

An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322632-25

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<b>Development</b>	Cooloo Wind Farm consisting of 9 wind turbines with an estimated energy capacity of between 54 and 64.8 MW.
<b>Location</b>	Townland of Cloondahamper (Blake), Cloonascragh, Elmhill, Cooloo, Lecarrow, Dangan Eighter, Gorteenlahard, Lissavally and Slievegorm in Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Prospective Applicant(s)</b>	Neoen Renewables Ireland Limited
<b>Type of Application</b>	S37CC Pre-application Consultation on Design Flexibility.
<b>Date of S37CC Pre-Application Meeting</b>	10 <sup>th</sup> July 2025
<b>Date of Site Inspection</b>	24 <sup>th</sup> June 2025
<b>Inspector</b>	Donogh O' Donoghue

## **1.0 Introduction**

- 1.1. This report relates to pre-application discussions held with Neoen Renewables Ireland Limited in respect of a proposed development known as Cooloo windfarm which is to comprise of 9 no. turbines with an estimated energy generating capacity of between 54 and 64.8 MW. The prospective applicant is seeking an Opinion on Flexibility from the Commission. The request was received by the Commission on the 22nd of May 2025.
- 1.2. The Commission's representatives met with the prospective applicant on two occasions in relation to the proposed development under section 37B of the Planning and Development Act 2000 (as amended). The presentations provided by the prospective applicant and written records of the meetings are on the said file (ABP-316466-23). 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 site measures approx. 319 hectares and is located in the townlands of Cloondahamper (Blake), Cloonascragh, Elmhill, Cooloo, Lecarrow, Dangan Eighter, Gorteenlahard, Lissavally and Slievegorm in Co. Galway. The proposed windfarm is located approximately circa 13km southeast of Tuam and circa 10km west of Mountbellow in Co Galway and is accessed via local roads from the R332 and the N63. The village of Brierfield is located approx. 1.3km south of the nearest proposed turbine and the village of Moylough is located approx. 5.3km east of the nearest proposed turbine. The area is rural in nature with low density /one off residential houses along local roads.
- 2.2. The site comprises agricultural lands, flat peatland and commercial coniferous forestry. The boundary of the Lough Corrib SAC (Site Code – 000297) overlaps with the proposed development site.

### 3.0 Proposed Development

3.1. The proposed development comprises the following:

- 9 no. wind turbines with an overall turbine tip height of 180 metres, a rotor blade diameter of 150 - 162 metres, and hub height of 99 - 105 metres, and associated foundations and hard-standing areas,
- Underground electrical (33kV) and communications cabling,
- 1 no. temporary construction compound (including site offices and welfare facilities),
- A meteorological mast with a height of 100 metres, security fencing and associated foundation and hard-standing area,
- A new temporary site entrance on the R332 for the provision of construction access,
- 2 no. new site entrance either side of the L6301 Local Road in the townland of Cooloo for the provision of operational access,
- 4 no. new access and egress points to facilitate the crossing of the L6056 Local Road in the townland of Dangan Eighter and L6301 Local Road in the townland of Cooloo and Lecarrow,
- Upgrade of existing site tracks/roads and provision of new site access roads, junctions and hardstand areas,
- A new temporary access road from N63 national road and to R332 Regional Road in the townland of Slievegorm to facilitate the delivery of turbine components and other abnormal sized loads,
- Demolition of an existing derelict house (Area c.61m<sup>2</sup>) and adjacent outbuilding (c. 36m<sup>2</sup>) in the townland of Cooloo,
- Peat and Spoil Management Areas,
- Tree felling and hedgerow removal,
- Biodiversity Management and Enhancement Plan measures,
- Site drainage,

- Operational stage site signage, and
- All ancillary works and apparatus.

3.2. The Applicant sets out that proposed grid connection (on site 110kV electricity substation and underground grid connection cabling route to the existing Cloon 110kV substation, Co Galway) will be subject to a separate Section 182 application at a later stage (subject of pre-planning consultation under ABP-316477-23).

## **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 316466-23 with respect to the development of the proposed Cooloo windfarm comprising of 9 no. wind turbines and ancillary works. 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 Commission is currently before the Commission for decision.
- 4.1.2. 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 procurement of equipment.
- 4.1.3. The request for a design flexibility opinion is required to be part of the consultations under section 37B. As a consequence, the prospective applicant had a second pre-application consultation on the 10<sup>th</sup> July 2025 under ABP 316466-23.

### **4.2. Request**

- 4.2.1. Section 37CC material for formal consultation was submitted to the Commission on the 22<sup>nd</sup> May 2025 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 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:
  - To allow the prospective applicant to take advantage of new technologies which may become available during the consenting process.
  - To facilitate the procurement process
  - To ensure against the potential for obsolescence of existing technology.

