protect and Enhance Landscapes: '*To continue to protect and enhance the city's landscape and seascape, the amenities of places and features of natural beauty and interest, through sustainable planning and design for both the existing community and for future generations in accordance with the National Landscape Strategy 2015–2025 and any updated strategy.'*
- GI20 – Views and Prospects: '*To protect and enhance views and prospects which contribute to the appreciation of landscape and natural heritage.'*

- GI21 – Promote City Landscape: '*To promote the city landscapes, including rivers, canals, Dublin Mountains and Dublin Bay, as a major resource for the city and forming core areas of the green infrastructure network.'*
- GI22 – Managed Access: '*To provide managed access to landscape and amenity areas of Dublin City while ensuring their long-term protection and maintenance to limit degradation.'*
- GI23 – European Landscape Convention: '*To continue to protect and enhance landscape, including existing green spaces through sustainable planning and design for both the existing community and for future generations in accordance with the principles of the European Landscape Convention.'*
- GIO21 – Protection and Connectivity of the Dublin Mountains with Dublin City: '*To support, as part of the Dublin Mountain Partnership, the proper planning and development measures for the protection and connectivity of the Dublin Mountains with Dublin City. To prepare and implement strategies for the conservation and enhancement of the landscape, visual amenity and biodiversity of the Dublin Mountains, in partnership with South Dublin County Council and Dún-Laoghaire Rathdown County Council.'*
- GI29 – Protect Character of River Corridors: '*To protect, maintain, and enhance the watercourses and their river corridors in the city and to ensure that development does not cover or encroach upon rivers and their banks. To maintain natural river banks and restore them as part of any new development. The creation and/or enhancement of river corridors will be required and river restoration opportunities where possible will be supported to help improve water quality, and ecology, provide natural flood relief as well as providing amenity and leisure benefits.'*
- GI33 – River Liffey: '*To recognise the unique character, importance and potential of the River Liffey to the city and to protect and enhance its civic, ecological, amenity, historical and cultural connections. To promote the sustainable development of this key resource for amenity and recreational uses in and along the river and its development as a green corridor in the city. In this regard, Dublin City Council will work with river-based organisations and relevant stakeholders who use the river.'*
- GI34 – New Development and Public Open Space along River Corridors: '*To ensure that new development, in terms of siting and design, responds to the character, importance and setting of the city's rivers where the context allows, and to require public open space which is to be provided as part of new development, to supplement riparian buffer zones so as to support the attainment of "good ecological status" or higher for water bodies, flood management, the conservation of biodiversity and ecosystem functions.'*

Development response – Landscape and Seascape (as presented under Chapter 10 Green Infrastructure and Recreation)

487. Similar to the other counties discussed in this report, the DCC CDP includes policies aimed at the protection and enhancement of the landscape (GI9, GI20). Reference is made to **Chapter 15 SLVIA** of the EIAR and associated appendices. Reference is also made to **Chapter 23 Landscape and Visual Impact Assessment (LVIA)** of the EIAR and associated appendices. As part of the assessment, the Applicant, DCC and the Applicant met to agree the approach to visual impact assessment.

488. A very small portion of Dublin falls within the 30 km SLVIA buffer applied around the array, towards Booterstown at the boundary with DLRCC. Most of the jurisdiction of Dublin City Council falls within the 40 km buffer of the array site.

489. The EIAR found The CWP Project would not give rise to significant effects on the TCAs and on the viewpoints. It is therefore considered that the CWP Project does not detract from the achievement of GI19, GI20 and GI23.

490. The EIAR has considered the Dublin Mountains in the **Chapter 15 SLVIA** / **Chapter 23 LVIA** chapters. It has not identified any significant impacts on the views and characters units assessed. On this basis the development is deemed to comply with GIO21.

491. The development will involve an element of reclamation and quay works at the River Liffey. This section of the River Liffey has been heavily modified given the uses in the vicinity. The River Liffey, at this particular location in Dublin Port, would not be considered to be natural. The site itself was reclaimed in the late 1990s / early 2000s by Dublin Port Company. In this context the CWP Project would not affect an area of which would be considered to include *'natural river banks'* and as such Policy GI29 is not applicable to this site. As presented in the **Chapter 20 Hydrology and Hydrogeology**, the construction methods deployed at the location will not result in significant effects.

492. The CWP substation site design is bespoke to the site because of the smaller than average footprint available for a substation of this capacity. On this basis and in light of the above, it is considered that the development does not affect the quality of the River Liffey corridor.

493. GI33 is specifically focused on the River Liffey. As stated in earlier paragraphs of this section, it is not considered the development would have significant effect on the habitats of the river. In relation to the civic, amenity, historical and cultural connections, given the location of the site within the Poolbeg Peninsula Strategic Sustainable Infrastructure Hub, surrounded by critical infrastructure which includes but is not limited to, the NORA, the ESB power station, Uisce Eireann's Ringsend WWTP and the Dublin Waste-to-Energy plant, it is not considered that the proposed development would detract from GI33.

494. On top of this analysis, it is also considered that the development would not detract from the achievement of GI34, GI20 and GI22. The proposed substation will not be open to the public at any given time for reasons of health and safety. The nature of the site also does not allow or lend itself to public open space provision as the two are not compatible. This is aligned with recent permissions and existing developments in the vicinity. Public areas are concentrated to the south of Poolbeg on the Sandymount side. Notwithstanding this, access to the Irishtown Nature reserve and Shellybanks Beach is maintained with the path rerouted for the duration of the works. As noted in previous sections of this report and in **Chapter 20 Hydrology and Hydrogeology** of the EIAR, the development will not prevent the achievement of the GeS as envisaged under WFD. On this basis, the proposed development does not detract from GI34.

Relevant provisions – Built Heritage and Archaeology

495. The DCC CDP recognises the rich heritage of the City. The onshore substation is located on port lands, and within the vicinity of the Pigeon House power station and the former Pigeon House Hotel, both of which are protected structures. The Pigeon Harbour is a Conservation Area.

496. The DCC CDP includes several policies and objectives of relevance to the protection and enhancement of the built heritage and archaeology, specifically:

- 'BHA2 – Development of Protected Structures: *That development will conserve and enhance protected structures and their curtilage and will*:
    - *(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*
    - *(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
    - *(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*

- *(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
- *(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*
- *(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- *(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- *(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- *(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- *(h) Have regard to ecological considerations for example, protection of species such as bats.'*

- *BHA3 – Loss of Protected Structures: That the City Council will resist the total or substantial loss of protected structures in all but exceptional circumstances.*
- *BHA4 – Ministerial Recommendations: to have regard to the National Inventory of Architectural Heritage (NIAH) rating of a structure and any associated Ministerial Recommendation in the assessment of planning applications.*
- *BHA9 - Conservation Areas To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*
- *BHA17 – Industrial Heritage of Waterways, Canals and Rivers: To support and promote a strategy for the protection and restoration of the industrial heritage of the city's waterways, canals and rivers, including retaining features such as walls, weirs, millraces, and the graving dock structures at Ringsend.*

Development response – Built Heritage and Archaeology

497. There are several structures on the Record of Protected Structures (RPS) in the vicinity of the onshore substation site. These are:

RPS no.	Location	Classification	Distance to onshore development area
RPS 6795	Poolbeg Peninsula	Former Pigeon House Hotel	Adjacent
RPS 6797	Poolbeg Peninsula	Former sea wall and sea wall at various locations along the Pigeon House Road	Partially within the planning application boundary
RPS 6796	Poolbeg Peninsula	Pigeon House Power Station	To the immediate north of the development area
RPS 6793	Poolbeg Peninsula	Former St Catherine's Hospital	c. 73 m east of development area

RPS no.	Location	Classification	Distance to onshore development area
RPS 6794	Poolbeg Peninsula	Remnant of Pigeon House Fort	Immediately adjacent to substation site
RPS 6798	Poolbeg Peninsula	Great South Wall	c. 138 m northeast at the closest point

498. The closest Architectural Conservation Area (ACA) is located around 815 m southwest at the Sandymount Road. However, parts of the site, specifically its most eastern portion, falls within a Conservation Area (marked by the red dash in the zoning map extract presented in **Figure 4-7** Figure 6.2 of the Poolbeg SDZ Planning Scheme showing the Strategic Cycle Network (source: DCC) of this report. This Conservation Area includes Pigeon House Harbour and the Pigeon House Power Station (RPS no. 6796). There is another conservation area along the Great South Wall, which is located 870 m east–northeast of the onshore development area.

499. There are no structures on the National Inventory of Architectural Heritage (NIAH).

500. Five structures are noted on the Dublin City Industrial Heritage Record. These are:

Table 4-2 Five structures are noted on the Dublin City Industrial Heritage Record

Name	Upstanding remains	Distance to onshore development area
Lifeboat House	Slip remains but no structure remains	Within the onshore development area
Outfall works (Dublin Corporation)	Substantial remains	Partially within the onshore development areas
Electricity works (Dublin Corporation)	Substantial remains	Immediately north and east
Landing slip	Substantial remains	c. 128 m northeast
Breakwater Lighthouse	No	c. 332 m north

501. **Chapter 22 Onshore Archaeology, Architectural and Cultural Heritage** of the EIAR addresses Conservation. Several types of impacts have been assessed. With the adoption of mitigation measures, the effects resulting from the construction phases are all assessed as being slightly negative and due to their temporary nature are not deemed significant in EIA terms. In relation to effects arising from operation and maintenance, there will be no significant impacts.

502. The EIAR chapter assumes that as part of decommissioning all infrastructure will be removed. This would mean the removal of all structures that may influence the settings of onshore archaeological, built heritage and cultural sites.

503. The EIAR demonstrates that the development would align with BHA2 and BHA4 of the CDP. It will not result in the loss of structures and therefore also aligns with BHA3.

The substation site is next to the Pigeon House Harbour and a number of important protected structures including the Pigeon House Hotel and the Pigeon House Power Station. The substation buildings have been carefully designed by Faulkner Browns Architects to respect the industrial heritage

of the surrounding area through a careful use of contemporary materials as set out in detail in the **Onshore Substation Architectural Design Statement**. This is further considered below.

Poolbeg West Strategic Development Zone (SDZ) 2019

Relevant provisions

504. The Poolbeg West SDZ, which forms part of the Development Plan, comprises an area of approximately 34 ha, located to the east of Irishtown, south of Dublin Port and north of Sandymount Strand. The SDZ is articulated around three themes: Connect (with the City; with the Bay; with the Neighbourhoods); Create (a sustainable neighbourhood; a quality place; a destination) and Protect (Dublin Bay; the Intrinsic Operations of the Port and Municipal Facilities; and the Amenity of Existing and Future Residents).

505. Under MV1, the SDZ promoted '*high level of use of sustainable forms of transport including walking, cycling and public transport use*'. It also promoted under MV6, '*the development of an improved cycle network in accordance with the NTA's Cycle Network Plan, and to see (inter alia) the following cycle connections in cooperation with the NTA:*

- *Pigeon House Road to Sir John Rogerson's Quay via proposed Dodder Bridge […].*
- *Greenway link from Sean Moore Park to the end of Poolbeg Peninsula, integrated with the proposed coastal promenade walking/cycling route, the Sutton to Sandycove cycle route, including loops/spurs through the SDZ*.'

506. MV9 seeks to '*provide the cycle routes (included Coastal Greenway) indicated in Figure 6.2'* (see **Figure 4-7** Figure 6.2 of the Poolbeg SDZ Planning Scheme showing the Strategic Cycle Network (source: DCC)).

Figure 4-7 Figure 6.2 of the Poolbeg SDZ Planning Scheme showing the Strategic Cycle Network (source: DCC)

507. The strip identified along the southern coastline of the peninsula as a Greenway is also identified as 'Proposed Public Open Space' as can be seen in **Figure 4-8** Figure 8.1 of the Poolbeg SDZ, SDZ Open Space in Context (Source: DCC).

Figure 4-8 Figure 8.1 of the Poolbeg SDZ, SDZ Open Space in Context (Source: DCC)

508. The Planning Scheme requires under GI6 that all development '*incorporate the relevant mitigation measures set out in the SEA Environmental Report*' and to provide SuDS (GI10) and green infrastructure solutions (GI11).

509. As per the policies of the CDP, it requires consideration for the assessment under the Habitats Directive.

510. Section 7.8 of the Scheme relates to utilities and ducting. It relates principally to existing power lines and ducting for new urban development. Existing ESB powerlines are deemed essential. Figure 7.1 of the Planning Scheme shows existing infrastructure and utilities in the area (see **Figure 4-9** Infrastructure / Utilities in the Poolbeg SDZ Planning Scheme (Source: DCC).

