



An
Bord
Pleanála

An Bord Pleanála Opinion on Flexibility

2) Request for meeting	
Request under section 37CC of the Act:	Request for Design Flexibility in relation to a proposed Brittas Windfarm.
Request reference Number:	ABP-318971-24
Name of the requestor/ prospective applicant:	Brittas Windfarm Limited
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Townlands of Brittas, Rossestown and Clobanna, near Thurles, County Tipperary.
Nature and extent of the proposed development:	Proposed 10 to 12 number wind turbines with a maximum height of 185 metres and expected capacity export of circa 60 megawatts to 72 megawatts, including an underground cable connection to the national electricity grid, and turbine delivery route.
Date of receipt of the request:	1 st February 2024
Opinion Reference Number:	ABP-318971-24
Date of Opinion:	3 rd May 2024

3) Was the following Information included where relevant, with the Flexibility Meeting Request under section 37CC 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 - <ul style="list-style-type: none"> 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: []	

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

At a meeting held on 2nd May 2024, the Board considered the report of the Inspector, the documents submitted as part of the pre-application consultation under section 37CC of the Planning and Development Act 2000 as amended on design flexibility.

In accordance with Section 37CD(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:

4) Opinion of the Board under section 37CD 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.	<p>1. Model of turbines, and by extension the following dimensions:</p> <ul style="list-style-type: none"> a) Hub height b) Rotor diameter c) Blade length d) Hardstanding area at the base of each turbine <p>In deciding not to accept the request for flexibility for export capacity the Board considered that this element of the project relates is consequent to turbine design and is not a physical attribute on which it is possible to measure or assess impact. It is accepted that there may be a variation in export capacity arising as a result differing turbine models.</p>
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.	<ul style="list-style-type: none"> i. To avail of ongoing advances in technology; ii. To facilitate the procurement process; iii. To ensure against the potential obsolescence of existing technology.

For each detail, or groups of details, referred to in paragraph 4(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 meeting request under section, 37CC(2)(f) of the Planning and Development Act 2000.

The proposed application must be consistent with the opinion provided in accordance with section 37CD of the Act.



Peter Mullan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *7th* day of *May*, 2024