



Part 1: Planning Particulars Schedule 10: Form 22 Supplementary Information

Kish Offshore Wind Ltd

RWE ✱ **SLR** **GoBe**
APEM Group

www.dublinarray-marineplanning.ie



Supplementary information to accompany an application accompanied by an opinion on flexibility

1. Prospective Applicant Name:	Kish Offshore Wind Limited (on behalf of Kish Offshore Wind Limited and Bray Offshore Wind Limited)
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2. Contact details of person authorised to operate on behalf of the Prospective Applicant (Applicant or Agent): (Not for Public release)	
Name:	Paul Kelly
Correspondence Address:	RWE Renewables Ireland Limited (AGENT) Unit 5 Desart House Lower New Street Kilkenny R95 H488 Ireland
Telephone:	(087) 1041809
Email:	paul.kelly@rwe.com

3. Proposed Development	
Address of the proposed development:	The proposed development comprises of an offshore wind turbine array located approximately 10km from the coastline of counties Dublin and Wicklow at the Kish and Bray Banks in the Irish Sea. The wind turbine array will be connected to a single offshore substation platform via interconnected subsea cables. From the offshore substation platform, two subsea export cables will connect the wind farm to shore, at a landfall located at Shanganagh Cliffs, County Dublin. Onshore electricity transmission infrastructure will include underground export cables that will traverse through the townlands of Shanganagh, Hackettsland, Ballybrack, Loughlinstown, Cherrywood, Glebe, Laughanstown, Carrickmines

	<p>Great and Jamestown, County Dublin, and connect to an onshore substation in the townland of Jamestown, Dublin 18. From the onshore substation underground cables will connect to the existing Carrickmines 220 kV electrical substation in the townland of Jamestown, Dublin 18. There will be temporary construction compounds at Shanganagh Cliffs, Clifton Park and Carrickmines Little, County Dublin. The proposed development will also include an Operations and Maintenance Base at St. Michael's Pier, Dún Laoghaire Harbour, County Dublin.</p>
<p>Description of the proposed development:</p>	<p>The proposed development comprises of an offshore wind turbine array located approximately 10km from the coastline of counties Dublin and Wicklow at the Kish and Bray Banks in the Irish Sea. The wind turbine array will be connected to a single offshore substation platform via interconnected subsea cables. From the offshore substation platform, two subsea export cables will connect the wind farm to shore, at a landfall located at Shanganagh Cliffs, County Dublin. Onshore electricity transmission infrastructure will include underground export cables that will traverse through the townlands of Shanganagh, Hackettsland, Ballybrack, Loughlinstown, Cherrywood, Glebe, Laughanstown, Carrickmines Great and Jamestown, County Dublin, and connect to an onshore substation in the townland of Jamestown, Dublin 18. From the onshore substation underground cables will connect to the existing Carrickmines 220 kV electrical substation in the townland of Jamestown, Dublin 18. There will be temporary construction compounds at Shanganagh Cliffs, Clifton Park and Carrickmines Little, County Dublin. The proposed development will also include an Operations and Maintenance Base at St. Michael's Pier, Dún Laoghaire Harbour, County Dublin.</p> <p>The wind farm array will consist of one of three different Wind Turbine Generator (WTG) layout options:</p> <ul style="list-style-type: none"> • WTG Layout Option A, consisting of 50 WTGs on monopile or multi-leg jacket foundations with scour protection, inter-array sub-sea cabling and protection • WTG Layout Option B, consisting of 45 WTGs on monopile or multi-leg jacket foundations with scour protection, inter-array sub-sea cabling and protection

