



An
Bord
Pleanála

Board Direction
BD-016335-24
ABP-319151-24

At a meeting held on 14/05/2024, the Board considered the report of the Inspector, the documents submitted as part of the pre-application consultation under section 37CD of the Planning and Development Act 2000, as amended on design flexibility.

In accordance with 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:

An Bord Pleanála Opinion on Flexibility

(1) Request for meeting	
Request under section 37CC of the Act:	Request for Design Flexibility in relation to a proposed windfarm at Knockshanvo and adjacent townlands, Co. Clare.
Request reference Number:	ABP 319151-24
Name of the requestor/ prospective applicant:	FuturEnergy Knockshanvo DAC
Location, townland or postal address of the land or structure to which the application	Knockshanvo and adjacent townlands Co. Clare

relates (as may be appropriate):	
Nature and extent of the proposed development:	Proposed 9 no. wind turbines each with a capacity of between 5.7MW and 7.2MW, including an on site substation and ancillary works
Date of receipt of the request:	14 th February 2024
Opinion Reference Number:	ABP 319215-24
Date of Opinion:	

(2) 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 maritime area/land on which the proposed development would be situated.	Yes: [<input checked="" type="checkbox"/>]	No: [<input type="checkbox"/>]	
(b) A brief description of the nature and purpose of the proposed development and of its possible effects on the environment.	Yes: [<input checked="" type="checkbox"/>]	No: [<input type="checkbox"/>]	
(c) A draft layout plan of the proposed development.	Yes: [<input checked="" type="checkbox"/>]	No: [<input type="checkbox"/>]	
(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: [<input checked="" type="checkbox"/>]	No: [<input type="checkbox"/>]	
(e) A description of the circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and	Yes: [<input checked="" type="checkbox"/>]	No: [<input type="checkbox"/>]	

decided, before the prospective applicant has confirmed the details referred to in (d) above.			
<p>(f) An undertaking to provide with the proposed application, either -</p> <p>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,</p> <p>ii. parameters within which each detail referred to in paragraph (d) above will fall and on the basis of which the proposed application may be made and decided, or</p> <p>iii. a combination of (i) and (ii).</p>	Yes: [x]	No: []	
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: []	No: []	N/A: [x]
(h) The appropriate fee.	Yes: [x]	No: []	

(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.	<p>1. Turbine Dimensions:</p> <p>a) Turbine Tip Height</p> <p>b) Rotor Diameter</p> <p>c) Hub height</p> <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 of turbine design and is not a physical attribute on which it is possible to</p>

	measure or assess impact. It is accepted that there may be a variation in export capacity arising as a result of differing turbine models.
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, as amended.

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

Board Member



Date: 16/05/2024

Peter Mullan