

# SHANCLOON WIND FARM

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**Pre-application Consultation Request Under  
Section 37CD of the Planning and  
Development Act 2000 (as amended) in  
Respect of the Proposed Shancloon Wind  
Farm, County Galway**

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**Prepared for:**  
RWE Renewables Ireland Ltd.

**RWE**

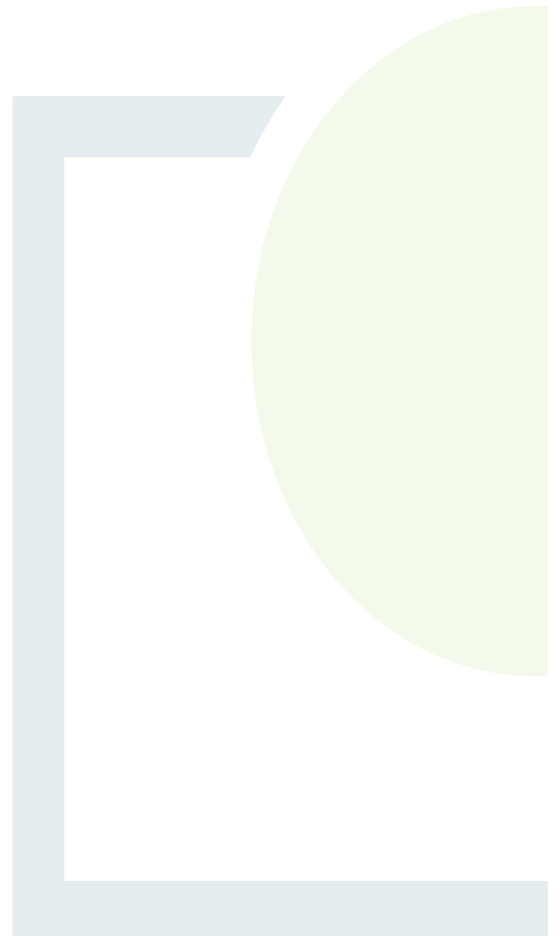
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## Pre-application Consultation Request Under Section 3CD of the Planning and Development Act 2000 (as amended) in Respect of the Proposed Shancloon Wind Farm, County Galway

### REVISION CONTROL TABLE, CLIENT, KEYWORDS AND ABSTRACT

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**Client:** RWE Renewables Ireland Ltd.

**Keywords:** Pre-Application Consultation, Strategic Infrastructure Development, SID, Renewable Energy, Wind Energy, County Galway.

**Abstract:** Fehily Timoney and Company, on behalf of RWE Renewables Ireland Ltd., submits this information to an Bord Pleanála in support of a request for pre-application consultation on whether the proposed Shancloon Wind Farm is strategic infrastructure development.

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## 1. INTRODUCTION

Fehily Timoney and Company, on behalf of RWE Renewables Ireland Ltd. (the prospective applicant), wishes to seek the opinion of An Bord Pleanála (the Board) in accordance with section 37CD of the Planning and Development Act 2000, as amended (The Act) as to flexibility with regard to its application for planning permission for the proposed Shancloon Wind Farm.. In this regard it is noted that previous Section 37B consultations (317307-23) relating to the proposed wind farm were closed and the Board made a determination on 2nd February 2024 that the proposed wind farm is strategic infrastructure development. However, it is understood that in order to apply for an opinion under section 37CD of the Act, it is necessary to enter into further pre-application consultations under section 37B (1), noting in particular the following sections of The Act:

*"37CC.—(1) A person who proposes to apply for permission for any development specified in the Seventh Schedule (referred to in this section and section 37CD as a "prospective applicant") may request a meeting with the Board for the purposes of section 37CD as part of consultations referred to in section 37B(1)".*

*"37CD (5) A meeting held, and any opinion issued, for the purposes of this section shall be part of consultations held under section 37B".*

As such, Fehily Timoney and Company, on behalf of RWE Renewables Ireland Ltd., submits this information to An Bord Pleanála under section 37B(1) and 37CC(1) of the Act in support of a request for pre-application consultation to discuss design flexibility of turbine options relating to the proposed Shancloon Wind Farm.