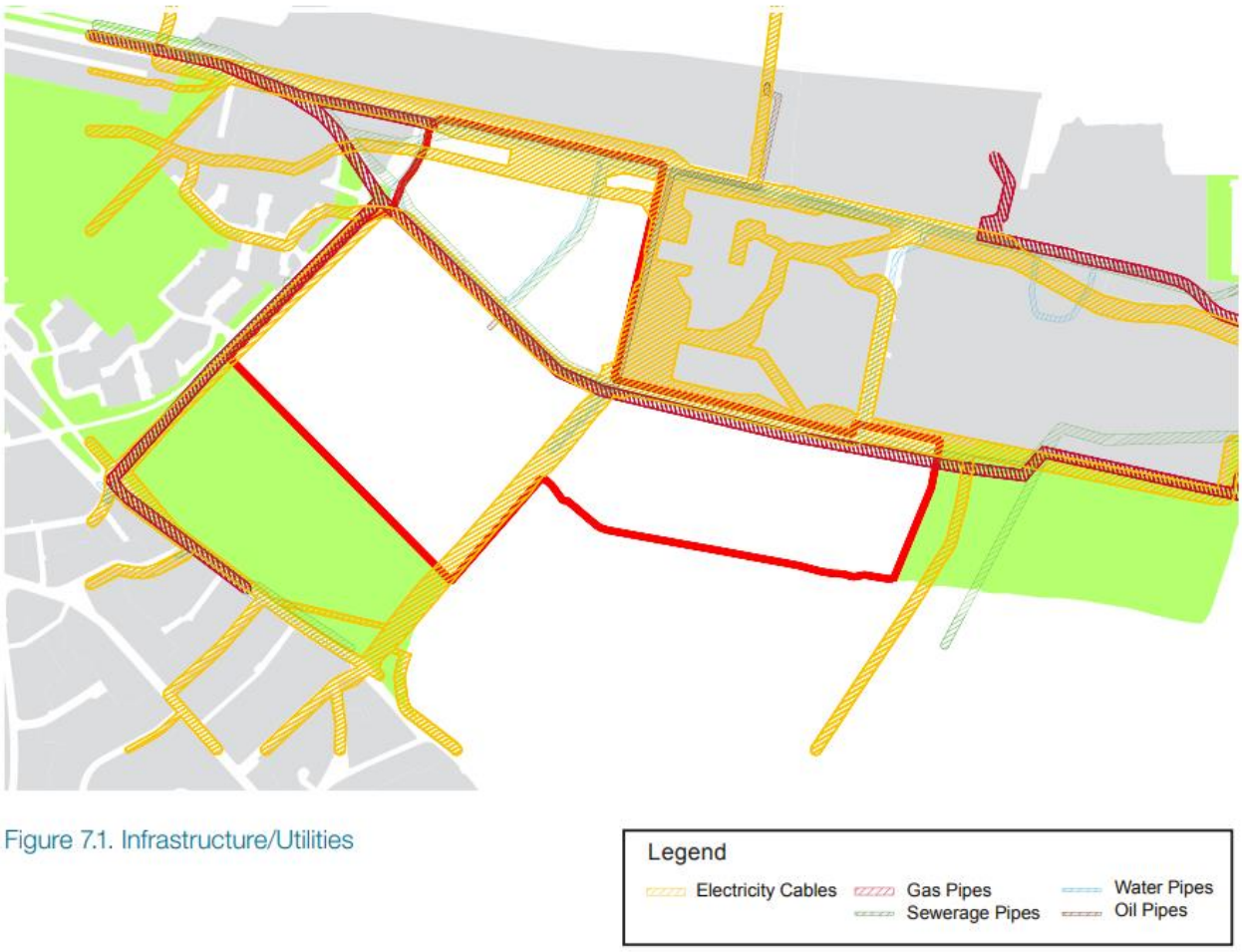


Figure 7.1. Infrastructure/Utilities

Figure 4-9 Infrastructure / Utilities in the Poolbeg SDZ Planning Scheme (Source: DCC)

511. It is noted that all the lands in the SDZ consist of man-made fill placed over estuarine deposits and that the Irishtown Nature Park located broadly east of the TJBs is a former landfill site. There is therefore potential for contamination. To accompany the SDZ, DCC prepared a Contamination and Remediation Assessment (CRA). It is a requirement for all developments in the SDZ to demonstrate compliance with the CRA.

512. IU1 requires the preparation of SSFRA and compliance with the recommendations of section 4 of the Strategic Flood Risk Assessment for the Poolbeg West SDZ Planning Scheme.

513. IU7 requires to '*maintain good air quality in accordance with national and EU policy directives on air quality and where appropriate promote compliance with established targets'.*

514. IU8 seeks to '*minimise the adverse impacts of noise to all sensitive receptors and promote a good quality of life for the existing and future residents of the plan area, through the effective management of noise in line with the Dublin Agglomerations Noise Action Plan'*.

515. IU11 requires that '*all undeveloped sites be remediated to internationally accepted standards, which shall be consistent with the land use types set out in the Planning Scheme. Developers will be required to carry out a full contaminated land risk assessment and to implement a contamination interception, monitoring and mitigation management system. All applications shall be accompanied by a report from a qualified, expert consultant detailing compliance with the remediation measures as outlined in the*

Remediation Measures Report. The remediation shall incorporate international best practice and expertise on innovative ecological restoration techniques including specialist planting and green initiatives that create aesthetically improved sites, healthy environments and contribute to the provision of new green open spaces as integral parts of newly created areas. Treatment/management of any contaminated material shall comply as appropriate with the Waste Management Act 1996 (waste licence, waste facility permit) and under the EPA Act 1992 (Industrial Emissions licensing, in particular the First Schedule, Class 11 Waste). These measures will ensure that contaminated material will be managed in a manner that removes any risk to human health and ensures that the end use will be compatible with any risk.'

516. IU13 seeks to ensure *'the protection of surface and groundwater quality in the plan area and surrounding areas, and the protection of protected habitats and species including designated national and international conservation sites, in implementing the plan; and to meet the requirements of the Water Framework Directive and the provisions of the relevant River Basin Management Plan*.'

517. IU14 requires '*that each significant planning application be accompanied by a Construction and Environmental Management Plan, which shall include information on construction traffic routes, hours of operation, control of noise, and environmental effects and associated, detailed mitigation, including that relating to the excavation of material and the storage, transport, treatment and disposal of wastes. Where landowners collaborated and prepared a co-ordinated environmental management plan, this could be submitted with each application for development as appropriate*.'

518. In relation to land uses, Figure 9.1 of the Planning Scheme shows the applicable land uses in all parts of the SDZ. It is represented in **Figure 4-10** Land uses in the Poolbeg SDZ (Source: DCC) below.

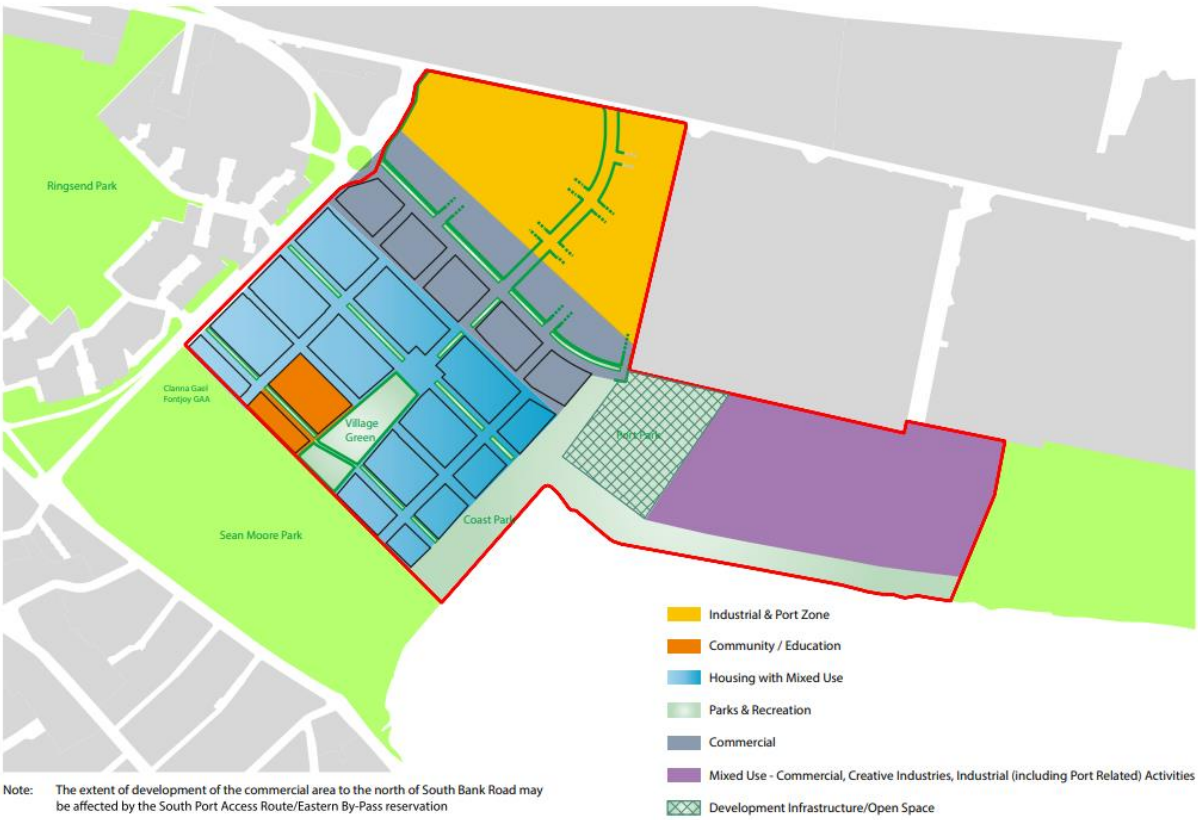


Figure 4-10 Land uses in the Poolbeg SDZ (Source: DCC)

519. There are two groups of works to be considered: temporary and permanent. In relation to permanent works, as shown on planning drawing **0022 – Onshore Development Area Site Layout Plan Permanent Works**, the landfall cable ducts are located in areas identified as parks and recreation. The TJBs and parts of onshore cable route are located on lands identified as mixed use.

520. In relation to temporary work, as shown on planning drawing **0023 – Onshore Development Area Site Layout Plan Temporary Works**, Compound B is located in areas identified as parks and recreation. Compound A is in the mixed-use area (commercial, creative industries, industrial, including port-related activities). The area of mixed use (in purple above) is noted as B2. Objective LP1 seeks to ensure that land uses are in compliance with the provisions of the Planning Scheme.

521. In the short term, infrastructure requirements include the delivery of the buffer park (also known as Port Park). In accordance with LP5, the '*expansion and development of port/industrial/utility-type industry within Blocks B1 and B2 (Fig 9.2) shall be in compliance with Phasing Area B, to ensure that the appropriate infrastructure to serve the port and related uses is delivered when needed, and that longer term strategic infrastructure can be provided*'.

522. The Scheme is laid out in city blocks for the longer term, which are reasonably detailed in the western part of the area. See **Figure 4-11** below.

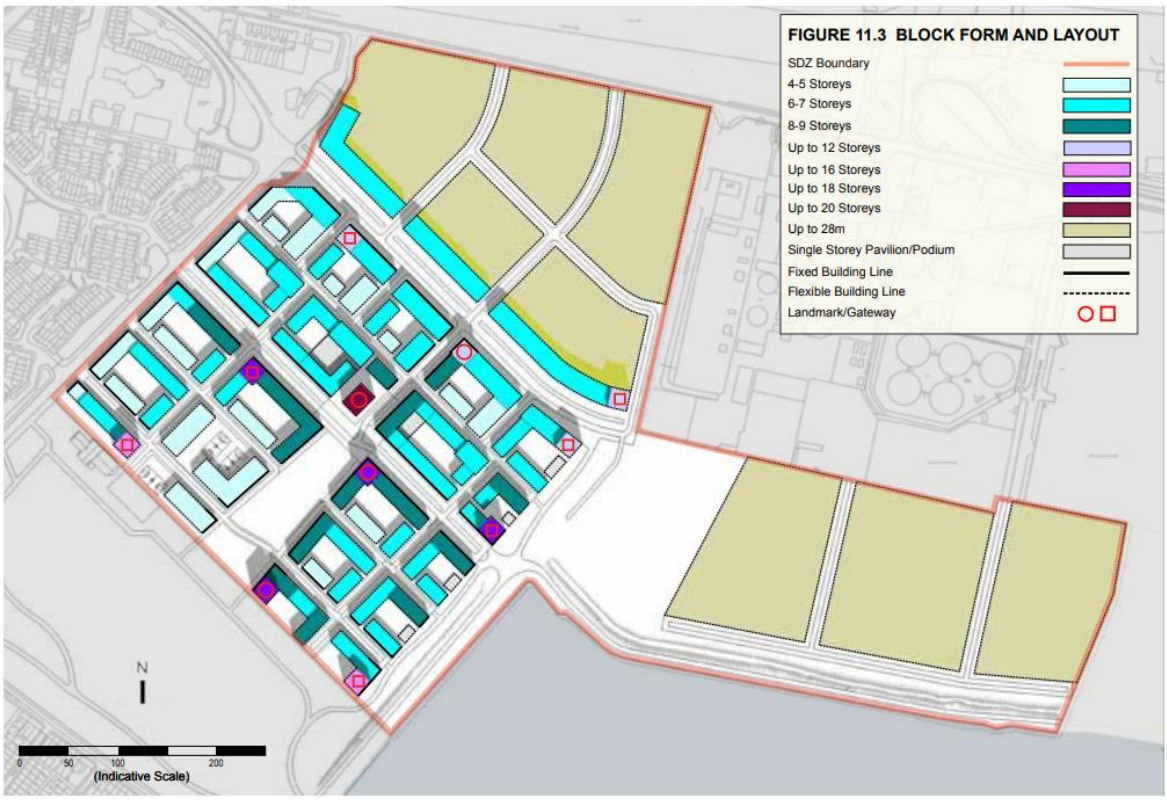


Figure 11.3. Block Form and Layout

Figure 4-11 Block Form and Layout in the Poolbeg SDZ (Source: DCC)

523. **Section 11.3.5** relates to Port / Industrial Compatible Uses in Areas B1 and B2. These areas:

> *'shall be used only for temporary port facilities, port-related buildings, existing uses and container storage until resolution of the Eastern Bypass route corridor. Following resolution of details of the route corridor the Planning Scheme shall be amended to allow for the development of the remainder of the B1 and B2 lands, following a more detailed consideration of appropriate urban form and long-term land use. Development in B1 and B2 lands shall have a height limit of 28m (other than ancillary port structures such as chimneys, cranes and storage tanks).'*

Development response

524. Parts of the OTI overlap with the area located south-east of the SDZ. As stated in previous sections of this report, the landfall point is to be located on the southern shore of Poolbeg on the Sandymount side. The TJBs are permanent structures which allow the connection of offshore export cables to the onshore export cables. This area is earmarked for Mixed-Use in SDZ which would be used for a range of uses '*including those associated with Dublin Port and film studios'*. The onshore export cables will also cross the area indicated for mixed use in the SDZ planning scheme.

