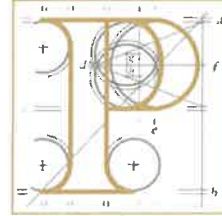


Our Case Number: ABP-322126-25

Your Reference: RWE Renewables Ireland Limited



An
Coimisiún
Pleanála

Tobin
Block 10-4
Blanchardstown Corporate Park
Dublin
Dublin 15

Date: 16 October 2025

Re: Design Flexibility Request for the proposed Ballincor Wind Farm (ABP-318666-24) located in County Tipperary and County Offaly.
located in County Tipperary and County Offaly.

Dear Sir / Madam,

I have been asked by An Coimisiún Pleanála to refer to the above-mentioned proposed development.

Please be advised that following consultations under section 37CC of the Planning and Development Act 2000, as amended, the Commission has formed an opinion on design flexibility.

A copy of the opinion is enclosed.

Please note that the Commission's opinion on design flexibility will not be available for public inspection until an application is made to it under section 37E of the Act. Information in relation to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act 2000, as amended, is also enclosed.

If you have any queries in the meantime, please contact the undersigned officer of the Commission or email sids@pleanala.ie quoting the above mentioned An Coimisiún Pleanála reference number in any correspondence with the Commission.

Yours faithfully,

PP DC

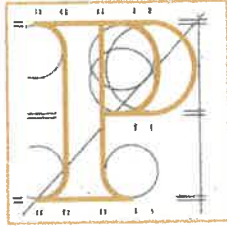
Lauren Murphy
Executive Officer
Direct Line: 01-8737275

TOBIN CONSULTING ENGINEERS	
PROJECT NO.	
FILE REF.	
Date Received	17 OCT 2025
FILE TO	DATE

VO03

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An
Coimisiún
Pleanála

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 at the townlands of Ballincor Demense, Currallanty, and Cloonaheen in County Offaly and the townlands of Clonfree, Cronekill, Kyleneamuck and Castletown in County Tipperary.
Request reference Number:	ABP 322126-25
Name of the requestor/ prospective applicant:	RWE Renewables Ltd.
Location, townland or postal address of the land or structure to which the application relates (as may be appropriate):	Townlands of Ballincor Demense, Currallanty, and Cloonaheen in County Offaly and the townlands of Clonfree, Cronekill, Kyleneamuck and Castletown in County Tipperary.
Nature and extent of the proposed development:	11 number wind turbines with an electrical output of between 61.6-77.0 MW, 110kV substation, 1 number meteorological mast, temporary construction compounds, borrow pits, access roads, both new and upgrades of existing and all ancillary works.
Date of receipt of the request:	13 th March 2025

Opinion Reference Number:	ABP 322126-23
Date of Opinion:	26 th September, 2025

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 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 -	Yes: [X]	No: []	
i. two or more options, in respect of each detail or group of details referred to in (d) above			

<p>containing information on the basis of which the proposed application may be made and decided,</p> <p>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</p> <p>iii. a combination of (i) and (ii).</p>			
(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: []	No: []	N/A: [X]

At a meeting held on 26th September 2025 the Commission considered the report of the Inspector, the documents submitted as part of the pre-application consultation under section 37CC of the Planning and Development Act 2000, as amended on design flexibility.

In this regard an opinion on design flexibility shall issue to the prospective applicant as set out below:

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.	<p>1. Turbine Dimensions:</p> <p>a) Turbine Tip Height</p> <p>b) Rotor Diameter</p> <p>c) Hub height</p>

	Flexibility for export capacity has been requested
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 avail of ongoing advances in technology; ii. To facilitate the procurement process; iii. To ensure against the potential obsolescence of existing technology.

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.

Eamonn James Kelly

Eamonn Kelly

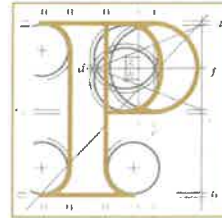
Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *1st* day of *October*, 2025

