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Planning Environment Economics

The role of the Planning Consultant in Offshore Wind Development

IPI MSP Webinar

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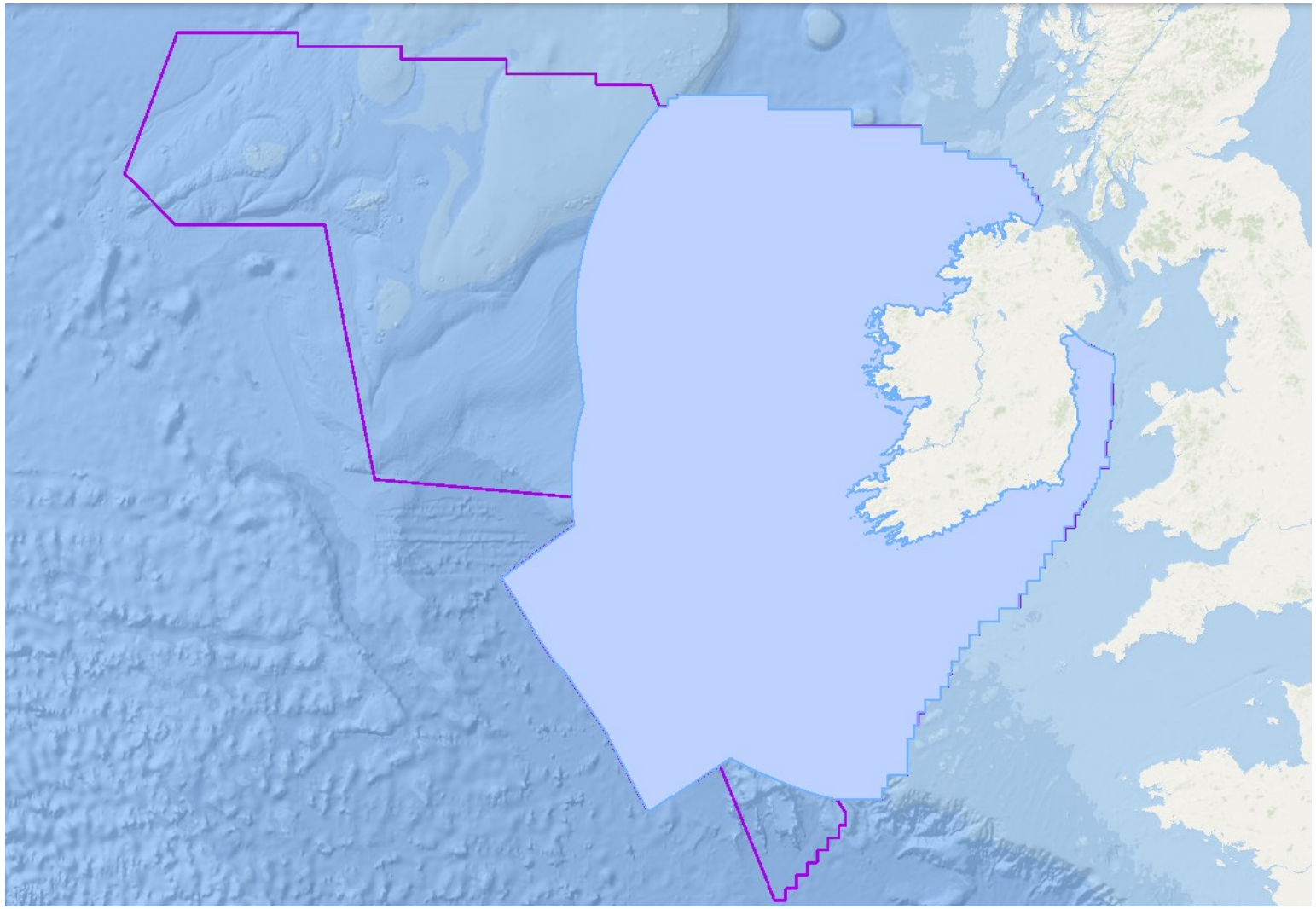
Introduction & Structure of the Presentation