An electronic fund transfer (EFT) for the sum of €2,500 has been submitted in respect of the Design Flexibility Pre-Application Consultation process to An Bord Pleanála as per para. 15, Section 2 of Schedule 9 of the Planning and Development Regulations, 2001 (S.I. No. 600 of 2001), as amended (request number 1000430383).

### ***Urgency of Request***

We would like to emphasise the sense of urgency around this submission, not only due to the legislative changes since receipt of the Boards SID determination in February 2024, but the importance of wind energy development to meet targets as set out in RED III EU/2023/2413, and the Judgement of Humphreys J. concerning Carrownagowan Wind farm [2024 IEHC 549].

The RED III directive includes specific observations and measures related to the accelerated deployment of renewable energy, storage and grid infrastructure projects across EU member states.

The public interest of renewable energy developments was recognised by Humphreys J in his judgment dismissing a proposed appeal against a prior High Court judgment. The judgment relates to the Carrownagowan Wind Farm and the judge held at paragraphs 86 to 89:

*"On the other hand, however, many projects and renewable energy projects in particular have an inherent urgency. As an example of what I mean by a legally cognisable signpost for the court, European law has changed in recent times to require the most expeditious procedure available in national law for litigation relating to renewable energy: art. 16(6) of directive 2018/2001 as amended by directive 2023/2413, with a transposition date of 1st July 2024. Practice Direction HC126 with effect from 24th June 2024 endeavours to reflect that priority. The amending directive also provides in certain circumstances for a presumption in favour of such projects where impacts on European sites might otherwise preclude development..."*



*Such recent developments in EU law are potentially of significance in that they provide a form of answer for the hitherto problematic clash between arguments regarding the need to address the climate emergency versus the need to give effect to previously established European environmental law regardless of the nature of the project. In Toole v. Minister for Housing (No. 2) [2023] IEHC 317, [2023] 6 JIC 1603 (Unreported, High Court, 16th June 2023) paras. 16 to 21, I effectively came down in favour of the latter, but recent legal developments might require a reassessment of that. Such developments must adjust the public interest calculus somewhat against endless litigation and appeals in relation to renewable energy projects, without of course taking from the need to afford any consent decisions in relation to such projects at least one level of effective legal scrutiny.*

*88. Thus, the statutorily-supported policy in favour of expeditious and overriding provision of renewable energy can't be dismissed as irrelevant in this context. In the light of the foregoing legal developments I would endorse the thrust of the notice party's submission on this theme: "48 Finally, the Carrownagowan Wind Farm, which is the subject matter of these proceedings, is an important piece strategic infrastructure development, which, upon completion, will provide significant renewable energy in line with local, regional, national and EU policy, which seeks to promote a reduction in greenhouse gas emissions.*

*By way of example, as is noted on page 10 of the government policy document Investing in the Transition to a Low-Carbon and Climate-Resilient Society 2018 – 2027, Project Ireland 2040:*

*'The 2014 National Policy Position on Climate Action and Low-Carbon Development establishes the fundamental national objective of achieving transition to a competitive, low- carbon, climate-resilient and environmentally sustainable economy by 2050.'*

*50. Further, under the Climate Action and Low Carbon Development (Amendment) Act 2021 Ireland is committed to reducing its greenhouse emissions by 51% by 2030. A key target in the Government's Climate Action Plan 2023 (which has been retained in the Climate Action Plan 2024) is to increase the proportion of renewable electricity to up to 80% by 2030, with a target of 9 GW from onshore wind by 2030. Delay in the Carrownagowan Wind Farm becoming operational by reason of these proceedings has the potential to impact on the delivery of Ireland's renewable energy targets.*

*51 It is submitted that the development of low carbon projects such as that at issue in these proceedings is in the public interest, which is another factor militating against the grant of a certificate in this instance."*

*89. Turning to a second aspect of the public interest, there has already been considerable delay, and further delay would risk unfair prejudice to the notice parties...."*

## **1.1 Prospective Applicant and Agent**

RWE Renewables Ireland Ltd. is the prospective applicant. Fehily Timoney and Company is the Main Agent acting on behalf of RWE Renewables Ireland Ltd.