525. There are also temporary aspects to consider. Compound B will be located in part in the area identified for parks & recreation and parts in the mixed use area. Compound A will be located in the area planned for mixed use. As part of the construction works, the existing footpath will be temporarily rerouted to avoid cutting off access to the Irishtown Nature Reserve and Shellybanks Beach to the east. The existing berm, which is located between the industrial-type lands and this footpath, will be removed to facilitate the installation of the TJBs. The front berm will be fully reinstated on the completion of the works and the rear berm reinstated, except where the TJB's are located. Details of the proposed works are in planning **drawings 0022 - Onshore Development Area Site Layout Plan Permanent Works** and **0057 – Onshore Landscaping Plans**.

526. The works to install the TJBs and the compounds are temporary in nature and will not hinder the delivery of the different elements of the planning scheme or their sequencing.

527. In relation to the TJBs and the cabling traversing the Area B2, these are consistent with the planned uses. The cable corridor across Area B2 has been aligned along one of the new streets in the longer-term block layout and therefore does not prejudice the provision of this layout. The TJBs will not impinge the development of the block form envisaged in the SDZ Planning Scheme. It is therefore considered that the development complies with LP1 and does not hinder the achievement of LP5.

528. In relation to the policies included in the Planning Scheme, response is provided below:

- As part of the construction methods, the Applicant will reroute the footpath to maintain access. This will therefore align with MV1 and will not hinder the achievement of MV9.
- The installation of the landfall cable ducts will not hinder the delivery of the proposed open space as planned.
- It is not deemed necessary to provide SuDS at the location either as the compound has been kept to a minimum to avoid impacting on the aforementioned delivery of the open space.
- The proposed development, in its entirety, will be subject to Appropriate Assessment in accordance with the Habitats Directive.
- In relation to the existing utilities, one cable crosses in the intertidal area in the vicinity of the site as seen in Figure 7.1 of the Planning Scheme**.** This cable is the ESAT-2 subsea cable, which connects Sandymount to Southport in the UK. The onshore cables will also cross a transmission gas pipe lain under the South Bank Road in an east–west manner. The onshore export cables will cross the pipe at the intersection with Shellybanks Road.
- In relation to contamination and remediation, further details can be found in other sections of this report which considers the CRA.

- In relation to flooding, further information can be found in **Section 5.2.2** of this report, which considers flood risk in Poolbeg.
- The EIAR demonstrates compliance with IU7 and IU8 on air quality and noise respectively.
- Reference is made to previous sections of this report, the NIS and the EIAR, which demonstrate compliance with IU13.
- A **Construction and Environmental Management Plan** accompanies this application as required under IU14.
- Response to IU11 is provided below in response to contamination.

529. Overall, the development complies with the provision of the Poolbeg West SDZ Planning Scheme.

Relevant provisions – Contamination Risk Assessment (CRA)

530. In addition to IU11 quoted above, a dedicated report was prepared by DCC to address contamination. The Poolbeg CRA identified that the greenway area (where the existing footpath is located) is marked for unknown risk, whereas the area marked mixed use which will be bisected by the onshore cables is marked as high risk.

531. The CRA includes a set of recommendations, which includes inter alia:

- Achieve protection by Strategic Guidelines for land use allocation, specifically:
    - For below grade occupation in high-risk area, the recommendation is to avoid.
    - For below grade occupation in unknown risk area, the recommendation is to avoid.
- Developers are required to prepare a site remediation report, which is to include a full contaminated land risk assessment.
- Implement a contamination interception, monitoring and mitigation management system.

532. Appendix 1 of the SDZ CRA includes a range of outline remediation actions, which ranges from the minor to rigorous with the removal and disposal of contaminated soils as the most rigorous measure.

Development response – Contamination Risk Assessment

533. Reference is made to:

- **Chapter 31 Waste and Resource Management**; and
- **Chapter 19 Land, Soils and Geology**, and associated appendix, **Appendix 19.5 Contamination Risk Assessment**.

534. At the outset, the Applicant notes the requirement under section 7.13 of the SDZ to demonstrate compliance with the DCC risk assessment and refers to objective IU11.

535. As part of the application, a full CRA has been prepared and is submitted in the EIAR **Appendix 19.5 Contamination Risk Assessment**. It was prepared by suitably qualified experts.

536. The CRA concluded:

'A desk-based study, SI and risk assessment was carried out to determine the potential for contamination for the onshore substation and associated infrastructure as part of the onshore elements of the CWP Project.

537. *The onshore substation site area was created by reclaiming land from the Liffey Estuary in the late 1990's to early 2000's when the Poolbeg peninsula was already heavily industrialised. Site investigations identified that the geology of the site comprises Made Ground overlying sand and gravel, overlying glacial till and limestone bedrock. No significant soil or groundwater contamination was encountered on the onshore substation site. Waste stockpiles deposited on the onshore substation site will require removal prior to development in accordance with the Waste Management Act 1996 as*

amended. A review of the soil screening criteria indicates that the site is suitable for the proposed end use.

538. *Based on groundwater monitoring, the sand and gravels on the Poolbeg peninsula are brackish and considered to be in hydraulic continuity with the Liffey Estuary and tidally influenced.*

539. *The landfall area was reclaimed in the 1970s and early 1980s. During the recent SI works in this area, mixed waste material was encountered to a depth of 5 m. Waste soil and waste material excavated will require removal in accordance with the Waste Management Act 1996 as amended. Geo-environmental samples collected from the landfall site show that a number of samples have elevated PAHs, heavy metals and asbestos. However, a review of the soil screening criteria indicates that the site is suitable for the proposed industrial end use. Waste material encountered will require removal in accordance with the Waste Management Act 1996 as amended.*

540. *The groundwater is brackish and with elevated metals, however concentrations are representative of a saltwater environment.*

541. *Mitigation is required in relation to gas to prevent migration and buildup in underground structures. Monitoring of ground gases is required along with ventilation'*. It is important to note that in the present case, there is no occupation below ground. In effect, infrastructure will be constructed and left in situ during the operational phase of the CWP Project. To respond to the requirements of the SDZ specifically, a **Contamination Land Risk Assessment** was prepared and can be found in **Appendix 19.5** of the EIAR. Proposals for a contamination interception, monitoring and mitigation management system are outlined in **Chapter 19 Land, Soils and Geology, Appendix 19.5 Contamination Risk Assessment** and **Chapter 31 Waste and Resource Management** in relation to the management of excavated material. This includes for the implementation of a **Construction Environmental Management Plan and Construction and Demolition Waste Management Plan** during the construction phase of the OTI. These Plans outline measures for dealing with contamination during the construction phase of the OTI. These include:

- No discharges to the ground or water environment during the construction phase of the OTI;
- The installation of a temporary cofferdam in the intertidal area when the open cut works are being undertaken to facilitate the landfall cable ducts (forming a barrier between the marine/land interface);
- Requirements for gas monitoring during the tunnel boring process for the onshore export cables; and
- Measures for dealing with contaminated materials should they be encountered during excavation.

542. The Contamination Risk Assessment complies with the requirements from Environmental Assessment of Contamination and Remediation (EACR) Report for the SDZ.[10]

543. Remediation will be undertaken in accordance with best practice. Given the nature of the works undertaken by CWPL within the SDZ and the fact that there will be minimal above ground infrastructure within the SDZ boundary, the development of green initiatives / green open space would not be applicable. Planning drawing no. 0057 **Onshore Landscaping Plan** (details where lands will be reinstated within the onshore development area. The reinstatement includes for the incorporation of native woodland, nature shrub and wildflower beds, which will increase the species diversity from the current baseline. The reinstatement includes planting on the section of the berm along the pedestrian pathway, which will improve the green connection from Sean Moore Park towards the Irishtown Nature Park and Dublin Bay.

544. There is no at grade or below grade occupation associated with the OTI.

[10] https://www.dublincity.ie/sites/default/files/2021-01/eacr-for-the-planning-scheme-volume-1-main-report.pdf

545. On this basis, it is considered that the proposed development is aligned with the requirements of the Planning Scheme insofar as they relate to contamination.

Relevant provisions – Flood Risk

546. The SDZ was also subject to a SFRA. The provisions are consistent with those identified in the DCC CDP.

Development response – Flood Risk

547. The issue of flooding has been addressed comprehensively in response to the policy of the DCC CDP and in **Section 5.**

Dublin City CAP 2024–2029

Relevant provisions

548. The Dublin City CAP 2024–2029 was adopted in March 2024. The new iteration 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 proposes to put an emphasis on green infrastructure and to restore the City's rivers.

Development response

549. As is demonstrated in other sections of this report, the development will contribute to a reduction in GHG emissions. It will be one of the largest contributors in clean green energy to the City. It is therefore considered that the development will support the achievement of the DCC CAP.

Dublin Port Masterplan 2040 – Reviewed 2018

Relevant provisions

550. The Dublin Port Masterplan 2040 is a non-statutory plan prepared by DPC. Policies of the DCC CDP listed above consider this plan to be a 'guiding document' for port lands on both sides of the River Liffey. The overarching objective of the masterplan is to ensure the appropriate use of lands within the port estate.

551. 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.

552. 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 Compound A 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 Dublin Port Company'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.

553. The CWP onshore substation is located within Area 'M' which was identified by the masterplan as a multi-purpose deep water berth as can be seen in **Figure 4-12** Dublin Port Company Lands Layout (Source: DPC) below, but it is clear from proposals included in 3FM and the CWPL's engagement with DPC that DPC is no longer pursuing development in that area.

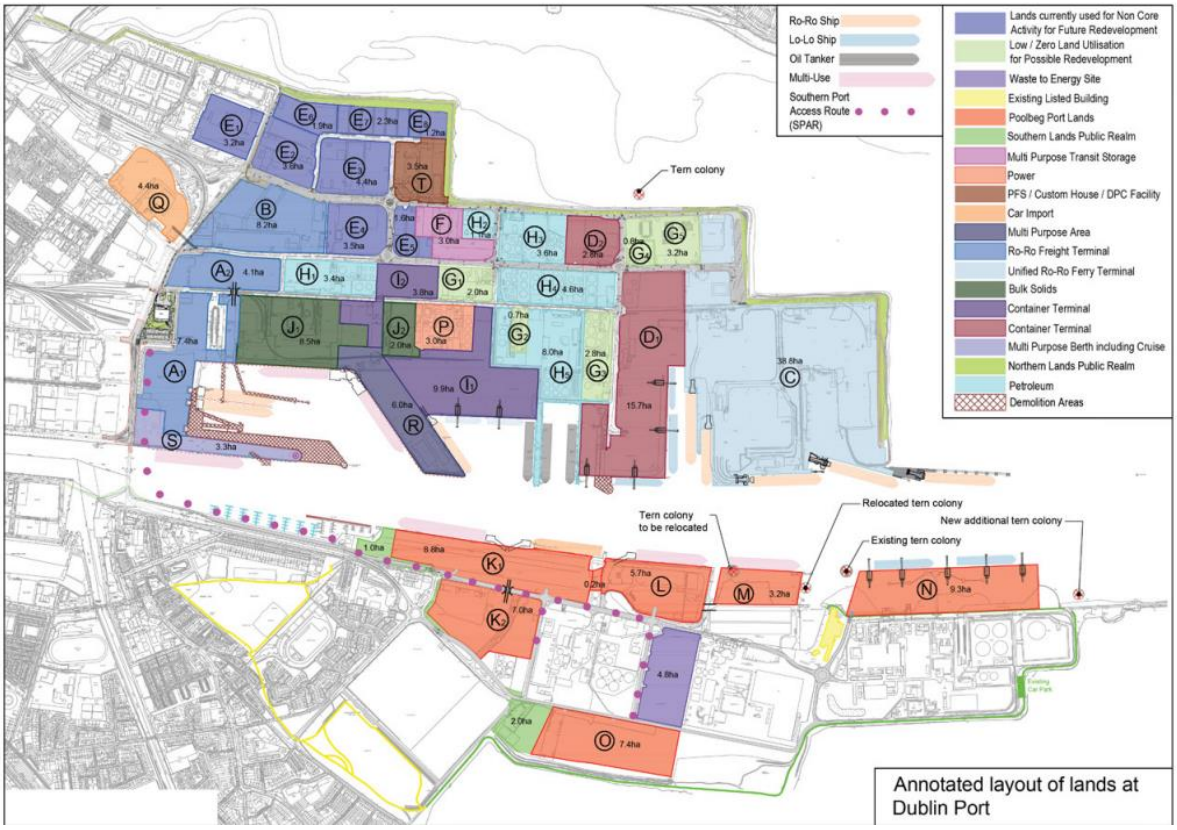


Figure 4-12 Dublin Port Company Lands Layout (Source: DPC)

554. 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 is proposed as ground-level single-height Ro-Ro freight trailer area, while area L as a transit container storage yard.