Our Case Number: ABP-318666-23

Your Reference: RWE Renewables Ireland Limited

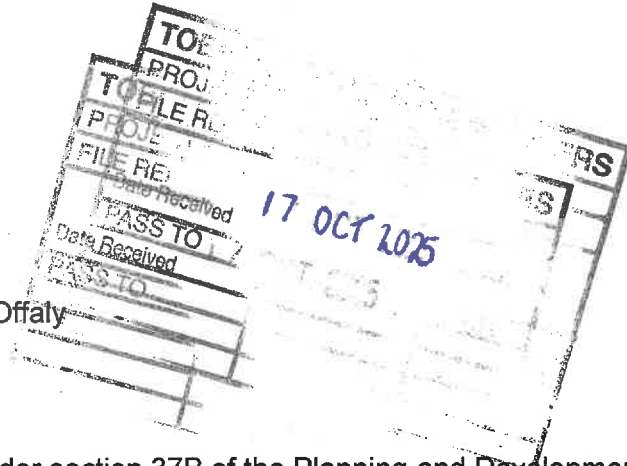


An
Coimisiún
Pleanála

TOBIN
Block 10-4
Blanchardstown Corporate Park
Dublin
Dublin 15
D15 X98N

Date: 16 October 2025

Re: 11 Wind Turbines
Ballincor Wind Farm Co. Tipperary and Co. Offaly



Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Commission hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Commission has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Coimisiún Pleanála under section 37E of the Act.

Please also be informed that the Commission considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

1. Minister for Housing, Local Government and Heritage
2. Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
3. Minister for Agriculture, Food and the Marine
4. Minister for Communications, Climate Action and Environment
5. Minister for Transport, Tourism and Sport
6. Offaly County Council
7. Tipperary County Council

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8. Uisce Éireann
9. The Commission for Energy Regulation
10. Inland Fisheries Ireland
11. Transport Infrastructure Ireland
12. Environmental Protection Agency
13. The Heritage Council
14. An Taisce
15. Fáilte Ireland
16. Irish Aviation Authority
17. Department of Defence
18. Office of Public Works
19. ESB
20. EirGrid
21. Health and Safety Authority
22. HSE - (National Business Service Unit, National Environmental Health Service, HSE, 2nd Floor Oak House, Millennium Park, Naas, Co.Kildare W91KDC2)

Further notifications should also be made where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Commission will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The following information relates to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act 2000, as amended.

Judicial review of An Coimisiún Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Commission decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Commission.

The validity of a decision taken by the Commission may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time

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period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Commission. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

If you have any queries in the meantime, please contact the undersigned officer of the Commission or email sids@pleanala.ie quoting the above mentioned An Coimisiún Pleanála reference number in any correspondence with the Commission.

Yours faithfully,



Lauren Murphy
Executive Officer
Direct Line: 01-8737275

PC09

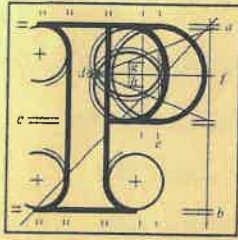
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An
Coimisiún
Pleanála

Direction
CD-020805-25
ABP-318666-23

The submissions on this file and the Inspector's report were considered at a meeting held on 26/09/2025. The Commission decided to serve a notice on the prospective Applicant, pursuant to Section 37(B)(4) of the Planning and Development Act 2000, as amended, stating that it is of the opinion that the proposed development constitutes a Strategic Infrastructure Development within the meaning of Section 37A of the Act for the reasons and considerations set out below.

The Commission also agreed with the Inspector's recommendation that the prospective Applicant consult with the prescribed bodies listed in Appendix 1 below regarding any future application for approval.

Reasons and Considerations

Having regard to the size, scale and location of the proposed Ballincor windfarm and related development, and to the policy context, it is considered that the proposed development, as described above, constitutes development that falls within the definition of energy infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby satisfying the requirements set out in Section 37A(1) of the Act. The proposed development is also considered to be of strategic importance by reference to the requirements of Section 37A(2)(a), 37A(2)(b) and 37A(2)(c) of the Planning and Development Act 2000, as amended. Therefore, an application for permission for the proposed development must be made directly to An Coimisiún Pleanála under Section 37E of the Planning and Development Act 2000, as amended.

Planning
Commissioner:

Eamonn James Kelly

Date: 26/09/2025

Eamonn James Kelly

Appendix 1

The following is a list of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Act.

- Minister for Housing, Local Government and Heritage
- Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for Communications, Climate Action and Environment
- Minister for Transport, Tourism and Sport
- Offaly County Council
- Tipperary County Council
- Uisce Éireann
- The Commission for Energy Regulation
- Inland Fisheries Ireland
- Transport Infrastructure Ireland
- Environmental Protection Agency
- The Heritage Council
- An Taisce
- Fáilte Ireland
- Irish Aviation Authority
- Department of Defence
- Office of Public Works
- ESB
- EirGrid
- Health and Safety Authority
- HSE

Further notifications should also be made, where deemed appropriate.