**Table 1-1: Applicant and Agent Details**

Details of Prospective Applicant	Details of Prospective Applicant's Main Agent
RWE Renewables Ireland Limited Unit 5 Desart House, Lower New Street, Kilkenny, R95 H488  Contact: Mr. Matthew Geraghty E-mail: <a href="mailto:matt.geraghty@rwe.com">matt.geraghty@rwe.com</a> Tel: +353 (0)873400456	Fehily Timoney and Company, Core House, Pouladuff Road, T12 D773, Cork  Contact: Mrs. Rita Mansfield E-mail: <a href="mailto:rita.mansfield@ftco.ie">rita.mansfield@ftco.ie</a> Tel: 021 496 4133

## 1.2 Applicant's Legal Interest

RWE Renewables Ireland Limited is a publicly owned company established September 2016. RWE Renewables develop onshore and offshore wind, utility-scale photovoltaic (PV) solar power and energy storage.

The Shancloon Wind Farm is proposed to be developed within privately owned lands. RWE Renewables Ireland Limited have land ownership agreements in place with these private landowners to construct Shancloon Wind Farm on their lands.



## 2. NATURE AND SCALE OF THE PROPOSED DEVELOPMENT

### 2.1 Site Location

RWE Renewables Ireland Limited are seeking to develop a Wind Farm project within the townlands of Beagh More, Cloonbar, Cloonnaglasha, Corillaun, Derrymore, Shancloon, Toberroe and Tonacoolen, in County Galway, within proximity to the Mayo border.

The more prominent settlements in the region include Tuam, Shrule, Headford, and Kilmaine. The area is rural in nature with a low population density with most dwellings located along the surrounding local road network. At its closest point, the turbine array is located approximately 4km north-east of Shrule, County Mayo (which is the closest settlement to the Proposed Development) and 8.5km north-west of Tuam, County Galway. The project site is located within low lying open countryside, comprising large agricultural fields in mosaic with flat peatlands and scattered forestry.

The nearest operational wind farm is the Cloonlusk Wind Farm, comprising 2 no. 75 m towers, which is south of Tuam and located 15.16 km south-east to the southeast of the proposed Shancloon Wind Farm.

The Project is located between the N84 and N17 national roads. The nearest motorway is the M17 which is located approximately 9km to the east.

The location of the proposed Shancloon Wind Farm is included at **Appendix 1**.

### 2.2 Description of Proposed Development

The development proposed by RWE Renewables Ireland Ltd. is an 11 no. turbine wind farm and associated infrastructure including internal access tracks, hard standings, permanent meteorological mast, onsite 110 kV substation, a loop-in grid connection to the National Electricity Grid (NEG), internal electrical and communications cabling, temporary construction compounds, drainage infrastructure, earthworks and spoil management and all associated works related to the construction of the wind farm as well as measures designed to protect and enhance existing habitats. Please refer to **Appendix 2** which includes the Proposed Site Layout.

The proposed Wind Farm Development, for which consent is being sought as part of this planning application, seeks to generate renewable energy in line with national policy and supporting the achievement of national energy and sustainability targets. The Project will contribute towards the nation's target increase of renewable energy from 30% to 80% by 2030 and supports the doubling of onshore wind energy in Ireland by 2030, as set out in the CAP24. The project supports national targets of climate change mitigation and reduction in greenhouse gas emissions where significant focus has been set out in the recent Climate Action and Low Carbon Development (Amendment) Act 2021. The ambitious programme for government is prioritising carbon neutrality and renewable energy generation. In light of this, it is important for the nation to rely on proven technologies such as on-shore wind in order to meet the near and long-term objectives. Furthermore, the National Energy Security Framework underlines the importance of new renewable energy generation projects, such as the Project, in securing Ireland's energy supply in light of the ongoing conflict in Ukraine and associated energy supply chain issues leading to shortages and energy price increases.



