



An
Bord
Pleanála

Inspector's Report ABP-321495-24

Development	Proposed windfarm of 11 no. wind turbines and associated works
Location	Townlands of Beagh More, Cloonbar, Cloonnaglasha, Cloonsheen, Cloonteen, Corillaun , Derrymore, Shancloon, Toberroe, and Tonacooleen in county Galway, near the Mayo border
Planning Authority	Galway County Council
Prospective Applicant	RWE Renewables Ireland Ltd.
Type of Application	S37CC Pre-application Consultation on Design Flexibility.
Date of S37CC Pre-Application Meeting:	12 th March 2025
Date of Site Inspection	7 th March 2025

Inspector

Una O'Neill

1. Introduction

This report relates to pre-application discussions held with RWE Renewables Ireland Ltd. in respect of a proposed development, known as Shancloon Windfarm, which is to comprise of 11 wind turbines and associated works.

The prospective applicant is seeking an Opinion on Flexibility from the Board. The request was received by the Board on 16th December 2024.

The Board's representatives met with the prospective applicant in relation to the proposed development under section 37B of the Planning and Development Act. The presentation provided by the prospective applicant and written record of the meeting are on the said file. The Board's representatives also met with the prospective applicant on one occasion in relation to the requested Opinion on Flexibility. The presentation provided by the prospective applicant and the written record of this meeting are on this file.

2. Site Description

The proposed site is located in the townlands of Beagh More, Cloonbar, Cloonnaglasha, Cloonsheen, Cloonteen, Corillaun, Derrymore, Shancloon, Toberroe, and Tonacooleen in County Galway, near the Mayo border. The closest settlements to the proposed development are Shrule (ca. 3.5 km to the west) and Tuam (ca. 8 km to the east). The area is rural in nature, with low density ribbon development along local roads.

The site currently comprises flat peatlands, agricultural land and scattered forestry. The peat habitats within and immediately adjacent to the proposed wind farm host the Annex I habitats European dry heaths (4030) and active raised bog (7110) (Cloonbar Bog). The proposed development lands are drained by the Corrib Headford arterial drainage scheme. The associated drains and watercourses are heavily modified. These drain to the Black River (EPA waterbody name BLACK (SHRULE)_010) which is also part of the drainage scheme. The aquatic invasive species Canadian pondweed (*Elodea canadensis*) is present on sections of the drainage channels. There are nine SACs located within 15 km from the proposed

wind farm site, there is one SPA located within 15 km of the proposed wind farm site and there are no NHAs and sixteen other pNHAs within 15 km of the site.

The Digital Terrain Model (DTM) for the site shows a maximum topographic height of 43.5 m above sea level (ASL).

The proposed development would be connected via a loop-in connection to Cashla-Dalton 110kV overhead line.

3. Proposed Development

The proposed development comprises the following:

- 11 wind turbines, with a ground to blade tip height of 180m.
- Turbine foundations and crane pad hardstanding areas and associated drainage.
- 13.7 km of internal access tracks (of which 1.77km will be floated road) and associated drainage infrastructure.
- Upgrading of 3.565km of existing tracks and road and associated drainage.
- 1 x new construction and operational access to the site from the L-2234 and one road crossing of the L-220-21.
- Drainage and sediment control including interceptor drains, cross drains, settlement ponds and swales.
- New watercourse crossings including 1 x 18.5m single span bridge crossing and 14 new piped culverts.
- Associated excavation, earthworks and spoil management.
- 3 x temporary construction compounds and ancillary infrastructure, including parking.
- 1 x onsite 110 kV electricity substation, associated new access road off L-6100 and associated construction compound.
- A loop-in 110 kV underground cable connection, 650m in length, connecting to the existing Cashla-Dalton 110 kV overhead line in the townland of Tonacoolen, with 2 x new 16m high steel loop-in lattice tower end masts or loop-in connection at the connection point.

- 33 kV underground electrical and communication cabling underground between the proposed turbines and the proposed on-site substation and associated Control Building.
- 1 x permanent meteorological mast to a height of 110m above ground level with a 4m lightning pole on top.
- Turbine delivery accommodation works:
 - R332/L6483 junction – temporary load bearing surface to be laid and drainage ditch temporarily culverted; one utility pole permanently removed.
 - L-6483 – temporary load bearing surface to be laid to provide a 4.5m running width and a 5.5m clearance width for turbine delivery. Vegetation to be cleared.
 - L-6483 – temporary load bearing surface and vegetation to be cleared. 2 x road signs to be temporarily removed.
- Felling of 0.54 ha of conifer plantation forestry.
- 2.03km of hedgerow removal.
- 9.7ha of biodiversity enhancement lands, plus 2.45km of hedgerow/tree planting.

4. Request For An Opinion On Flexibility

Context

The prospective applicant previously entered into pre-application discussions with the Board under ABP-317307-23 with respect to the development of the proposed Shancloon windfarm comprising 11 turbines (reduced from 13 during the pre-application discussions) together with ancillary works, including a substation.

The Board determined that the proposed development subject of the original pre-application under ABP-317307-23 constitutes Strategic Infrastructure Development with the meaning of section 37A of the Planning and Development Act 2000 (as amended) and that any application should be made directly to the Board.