	<ul style="list-style-type: none"> • WTG Layout Option C, consisting of 39 WTGs on monopile or multi leg jacket foundations with scour protection, inter-array sub-sea cabling and protection <p>The maximum blade tip height of the WTGs will be 309.6 metres above Lowest Astronomical Tide. The range of rotor diameters is between 236 metres and 278 metres. The minimum blade tip air gap above sea level will be 31.6 metres (m) above Lowest Astronomical Tide.</p> <p>Kish Offshore Wind Limited is seeking development permission for all three WTG layout options, although only one of the three options will be constructed and operated. The offshore electricity transmission infrastructure consists of a single offshore substation platform (OSP) and two 220 kV sub-sea export cables connecting the OSP to the landfall. The landfall at Shanganagh Cliffs includes two underground transition joint bays (TJBs) where the offshore export cables will be connected to the onshore export cables.</p> <p>The onshore transmission infrastructure consists of the TJBs, two 220 kV onshore underground electricity circuits connecting to an onshore substation. The onshore substation will have an operational site area of 17,000 square metres (sqm) and will include:</p> <ul style="list-style-type: none"> • 1no. 220 kV Gas Insulated Switchgear building measuring 38.8m (length) x 15.3m (width) x 15.0m (height); • 2no. Static Synchronous Compensator (STATCOM) buildings, measuring 23.0m (length) x 20.3m (width) x 7.3m (height); • 2no. 220 kV shunt reactor compounds, each measuring 20.0m (length) x 13.9m (width), each compound contains 3no. shunt reactors measuring 9.0m high; • 2no. harmonic filter compounds, each measuring 30.0m (length) x 25.0m (width), each containing harmonic filter equipment measuring 7.0m high; • 2no. STATCOM transformer bays and associated firewalls measuring 15.0 m (length) x 14.2 (width) 10.0 m (height); • Installation of associated 220 kV electrical equipment, distribution network operator (ESB) supply and a diesel generator; and,
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	<ul style="list-style-type: none"> • All ancillary site development works including site preparation works, temporary construction compounds and laydown areas, site drainage including an underground attenuation tank, internal hardstanding and access roads, 6no. car parking spaces, lighting, 17no. lightning masts (18.0m high), internal compound security fencing and gates, (2.6m high), perimeter wall and compound access gate (4.0m high as measured against the finished ground level within the onshore substation compound) and landscaping. <p>The onshore transmission infrastructure connecting the onshore substation to the existing national electricity transmission grid at the existing Carrickmines 220 kV substation will include two 220 kV ESB Networks underground circuits.</p> <p>The Operations and Maintenance Base infrastructure is proposed at St. Michael's Pier, Dún Laoghaire Harbour, and consists of;</p> <ul style="list-style-type: none"> • Demolition of the existing single storey harbour maintenance building, existing roll on/roll off ramp, 2no. 10.0m high concrete pillars, hardstanding, partial demolition of the upper portion of the existing bankseat buttressing walls, as well as partial demolition of the existing fender adjacent to St. Michael's Pier; • A three-storey building measuring 84.4m (length) x 16.1m (width) x 12.3m (height to parapet high point), which will include office and meeting spaces, workshops, warehouse storage, control room, canteen and welfare facilities, with a 3.0m high roof mounted communications mast; • An electrical substation measuring 2.9m (height) with a gross internal floorspace of 23.6 sqm; • Provision of a floating pontoon at Berth 5 quay wall, measuring 60m long and 6m wide, with associated access gangway, to facilitate the berthing of crew transfer vessels; and, • All ancillary site development works, including temporary construction compound and laydown area, site drainage, external access road, perimeter fencing and gates (2.4 m high), CCTV, lighting, provision of 12no. car parking spaces and a cycle parking area. <p>Certain details of the proposed development are unconfirmed in the planning application. An opinion has been obtained from An Bord</p>
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	<p>Pleanála, pursuant to Section 287B(2) of the Planning and Development Act 2000, as amended, confirming it is appropriate that the proposed application be made and decided before these details are confirmed. In accordance with this opinion, the Applicant has included options and parameters for certain elements of the proposed development. The Applicant will notify the Board in writing, prior to commencement of the development, or that part of the development to which the detail relates, of the actual detail of the development.</p> <p>A ten year planning permission is sought with an operational lifetime of 35 years. The 35 years operational lifetime will commence from the date of full commercial operation of the project.</p> <p>Both an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development. The EIAR has not identified any likely significant transboundary effects on the environment of the United Kingdom and Isle of Man, state party to the United Nations Economic Commission for Europe (UNECE) Convention on Environmental Impact Assessment in a Transboundary Context.</p> <p>The proposed development will require a 'Dumping at Sea Permit' from the Environmental Protection Agency to regulate the dumping of any materials at sea, pursuant to the Dumping at Sea Act 1996 (as amended).</p> <p>The proposed development will partially occur within the boundary of the Cherrywood Strategic Development Zone.</p>
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4. Declaration:

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning and Development Act 2000, as amended, and the Regulations made thereunder.

5. Signature of person authorised to operate on behalf of the Prospective Applicant:



Date: Thursday 27th February 2025

6. Information on Flexibility Meeting Request and Opinion on Flexibility

Meeting requested under section 32H, 37CC, 182F or 287A of the Act:	Section 287A
Meeting Reference Number:	ABP-320830-24
Date of Meeting Request:	18 th September 2024
Date of Meeting:	23 rd October 2024
Opinion Reference Number:	ABP-320830-24
Date of Opinion:	Opinion on Flexibility dated 28 th November 2024

7. Document to be submitted

Document	Enclosed with Request		
A copy of the opinion issued under section 32I, 37CD, 182G or 287B of the Planning and Development Act 2000	Yes: [X]	No: []	

8. Statement of flexibilities

(a) Outline each of the details, or groups of details, of the proposed development that are unconfirmed in the application

1. Wind Turbine Generator (model):

- I. Number of turbines
- II. Maximum rotor diameter

III. Minimum rotor diameter IV. Maximum blade tip height V. Lower blade tip height		
2. Offshore Substation Platform: I. Height (m above LAT) II. Width III. Length		
3. Array Layout (wind turbine generators and offshore substation platform): I. Layout Options II. Locational Limits of Deviation		
4. Foundation Type (wind turbine generators and offshore substation platform): I. Foundation types and dimensions II. Foundation Scour Protection techniques		
5. Offshore cables (inter-array and export cables): I. Length and layout II. Locational limits of deviation		
(b) For each detail, or groups of details, referenced in (a) above confirm whether the application for permission in respect of the unconfirmed details is being made on the basis of options, parameters or both and provide a description of the details of the options, parameters or both.		
Detail	Options/ Parameters/ Both	Details of options/ parameters or both
Wind Turbine Generators		
Number of turbines	Options	<u>Option A</u> 50 turbines <u>Option B</u> 45 turbines <u>Option C</u> 39 turbines
Maximum rotor diameter	Both	The maximum rotor diameter is 278 metres and the minimum rotor diameter is 236 metres

		<u>Option A</u> 236 metres
Minimum rotor diameter		<u>Option B</u> 250 metres <u>Option C</u> 278 metres Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Wind Turbine Generator Drawings/ drawings reference 22164-GDG-ZZ-XX-DR-C-1000, 22164-GDG-ZZ-XX-DR-C-1001, and 22164-GDG-ZZ-XX-DR-C-1002.
Maximum blade tip height	Parameters	The maximum rotor blade tip height is 309.6 metres above Lowest Astronomical Tide. Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Wind Turbine Generator Drawings/ drawings reference 22164-GDG-ZZ-XX-DR-C-1000, 22164-GDG-ZZ-XX-DR-C-1001, and 22164-GDG-ZZ-XX-DR-C-1002.
Lower blade tip height	Parameters	The minimum lower blade tip height is 31.6 metres above Lowest Astronomical Tide. Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Wind Turbine Generator Drawings/ drawings reference 22164-GDG-ZZ-XX-DR-C-1000, 22164-GDG-ZZ-XX-DR-C-1001, and 22164-GDG-ZZ-XX-DR-C-1002.
Offshore Substation Platform		
Height (m above LAT)	Parameters	<u>Minimum topside height</u> 30 metres <u>Maximum topside height (including telecommunications mast)</u> 55 metres Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Substation Platform Drawings/ drawings reference series 200584-LYT-L-4001-01 to 200584-LYT-L-4001-07