- Quick overview of the legislative and policy background
- The Offshore Wind Development Team
- Project components
- The Red Line
- Design flexibility
- The application

How? A (very) brief recap on the legal framework

- Marine Strategy Framework Directive (2008/56/EC)
- Maritime Spatial Planning Directive (2014/89/EU)
- Water Framework Directive (2000/60/EC)
- EIA Directive (2011/92/EU)
- Birds Directive and Habitats Directive
- Maritime Area Planning Act

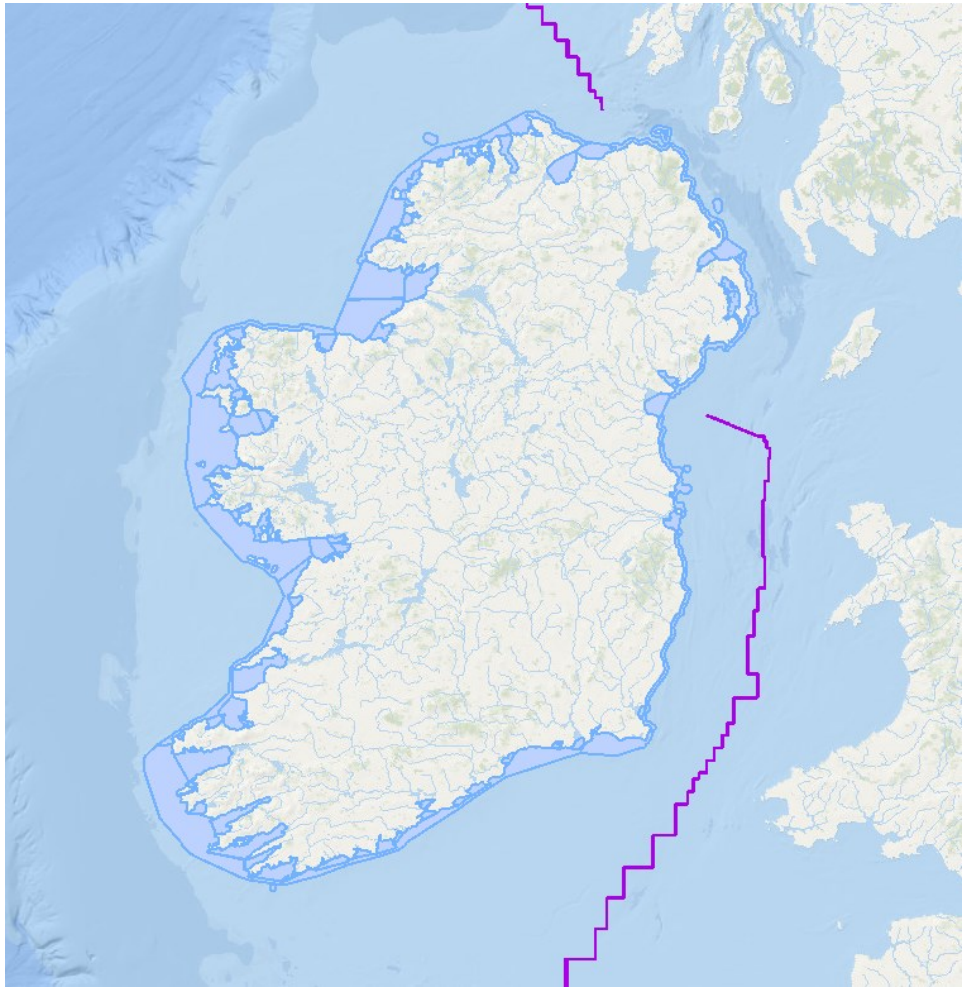
MSFD Assessment Area



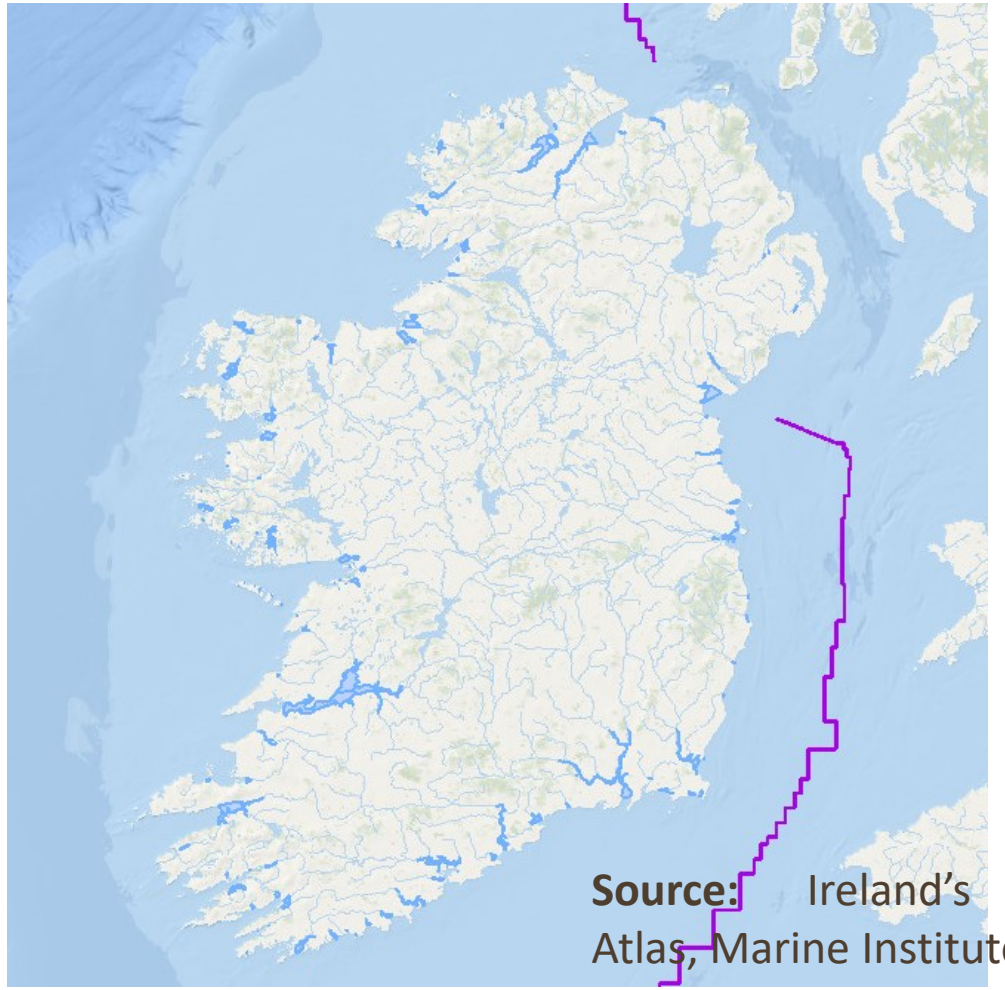
Source: Ireland's Marine Atlas, Marine Institute

Water Framework Directive (2000/60/EC)

Coastal waters



Transitional waters



Source: Ireland's Marine Atlas, Marine Institute

Why? A (very) brief recap on the policy context - EU

- **Directive on the Promotion of the Use of Energy from Renewable Sources (2018/2011):** It sets a binding EU targets for the overall share of energy from renewable sources. The collective EU target for 2030 is **at least 32%.**
  - New directive RED iii came into force earlier this month. Unclear when it would be transposed. But it increases the target and proposes measures to streamline permitting/consenting.
- **EU Strategy on Offshore Renewable Energy 2020** envisages an installed capacity of 60 GW of offshore wind and 1 GW of ocean energy by 2030. The aim is to achieve 300 GW and 40 GW respectively by 2050. It also states that Offshore Renewable Energy (ORE) must comply with the EU environmental legislation.
- **REPowerEU** (May 2022) supersedes the RED targets and set a **new target of 45%** for renewable energy. It also recognises the role of offshore renewables.

So what about the planning consultant?

The Planning Consultant involved in OWF projects has a role similar to his/her usual role in large scale projects. He/She

- Manages the **planning** process, including interactions with stakeholders
- Advises on policy interpretation
- Inputs into EIA and planning documentation

But our role is somehow more complex because of the nature of the team and of the project.