The proposal will consist of the following:

- Construction of 11 no. wind turbines with a ground to blade tip height of 180 m. The wind turbines are proposed to have a rotor diameter ranging from 150m to 155m and a hub height ranging from 102.5m to 105m.
- Construction of permanent turbine foundations and crane pad hardstanding areas and associated drainage;
- Construction of 13,725 m of internal access tracks and associated drainage infrastructure (of which 1,770 m will be floated road);
- Upgrading of 3,565 m of existing tracks and road and associated drainage infrastructure;
- Construction of 1,180 m of temporary access track to facilitate HDD cable crossing of the Togher River;
- Creation of 1 no. new construction and operation access to the wind farm Site from the L-2234 local road and one road crossing of the L-2220-21 local road;
- All associated drainage and sediment control including interceptor drains, cross drains, settlement ponds and swales;
- Installation of new watercourse crossings including 1 no. 18.5 m single span bridge crossing and 14 new piped culverts;
- All associated excavation, earthworks and spoil management;
- 3 no. temporary construction compounds and associated ancillary infrastructure including parking;
- Construction of 1 no. permanent onsite 110kV electrical substation, associated new access road off of the L-6100 local road, and associated construction compound including:
  - Welfare facilities;
  - Electrical infrastructure;
  - Parking;
  - Wastewater holding tank
  - Rainwater harvesting tank;
  - Security fencing;
- Works associated with the connection of the wind farm to the national electricity grid, which will be via a loop-in 110 kV underground cable connection 650 m in length to the existing Cashla-Dalton 110 kV overhead line in the townland of Tonacoolen, with two new 16m high steel loop-in lattice tower end masts for loop-in connection at the connection point.
- Installation of 33 kV medium voltage electrical and communication cabling underground between the proposed turbines and the proposed on-site substation and associated ancillary works including Control Building;
- Erection of 1 no. 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 will be laid and the drainage ditch temporarily culverted. Vegetation will be cleared. One utility pole will be temporarily removed.
  - On the L6483, temporary load bearing surface will be laid to provide a minimum 4.5m running width and a 5.5m clearance width for turbine delivery.
  - L6483 – temporary load bearing surface will be laid and vegetation will be cleared. Two road signs will be temporarily removed.





- Felling of 0.54 ha of conifer plantation forestry;
- 2,032 m of hedgerow/treeline removal;
- 9.7 ha of biodiversity enhancement lands, plus 2,457.50m of hedgerow/treeline planting.

Certain temporary accommodation works, not listed above, to facilitate the delivery of turbine components and haulage to Site include hedge or tree cutting, relocation of powerlines/poles, lampposts, signage and local road widening, are assessed in the EIAR as are part of the proposed wind farm but not the Proposed Development and consent for these will be sought through subsequent planning applications.

### 2.3 Details requiring flexibility

The following turbine details are unlikely to be confirmed at the time of the proposed application due to the circumstances described in paragraph 3.3 below (rationale for seeking design flexibility) :

	Minimum (metres)	Maximum (metres)
Rotor Diameter	150m	155m
Hub Height	102.5m	105m

### 2.4 Undertaking

The applicant undertakes to provide with the application parameters within which each detail referred to in section 2.3 of this report will fall, as required by S37CC(2)(f), and on the basis of which the proposed application may be made and decided.



### 3. REQUEST FOR OPINION ON DESIGN FLEXIBILITY AS SET OUT IN SECTION 37CC (2)

#### 3.1 Proposal constituting Strategic Infrastructure Development (SID)

A total of 2 no. SID Pre-Application Consultation Meetings with An Bord Pleanála took place between 2022 and 2024 relating to this proposed wind farm, under references 'ABP-313375-22' and 'ABP-317307-23'.

In a letter dated 2nd February 2024, the Board determined that the proposed wind farm development (Ref: ABP-317307-23) constitutes Strategic Infrastructure Development within the meaning of Section 37A of the Planning and Development Act 2000, as amended, and that any application thereafter should be made directly to the Board.