Development response

555. Since the Dublin Port Masterplan 2040 was published, in 2012 and revised in 2018, DPC has developed the 3FM project. The 3FM project promotes differing proposals and uses of land to that shown in the 2040 masterplan.

556. The Applicant has entered extensive consultation with DPC with a view to ensure that the OTI can be accommodated alongside DPC's proposals and that it would not, should it be delivered first, hinder the development potential of the port lands. The requirements for a deep-water berth at Area M in the

Master Plan have been revised with proposals contained in the 3FM project. A turning circle for a ship is now proposed in this location. The substation site has been designed to allow for the turning circle as can be seen in **Drawing 2040 – Onshore Development Area – Permanent Works**.

557. The proposed onshore cable route under Area O and Area L, will not prevent DPC bringing forward development proposals in this location.

558. It is therefore considered that the CWP Project aligns with DPC's proposals, and the Applicant will continue to engage with DPC as required.

4.7 Local Policy Framework – Prescribed Bodies

559. ABP has identified Fingal County Council (FCC) as a local authority whose area might be affected by the CWP Project. The CWP Project will not be located in FCC's nearshore area or functional area, nor does FCC's nearshore area or functional area adjoin the maritime area where the CWP Project is to be located. The Applicant has considered the policies and objectives of the FCC CDP that are relevant to the project.

4.7.1 County Fingal

Fingal Development Plan (FDP) 2023–2029

560. The FDP 2023–2029 covers the jurisdiction of County Fingal which extends from Sutton to Delvin Bridge, north of Balbriggan, at the border of County Meath.

Relevant provisions – Landscape and Seascape (as presented under Green Infrastructure and Natural Heritage)

561. The principal effects of the CWP Project on the administrative area of Fingal relates to visual impacts and protected sites. The following policies are of relevance:

- Policy GINHP26 – Preservation of Views and Prospects '*Preserve Views and Prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.'*
- Objective GINHO57 – Protection of Views and Prospects '*Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development.'*
- Objective GINHO58 – Landscape/Visual Assessment '*Require a Landscape/Visual Assessment to accompany all planning applications for significant proposals* that are likely to affect views and prospects.'

562. Howth Head avails of a designated Special Amenity Area Order and has a series of protected views towards the CWP Project. The SLVIA has had due regard to these protected views.

563. In Table 9.3 of the FDP, a summary of the county landscape character assessment is provided. It considers that estuary and coastal landscape character types are both of 'exceptional' landscape value and of 'high' landscape sensitivity. The Baldoyle Estuary is included in the estuary category. The Malahide, Portmarnock and Howth settlements are included in the coastal character types which also includes the offshore islands. Most of the Howth peninsula is covered by a Special Amenity Area Order (SAAO). The coastal character type is derived from a combination of visual, ecological, recreational and historical attributes.

564. Owing to SAAO designation, the CDP applies dedicated policies and objectives to Howth Head, as follows:

- Policy GINHP27 – Howth and Liffey Valley Amenity Orders: '*Protect and enhance the special amenity value of Howth and the Liffey Valley, including its landscape, visual, recreational, ecological, geological, and built heritage value, as a key element of the County's Green Infrastructure network and implement the provisions of the Howth and Liffey Valley Special Amenity Area Orders (SAAO)*'.
- Objective GINHO65 – SAAO Management Plans requires the implementation of the management plans of SAAOs.

565. Most of Howth Head, particularly in Sutton South, Censure, Howth and Howth Demesne, are zoned high amenity, where the objective is to '*protect and enhance high amenity areas'*. The vision is to protect '*highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. In recognition of the amenity potential of these areas, opportunities to increase public access will be explored'*.

566. This is reiterated under Policy GINHP28 – Protection of High Amenity Areas.

567. The plan also includes policies and objectives aimed at the protection of views and prospects, in particular:

- Policy GINHP26 – Preservation of Views and Prospects: '*Preserve views and prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.'*
- Objective GINHO60 – Protection of Views and Prospects: '*Protect views and prospects that contribute to the character of the landscape, particularly those identified in the Development Plan, from inappropriate development*.'
- Objective GINHO61 – Landscape / Visual Assessment: *'Require a Landscape / Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects'*.
- Policy GINHP32 – Protection of the Islands: '*Protect and enhance the special landscape character and exceptional landscape value of the islands, including their biodiversity, archaeological and architectural heritage*'.

Development response – Green Infrastructure

568. Reference is made to the following chapters of the EIAR:

- **Chapter 15 SLVIA** and associated appendices.
- **Chapter 23 LVIA** and associated appendices.

569. The impact of development on landscape character has been assessed in **Chapter 15 SLVIA** and appendices. Reference is made to **Appendix 15.5 Landscape Character Assessment**, specifically Table 3.

570. Overall, the EIAR found that there would be no significant impacts on the landscape character units of County Fingal. The assessment also looks at the other landscape character types, including high lying agricultural, Dublin Airport, Lusk, Rolling Hills with Tree Belts, Tolka and Liffey Valleys. All were found to be subject to low magnitude of change with negligible – not significant effects. It also considers the offshore islands and does not identify significant effects and therefore aligns with GINHP32.

571. On this basis, it is considered that the proposed development does not detract from GINHP26 as it does not result in negative significant effects on the different character areas in Fingal as demonstrated in the relevant EIAR chapters which have been prepared in accordance with GINHO58.

572. Table 2 of **Appendix 15.6 Viewpoint Assessment** of the SLVIA assesses the Howth Summit viewpoint. In summary, the assessment found for the two options:

- WTG Option A:
    - Construction Decommissioning: The magnitude of change is low-negligible. The effect would be slight-not significant.
    - Construction Decommissioning (nighttime): The magnitude of change is low-negligible.
    - Operation / Maintenance: The magnitude of change is medium-low. The effect would be moderate-not significant.
    - Operation / Maintenance (nighttime): The magnitude of change is low-negligible. The effect would be slight-not significant.
- WTG Option B:
    - Construction Decommissioning: The magnitude of change is low-negligible. The effect would be slight-not significant.
    - Construction Decommissioning (nighttime): The magnitude of change is low-negligible.
    - Operation / Maintenance: The magnitude of change is medium-low. The effect would be moderate-not significant.
    - Operation / Maintenance (nighttime): The magnitude of change is low-negligible. The effect would be slight-not significant.

573. The assessment therefore has not found the development, whether it takes the form of WTG Option A or WTG option B, to result in significant effects on the Howth Summit viewpoint. On this basis, it is considered that the development complies with GINHP26, GINHO57, GINHP26, GINHO60 and GINHP27.

Fingal CAP 2024–2029

Relevant provisions

574. The Fingal CAP 2024–2029 considers a reduction of 51% of greenhouse gas emissions as an amended target for the county. It specifically notes offshore wind as the most significant potential for renewable electricity in County Fingal as a pathway towards a reduction in greenhouse gas emissions.

Development response

575. The CWP Project will allow for significant GHG savings, so it can be considered that it is supportive of the aims and objectives of the FCC CAP 2024–2029.

Howth Special Amenity Area Order

576. In 1999, FCC recognised the exceptional character of Howth by making the Howth SAAO (see **Figure 4-13** Map B – the Howth SAAO (Source: FCC). This order was confirmed by the Minister for the Environment in May 2000. It protects the special qualities of the area. The aim is to preserve and enhance its character and special features. Ireland's Eye forms part of the SAAO. The operational plan for the SAAO includes a series of actions articulated around headings:

- Wetlands;
- Redrock Management Plan;
- Invasive species control;
- Heathland management;
- Wildfire management;

- General habitat management;
- Planning and development;
- Visitor management;
- Communication and outreach; and
- Resource allocation.

577. The order regards 35 sites and areas of special natural, historical, architectural, archaeological and geological interest. These are shown in the map below.

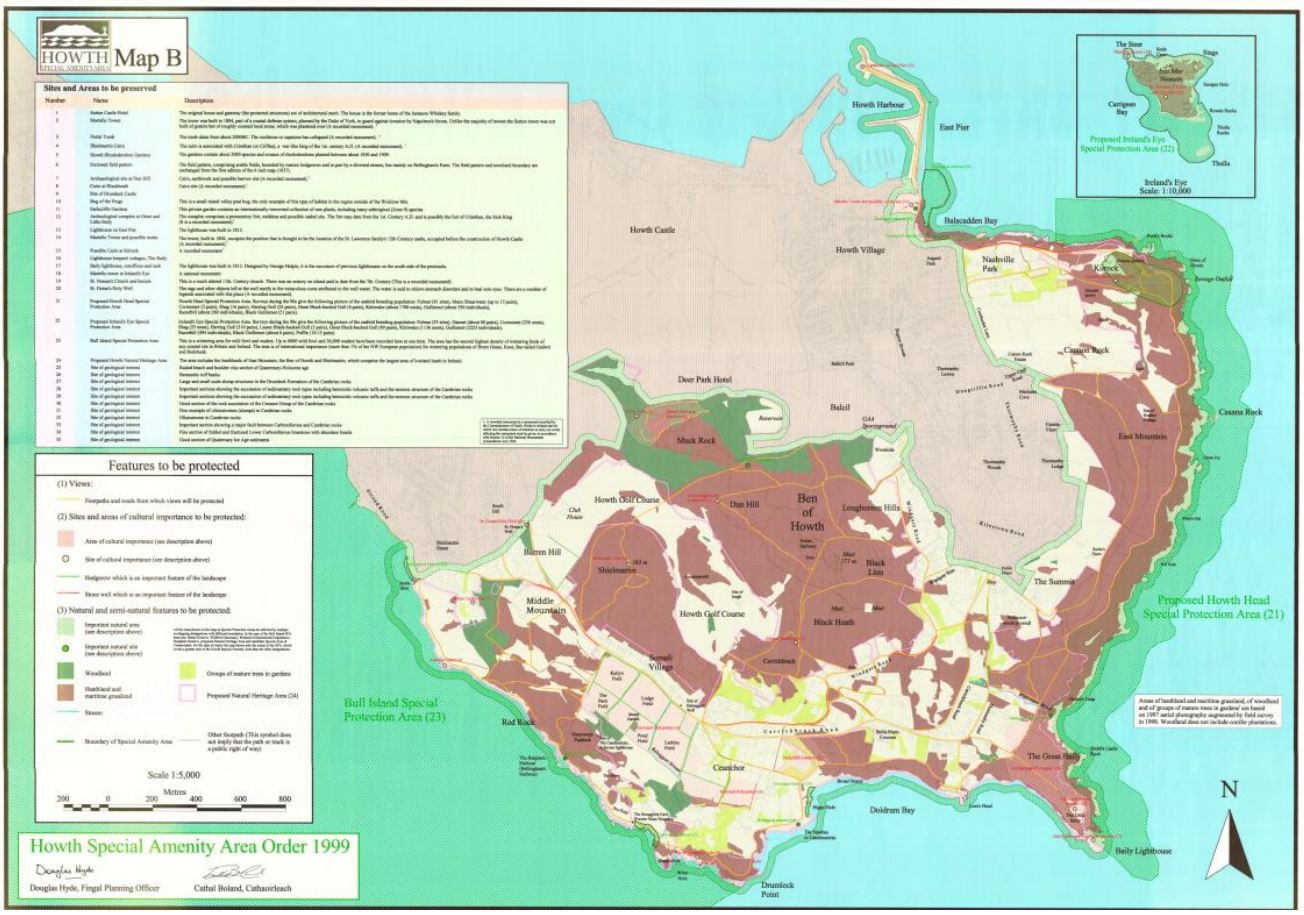


Figure 4-13 Map B – the Howth SAAO (Source: FCC)

Development response

578. As demonstrated in the section addressing the FDP, it is considered that the proposed development does not detract from the aims and objectives of the SAAO.