A typical offshore wind project team

Consent Manager

The Planning Consultant

Offshore Licensing Manager

Fisheries Liaison Officer

EIA Offshore Manager

EIA Onshore Manager

EIA Coordinator

EIA Manager

Community Liaison Officer

EIA Offshore Team

EIA Onshore Team

And many more

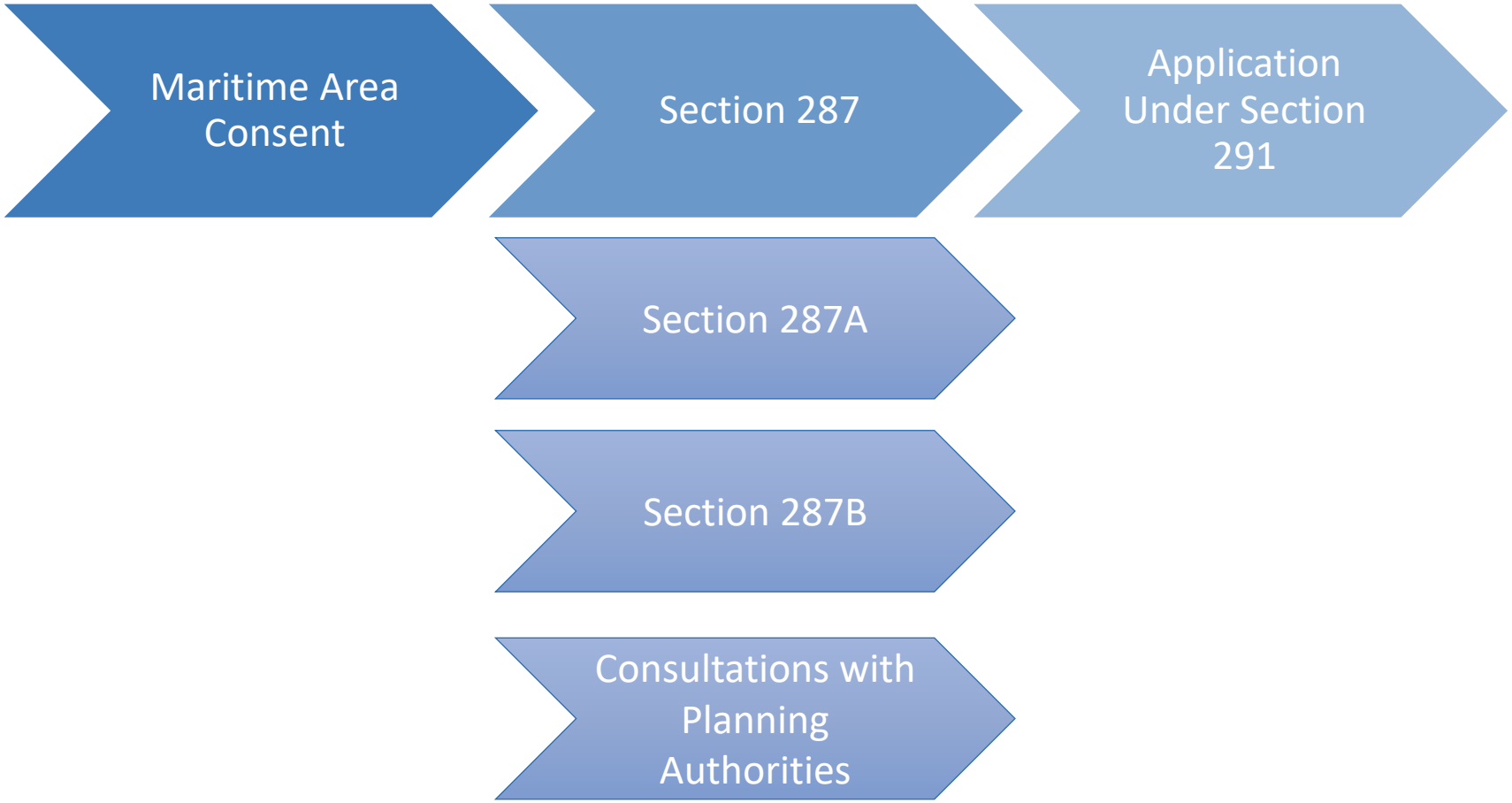
The planning consultant as a shepherd

Why is the consultant important:

- Much of the success of a project will depend on whether it will receive planning permission. All projects are in for a chance as they have been hand-picked to proceed and were given Maritime Area Consent. This will be the same for Phase 2 projects.

