



An
Bord
Pleanála

Record of 1st Meeting ABP-319151-24

Case Reference / Description	Design Flexibility Request for Proposed windfarm development of approximately 9 no. wind turbines and all associated works at Knockshanvo and adjacent townlands, Co. Clare		
Case Type	Pre-application consultation		
1st / 2nd / 3rd / 4th Meeting	1 st Meeting		
Date	4 th April 2024	Start Time	11:50am
Location	MS Teams	End Time	12:30pm

Representing An Bord Pleanála
Stephen Kay (Assistant Planning Director) Chair
Pauline Fitzpatrick (Senior Planning Inspector)
Lauren Murphy (Executive Officer)

Representing the Prospective Applicant
Alan Clancy – MKO
Eoin O'Sullivan – MKO
Jade Power – MKO
Sandra Kelly - FuturEnergy
Sinead O'Malley - FuturEnergy

Introduction

The Board referred to the letter received from the prospective applicant on the 22nd February 2024, requesting pre-application consultations under section 37CC of the Planning and Development Act 2000, as amended, and advised the prospective applicant that the purpose of the meeting was to provide an opportunity for the prospective applicant to present their request for design flexibility and to aid the Board's representatives in their understanding of the request and their recommendation as to whether it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed certain details of the application. It was noted that the request for design flexibility related to the concurrent pre application consultation for a windfarm on the site (ABP Ref. 319215-24).

The Board's representatives mentioned the following general procedures in relation to the pre-application consultation process:

- The Board will keep a record of this meeting. The record of the meeting will not be available for public inspection until an application for permission is made to the Board. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- The Board may at any time conclude the consultation where it considers it appropriate to do so. Following the conclusion of the consultation the Board will issue an opinion regarding the design options as set out under section 37CD of the Act. Any opinion issued will not be available for public inspection until an application for permission is made to the Board.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

Presentation made by the prospective applicant:

The prospective applicant began the presentation by providing a brief overview of the meeting agenda.

The prospective applicant introduced FuturEnergy Knockshanvo Designated Activity Company (DAC). FuturEnergy Ireland are an Irish owned joint venture company with Coillte and ESB, which launched in November 2021. Their ambition is to develop more than 1GW of renewable energy capacity by 2030 and make a significant contribution to Irelands commitment to produce 80% of electricity from renewable sources by 2030. FuturEnergy Ireland has received planning permission for Castleblaney Wind Farm (County Kilkenny) and Carrownagowan Wind Farm (County Clare), they also have several wind energy projects in the planning system.

The prospective applicant gave a brief rundown of the proposed development. The proposed wind farm site is located approximately 3km south of Broadford, 3.5km southeast from Kilkishen and 4km northeast from Sixmilebridge, County Clare. The proposed wind farm development will comprise of 9 wind turbines, access roads, 110kV substation and ancillary development. The prospective applicant stated that the proposed wind turbines will have a maximum tip height between 179.5 and 185 metres with a maximum export capacity range of between 51.3MW and 64.8MW. A biodiversity enhancement plan will also be included as part of Environmental Impact Assessment Report.

The prospective applicant also gave a brief introduction of the grid connection aspect of the proposed development which will be submitted to An Bord Pleanála in a separate application under section 182A of the Act.

The prospective applicant provided a brief outline of the background to the request for design flexibility including how the driver of the design flexibility legislation was the Derryadd judgment. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 which came into force on 16th December 2023 and associated regulations give a formal structure for the inclusion of flexibility in the planning system.

The prospective applicant outlined the stages of the design flexibility process. Once a meeting is requested and held with An Bord Pleanála, the Board will then issue a design flexibility opinion outlining details that may be confirmed after the planning application is made. During the planning application phase, the prospective applicant must ensure that public notices indicate that certain details of the proposed development are unconfirmed and that a flexibility opinion is included. Post consent the applicant must provide the Board with details of the development that flexibility relates to two weeks prior to construction commencement.

The prospective applicant listed their unconfirmed details of the proposed development in which they are requesting design flexibility on. These details are the turbine total tip height (between 179.9m – 185m), turbine rotor diameter (between 149m – 163m) and turbine hub height (between 102.5m – 110.5m). Each turbine will be capable of a maximum output of between 5.7MW and 7.2MW with an overall installed capacity ranging from 51.3MW to 64.8MW.