4.7.2 Section 4 Conclusions

579. This section shows how the development is compatible with, supports or does not detract from the applicable policy framework, with minor exceptions which are discussed in **Section 5 Planning Appraisal**.

580. It highlights the European, national, regional and local importance of the development in regard to the achievement of climate and renewable energy targets and the significant economic and social opportunities that will derive from all phases of the project.

581. The development should be viewed in its entirety as a major opportunity for the country. It will also make positive contributions to the balance between supply and demand of energy in an area of high demand, Dublin City and the Dublin Region.

582. Unlike many European capital cities and regions, the Dublin Region is presented with the unique opportunity to bring closer production and consumption of renewable energy. Such opportunity should be harnessed to allow the region to become an example at European scale.

583. Economically, it is important to reiterate the fact that the Irish offshore renewable energy supply chain is in its infancy. Owing to the development of the CWP Project, the development of the supply chain will be kickstarted. This in turn will allow Ireland to continue to support the large-scale development of ORE and allow the country to compete on an international scale.

5 PLANNING APPRAISAL

5.1 Consideration of Alternatives

584. Consideration of Alternatives is addressed in the EIAR **Chapter 3 Site Selection and Consideration of Alternatives**.

585. It is noted that consideration has been given to reasonable alternatives at every stage of the process. This includes consideration of alternative locations for the array site, cable route alignments, site layouts, designs, processes, and mitigation measures for both the offshore and onshore infrastructure. This has formed the basis for decision making throughout the pre-application stage, and is a process that has been underpinned by the following overarching project objectives:

- Contribute effectively to enhancing the security of Ireland's energy supply, by providing domestically produced renewable energy; in support of the CAP (2023) and the actions set out in Energy Security in Ireland to 2030 (Government of Ireland, 2023);
- Provide low cost energy to the Irish consumer; in support of the Second Renewable Energy Directive (Directive 2018/2001) Recital 19.
- Deliver a significant contribution (>25%) to the Irish Government's goal of achieving 5 GW installed electricity generation capacity in offshore wind by 2030; in support of the CAP 2023 and draft CAP 2024.
- To identify and implement measures at each stage of the development process to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment; in accordance with the suggested project level mitigation measures in the Offshore Renewable Energy Development Plan (OREDP) and the National Marine Planning Framework (NMPF). Where it is impossible to avoid a constraint, these constraints are reported, and appropriate mitigation measures will be put in place.
- To minimise impacts to local communities; in support of National Policy Objective 52 in the National Planning Framework (NPF).
- Make use of existing brownfield sites for the onshore transmission infrastructure (OTI) where possible; in support of the NPFs objective to secure compact and sustainable growth.
- Develop a wind turbine generator (WTG) array which makes efficient use of available seabed; in support of NMPF ORE Policy 1 and NMPF policies to protect sea-floor and water column Integrity.
- Make efficient use of available grid connection capacity as required by the terms and conditions of the CWP Project Offshore Renewable Electricity Support Scheme (ORESS).
- To utilise the shortest and straightest feasible export cable routes from the offshore array site to the grid connection location; in accordance with the suggested project level mitigation measures in the Offshore Renewable Energy Development Plan (OREDP) and the National Marine Planning Framework (NMPF).
- To deliver the CWP Project in a safe and efficient manner; in support of NMPF Safety at Sea Policy 1–5.

586. Consultation on refinements to the CWP Project site selection, layouts and configurations have been undertaken throughout the lifetime of the project development phase. The consultation has given interested stakeholders the opportunity to provide feedback to help shape emerging plans and influence key design decisions.

587. **Chapter 3 Site Selection and Consideration of Alternatives** of the EIAR notes the historical background, whereby site selection and consideration of alternatives for the CWP Project was first initiated by Fred Olsen Renewables Ltd (FORL) in 1999 with the initial aim to identify a suitable location for the array site. This initial process led to the identification of the current CWP Project array site.

5.1.1 Site selection process and consideration of alternatives methodology

588. The siting, design and ongoing refinement of the CWP Project has taken account of physical constraints, and environmental, technical, social and commercial considerations. This is with the aim of identifying sites that will be both environmentally acceptable and technically deliverable, whilst seeking to pass the lowest energy cost onto the consumer.

589. A multi-disciplinary design team was formed to undertake the site selection process, which included a team of specialists comprising engineers, planners, legal advisors and EIA consultants, whose expertise was drawn upon throughout.

590. The identification of preferred sites and routes was progressed through six distinct phases, each relating to separate but integrally linked components of the CWP Project.

591. Each phase involved the identification of site and route option locations for the main components of the CWP Project and included desktop studies, site visits, identification and mapping of constraints, and public and stakeholder consultation. The starting point for this phased approach was site selection of the array site, followed by consideration of suitable grid connection points. An outline of the phases is provided in **Figure 5-1** below.

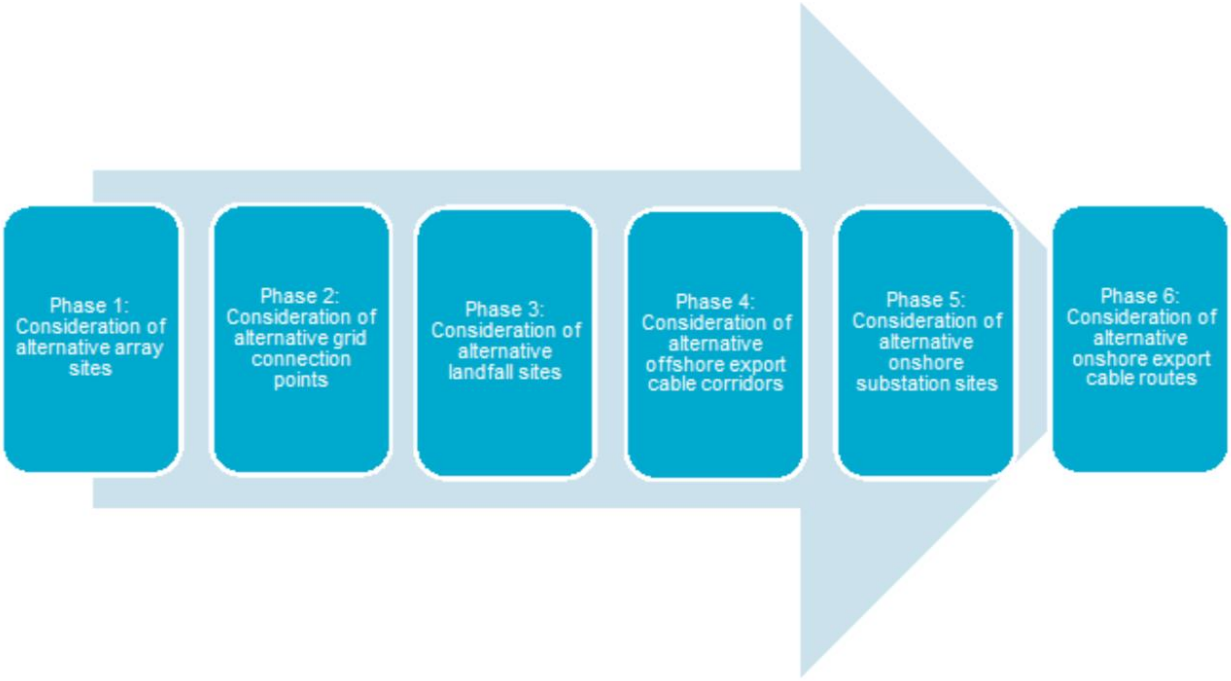


Figure 5-1 Site selection and assessment of alternatives process

592. During each phase reasonable alternatives were identified and assessed against a range of criteria including technical, economic, environmental and socio-economic. Where multiple reasonable alternatives were identified a comparison of environmental effects was undertaken, which are been summarised within **Chapter 3** of the EIAR. This led to the identification of a preferred site / route option for each of the main components.

593. The emerging preferred options when combined, presented the overall emerging preferred location for the CWP Project. This facilitated a change in focus from alternative sites and routes to the development of individual project components including the consideration of:

- Alternative layouts / locations / alignments:

- Alternative WTG layouts (including OSS positions) (Section 3.8.2).
- Alternative IAC and interconnector cable layouts (Section 3.8.5).
- Alternative TJB layouts (Section 3.11.1).
- Alternative offshore export cable alignments (Section 3.13.1).
- Alternative onshore substation layouts (Section 3.15.1).
- Alternative locations for the [onshore substation] ESB building (Section 3.15.2).
- Alternative ESBN network cable alignments (Section 3.15.3).

- Alternative designs and technologies:
  - Alternative WTG models (and number of WTGs) (Section 3.8.1).
  - Alternative WTG heights as a function of minimum blade tip clearance (Section 3.8.3).
  - Alternative WTG foundation designs (including OSS foundations) (Section 3.8.4).

- Alternative installation methods:
  - Alternative landfall cable duct installation methods (Section 3.11.2).
  - Alternative ESBN network cable installation methods (Section 3.15.3).
  - Alternative onshore export cable installation methods (Section 3.16).

594. **Chapter 3 Site Selection and Consideration of Alternatives** of the EIAR sets out detailed evaluation of the following Alternatives:

- Do-Nothing Scenario.
- Phase 1: Consideration of alternative array sites (and associated infrastructure).
- Array site infrastructure: Consideration of alternative designs.
- Phase 2: Consideration of alternative grid connection points.
- Phase 3: Consideration of alternative landfall sites.
- Landfall infrastructure: Consideration of alternative designs.
- Phase 4: Consideration of alternative offshore export cable corridors.
- Offshore export cables: Consideration of alternative designs.
- Phase 5: Consideration of alternative onshore substation sites.
- Onshore substation infrastructure: Consideration of alternative designs.
- Phase 6: Consideration of alternative onshore export cable routes.

595. In summary, **Chapter 3** of the EIAR provides a description of the reasonable alternatives (including in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the CWP Project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

5.2 Evaluation of the proposed development having regard to planning policy

596. **Section 4** of this report established the overall compliance of the CWP Project with the planning policy framework. On foot of this assessment, it is considered that the CWP Project is broadly compliant with the policy framework but may be viewed as inconsistent with a small number of specific policies / objectives contained in the following development plans:

- Wicklow County Development Plan 2022–2028.
- Dublin City Development Plan 2022–2028.

597. This section addresses each plan in turn.

598. There is no restriction on the Board granting permission for a development that is inconsistent with a development plan under Section 293 of the Act. In this way, the current application is in a different position to a standard appeal under Section 37 or application for SID permission under Section 37E.

Under Section 293(3) of the Act, the Board only has to *'have regard to the development plan of any planning authority within whose functional area, or adjacent to whose functional area, the proposed development is to be situated'.*

599. The Applicant is of the considered opinion that the proposed development is essential for the achievement of some of Ireland's most important national, strategic and marine policy objectives and is otherwise consistent with EU, national and regional policy. That supports the grant of permission for the CWP Project notwithstanding inconsistency with a small number of development plan policies, discussed in more details in **Section 5.2.1** hereafter. This report applies criteria to explain why the Board should grant permission for the proposed development notwithstanding the identified inconsistencies. Those criteria are as set out in Section 37(2)(b) of the Act as follows:

*'(i) the proposed development is of **strategic or national importance**,*

*(ii) there are **conflicting objectives** in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted **having regard to regional spatial and economic strategy for the area, guidelines under section 28**, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

(iv) permission for the proposed development should be granted having regards to the pattern of development, any permissions granted, in the area since the making of the development plan.'

5.2.1 Potential inconsistencies with specific policies of the Wicklow CDP 2022–2028

600. **Section 4** has identified two instances where there may be inconsistency between the CWP Project and the Wicklow CDP 2022–2028:

- *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'*
- *CPO 19.8: 'To protect the character and visual potential of the coast and conserve the character and quality of seascapes.'*

601. **Section 4** of this report has detailed potential views and prospects set out in the Wicklow CDP which would potentially interact with the coastal area or have views of the generation station. The 'Key Development Considerations' of the Coastal Areas AONB, the relevant Views of Special Amenity (Map no. 17.10A) and relevant Prospects of Special Amenity (Map no. 17.11) are set out above. It was noted above that having regard to the policy set out in CPO 17.38 there is potential for the CWP Project to be considered as 'an obtrusive or incongruous feature in that view / prospect'.

602. It is important to highlight that the potential impact of an 'obtrusive or incongruous feature' is qualified by the second half of the policy statement where '*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*'. Therefore, CPO 17.38 does require that the potential impact of a view or prospect can be weighted according to context of *'span and scope'*.