Width	Parameters	<u>Minimum topside width</u> 30 metres <u>Maximum topside width</u> 45 metres Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Substation Platform Drawings/ drawings reference series 200584-LYT-L-4001-01 to 200584-LYT-L-4001-07.
Length	Parameters	<u>Minimum topside length</u> 30 metres <u>Maximum topside length</u> 45 metres Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Substation Platform Drawings/ drawings reference series 200584-LYT-L-4001-01 to 200584-LYT-L-4001-07.
Array Layout (wind turbine generators and offshore substation platform)		
Layout Options	Options	<u>Layout Option A</u> Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/ drawing reference 005059368-08 Sheet 1 of 4. <u>Layout Option B</u> Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/ drawing reference 005059368-08 Sheet 2 of 4. <u>Layout Option C</u> Please refer Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/ drawing reference 005059368-08 Sheet 3 of 4
Locational Limits of Deviation	Parameters	The location of any wind turbine generator or the offshore substation platform will be within a locational limit of deviation of 350 metres from those locations as presented in Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/ drawing reference 005059368-08 Sheets 1, 2, and 3 of 4.

Foundation Type (wind turbine generators and offshore substation platform)		
Foundation Types and Dimensions	Both	<p><u>Number of Foundations (irrespective of type)</u></p> <p><u>Layout Option A</u></p> <p>Number of foundations 51 (50 WTGs and 1 OSP)</p> <p><u>Layout Option B</u></p> <p>Number of foundations 46 (45 WTGs and 1 OSP)</p> <p><u>Layout Option C</u></p> <p>Number of foundations 40 (39 WTGs and 1 OSP)</p> <p><u>Monopile Foundation Dimensions</u></p> <p>Maximum pile diameter range between 11 metres (OSP) and 12 metres to 13 metres (WTGs).</p> <p>Maximum pile penetration depth 55 metres (OSP) to 60 metres (WTGs).</p> <p>As presented in Part 2 Planning Drawings/ Section 02 Offshore Wind Farm Infrastructure Drawings/C Wind Turbine Generator Foundation/drawing reference 22164-GDG-ZZ-XX-DR-C-1004 for wind turbine generators and Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Substation Platform Drawings/drawing reference 200584-DRA-N-4002-02 for offshore substation platform.</p> <p><u>Driven/Drill Piled Multi-Leg Foundation Type</u></p> <p>Maximum pile penetration depth 55 to 70 metres</p> <p>As presented in Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Wind Turbine Generator Foundation/ drawing reference 22164-GDG-ZZ-XX-DR-C-1008 and 22164-GDG-ZZ-XX-DR-C-1010 for wind turbine generators and Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Substation Platform Drawings/ drawing reference 200584-DRA-N-4001-02 and 200584-DRA-N-4001-02 for offshore substation platform.</p>