#### 3.2 Application for opinion under Section 37CD

The Planning and Development Act 2000 (as amended) 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 procurement of equipment.

Under Section 37CC (1) of the Act, it states that a prospective applicant who proposes to make an application for development specified in the Seventh Schedule may request a meeting with the Board for the purpose of Section 37CD as part of consultation referred to in Section 37B (1). Accordingly, RWE Renewables Ireland Limited is commencing a further pre-application process under Section 37B (1).

Section 37CC (2) of the Act sets out the relevant information which is required to be included within the pre-application request in order to assist the Board in informing their opinion, and this information is provided in this letter and the accompanying flexibility request application form.

This pre-application request for an opinion on design flexibility is being made in line with Section 37CC(1) and Section 37B (1) of the Act.

#### 3.3 Rationale for requesting design flexibility

The turbine details set out in Section 2.3 above are unlikely to be confirmed at the time of the proposed application due to the following circumstances:

- The exact make and model of turbine cannot be confirmed prior to making the application and will be dictated by the competitive tender process of the various turbines on the market at time of procurement.
- A degree of future proofing and flexibility for turbine make and model is required to ensure the most up to date technology is employed and avoid market dominance by any one particular brand/manufacturer.
- Given the lengthy lead in times from planning to construction and operation within the renewable energy sector, building in a level of flexibility in turbine design is necessary and required to be incorporated into the application.



## 4. CONCLUSION

We respectfully request An Bord Pleanála to urgently consider this request for design flexibility associated with the proposed Shancloon Wind Farm by reason of the fact that it is unlikely that specific turbine details will be confirmed at application stage. The details for which flexibility is being sought as set out at Section 2.3 of this report.

Please contact Rita Mansfield of Fehily Timoney & Company with respect to a Pre-application Consultation Meeting under Section 37CD of the Planning and Development Act, 2000 (as amended). Contact information is included in Section 1.1.