The prospective applicant stated that design flexibility is required for wind farm developments given the length of timescales associated with these projects. Specifically, there are often several years between the time of submission of the planning application to the commencement of construction. During this time turbine manufacturers may be improving the efficiency of models they produce thus resulting in a degree of uncertainty as to which make/model will be available on the market at time of construction.

The prospective applicant stated that the range of details as set above, will be assessed in the EIAR as part of the planning application. The prospective applicant provided a brief overview of the chapters which will be included in the EIAR as part of their application to the Board and how it is intended that the design flexibility sought would be incorporated into a number of the chapters of the EIAR including those relating to population and human health, biodiversity, noise and vibration, landscape and visual, cultural heritage and material assets.

It is the prospective applicant's current intention to lodge the planning application for the proposed development in Q2 2024.

Discussion:

- The Board's representatives began the discussion by mentioning that everything in relation to design flexibility must be presented and discussed at this meeting as there will be no further meetings under section 37CC.
- In response to a query by the Board's representatives the prospective applicant confirmed it wished to request design flexibility on the maximum export capacity of the proposed development. The Board's representatives stated that their preliminary opinion was that the maximum export capacity was a function of other aspects of the project, specifically turbine dimensions in respect of which design flexibility was being sought and therefore potentially not a detail that would be accepted by the Board. It was however stated that this aspect of the request would be set out and assessed in the report presented to the Board and that the final decision on this issue would be made by the Board.

- The Boards representatives raised a query in relation to the laydown and hardstand area of the turbines and asked the prospective applicant what dimensions they intend to include in the application. The prospective applicant stated that they intend to go with the maximum dimensions envisaged as necessary to enable the installation of all potential turbine types and that the hardstanding areas were not therefore a detail in respect of which flexibility was being sought.
- The Boards representatives reminded the prospective applicant that at application stage the applicant must include two or more design options, parameters or a mixture of options and parameters in respect of each detail for which flexibility is agreed.
- The Boards representatives reminded the prospective applicant to take the Derryadd judgment into consideration when planning and submitting the final planning application and specifically in the drafting of their EIAR. The Board's representatives advised the prospective applicant not to present only the potential worst case scenario in respect of the details for which flexibility is agreed and to clearly set out in the application how the potential impacts under each environmental factor are assessed and how the decisions around the approach to the assessment have been made.
- The Boards representatives recommended that the applicant should be satisfied with its proposed approach to operational noise in terms of the 2 no. scenarios being modelled (minimum and maximum) and that its approach is justified in the Environmental Impact Assessment Report.

- The prospective applicant queried if they will be given an opportunity to comment on this meeting record, the Boards representatives clarified that the prospective applicant would have the opportunity to make any comments on this meeting record.
- The Boards representatives said that the provision of the dimensions at this design flexibility stage is useful to the Board and may help it get an understanding of the design flexibility request. However, the Boards representatives clarified that the flexibility request submitted by the prospective applicant is a request for flexibility on certain aspects of the proposed development (details) based on the circumstances presented. Although the prospective applicant may have indicated potential dimensions in the design flexibility request those dimensions will not form part of the opinion which will be issued by the Board and the prospective applicant is not therefore bound to the range provided herein in its application for permission.
- The prospective applicant queried if the grid connection aspect of the proposed development could be discussed in this design flexibility meeting. The boards representatives stated that as that aspect of the proposed development falls under section 182 of the planning and development act 2000, as amended, it will not form part of this meeting.

Conclusion:

The Board's representatives advised that the record of the instant meeting will be issued to the prospective applicant following the closure of the meeting and that on receipt of the record the prospective applicant can submit any comments it may have in writing. The Board's representatives also stated that the timeline around the determination of the request was with the Board, that there was no requirement for the prospective applicant to formally request closure of the consultation process and

that it would give the Board clarity if the prospective applicant could inform the Board if it had any comments on the draft record.

The Meeting concluded at 12:30pm.

A handwritten signature in black ink, appearing to read "Stephen Kay", is positioned above a horizontal line.

Stephen Kay

Assistant Director of Planning