The Planning and Development, Maritime and Valuation (Amendment) Act 2022 provides for design flexibility in the case of applications for permission for any development specified in the Seventh Schedule, primarily relating to the rapidly

changing technology available in renewables and the potentially long lead-in times between the making of a planning application and the procurement of equipment.

The request for a design flexibility opinion is required to be part of the consultations under 37B. As a consequence, the prospective applicant has sought a new pre-application consultation (ABP-321507-24, see file attached). Concurrently the prospective applicant has submitted this request to the Board for an Opinion on Flexibility with respect to the specific elements of the development that may be provided later for the Boards approval (current file, ABP-321495-24).

Request

Section 37CC material for formal consultation was submitted to the Board on 16th December 2024 including prescribed Form 20 as set out in the Planning and Development (Amendment) (No.3) Regulations 2023. The request included all relevant information as set out in Section 37CC (2) of the Act, in order to assist the Board in informing its opinion, including:

- Name and address of the applicant
- A site location map
- Description of the nature and purpose of the proposed development and its possible effects on the environment
- A draft layout plan of the proposed development
- Details of the development which are considered unlikely to be confirmed at application stage and the need for flexibility for the following reasons:
 - Exact make and model of turbines will not be known until outcome of tender process at time of procurement.
 - Future proofing and flexibility for turbine make and model is required to ensure most up to date technology is employed and avoid market dominance by any one particular brand/manufacturer.
 - Lengthy lead in times from planning to construction and operation, therefore flexibility in turbine design is necessary.

The following elements (details) of the development are those for which flexibility is being sought:

Hub Height	104.7m	105m	102.5m
Tip Height	179.25m	180m	180m
Rotor Diameter	149.1m	150m	155m
For Context Only:			
Export Capacity per turbine (MW)	5.7MW	5.6MW	6.6MW
Total Site Capacity (MW)	62.7MW	61.6MW	72.6MW

5. Consultation

1 no. meeting was held with the prospective applicant's representatives on 12th March 2025. The presentation to the meeting and the meeting record are on the file. Issues raised at the meeting are identified and considered in Section 8 below.

6. Legislative Provisions

Planning and Development, Maritime and Valuation (Amendment) Act 2022

This Act, in recognition that certain applications require a degree of flexibility, introduced amendments to the Planning and Development Act 2000 (as amended) and the Maritime Area Planning Act 2021, to facilitate procedures that will enable planning authorities and the Board to consider design flexibility as part of the assessment of planning applications.

Section 37CC Planning and Development Act, 2000 (as amended)

This section of the Act sets out the requirements for requesting the Board to consider design flexibility, and the Board procedures for consideration of the request as part of the assessment of planning applications.

Section 37CC (1) states that a prospective applicant who proposes to make an application for any development specified in the Seventh Schedule may, before

making such an application, request a meeting with the Board for the purpose of section 37CD as part of consultations referred to in section 37B(1).

Section 37CC(2) (a-d) lists the details required in the application. (incl. site location map, draft layout plan, brief project description & possible effects on the environment).

Section 37CC (2) (e) requires a description of -

(i) the details, or groups of details, of the proposed development that, owing to the circumstances set out in subparagraph (ii), are unlikely to be confirmed at the time of the proposed application, and

(ii) the circumstances relating to the proposed development, including such circumstances as the Minister may prescribe in relation to any class or description of development for the purposes of this subparagraph, 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 subparagraph (i) including, 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,

Section 37CC (2) (f) requires an undertaking to provide with the proposed application either—

(i) two or more options in respect of each detail or group of details referred to in paragraph (e)(i), containing information on the basis of which the proposed application may be made and decided,

(ii) parameters within which each detail or group of details referred to in paragraph (e)(i) will fall and on the basis of which the proposed application may be made or decided, or (iii) a combination of subparagraphs (i) and (ii),

Section 37CC (2) (g-h) lists other information that may be provided or prescribed.

Section 37CC (3) provides for the Board to convene a meeting.

Section 37CC (4) provides for the Minister to make regulations in relation to procedures and administration for the purposes of holding a meeting.

Circular Letter PL11/2023 – New Design Flexibility Provisions with regard to certain unconfirmed details as part of application for planning permission

This document refers to the opinion on flexibility which developers may wish to avail of. It notes that applicants may wish to seek permission before certain details of the proposed development are confirmed. It provides an example of a windfarm and notes that details such as the precise height or blade length of a turbine or the precise grid connection point and route may not be confirmed at the time of application. In addition, it notes that the process is not intended to apply to points of detail generally dealt with by way of compliance condition and agreed between the applicant and the Board post-consent.

The document states that the applicant must set out the circumstances why it would be appropriate for the proposed application to be made and decided before the details are confirmed. It provides that a separate meeting may take place to discuss the flexibility request as part of the existing pre-application arrangements. It also states that existing consultations which may take place in advance of the flexible meeting request may concern the scope of details not likely to be confirmed at application stage and likely to be subject to a request for an opinion on unconfirmed details.

