



An
Bord
Pleanála

Board Direction
BD-017253-24
ABP-319602-24

The submissions on file and the inspector's report were considered at a Board Meeting held on the 16/8/2024.

The Board should notify the prospective applicant of its Opinion in respect of flexibility under section 37CD of the Planning and Development Act, 2000, as amended, in accordance with the following Draft Opinion.

DRAFT OPINION

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 Scart Mountain, Co. Waterford
Request reference Number:	ABP 319602-24
Name of the requestor/ prospective applicant:	FuturEnergy Scart Mountain DAC
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Scart Mountain, Co. Waterford
Nature and extent of the proposed development:	15 no. wind turbines with an electrical output of between 85.5 – 108 MW, 110kV substation, 1 no.

	meteorological mast, 2 no. temporary construction compounds, borrow pits, access roads both new and upgrade of existing and all ancillary works.
Date of receipt of the request:	24 th April, 2-24
Opinion Reference Number:	ABP 319601-24
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.			
(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 basis of which the proposed application may be made and decided, or iii. a combination of (i) and (ii). 	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.	1. Turbine Dimensions: <ul style="list-style-type: none"> a) Turbine Tip Height b) Rotor Diameter c) Hub height 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

	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



Peter Mullan

Date: 16/08/2024