To manage the process, the legal framework i.e the applicable legislation must be considered, including statutory timeframes (i.e MAC expiry), and interactions with the stakeholders must be managed, particularly An Bord Pleanála and the Planning Authorities.

The Process from MAC to Application



Project Boundary – The Red Line

Maritime Area Consent: for Phase 1, these were delivered by the Minister for Environment, Climate and Communication. Future phases will be delivered by the Maritime Area Regulatory Authority.

-> The red line is decided early on.

It is important as it defines the marine boundary '**marine red line**'.

For landfall and onshore elements, landowners' consent is required unless the developer owns the land. As these projects already engaged with Eirgrid early on, the location for grid connection has already been determined.

In essence the projects consist of three parts:

- The array
- Transmission
- Landfall infrastructure

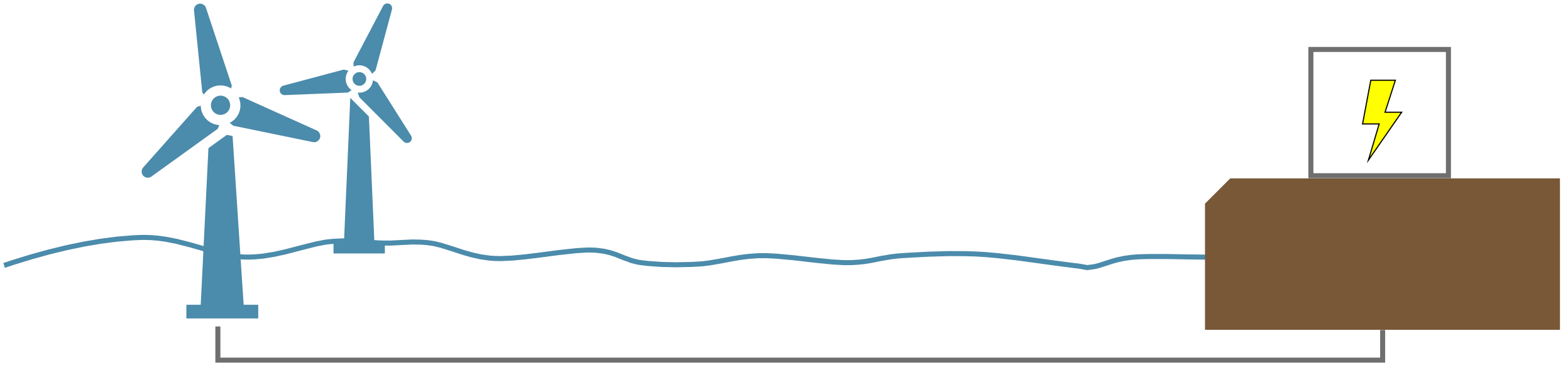
Covered by the MAC

with design variations

Project Components

Array

National Grid



Transmission

Pre-Application Consultation

Section 287 – Consultation with Board prior to application for permission

1. **Maritime Area Consent (MAC) ->** absolute requirement
2. Prospective applicant **shall** consult with the Board **before** making an application
3. ABP to provide its opinion in relation to:
    1. The procedure to be followed when making an application;
    2. The documents to submit as part of the application
    3. The need to create a website and publish notices
    4. The persons prescribed
    5. Policy considerations, including the NMPF, the objectives of MSP, proper planning and sustainable development and the environment or any European site

Design Flexibility

Section 287A/B – Application for Opinion under Section 287B, also known as Design Flexibility

A) Prospective Applicants may **request a meeting** with THE Board for the purpose of section 287B to discuss inter alia:

   A) The details or groups of details of the proposed development that owing to the circumstances set out are unlikely to be confirmed at the time of the proposed application

   B) The circumstances, meaning '*in particular, whether the prospective applicant may be able to avail of technology available after making the proposed application that is more effective or more efficient than that available at the time of the application*'.