It further provides for matters of public notification and transparency in respect of the new arrangements and prescribes the forms to be used for the various stages of the process - flexible meeting request (Form 19); opinion on unconfirmed details issued by the Board (Form 20); and supplementary statement of unconfirmed details to accompany a planning application (Form 21).

7. Planning History/Precedent Cases

There are a number of requests for opinion on design flexibility before the Board for decision, including inter alia the following:

ABP 318971-24: an opinion on design flexibility for 10 to 12 wind turbines and associated development in Co. Tipperary (pre-application consultation file ref. ABP. 315655-23). Consultations have closed.

ABP 319151-24: an opinion on design flexibility for 9 no. wind turbines and associated works at Knockshanvo and adjacent townlands Co. Clare (pre-application consultation file ref. ABP 319215-24). Consultations have closed.

ABP 319240 -24: an opinion on design flexibility for 17 no. turbines and associated works at Clydaghroe and Cummeenabuddoge, Clonkeen. Co. Kerry (pre-application consultation file ref. ABP 319219-24). Consultations have closed.

8. Assessment

The table below sets out the details and circumstances for section 37CC flexibility requested by the prospective applicant as well as my consideration and recommendation in relation to the various elements.

Details / Groups of Details	Circumstances	Consideration	Accept Flexibility
Turbine Tip Height Range - 179.25 to 180 metres	<ul style="list-style-type: none"> Procurement process will not take place until the planning process is complete. A degree of future proofing and flexibility is required to ensure most up to date technology is employed. Long lead in times from planning to construction and operation, therefore flexibility in turbine design is required. 	I am satisfied that the flexibility sought in tip height is reasonable and minimal and note that the height of the turbine is dependent on the final turbine design. Notwithstanding that the prospective applicant is not limited to the specific ranges detailed in the request, I am satisfied that the range of flexibility sought can be considered and assessed fully in any future application and EIAR.	Yes
Rotor Diameter Range		I am satisfied that the flexibility sought in rotor diameter is reasonable and	Yes

149.1 to 155 metres		minimal and note that rotor diameter is dependent on the final turbine design. Notwithstanding that the prospective applicant is not limited to the specific ranges detailed in the request, I am satisfied that the range of flexibility sought can be considered and assessed fully in any future application and EIAR.	
Hub Height Range 102.5 to 105 metres		I am satisfied that the flexibility sought in hub height is reasonable and minimal and note that hub height is dependent on the final turbine design. Notwithstanding that the prospective applicant is not limited to the specific ranges detailed, I am satisfied that the range of flexibility sought can be considered and assessed fully in any future application and EIAR.	Yes

9. Conclusion

Following the completion of the section 37CC meeting on 12th March 2025, and having regard to the information provided by the prospective applicant in relation to the request for flexibility and to the circumstances which support this request, and based on my consideration of the request as set out above, I consider it reasonable

that the following details/groups of details of the proposed development, may be confirmed after the proposed application has been made and decided by the Board:-

Turbine dimensions:

- a) Turbine Tip height
- b) Rotor diameter
- c) Hub Height

For each of the details or group of details listed above, the prospective applicant shall provide with the proposed application two or more options in respect of each detail or group of details and/or parameters within which each of the detail or group of details will fall.

Normal construction related details that are intrinsic to the installation of the windfarm infrastructure that are not clarified at the application stage should be set out and assessed in the application (including in the EIAR & NIS), and subject to a compliance condition, which could include the submission of a CEMP.

10. Recommendation

I recommend that the details of the proposed development referred to above may be confirmed after the proposed application has been made and decided by the Board.

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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Una O'Neill
Senior Planning Inspector
21.05.25

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 comprising 11 turbines.
Request reference Number:	ABP-321495-24
Name of the requestor/ prospective applicant:	RWE Renewables Ireland Ltd
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Beagh More, Cloonbar, Cloonnaglasha, Cloonsheen, Cloonteen, Corillaun , Derrymore, Shancloon, Toberroe, and Tonacooleen in county Galway, near the Mayo border.
Nature and extent of the proposed development:	11 no. wind turbines with an electrical output of between 61.6MW and 72.6MW, 110kV substation, a loop-in 110 kV underground cable connection, 33 kV underground electrical and communication cabling underground between the proposed turbines and the proposed on-site substation and associated Control Building, 1 no. meteorological mast, 3 no. temporary construction compounds, access roads both new and upgrade of existing, new watercourse crossings, turbine delivery accommodation works to existing road network, and all ancillary works.

Date of receipt of the request:	16 th December 2024
Opinion Reference Number:	ABP-321495-24
Date of Opinion:	12.03.25

(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: [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	Yes: [x]	No: []	

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: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	N/A: <input type="checkbox"/>
(h) The appropriate fee.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	

(3) 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	1. Turbine Dimensions: <ul style="list-style-type: none"> a) Turbine Tip Height b) Rotor Diameter c) Hub height

application has been made and decided.	
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 facilitate the procurement process; ii. To avail of up-to-date technology; iii. To ensure flexibility given long lead in times from planning to construction to operation.

For each detail, or groups of details, referred to in paragraph 3(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.