		<p><u>Suction Bucket Multi-Leg Foundation Type</u></p> <p>Maximum suction bucket penetration depth 15 to 18 metres.</p> <p>As presented in Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Wind Turbine Generator Foundation/drawing reference 22164-GDG-ZZ-XX-DR-C-1009 for wind turbine generators and Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Substation Platform Drawings/ drawing reference 200584-DRA-N-4003-01 and 200584-DRA-N-4003-02 for offshore substation platform.</p>
Foundation scour protection techniques	Both	<p>Rock placement, concrete mattresses, flow energy dissipation devices, protective aprons/coverings and/or bagged solutions at wind turbine generator and offshore substation platform foundations.</p> <p>Description provided in Section 6.5 of Volume 2 Chapter 6 Project Description of the Environmental Impact Assessment Report and as presented in Part 2 Planning Drawings/Offshore Wind Farm Infrastructure Drawings/ Wind Turbine Generator Foundation Drawings/ drawing reference 22164-GDG-ZZ-XX-DR-C-1004, 22164-GDG-ZZ-XX-DR-C-1007, 22164-GDG-ZZ-XX-DR-C-1008, 22164-GDG-ZZ-XX-DR-C-1009, 22164-GDG-ZZ-XX-DR-C-1010 and Part 2 Planning Drawings/Offshore Wind Farm Infrastructure Drawings/ Offshore Substation Platform Drawings/ drawing reference 200584-DRA-N-4004-01, 200584-DRA-N-4004-02, 200584-DRA-N-4005-01, 200584-DRA-N-4005-02, 200584-DRA-N-4006-01, 200584-DRA-N-4006-02.</p>
Offshore Cables (inter-array and export cables)		
Length and Layout	Both	<p>Export Cables</p> <p>Total combined length of both offshore export cables (km) will be a minimum of 26 kilometres and a maximum of 37 kilometres. Both export cables will be located within either of the two proposed export cable corridors (i.e. two cables in one corridor) varying in width between 0.2 kilometres at the landfall to 2.8 kilometres as presented in Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/drawing reference 005059368-08 Sheets 1, 2, and 3 of 4.</p>

		Inter-Array Cables Total combined length of inter-array cables will be a minimum of 92 kilometres and a maximum of 120 kilometres. All inter-array cables will be located within the array area as presented in Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/drawing reference 005059368-08 Sheets 1, 2, and 3 of 4.
Locational Limits of Deviation	Parameters	Export Cables Both export cables to be located within either of two export cable corridors varying in width between 0.2 kilometres at the landfall to 2.8 kilometres at the array as presented in Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/drawing reference 005059368-08 Sheets 1, 2, and 3 of 4. Inter-Array Cables The preferred alignment of inter-array cabling includes a proposed locational limit deviation represented by a 700 metre corridor (350 metres either side of the preferred alignment) from the alignment in Part 2 Planning Drawings/ Offshore Wind Farm Infrastructure Drawings/ Offshore Site Layout Plans/ drawing reference 005059368-08 Sheets 1, 2, and 3 of 4.

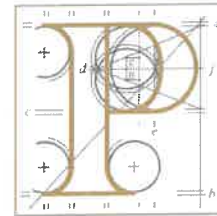
9. Official Use only:

Planning Reference:

Board Stamp:

Our Case Number: ABP-320830-24

Your Reference: Bray Offshore Wind Ltd and Kish Offshore W



An
Bord
Pleanála

RWE Renewables Ireland Limited
Unit 5
Desart House
Lower New Street
Co. Kilkenny
R95 H488

Date: 03 December 2024

Re: Proposed Dublin Array offshore wind farm
Located approximately 10km off the coast of counties Dublin and Wicklow, at the Kish and Bray banks (Design Option)

Dear Sir / Madam,

I have been asked by An Bord Pleanála to refer to the above-mentioned proposed development.

Please be advised that following consultations under section 287A of the Planning and Development Act 2000, as amended, the Board has formed an opinion on design flexibility. A copy of the opinion is enclosed.

Please note that the Board's opinion on design flexibility will not be available for public inspection until an application is made to it under section 291 of the Act.

