



An
Coimisiún
Pleanála

Inspector's Report ABP-321948-25

Development	Proposed development of Muingmore Wind Farm, consisting of 13 Wind Turbines and associated infrastructure
Location	within the townlands of Muingmore and Doolough, County Mayo.
Planning Authority	Mayo County Council
Prospective Applicant	RWE Renewables Ireland Ltd.
Type of Application	S37CC Pre-application Consultation on Design Flexibility
Date of S37CC Pre-application Meeting	9 th April 2025
Date of Site Inspection	26 th November 2023
Inspector	Alaine Clarke

1.0 Introduction

- 1.1. This report relates to pre-application discussions held with RWE Renewables Ireland Ltd. in respect of a proposed development, known as Muingmore Windfarm, which is to comprise of 13 wind turbines and associated infrastructure including Turbine Delivery Route, onsite substation, battery storage, and all associated ancillary infrastructure.
- 1.2. The prospective applicant is seeking an Opinion on Flexibility from the Commission. The request was received by the Commission on 20th February 2025.
- 1.3. The Commission'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 meetings are on the said file. The Commission'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.

2.0 Site Description

- 2.1. The prospective site is located in the coastal area of western Co. Mayo in the townlands of Doolough (Dumha Locha) and Muingmore (An Mhoing Mhór) measuring approximately 3km northeast to southwest and ca. 0.5km from the village of Gweesalia and ca. 7.5km from Bangor Erris. The prospective site is ca. 240m from the coast at its closest point and it is located within a Gaeltacht area.
- 2.2. The lands largely comprise of commercial forestry and bog areas in a generally open and flat landscape, though slightly undulating towards the eastern-most point of the site and falling from north to south.
- 2.3. The prospective site is bisected by a local category road. The south portion of lands is bound in part by a local category road, elsewhere the site is generally bound by bog.
- 2.4. The nearest site is ca. 200m to the Mullet/Blacksod Bay Complex SAC and the Blacksod Bay/Broad Haven SPA. A number of water bodies transect the site which are connected downstream to the aforementioned Natura 2000 sites.

- 2.5. There is one recorded monument within the site boundary, a crannog. There are other monuments in the vicinity including two crannogs which are proximate to the site boundary.

3.0 Proposed Development

- 3.1. The proposed development comprises the following:

- Construction of 13 no. wind turbines; each with an overall blade tip height of between 179-180m, rotor diameter between 149-163m, and hub height of between 98.5-105.5m within 2 no. clusters. Each turbine has the potential to generate 5-7MW of power, leading to a total output in the range of 65–91MW.
- All associated infrastructure including:
 - Turbine foundations;
 - Turbine hardstanding;
 - Access tracks;
 - Works along the public roadways in relation to the Turbine Delivery Route;
 - 110 kV substation
 - Battery Energy Storage
 - Permanent Meteorological mast
 - Internal Electricity Grid Route; and
 - 110 kV underground Grid connection to Bellacorrick substation.

4.0 Request For An Opinion On Flexibility

4.1. Context

- 4.1.1. The prospective applicant previously entered into pre-application discussions with the Commission under ABP-318372-23 with respect to the development of the proposed Muingmore windfarm comprising 13 turbines (increased from 11 during the

pre-application discussions) together with ancillary works, including a substation and battery energy storage facility.

- 4.1.2. A recommendation on whether this development constitutes Strategic Infrastructure Development within the meaning of Section 37A of the Planning and Development Act, 2000, as amended, and that any application should be made directly to the Commissions, is currently before the Commission for decision.
- 4.1.3. 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.
- 4.1.4. The request for a design flexibility opinion is required to be part of the consultations under 37B, and the Commission will note that two pre-application consultation meetings were held between An Coimisiún Pleanála and the prospective applicant on 25th January 2024 and 9th April 2025. Records of these meetings are available on ABP-318372-23.

4.2. **Request**

- 4.2.1. Section 37CC material for formal consultation was submitted to the Commission on 20th February 2025 including the information required to be submitted as prescribed in 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 Commission 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:
 - Timescales for delivery, citing the nature and complexity of these projects.
 - Ongoing advances in technology, citing improvements in the efficiency and technology of models produced, resulting in uncertainty in the market.
 - To facilitate the procurement process and allow the procurement of best available technology.
 - To ensure against the potential obsolescence of existing technology.
- An undertaking to provide with the proposed application:
 - two or more options, in respect of the turbine types, of details which unconfirmed, on the basis of which the proposed application may be made or decided, and;
 - parameters, including tip height, hub height and rotor diameter, within which each turbine type will fall and on the basis of which the proposed application may be made or decided.