603. It should also be noted that whilst an effect may be significant, that does not necessarily mean that such an impact would be unacceptable or should necessarily be regarded as an 'undue consequence' (GLVIA3 (Landscape Institute and IEMA, 2013) para 5.40). The professional judgement of the assessors of the SLVIA concluded that the CWP Project could be accommodated within views experienced by visual receptor groups, residents and visitors to settlements and receptors of key routes. Visual receptors perceived experience of the surrounding environment would not

fundamentally change. Having regard to the policy reference to 'span and scope', expansive views would remain out across a large-scale seascape with, due to location, a greater focus on immediate coastal and landscape features. The CWP Project has therefore been judged to be capable of being accommodated_in SLVIA terms. Please refer to **Chapter 15 SLVIA**, **Section 15.4.3 Impact Assessment**.

604. CPO 19.8 is identified as a policy within Coastal Cell 8 for Wicklow Head / Kilcoole in Chapter 19 Marine Spatial Planning and CZM. These policies seek to address the different characteristics or pressures that apply to the varied coastline. It is considered the CWP Project does not compromise the policy objective to protect the character and visual potential of the coast in this cell and the policy objective to conserve the character and quality of seascapes for the coastal cell.

605. The array site would be a prominent change in the view with the addition of several features, would be of large to medium in size and scale, spanning over a wide horizontal field of view and seen in the middle distance sitting on the horizon. Views would be affected from Wicklow, Wicklow Harbour and Harbour / Wall subject to the location, orientation and presence of intervening vegetation / built form.

606. The Applicant is of the opinion that the criteria set out in Sections 37(2)(b)(i) and (iii) of the PDA 2000 as amended would apply to both CPO 17.38 and CPO 19.8 as set out below.

(i) the proposed development is of strategic or national importance

607. The NMPF recognises the need to support the development of offshore renewable energy as 'a driver to significantly reduce greenhouse gas emissions and accelerate the move to cleaner energy in line with national and EU policy'. It also includes ORE Policy 1 which require support for proposals that assist in the achievement of the 2030 offshore renewable energy targets. In the early parts of **Section 4** of this report, it has been clearly demonstrated that the CWP Project is of strategic importance and has been designed as such. It has been designated by the government as a project to support the achievement of national, European and international commitments. Reference is made to:

- The NMPF ORE Policy 1 which states that proposals assisting the achievement of the Government's energy targets should be supported.
- The NMPF ORE Policy 2 that recognises the Relevant Projects (the Phase One projects) as those that 'can objectively enable delivery on the Government's 2030 targets will be prioritised for assessment under the new consenting regime'.
- The NECP and the CAP2024 which both require reductions in GHG emissions, specifically in the electricity sector and an increase in the share of renewable electricity.
- The Programme for Government – Our Shared Future, which sets a target of 5GW of offshore renewable energy connected capacity by 2030.
- The NPF 2040, specifically National Strategic Objective 8 'Transition to a Low Carbon and Climate Resilient Society'.
- The OREDP, which aims at the sustainable deployment of ORE.

608. There is also a strongly supportive European framework requiring the quick upscaling of offshore wind across the Members States to promote the green transition and energy security.

609. The CWP Project is therefore of strategic and national importance and is supported by the national policy framework.

5.2.2 Potential inconsistencies with specific policies of the Dublin CDP 2022–2028

610. **Section 4** of this report has identified two polices where the CWP Project may not fully comply with the DCC CDP:

- SI10 – Managing development within and adjacent to River Corridors.
- SI14 – Strategic Flood Risk Assessment.

611. The Applicant is of the view that the criteria set out in Sections 37(2)(b)(i), 37(2)(b)(ii), 37(2)(b)(iii) apply to SI10 and SI14.

SI 10 – Management Development within and adjacent to River Corridors and GI29 – Protect Character of River Corridors

612. Objective SI10 in Chapter 9 of the CDP refers to an objective for '*development proposals that are within or adjacent to river corridors in the City) to provide a minimum set-back distance of 10-15m from the top of the river bank in order to create an appropriate riparian zone*'.

613. It is considered that there is no alternative site for location of the onshore substation for the following reasons (outlined in more detail in **Chapter 3 Site Selection and Consideration of Alternatives**):

- Eleven substation options were originally considered.
- Out of these eleven sites, four were considered feasible substation options.
- Of those, three had flood risk issues that would require mitigation.
- The only site that had no significant flood risk (SS10) is significantly closer to residential receptors (closest being 70 m away). It is also within Area K of Poolbeg West SDZ, where there is no clear indication that it is an acceptable land use.
- Across all of the factors considered (noise and air quality, soils and geology, water and flood risk, archaeology, architecture and cultural heritage, landscape and visual, biodiversity, flora and fauna, tourism, recreation and amenities, population, land use and community), the selected site was the best performing option.

614. The reasons in favour of granting permission notwithstanding the stated inconsistency with planning policy is outlined below.

*(i) the proposed development is of **strategic or national importance***

615. Objective SI10 in Chapter 9 of the DCC CDP is inconsistent with port or harbour development set within a man-made channel and quay walls.

616. The development is of strategic and national importance and is supported by the national policy framework.

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned

617. Under SI52, the Council recognises the role of the Poolbeg Peninsula as the Strategic Infrastructure Hub for Dublin, with a strategic role in accommodating the City's critical hard infrastructure. It also recognises the significant role the area plays in facilitating Dublin's transition to a low carbon and climate-resilient city. This role is evidenced when considering that Poolbeg is home to the Capital's most crucial infrastructure. It includes the ESB Compound, which includes inter alia Flexgen, the Poolbeg CCGT and the approved new EirGrid substation. There are other, no less significant, utilities in the vicinity, which includes the Uisce Eireann Ringsend WWTP and the Dublin Waste to Energy Facility, both of which adjoin the onshore development area. Further afield to the east is the NORA storage terminal. The location of the CWP onshore substation in Poolbeg will strengthen the role of the Poolbeg area as a key strategic location for energy generation and transmission.

618. Furthermore, under SIO30, the Council supports the sustainable development of Ireland's offshore renewable energy resources in accordance with the NMPF (2021) and OREDP (2019) and its successor, including any associated domestic and international grid connection enhancements. All elements of the CWP Project are both supported under SIO30.

619. On this basis, it is argued that that there are conflicts arising from the application of certain policies and objectives of the DCC CDP, particularly between SI52, SIO30 and SI10.

(iii) permission for the proposed development should be granted ***having regard to regional spatial and economic strategy for the area, guidelines under section 28****, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government*

620. Reference is made to **Section 4** of this report, which addresses the policies of the RSES and specifically RPO 10.24 on the development of offshore renewable energy. It also supports and aligns with the Government policy in relation to the green transition, the achievement of offshore renewable energy targets and the reductions of GHG emissions.

Policy SI14 – Strategic Flood Risk Assessment

621. It is considered that there is no suitable alternative site for location of the onshore substation for the reasons outlined in the previous section and **Chapter 3 Site Selection and Consideration of Alternatives** of the EIAR.

(i) the proposed development is of ***strategic or national importance***

622. The development is of strategic and national importance and should be supported.

(ii) there are ***conflicting objectives*** *in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned*

623. Under the DCC CDP, the onshore substation site is zoned Z7 'Employment Heavy'. Chapter 14 of the DCC CDP defines Z7 as '*Z7: To provide for the protection and creation of industrial uses, and facilitate opportunities for employment creation including Port Related Activities'.* In principle, the substation development is acceptable under the zoning objective. The CDP therefore provides direction that utilities and heavy industry should be encouraged to locate in Z7 lands, being land uses that would not be acceptable in other areas, subject to other policies and objectives of the CDP including SFRA.

624. It is noted that Policy SI14 Strategic Flood Risk Assessment seeks 'To implement and comply fully with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Dublin City Development Plan 2022–2028, including all measures to mitigate identified climate change and flood risks. The SFRA of the CDP (Volume 7) considers that the sub-station site is 'undefended', and the site is included within Flood Zones A and B (see **Figure 4-6**).

625. The SFRA supports the Z7 designation zoning of the subject site with the qualification that Use Classes considered as 'Vulnerable Development' (sub stations are specifically referred to) shall not be permitted in Flood Zones A or B.

626. The SFRA excludes Vulnerable Uses from Flood Zone A sites (within zoning objective Z7) in order to satisfy and comply with the Justification Test for Development Plans and maintain the Z7 zoning objective (i.e. strategic level compliance). As noted above, the Executive Summary of the CDP SFRA notes "The Flood Zones are based on an undefended scenario and do not take into account the presence of flood protection structures such as flood walls or embankments".

627. Circular letter PL2/2014 from the Department of the Environment, Community and Local Government (DECLG) dated 13 August 2014 states that for existing developed areas at risk of flooding, and proposed regeneration areas, the Planning Authority or Development Plan must *'specify the nature and design of structural or non-structural flood risk management measures prior to future development in such areas to ensure that flood hazard and flood risk to the area and other locations is not increased, or if practicable, will be reduced'.'*

628. The CDP SFRA does not specify any flood risk management measures for the site in compliance with Circular letter PL2/2014. The SFRA also does not consider suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

629. It is considered that the designation of the site under the CDP SFRA means that it is inconsistent with Criteria 1 of the Justification Test, that *'the subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines'.*

630. Policy Objective SI 15 of Chapter 9 of the CDP SFRA requires '*All development proposals shall carry out, to an appropriate level of detail, a Site-Specific Flood Risk Assessment (SSFRA)*'. Table 1.3 of the SFRA 'Matrix of Vulnerability Versus Flood Zone to Illustrate Appropriate Development and that Required to Meet the Justification Test' states that *'within Flood Zone A, a "Justification Test" is required in respect of land use categories of 'Highly Vulnerable Development'*. Table 3.1 of the SFRA further clarifies that the Justification Test is required for highly vulnerable uses in Flood Zones A and B. The SFRA is also clear that within Flood Zone A, a 'Justification Test' is required in respect of land use categories of 'Highly Vulnerable' Development. A **SSFRA** has been prepared in accordance with these policy criteria.

631. The **SSFRA** details proposed quay works and reclamation measures will enable the onshore substation to be considered 'defended' and therefore suitable for the purposes of 'vulnerable infrastructure'. This is considered to be in accordance with the assessment process set out in the Dublin City Development Plan. Therefore, the development of the onshore substation satisfies the Criteria 2 of the PSFRM Justification Test.

632. Overall, it is noted that the Dublin City Development Plan 2022–2028 includes conflicts and inconsistencies between land use categorisation under the SFRA and procedural planning policy for the assessment of development in Flood Risk Zones. In light of this inconsistency, An Bord Pleanála may grant permission for the proposed CWP Project, based upon its power inter alia to *'have regard to' 'the development plan of any coastal planning authority within whose functional area it is proposed to carry out development to which the application relates'.*[11]

633. The **SSFRA** provides an appropriate Criteria 2 Justification Test for the site and provides a detailed assessment of design of structural or non-structural flood risk management measures prior to future development in such areas to ensure that flood hazard and flood risk to the area will be reduced (as required by Circular PL2/2014).

634. As set out in **Section 5.1** above, the EIAR Alternatives chapter provides a description of the reasonable alternatives (including in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the CWP Project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

It is considered that there is not a suitable alternative site for location of the sub-station.

(iii) permission for the proposed development should be granted ***having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government***

- As noted above, the NMPF recognises the need to support the development of offshore renewable energy as 'a driver to significantly reduce greenhouse gas emissions and accelerate the move to cleaner energy in line with national and EU policy'. It also includes ORE Policy 1 which require

[11] Section 293(3) of the Planning and Development Act, 2000 as amended.

support for proposals that assist in the achievement of the 2030 offshore renewable energy targets. In the early parts of **Section 4** of this report, it has been clearly demonstrated that this project is of strategic importance and has been designed as such, and designated by the government as a project to support the achievement of national, European and international commitments. Reference is made to:

- The NMPF ORE Policy 1 which states that proposals assisting the achievement of the Government's energy targets should be supported.
- The NMPF ORE Policy 2 that recognises the Relevant Projects (the Phase One projects) as those that 'can objectively enable delivery on the Government's 2030 targets will be prioritised for assessment under the new consenting regime'.
- The NECP and the CAP2024 which both require reductions in GHG emissions, specifically in the electricity sector and an increase in the share of renewable electricity.
- The Programme for Government – Our Shared Future which sets a target of 5GW of offshore renewable energy connected capacity by 2030.
- The NPF 2040, specifically National Strategic Objective 8 'Transition to a Low Carbon and Climate Resilient Society'.
- The OREDP which aims at the sustainable deployment of ORE.

635. Please refer to **Section 4.5.1** of this report demonstrating the compliance with the RSES, specifically RPO 10.24. We also refer to the response in relation to the Section 28 Flood Risk Management Guidelines which requires the preparation of a justification test as discussed under **Section 4.4.1** of this report. An **SSFRA** (**Appendix 20.2**) has been prepared as part of the planning application in compliance with the guidelines.

5.3 Legal interest

5.3.1 Maritime Area Consent

636. Maritime Area Consent was granted by the Minister for Environment, Climate and Communications on 22 December 2022 (Ref. 2022-MAC-006 (as amended)).

5.3.2 Landownership

637. In addition to obtaining a MAC, the Applicant has secured consent from the landowners of the various plots of land in and around Poolbeg. These are:

- Dublin Port Company;
- Uisce Eireann;
- Dublin City Council;
- Electricity Supply Board; and
- Department of Public Expenditure, NDP Delivery and Reform.