Information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act 2000, as amended, is also enclosed.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email marine@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,

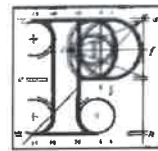


Ellen Moss
Executive Officer
Direct Line: 01-8737285

OC18

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Glaio Áitiúil	LoCall	1800 275 175
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Láithreán Gréasáin	Website	www.pleanala.ie
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64 Sráid Maoilbhríde	64 Marlborough Street
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D01 V902	D01 V902



Judicial Review Notice

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

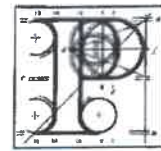
Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—
 - (i) any decision or purported decision made or purportedly made,
 - (ii) any action taken or purportedly taken,
 - (iii) any failure to take any action, pursuant to a statutory provision that gives effect to
 - I. a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
 - II. the SEA Directive 2001/42/EC, or
 - III. a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
 - IV. Article 6(3) or 6(4) of the Habitats Directive; or
- (b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);
- (c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on www.citizeninformation.ie

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



Fógra faoi Athbhreithniú Breithiúnach

Athbhreithniú breithiúnach ar chinntí an Bhoird Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú).

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhailíocht chinneadh de chuid an Bhoird é sin a dhéanamh ach trí athbhreithniú breithiúnach. Tá forálacha in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshlán i leith bhailíocht chinneadh an Bhoird.

Ní féidir bailíocht cinnidh arna ghlacadh ag an mBord a cheistiú ach amháin trí iarratas a dhéanamh ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (S.I. Uimh. 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinneadh an Bhoird, seachas cinní a dhéantar de bhun feidhme aistrithe chuig an mBord faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an dáta ar ar tugadh fógra faoi chinneadh an Bhoird ar dtús (nó mar a cheanglófar faoin achtú ábhartha, ar aistríodh feidhmeanna faoi chuig an mBord, a foilsíodh den chéad uair). Tá na tréimhsí ama seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheadú de réir fho-alt 50(8).

Sonraítear in alt 50A(3) nach ndéanfar cead d'athbhreithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstantiúla ann chun a áitiú go bhfuil an cinneadh neamhbhailí nó gur chóir é a chur ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iarratasóir san ábhar is ábhar don iarratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha in alt 50B maidir le costais imeachtaí athbhreithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

(a) imeachtaí san Ard-Chúirt mar athbhreithniú breithiúnach, nó trí chead a lorg chun iarratas a dhéanamh ar athbhreithniú breithiúnach, ar—

- (i) aon chinneadh nó cinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,
- (ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,
- (iii) aon mhaíneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht
 - I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Treoir 2003/35/CE) den Treoir sin,
 - II. do Threoir SEA 2001/42/CE, nó
 - III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir léi, nó
 - IV. d'Airteagal 6(3) nó 6(4) den Treoir maidir le Gnáthóga; nó

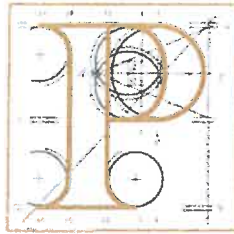
(b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);

(c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbhreitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is í an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt, áfach, costais a dhámhachtain in aghaidh aon pháirtí in imthosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt costais imeachtaí nó cuid de chostais den sórt sin a dhámhachtain d'iarratasóir, a mhéid a éiríonn leis an iarratasóir faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá cheann, a mhéid a chuir an chaingean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go páirteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbhreithnithe bhreithiúnaigh ar fáil anseo a leanas, www.citizensinformation.ie.

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmholtá do dhaoine atá ag smaoineamh ar chaingean dlí comhairle dlí a lorg.



An
Bord
Pleanála

An Bord Pleanála Opinion on flexibility

1) Request for meeting	
Request under section 287A of the Act:	Request for Design Flexibility in relation to a proposed offshore windfarm.
Request reference Number:	ABP-320830-24
Name of the requestor/ prospective applicant:	Kish Offshore Wind Limited on behalf of Kish Offshore Wind Limited and Bray Offshore Wind Limited.
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Located approximately 10km off the coast of counties Dublin and Wicklow, at the Kish and Bray banks.
Nature and extent of the proposed development:	Proposed Dublin Array offshore wind farm.
Date of receipt of the request:	18 th September, 2024
Opinion Reference Number:	ABP-320830-24
Date of Opinion:	28 th November, 2024