   C) Two or more options in respect of each detail or group of details containing information on the basis of which the proposed application may be made and decided.

B) The Board shall determine, after a meeting is convened, whether they agree with the details or groups of details that can be subject to design flexibility (opinion).

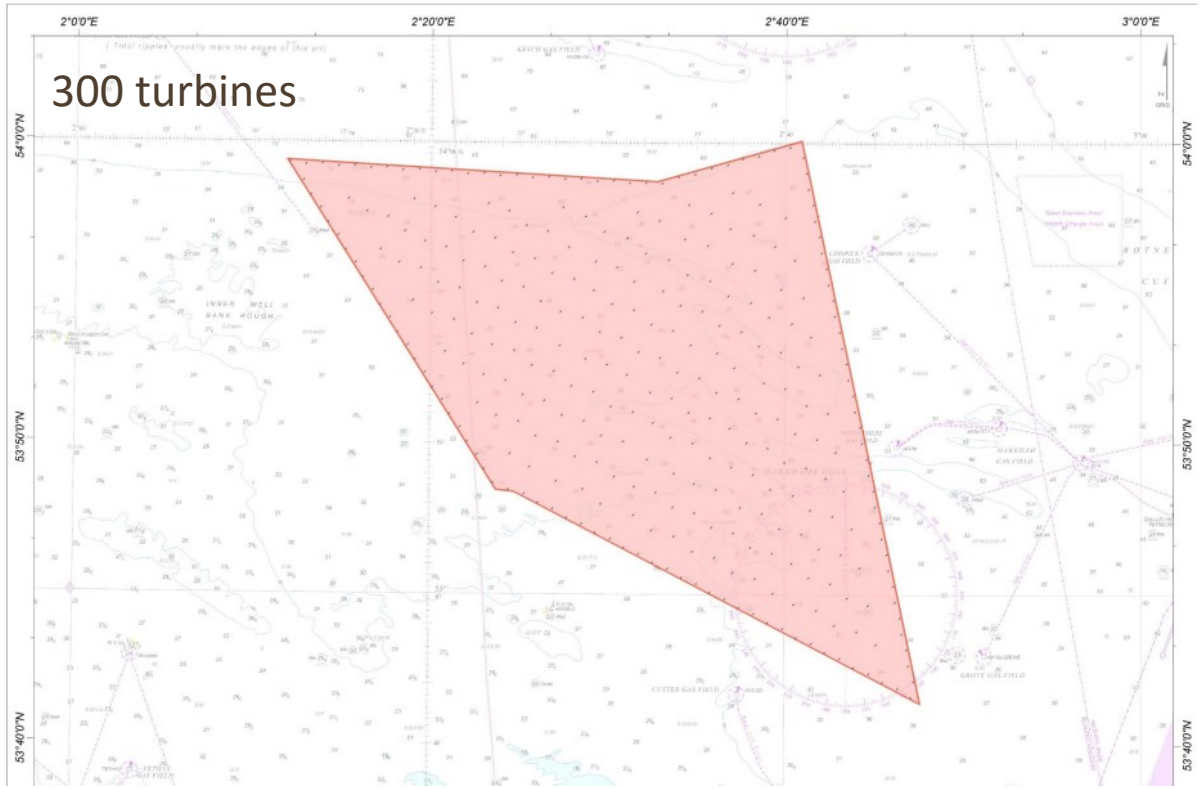
Design Flexibility

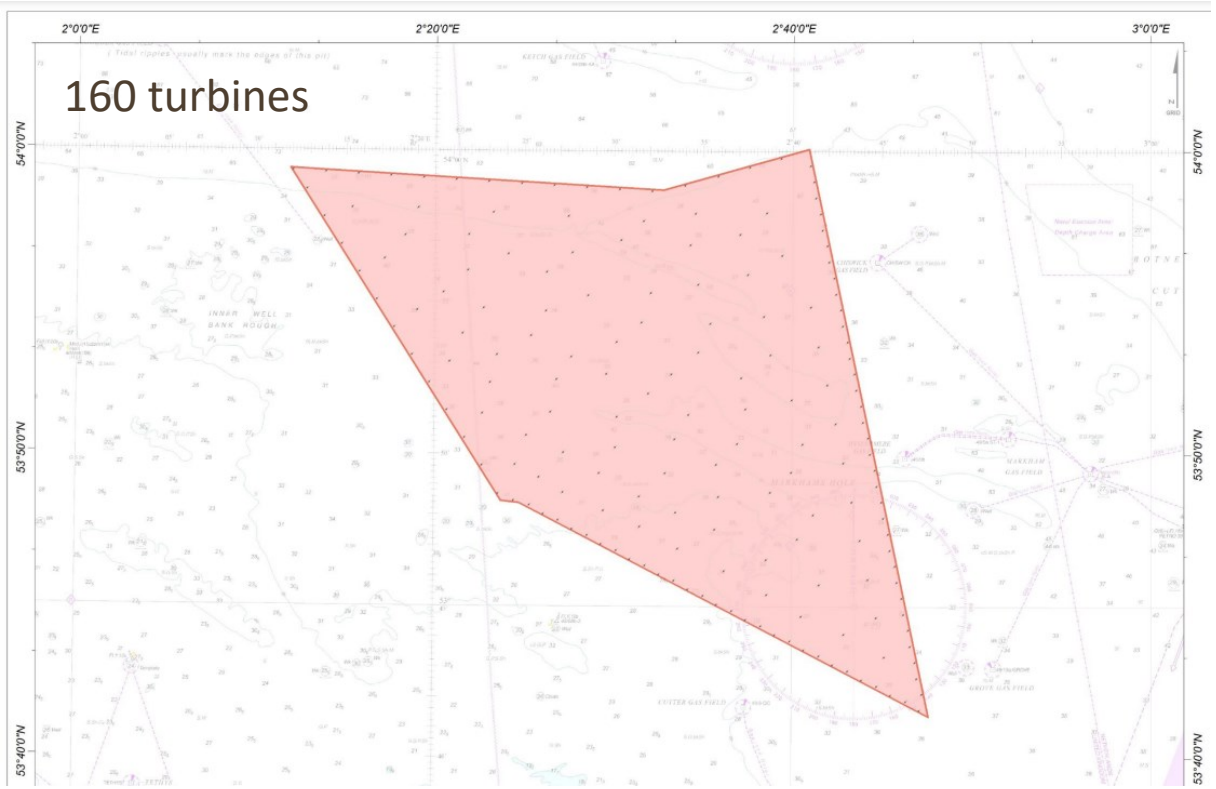
This is important because it informs the preparation of the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement.

- This means that your EIAR will effectively assess variations in design all of which could be constructed (different from alternatives).
- Difficult process as the competent authority needs an element of certainty as the more flexibility, the less certain the impacts.

Example of Design Flexibility

Example from Hornsea Project Three Offshore Wind Farm





Source: Orsted, as displayed on the Planning Inspectorate's Website https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010080/EN010080-000528-HOW03_6.1.3_Volume%201%20-%20Ch%203%20-%20Project%20Description.pdf

The Application

Section 291 – Application to ABP

In short, applicants do not know all the details yet as no application has been made to date. But we expect/we know so far:

- Applications will include a Statement of Consistency with focus on NMPF. No example to show you at this point for Offshore Wind because many of you are familiar with the principle through its use for Strategic Housing Developments
- One EIAR split onto two parts: Onshore and Offshore:
  - Irish Example: Celtic Interconnector: https://www.pleanala.ie/en-ie/case/310798
  - 17 examples to view on the Planning Inspectorate's website: https://infrastructure.planninginspectorate.gov.uk/projects/
  - Includes topics (both in the environmental report and technical appendices) which are less familiar to planners generally.
  - EIAR will take account of ecosystem services.
- A project website,
- Public notices,
- Possible notification of transboundary authorities.

Concluding Comments

- Planning consultant operates in a much larger team than usual with new colleagues / collaborators.
- Projects consist of three component: array, transmission and grid connection.
- There are provisions for design flexibility, meaning the three-pronged project can take different forms, all of which, have to be assessed.