6 SOCIAL AND COMMUNITY

6.1 Offshore Renewable Energy Support Scheme (ORESS)

6.1.1 Overview

638. In June 2023, the CWP Project was successful in Ireland's first offshore wind energy auction under ORESS 1, along with 3 other offshore wind projects. ORESS 1 forms part of the Irish Government's Renewable Electricity Support Scheme (RESS).

639. The RESS has been designed to promote investment in renewable energy generation to contribute towards Ireland's ambition of up to 80% renewable electricity, and an EU-wide renewable energy target of 32%, by 2030. The RESS has also been designed to, *inter alia*:

- Provide pathways and supports for communities to participate directly in renewable energy projects;
- Broaden the diversity of renewable energy technologies used; and
- Increase energy security, energy sustainability and ensure the cost effectiveness of energy policy.

640. Community participation in ORESS 1 is via the Community Benefit Fund (CBF), as set out at section 7 of the ORESS 1 terms and conditions. CAP 24 notes that the ORESS 1 CBF is "*one of the most generous community benefit scheme in the world"* and "*designed to incentivise investment in local renewable energy, energy efficiency measures and climate action initiatives*'. The aim of the CBF is to deliver tangible benefits for neighbouring communities and is intended as a form of reward sharing between participants in renewable energy, as opposed to a compensation or mitigation measure.

641. The ORESS 1 terms and conditions require CWPL (as 'Generator') to establish a CBF *'no later than 1 year after the Commencement Date*' i.e. 1 year after issue of a notice to proceed under the CWP Project's main construction contract. CWPL will then contribute to the CBF from the project's Commercial Operation Date and throughout the Support Period (both as defined in the ORESS 1 terms and conditions).

642. The sum to be paid by CWPL into the CBF is calculated in accordance with paragraphs 7.2.1 - 7.2.3 of the ORESS 1 terms and conditions. The total potential value of the CBF for the CWP Project is up to €200 million over the lifetime of the project.

643. The CWP Project will assist to (i) broaden the diversity of renewable energy technologies and (ii) increase energy security, energy sustainability and ensure cost effectiveness of energy policy through:

- The deployment of offshore wind at scale in Irish waters; and
- The ORESS 1 auction, whereby the Irish Government secured an average strike price of €86.05 / MWh (EirGrid, 2023[12]) for a period of 20 years.

644. The certainty of energy supply and pricing is critical in light of the continued increase in the average electricity price to households since 2007 (at least) with sharp increases more recently (see **Figure 6-1** Average electricity price to households between 2007 and 2023 (Source: SEAI based on Eurostat data)).

[12] ORESS 1 – Final auction Results, 14 June 2023: https://www.eirgrid.ie/site-files/library/EirGrid/ORESS-1-Final-Auction-Results-(OR1FAR).pdf

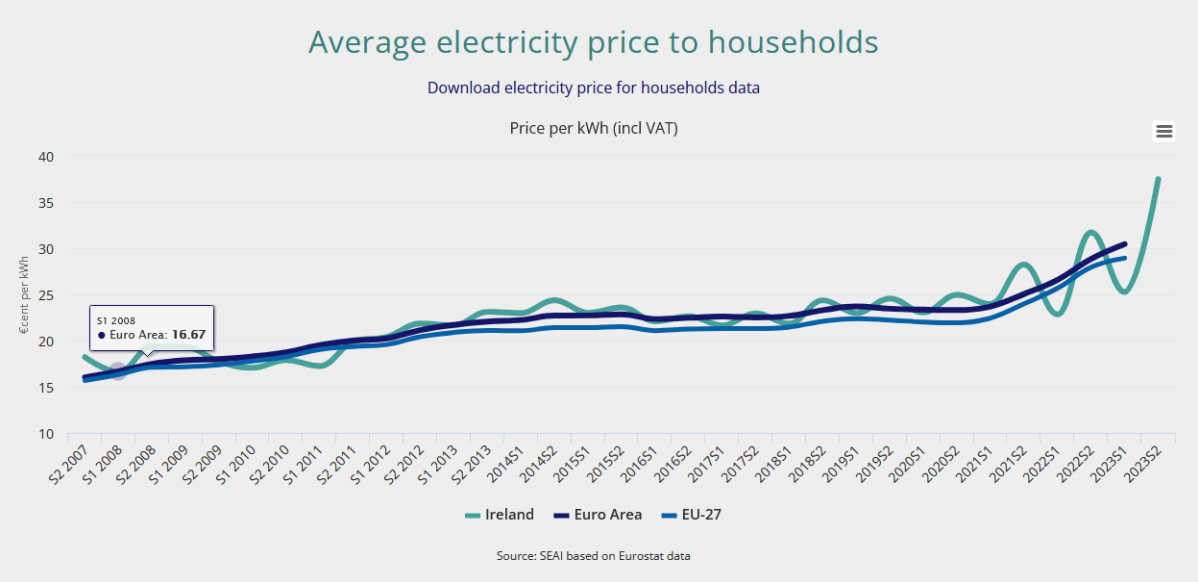


Figure 6-1 Average electricity price to households between 2007 and 2023 (Source: SEAI based on Eurostat data)

6.1.2 Terms and conditions

645. Following the CWP Project's success in the ORESS 1 auction, CWPL entered into an Implementation Agreement (as defined in the ORESS 1 terms and conditions) with the Minister for the Environment setting out the terms on which the CWP Project must be delivered.

646. A key term of the Implementation Agreement is the obligation on CWPL to ensure the total installed capacity of the CWP Project is no less than 80% of the Offer Quantity (i.e. 80% of 1300 MW), and no greater than 120% of the Offer Quantity (i.e. 120% of 1300 MW).

647. ORESS 1 is unusual among subsidy auctions in that it precedes the application for and grant of development consent. Consequently, CWPL made assumptions in its bid under ORESS 1, including in relation to the anticipated development, construction and operational costs of the CWP Project without the benefit of a planning permission detailing the consented design and construction.

648. If the assumptions made by CWPL in its ORESS 1 bid are ultimately incorrect, and any granted planning consent imposes unexpectedly onerous conditions, this may render the CWP Project commercially impracticable. To mitigate this risk, the ORESS 1 terms and conditions allow CWPL to withdraw the CWP Project from ORESS 1 where planning permission for the project:

- Requires the CWP Project to cease operations before the date falling 20 years from 31 December 2031 (subject to extension by the Minister for the Environment for up to two years in certain circumstances);
- Will directly prevent the CWP Project from achieving an installed capacity that is at least 90% of the Offer Quantity (as defined therein);
- Will directly prevent the CWP Project from achieving an annual output that is at least 90% of the annual output specified in the Project Information Document (as defined therein); or
- Does not permit the development and operation of a project with the key characteristics detailed in the relevant Project Information Document submitted under paragraph 6.5 of the ORESS 1 terms and conditions.

6.1.3 Community Benefit Fund

649. The CWP Project is the largest Phase One Project, with an Offer Quantity under the ORESS 1 terms and conditions of 1300 MW and a corresponding anticipated CBF of up to €200 million. The value of the CWP Project's CBF is unprecedented and stands to substantially contribute to local communities and to build upon the positive impact made by other CBFs within Ireland.

650. As noted in **Section 6.1.1** above, the ORESS 1 terms and conditions require CWPL (as Generator) to:

- Establish the CBF within 1 year of the Commencement Date (as defined in the ORESS 1 terms and conditions) for the Project;
- Regularly contribute to the CBF (as per paragraphs 7.2.1 - 7.2.3 of the ORESS 1 terms and conditions); and
- appoint a fund administrator, T who will be procured by but wholly independent from CWPL as Generator.

651. Once appointed, the Fund Administrator is required to administer the CWP Project's CBF in accordance with the ORESS 1 terms and conditions and the ORESS 1 Community Benefit Funds Rulebook for Generators and Fund Administrators (January 2023). The administration of the CWP Project's CBF includes, but is not limited to:

- Establishing an ORESS 1 Community Benefit Fund Committee (as defined in the ORESS 1 terms and conditions).
- Identifying the parameters of the CBF Target Local Community, as agreed for time to time by the CBF Committee.
- Setting out the conditions and procedures for applying for funds from the CBF.

652. The Fund Administrator is also required to provide detailed guidance for the local community to ensure that the local community is facilitated and supported as best possible to make most effective use of the funds from the CBF as determined by the community itself.

653. As an ORESS-1 project, CWPL will establish a substantial CBF which will be financed and managed in accordance with the terms set out under ORESS-1. CWPL has had the opportunity to present details of the CBF during public consultation events held in 2024. The CBF was also discussed with Local Authority Elected Members over the course of the design phase. Further details can be found in the **Public and Stakeholder Consultation Report**.

6.2 Community gain

654. Under Section 293(4) of the PDA 2000 (as amended):

'The Board may, in respect of an application for permission under section 291 –

(a) grant the permission subject to such modifications (if any) to the proposed development as it may specify,

(b) grant the permission in respect of part of the proposed development concerned subject to such modifications (if any) to that part as it may specify, or

(c) refuse to grant the permission,

and the Board may attach such conditions to a permission granted under paragraph (a) and (b) as it considers appropriate'.

655. Under Section 293(7) of the PDA 2000 (as amended), '*the Board may attach one or more of the following conditions to a permission under this section:*

'[…]

(n) a condition requiring –

(i) the construction, or the financing (in whole or in part) of the construction, of a facility that, in the opinion of the Board, would provide substantial gain to the community, or

(ii) the provision, or the financing (in whole or in part) of the provision, of a service that, in the opinion of the Board, would provide such gain.

(o) conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the functional area of any coastal planning authority in which the development concerned is (in whole or in part) proposed to be situated'.

656. The PDA states that the Board *may* attach conditions, meaning the Board is not obliged to do so and may opt not to. The PDA also does not appear to envisage that the community gain would go one beyond the construction or financing of "a *facility"* or *"a service*". Having considered the CBF that will be established under the ORESS, the Applicant does not consider the need to attach such conditions. This was also discussed directly with the Board during pre-application meetings as can be seen in minutes dated December 2023.

657. CWPL will make substantial financial contributions to the CWP Project's CBF fund which will allow communities to determine their own needs in terms of facilities or services. This CBF will also have a much broader geographic catchment. As per the ORESS 1 Community Benefit Funds Rulebook for Generators and Fund Administrators (Jan 2023), the CBF Committee will determine the geographic coverage of the fund.

658. CWPL considers that, the CBF is, in itself, a form of substantial community gain and contribution to the community as envisaged under Sections 293(7)(n) and (o) of the PDA and that any further condition would result in an unfair double contribution, which would not be in favour of the Applicant as envisaged under Section 293(8) of the PDA which states that:

'A condition attached to a permission in accordance with paragraph (n) of subsection (7) shall not require such an amount of financial resources to be committed for the purposes of compliance with the condition as would substantially deprive the person in whose favour the permission operates of the benefits likely to accrue from the grant of the permission'.

659. The Applicant has committed to making contributions to the CBF and encourages the Board to not in addition impose Section 293(7)(n) and Section 293(7)(o) conditions under the PDA.

6.3 Stakeholder engagement strategy and plan

660. A **Public and Stakeholder Consultation Report** accompanies the planning application. This report provides an overview of the manner and extent to which the Applicant has engaged with the various stakeholders. At the outset of the CWP Project's development, the Applicant established a Framework for Public Participation which adopted consultation principles in line with the requirements of the Aarhus Convention on Access to Information, Public Participation on Decision-Making.

661. To date, the Applicant has undertaken both statutory consultation and three distinct phases of non-statutory public consultation and engagement:

- Phase 1 Public Consultation (01 March 2021 to 27 March 2021 inclusive);
- Phase 2 Public Consultation (11 January 2023 to 08 February 2023 inclusive); and
- Phase 3 Public Engagement and Feedback (15 April to 30 May 2024).

662. The consultations and engagement served as an essential means of engaging with stakeholders, local communities, and interested parties to collate feedback, address concerns, and incorporate valuable

insights into the decision-making process. The non-statutory consultations and engagements that were conducted provided an open forum for dialogue, allowing for the exchange of information and ideas, regarding various aspects of the development of the CWP Project.

663. In addition, the Applicant presented more tangible benefits of the CWP Project; specifically, aspects relating to community benefits and supply chain opportunities. The Applicant also took the opportunity to outline the CWP Project development process.

664. Non-statutory consultation was also carried out during which the Applicant sought the opinions and concerns of various stakeholders, including local communities, Non-Governmental Organisations (NGOs) and relevant authorities.

665. The Applicant has engaged with local elected representatives at all levels. Dedicated briefings were held with the relevant Wicklow municipal districts and with the South-East Committee of Dublin City Council. The Applicant's team also met with the Dublin City Climate Action, Environment and Energy Strategic Policy Committee and delivered a presentation to the elected members of Wicklow County Council.