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2) Was the following Information included where relevant, with the Flexibility Meeting Request under section 287A of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

Information	Enclosed with Request	
(a) A site location map sufficient to identify the land on which the proposed development would be situated.	Yes: [X]	No: []
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: [X]	No: []
(c) A draft layout plan of the proposed development.	Yes: [X]	No: []
(d) A description of the details, or groups of details, of the proposed development that, owing to the circumstances set out in (e) below, are unlikely to be confirmed at the time of the proposed application.	Yes: [X]	No: []
(e) A description of the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided, before the prospective applicant has confirmed the details referred to in (d) above.	Yes: [X]	No: []
(f) An undertaking to provide with the proposed application, either - i. two or more options, in respect of each detail or group of details referred to in (d) above containing information on the basis of which the proposed application may be made and decided, ii. parameters within which each detail referred to in paragraph (d) above will fall and on the	Yes: [X]	No: []

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basis of which the proposed application may be made and decided, or iii. a combination of (i) and (ii).			
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: [X]	No: []	N/A: []
(h) The appropriate fee.	Yes: [X]	No: []	

At a meeting held on 26th November, 2024, the Board considered the report of the Inspector, the documents submitted as part of the pre-application consultation under section 287A of the Planning and Development Act 2000, as amended, on design flexibility.

In accordance with Section 287B(2) of the Act, the Board determined that due to the specific circumstances of the development, it is satisfied that the proposed application can be made and decided before certain details of the application are confirmed.

In this regard an opinion on design flexibility shall issue to the prospective applicant as set out below:

3) Opinion of the Board under section 287B of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.	
Information	Details/ Circumstances
a) The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.	<ol style="list-style-type: none"> 1. Wind Turbine Generator (model) <ol style="list-style-type: none"> i. Number of turbines ii. Maximum rotor diameter iii. Minimum rotor diameter iv. Maximum blade tip height v. Lower blade tip height.

	<ol style="list-style-type: none"> 2. Offshore Substation Platform <ol style="list-style-type: none"> i. Height (m above LAT) ii. Width iii. Length. 3. Array Layout (wind turbine generators and offshore substation platform) <ol style="list-style-type: none"> i. Layout Options ii. Locational Limits of Deviation 4. Foundation Type (Wind turbine Generator and offshore substation Platform) <ol style="list-style-type: none"> i. Foundation types and dimensions. ii. Foundation Scour Protection techniques. 5. Offshore Cables (inter-array and export cables) <ol style="list-style-type: none"> i. Length and layout ii. Locational Limits of Deviation.
b) The circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed the details referred to in paragraph (a) above.	Ongoing advances in technology and recognition of the need to install the most efficient and effective project elements, and detailed site-specific investigations which may determine the design options and parameters.

For each detail, or groups of details, referred to in paragraph 3(a) above, the proposed application shall, in addition to any other requirement imposed by or under the Planning and Development Act 2000, as amended, be accompanied by the information referred to in the undertaking submitted with the flexibility

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meeting request under section, 287A(2)(f) of the Planning and Development Act 2000, as amended.

The Board decided not to accept the request for design flexibility in respect of the nature and extent of protection for off-shore (inter-array and export) cables associated with the development or the design and layout of off-shore cable crossings, as the Board considered that these elements of the proposed development relate to normal construction practises that are intrinsic to installation of the development. Options related to construction practice that may not be clarified at application stage, should be set out and assessed in the application documentation (including the Environmental Impact Assessment Report and Natura Impact Statement) and in the event of a favourable decision on this application, construction related methodologies could be agreed prior to the commencement of development by way of compliance with a planning condition.

The proposed application must be consistent with the opinion provided in accordance with section 287B of the Act.



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *28th* **of** *November* **2024**