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

	Minimum (metres)	Maximum (metres)
<b>Rotor Diameter</b>	150m	162m
<b>Hub Height</b>	99m	105m

## 5.0 Consultation

- 5.1. 1 no. meeting was held with the prospective applicant's representatives on the 10<sup>th</sup> July 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

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.

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

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.

**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).

**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 Commission 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.

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

## **7.0 Planning History/Precedent Cases**

- 7.1.1. ABP 321495-24: an opinion on design flexibility confirming that certain details may be confirmed after the proposed application has been made and decided by the Commission was issued on the 13<sup>th</sup> of June 2025. The proposed development is for 11 wind turbines and associated development in Co. Galway.
- 7.1.2. ABP 319240 -24: an opinion on design flexibility confirming that certain details may be confirmed after the proposed application has been made and decided by the Commission was issued on the 16<sup>th</sup> of August 2024. The proposed development is for 17 wind turbines and associated development in Co. Kerry.
- 7.1.3. ABP 319151-24: an opinion on design flexibility confirming that certain details may be confirmed after the proposed application has been made and decided by the Commission was issued on the 16<sup>th</sup> of May 2024. The proposed development is for 9 wind turbines and associated development in Co. Clare.
- 7.1.4. ABP 318971-24: an opinion on design flexibility confirming that certain details may be confirmed after the proposed application has been made and decided by the Commission was issued on the 03<sup>rd</sup> of May 2024. The proposed development is for 10 to 12 wind turbines and associated development in Co. Tipperary.

## **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
<b>Rotor Diameter Range</b> 150 to 162 metres	<ul style="list-style-type: none"> <li>Lengthy timescales associated with developing a wind farm</li> <li>Potential for obsolescence of existing technology.</li> <li>Take advantage of new technologies - New turbines models or variants may be available, due to advancements in technology.</li> </ul>	I am satisfied that the flexibility sought in 'rotor diameter' is reasonable and 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.	Yes
<b>Hub Height Range</b> 99 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

## **9.0 Conclusion**

- 9.1. Following the completion of the section 37CC meeting on 10<sup>th</sup> July 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) Rotor diameter
- b) Hub Height

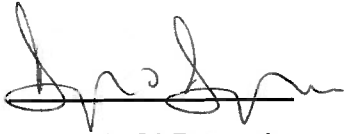
For each of the details or group of details listed above, the prospective applicant shall provide with the proposed application two or more options in respect of each detail or group of details and/or parameters within which each of the detail or group of details will fall.

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 (incl. EIAR & NIS), and subject to a compliance condition which could include the submission of a CEMP.

## **10.0 Recommendation**

I recommend that the following details of the proposed development 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.

A handwritten signature in black ink, appearing to read 'Donogh O' Donoghue', written over a horizontal line.

Donogh O' Donoghue

**Planning Inspector**

Date: 12<sup>th</sup> September 2025

## DRAFT OPINION

### An Bord Pleanála Opinion on Flexibility

<b>(1) Request for meeting</b>	
<b>Request under section 37CC of the Act:</b>	Request for Design Flexibility in relation to a proposed windfarm at Cooloo and adjacent townlands in Co Galway
<b>Request reference Number:</b>	ABP 322632-25
<b>Name of the requestor/ prospective applicant:</b>	Neoen Renewables Ireland Limited
<b>Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):</b>	Cooloo and adjacent townlands in Co. Galway
<b>Nature and extent of the proposed development:</b>	9 no. wind turbines with an estimated energy generating capacity of between 54 and 64.8 MW underground electrical (33kV) and communications cabling, 1 no meteorological mast, 1 no. temporary construction compound, access roads both new and upgrade of existing and all ancillary works
<b>Date of receipt of the request:</b>	22 <sup>nd</sup> May 2025
<b>Opinion Reference Number:</b>	ABP 322632-25
<b>Date of Opinion:</b>	

**(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 decided, before the prospective applicant has confirmed the details referred to in (d) above.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	
(f) An undertaking to provide with the proposed application, either - <ul style="list-style-type: none"> <li>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,</li> <li>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</li> <li>iii. a combination of (i) and (ii).</li> </ul>	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: [ ]	No: [ ]	Elevations and plan drawing
(h) The appropriate fee.	Yes: [X]	No: [ ]	

<b>(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.</b>	
<b>Information</b>	<b>Details/ Circumstances</b>
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"> <li>a) Rotor Diameter</li> <li>b) Hub height</li> </ul>
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"> <li>i. To allow the perspective applicant to take advantage of new technologies which may become available during consenting process.</li> <li>ii. To facilitate the procurement process</li> <li>iii. To ensure against the potential for obsolescence of existing technology.</li> </ul>

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.