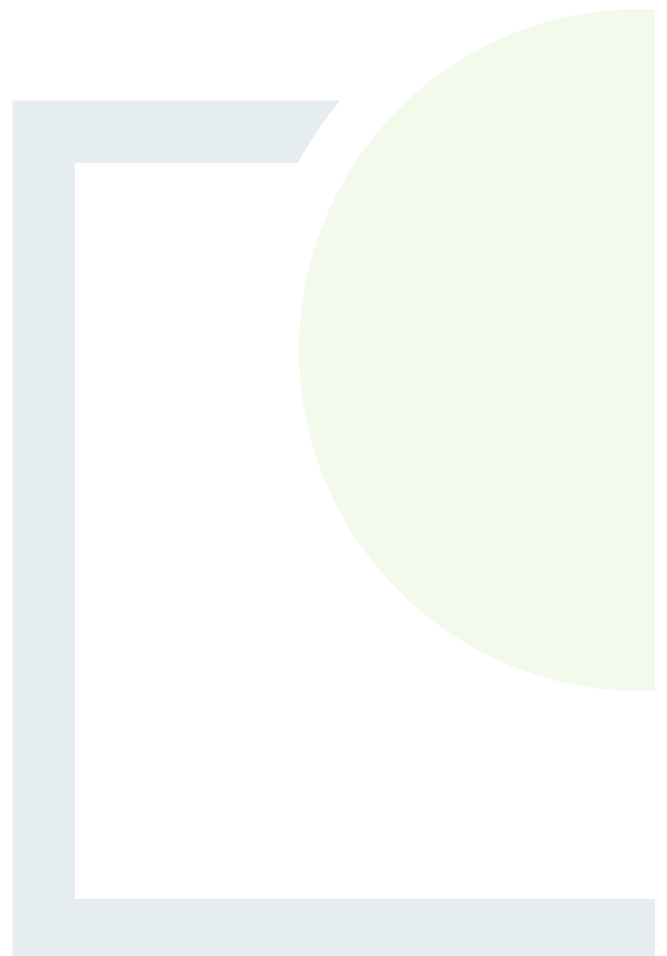


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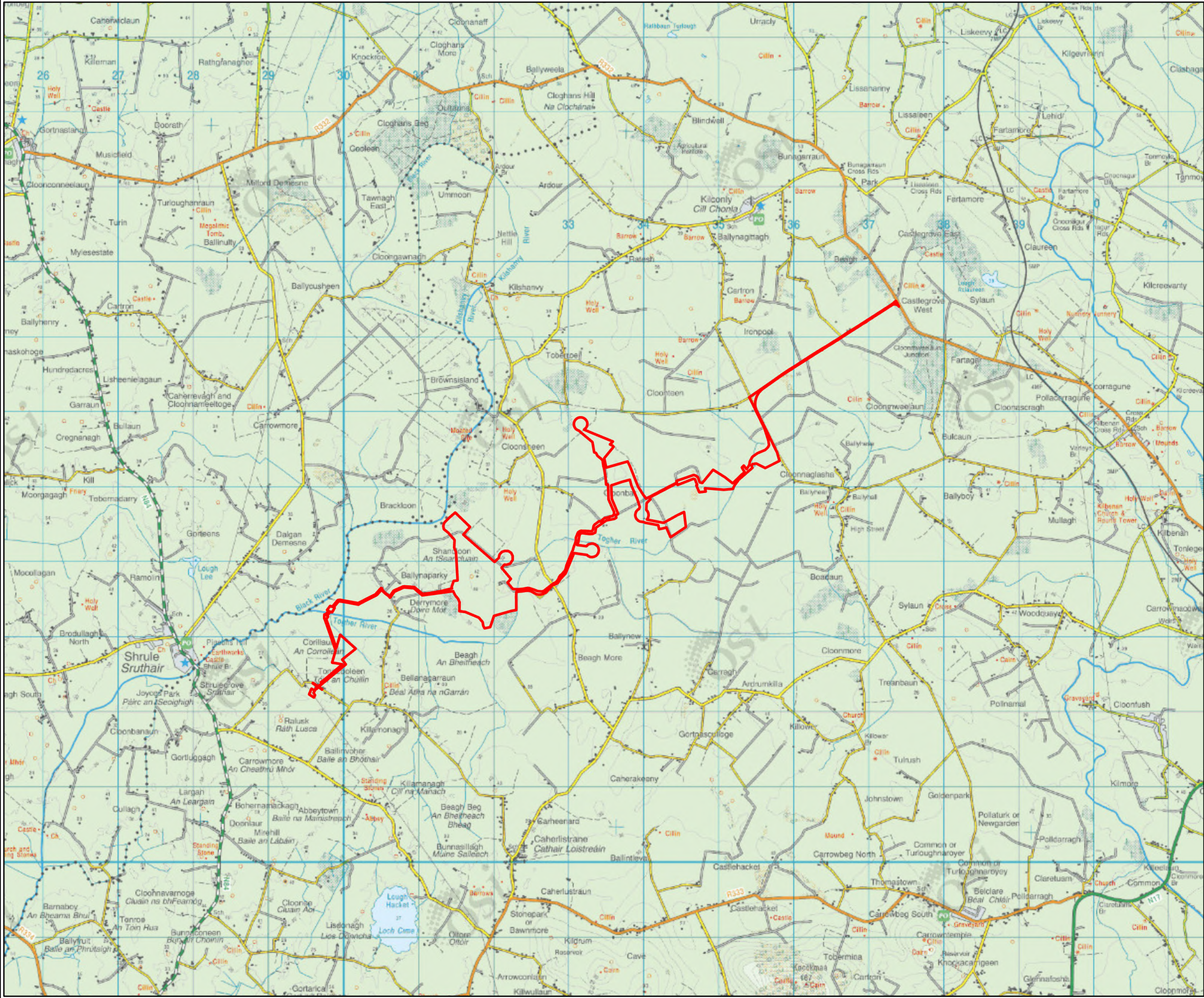
## APPENDIX 1