666. Further engagement includes;

- The relevant landowners in the vicinity of the onshore transmission infrastructure;
- Elected public representatives;
- Local authority elected members;
- Oireachtas Members;
- Public and semi-state organisations;
- Fishers and the marine community; and
- Business and industries.

667. The full list of consultations can be seen in the **Planning Documents**.

7 CONCLUSION

668. The conclusion comprises the decision-making framework, which includes three main strands: policy, EIA and AA.

669. The assessment of the proper planning and sustainable development of the CWP Project is composed of a hierarchy of plans and policies, including European, national, regional and local, terrestrial and marine documents. The core of the assessment that has to be undertaken by the Board when determining the application. The three main legislative arms of this decision framework are as follows:

- Under Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended), the Board (as a 'relevant body') *'shall, in so far as practicable, perform its functions in a manner consistent with—*

  a) the most recent approved climate action plan,

  b) the most recent approved national long term climate action strategy,

  c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

  d) the furtherance of the national climate objective, and

  e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.'

- Under Section 30(1) of the Maritime Area Planning Act 2021 'A public body shall adopt such measures, consistent with the body's functions, as are necessary to secure the objectives of the National Marine Planning Framework. This includes (b) the giving of any authorisation by or under any enactment (whether the authorisation takes the form of a licence, consent, approval or any other type of authorisation) for the purposes of any maritime usage or proposed maritime usage.

- Under Section 293(2) (b) The Board may grant a permission that would materially contravene the National Marine Planning Framework or a maritime spatial plan if it is satisfied that—

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

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

In considering an application for permission under Section 291 of PDA 2000, as amended, ABP must under Section 293 (3) '*have regard to:*

a) the marine planning policy statement,

b) guidelines issued under section 7 of the Maritime Area Planning Act 2021,
c) guidelines issued under section 28,
d) any regional, spatial and economic strategy of a regional assembly—
(iii) within whose functional area it is proposed to carry out development to which the application relates, or
(iv) whose functional area adjoins the maritime site to which the application relates,
e) the development plan of any coastal planning authority—
(iii) within whose functional area it is proposed to carry out development to which the application relates, or
(iv) whose functional area adjoins the maritime site to which the application relates,
f) any local area plan applicable to a part of the functional area of any coastal planning authority—
(iii) within which it is proposed to carry out development to which the application relates, or

(iv) that adjoins the maritime site to which the application relates,

(m) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 on maritime spatial planning,
(n) land-sea interactions within the meaning of Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014,
(o) objectives of maritime spatial planning, and
(p) principles of proper planning and sustainable development.'

7.1.1 Marine Planning Policy

670. The NMPF is one of the main policy documents of relevance to the CWP Project and will be key in informing the Board's decision, in particular as it relates to the offshore elements of the CWP Project. Full development response to the relevant OMPPs and SMPPs can be found in **Appendix A Compliance with the NMPF** of this report. A dedicated **Ecosystem Services Report (Annex A of Appendix A)** is submitted alongside the planning application and is focused on the implications of the CWP Project on ecosystem services. An Bord Pleanála is obliged to consider the consistency of the CWP Project in relation to the OMPPs and SMPPs of the NMPF. **Appendix A Compliance with the NMPF** demonstrates that the CWP Project complies with the NMPF and will help secure its objectives.

671. The CWP Project is built on the evolution of Marine Policy, environmental obligations and climate change, and has been in development for 20 years. The transition to renewable energy, including offshore renewable energy, is a matter of strategic importance, which is recognised in Project Ireland 2040 – The National Development Plan 2021–2030, in Project Ireland 2040 – National Planning Framework 2040, in Project Ireland 2040 – National Marine Planning Framework and in the CAP2024.

7.1.2 Climate Action Plan

672. Ireland's carbon budgets for the period 2021 to 2030 require Ireland to emit no more than 495 million tonnes of CO_2 equivalent and to reduce its annual emissions.[13] Ireland has already emitted 122.8 million tonnes of CO_2 equivalent in 2021 and 2022.[14] The rapid deployment of all measures envisaged by the CAP is essential to Ireland meeting its legally binding targets.

673. The CAP 2024 includes as a key performance indicator for 2030, the 5 GW target envisaged by the Government. the CWP Project is one of the Phase One projects. The Government has set out ambitious targets for the production of offshore wind energy. These are to support significant reductions in greenhouse gas (GHG) emissions.

674. As noted in the Government's 'Energy Security in Ireland to 2030: Energy Security Package' (Government of Ireland, 2023), a major finding of the technical analysis undertaken to inform this package is that energy security is systemically linked and dependent upon the twin pillars of harnessing our indigenous renewable energy resources at speed and at scale and the rapid electrification of energy demand.

675. The CWP Project:

- Will facilitate the accelerated and increased use of renewable energy with a maximum export capacity of 1300 MW consisting of green power to the Irish market and Irish households.

[13] Climate Action Plan, 2024, Table 3.1 (p 25).
[14] Greenhouse Gases and Climate Change - CSO - Central Statistics Office.

- Was successful at the ORESS-1, meaning the price of the electricity generated has been agreed and fixed for a period of 20 years, making this a reliable source of energy at a price indexed to inflation.
- Will improve the security of electricity supply nationally by significantly increasing the domestic production of renewable energy. And therefore,
    - It will contribute to a reduction in the dependency on imported electricity, and on fossil fuels. These will both support a more sustainable electricity mix and dilute the share of non-renewable sources in the overall energy mix.
    - It will also positively support the collective effort towards a reduction of GHG emissions.

676. If planning permission is granted, the CWP Project will, by 2030, deliver 1300 MW of clean electricity to the national grid. This power will be provided at prices indexed to inflation for up to 20 years. It will abate GHG emission by c. 1.3 million tonnes of CO_2 every year equivalent to 43.7% of the total carbon budget for the electricity sector in 2030.[15] The CWP Project is the largest renewable energy project proposed in Ireland to date, and thereby also the largest Phase One project, contributing significantly to meeting Government targets.

The Government published in March 2024 Powering Prosperity – Ireland's Offshore Wind Industrial Strategy. The intent is to maximise the economic benefits associated with the delivery of the offshore wind targets up to 2050. It focuses on the supply chain and research, development and innovation. It will particularly look at measures to maximise Ireland's participation in domestic and international Offshore Wind Energy (OWE) supply chain.

7.1.3 Proper planning and sustainable development

677. The proposed development is of strategic, economic or social importance to the State. The NPF sets out Ireland's planning framework up to 2040 as part of Project Ireland 2040. It is articulated around 10 National Strategic Outcomes (NSOs) or strategic goals and 75 National Policy Outcomes (NPOs). NSO 8 sets a goal for the 'Transition to a Low Carbon and Climate Resilient Society'. This includes the delivery of 40% of the electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond. the CWP Project will not only make positive contributions to NSO 8 insofar it supports the country's move to a low carbon and climate resilient society, it also makes substantial contributions to both NPO 38 and NPO 42, as it will support the development of the offshore wind industry while promoting sustainable growth in the maritime economy. As stated in response to the CAP 2024, the CWP Project will make enormous contributions to the GHG emissions abatement of the electricity sector.

678. The National Development Plan prioritises investment in high-quality infrastructure through both public and private investors. The NDP replicates the NPF's ten NSOs which the Government intends to achieve in the lifetime of the plan. Action in the energy sector will be critical to the achievement of Ireland's climate targets and the transformation to a high-renewable, net-zero emissions future. This will require a fundamental shift in the way energy is supplied, stored and used. The long-term objective is to transition to a net-zero carbon, reliable, secure, flexible and resource-efficient energy services at the least possible cost for society by mid-century. The CWP Project is fully aligned with the provisions of the NDP as it will expand the electricity transmission network.

679. The proposed development of the CWP Project will align with the RPOs of the EMRA (Eastern and Midland Regional Assembly) RSES, and wholly justified having regard to the Development Plans of the Coastal Planning authorities.

[15] Climate Action Plan 2024, p152.

680. The CWP Project crosses and / or adjoins the functional area of three Coastal Planning Authorities: Wicklow County Council, Dún Laoghaire – Rathdown County Council and Dublin City Council.

681. The Wicklow CDP 2022–2028 sets out the overall strategy for the proper planning and sustainable development of the County for the plan period. It covers the area from Little Bray to the north, to Kilmurray Point to the south. The WCC CDP includes several County Policy Objectives (CPO), which are supportive of the development of offshore renewable energy and of transmission infrastructure CPO 16.01, CPO 16.06 and CPO 16.18. Chapter 19 of the WCC CDP is specific in reiterating its support for the marine economy / blue economy, particularly renewable energy as stated under CPO 19.3. The County has a dedicated Maritime Business Development Group which has actively promoted the Blue Economy and offshore renewable energy in Wicklow.

682. **Section 4** of this report has identified two instances where there may be inconsistency between the CWP Project and the Wicklow CDP 2022–2028 in respect of views and prospects under CPO 17.38 and seascapes under CPO 19.8. It is concluded in **Section 5.2** of this report that that the criteria set out in Sections 37(2)(b)(i) and (iii) of the PDA 2000as amended would apply to both policy objectives and the CWP Project is justified where the proposed development is of strategic or national importance.

683. Dún Laoghaire-Rathdown County Development Plan (DLR CDP) 2022–2028 covers the coastline from Old Connaught / Cork Great, just north of Bray, to Booterstown, at the boundary with Dublin City. The OECC crosses the nearshore area of the DLRCC. The DLR CDP is supportive of the development of renewable energy through a number of policies, namely Policy Objective CA11: Onshore and Offshore Wind Energy and Wave Energy.

684. A number of policies seeks the protection and enhancement of the landscape and of the seascape (Chapter 8). The EIAR assessed landscape character areas, town character areas, views and prospects (Policy Objectives GIB2, GIB4, GIB5 and GIB6). The EIAR found no significant effects on the landscape character areas, High Amenity Zones or Views and Prospects highlighted in the DLR CDP. The CWP Project is supported by Policy Objective EI18 (Energy Facilities), specifically the provision of transmission cables along the nearshore of DLRCC.

685. The Dublin City Development Plan (DCC CDP) 2022–2028 is applicable to the OECC where it crosses the nearshore area of the DCC administrative area. The OTI located on the Poolbeg Peninsula. The landfall is located to the south of Poolbeg, and the substation is on the northern boundary on the south bank of the River Liffey.

686. The DCC CDP is supportive of offshore and wind energy production (CA11 – Energy from Renewable Sources and CA13 – Offshore Wind-Energy Production).

687. Four main zoning designations apply to the Onshore Development Area:

- Landfall cable ducts and the eastern extent of the substation cable route are zoned Z9 Amenity / Open Space Lands / Green Network.
- The TJBs and a portion of onshore cable will be located in Z14 Strategic Development and Regeneration Areas (SDRAs) and the Poolbeg West Strategic Development Zone (SDZ). Temporary Construction Compounds A and B are also located within these areas.
- Land uses identified in the SDZ, include mixed use (commercial, creative industries, industrial (including port related) activities and development infrastructure / open space. The SDZ is discussed in detail in a dedicated section.
- The tunnel route traverses the SDZ mixed use lands and then Z7 Employment (heavy) across the peninsula.
- The substation site is also zoned Z7 Employment

688. In principle, the substation development is acceptable under the Z7 ‘Employment Heavy’ subject to other policies and objectives of the CDP including SFRA which supports the Z7 designation zoning of

the subject site with the qualification that land uses considered as 'Vulnerable Development' (sub stations are specifically referred to) shall not be permitted in Flood Zones A or B.

689. It is considered that the designation of the site under the CDP SFRA means that it is inconsistent with Criteria 1 of the Justification Test. In accordance with Policy Objective SI 15 of Chapter 9 of the CDP a comprehensive Site-Specific Flood Risk Assessment (SSFRA) has been carried out. The **SSFRA** provides an appropriate Criteria 2 Justification Test for the site and provides a detailed assessment of design of structural or non-structural flood risk management measures prior to future development in such areas to ensure that flood hazard and flood risk to the area will be reduced (as required by Circular PL2/2014).

690. The **SSFRA** details proposed quay works and reclamation measures will enable the onshore substation to be considered 'defended' and therefore suitable for the purposes of 'vulnerable infrastructure'. This is considered to be in accordance with the assessment process set out in the Dublin City Development Plan. Therefore, the development of the onshore substation satisfies the Criteria 2 of the PSFRM Justification Test. Overall, the DCC CDP includes conflicts and inconsistencies between land use categorisation under the SFRA and procedural planning policy for the assessment of development in Flood Risk Zones. In light of this inconsistency, An Bord Pleanála may grant permission for the CWP Project, based upon its power inter alia to 'have regard to' 'the development plan of any coastal planning authority within whose functional area it is proposed to carry out development to which the application relates'.

691. The Board is invited to conclude that the proposed development is acceptable, having regard to European, national, regional and local planning policies. It would increase the domestic production of renewable energy which would enhance the security of supply in Ireland. The CWP Project would be acceptable in respect of its likely significant effects on the environment and its likely consequences for the proper planning and sustainable development of the area. The proposed development would be in accordance with the proper planning and sustainable development of the area.

692. Planning permission should be granted for the proposed development.

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