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

Turbine Type	Tip Height (m)	Hub Height (m)	Rotor Diameter (m)
Vestas V150	180	105	150
Siemens Gamesa SG155	180	102.5	155
Nordex N163	180	98.5	163
N149	179	104.5	149

5.0 Consultation

- 5.1. 1 no. meeting was held with the prospective applicant's representatives on 9th April 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.

6.0 Legislative Provisions

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

- 6.2. 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 Commission to consider design flexibility as part of the assessment of planning applications.

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

- 6.3.1. This section of the Act sets out the requirements for requesting the Commission to consider design flexibility, and the Commission procedures for consideration of the request as part of the assessment of planning applications.
- 6.3.2. **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 Commission for the purpose of section 37CD as part of consultations referred to in section 37B(1).
- 6.3.3. **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).
- 6.3.4. **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,

6.3.5. **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) (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),

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

6.3.7. **Section 37CC (3)** provides for the Commission to convene a meeting.

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

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

6.4.1. 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 Commission post-consent.

6.4.2. 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.

6.4.3. 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 Commission (Form 20); and supplementary statement of unconfirmed details to accompany a planning application (Form 21).

7.0 Planning History/Precedent Cases

7.1. The following requests for opinion on design flexibility have been decided by the Commission, including:

- ABP-322632-25: an opinion on design flexibility for 9 no. turbines and associated works at Cloondahamper (Blake), Cloonascragh, Elmhill, Cooloo, Lecarrow, Dangan Eighter, Gorteenlahard, Lissavally and Slievegorm in Co. Galway (pre-application consultation file ref. ABP-316466-23).
- ABP 321495-24: an opinion on design flexibility for 11 wind turbines and associated development in Beagh More, Cloonbar, Cloonnaglasha, Corillaun, Derrymore, Shancloon, Toberroe and Tonacooleen, Co. Galway (pre-application consultation file ref. ABP-317307-23).
- 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).

- 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).
- 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).

8.0 Assessment

8.1. 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 to 180 metres	<p>Timescales for delivery, citing the nature and complexity of these projects.</p> <p>Ongoing advances in Technology, citing improvements in the efficiency and technology of models produced, resulting in uncertainty in the market.</p> <p>To facilitate the procurement process and allow the procurement of best available technology.</p>	<p>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.</p> <p>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</p>	Yes

	To ensure against the potential obsolescence of existing technology.	future application and EIAR.	
Rotor Diameter Range 149 to 163 metres		I am satisfied that the flexibility sought in rotor diameter is reasonable 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 98.5 to 105 metres		I am satisfied that the flexibility sought in hub height is reasonable and note that hub height is dependent on the final turbine design. Notwithstanding that the prospective applicant is not limited to the specific ranges	Yes

		detailed, I am satisfied that the range of flexibility sought can be considered and assessed fully in any future application and EIAR.	
--	--	--	--

9.0 Conclusion

9.1. Following the completion of the section 37CC meeting on 9th April 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 Commission:-

Turbine dimensions:

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

9.2. 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.

9.3. 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.

10.0 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 Commission.

The Commission 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.

Alaine Clarke

Alaine Clarke
Senior Planning Inspector

11th November 2025

DRAFT OPINION

An Coimisiún 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 13 turbines.
Request reference Number:	ABP-321948-25
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):	Within the townlands of Muingmore and Doolough, County Mayo
Nature and extent of the proposed development:	Construction of 13 no. wind turbines, Turbine Delivery Route, 110 kV substation, Battery Energy Storage System, Permanent Meteorological Mast, Internal Electricity Grid Route; and 110 kV Underground Grid Connection to Bellacorrick Substation and associated works and infrastructure.
Date of receipt of the request:	20 th February 2025
Opinion Reference Number:	ABP-321948-25
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: [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 - 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,	Yes: [x]	No: []

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).			
(g) Such other information, drawings or representations as the prospective applicant may wish to provide or make available.	Yes: [x]	No: []	N/A: []
(h) The appropriate fee.	Yes: [x]	No: []	

(3) Opinion of the Commission 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.	1. Turbine Dimensions: a) Turbine Tip Height b) Rotor Diameter c) Hub height
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	i. Timescale for delivery given complexity of the project; ii. Ongoing advances in technology; iii. To facilitate the procurement process; iv. To ensure against the potential obsolescence of existing technology.

confirmed the details referred to in paragraph (a) above.	
---	--

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.