Shancloon Wind Farm


Site Location







**Legend**  
 Site Boundary

TITLE:		Site Location	
PROJECT:		Shancloon Windfarm	
FIGURE NO:		1.1	
CLIENT:		RWE Renewables Ireland Ltd	
SCALE:	1:50,000	REVISION:	0
DATE:	02/12/2024	PAGE SIZE:	A3
		Cork   Dublin   Carlow <a href="http://www.fehilytimoney.ie">www.fehilytimoney.ie</a>	



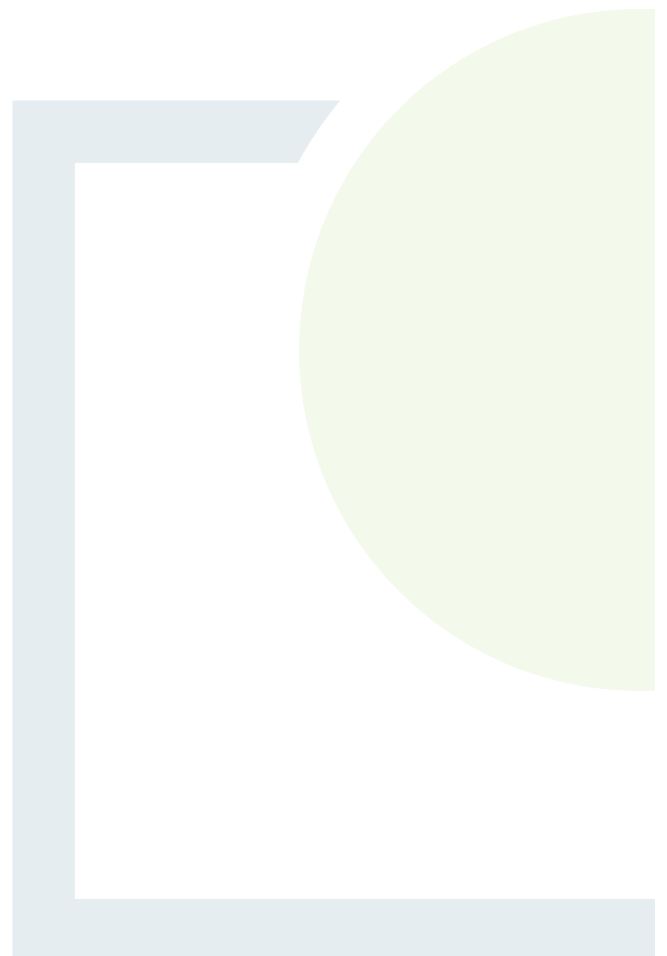




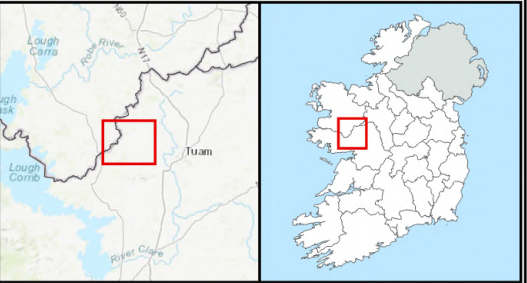
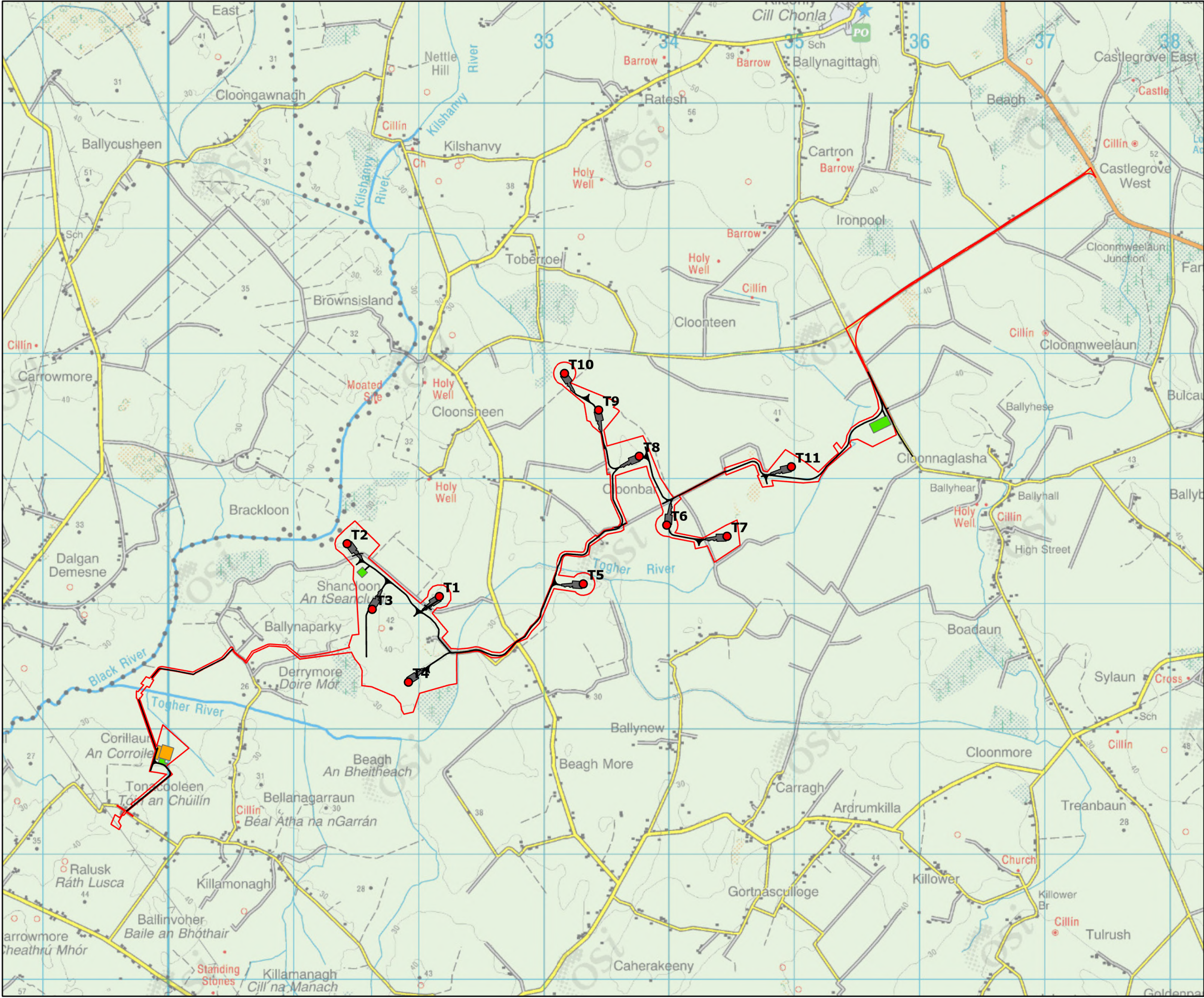
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## APPENDIX 2

Shancloon Wind Farm  
Proposed Site Layout







- Legend**
- Site Boundary
  - Substation
  - Hardstandings
  - Roads Existing
  - Construction Compound
  - Proposed Roads
  - Turbine Locations

Turbine No.	ITM Easting	ITM Northing
T1	532132.67	754078.86
T2	531396.16	754500.54
T3	531596.37	753976.43
T4	531885.92	753394.59
T5	533285.84	754179.26
T6	533952.48	754649.09
T7	534433.24	754559.89
T8	533732.73	755199.29
T9	533408.47	755568.2
T10	533136.03	755860.91
T11	534946.66	755115.37

**TITLE:**  
Wind Farm Site Layout

**PROJECT:**  
Shanclon Windfarm

**FIGURE NO:** 1.2

**CLIENT:** RWE Renewables Ireland Ltd

**SCALE:** 1:30,000

**REVISION:** 0

**DATE:** 02/12/2024

**PAGE SIZE:** A3





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