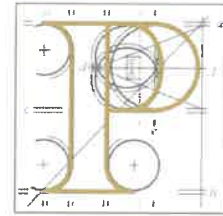


Appendix 7

Design Flexibility Opinion and Form 22.

Our Case Number: ABP-318971-24

Your Reference: Brittas Windfarm Limited



An
Bord
Pleanála

MWP c/o Maura Talbot
Park House,
Bessboro Road
Blackrock
Cork
T12 X251

Date: 08 May 2024

Re: Proposed 10 to 12 no. wind turbines with a maximum height of 185m and expected capacity export of circa 60MW to 72MW, including an underground cable connection to the national electricity grid, and turbine delivery route.

Flexibility Opinion

Townlands of Brittas, Rossestown and Clobanna, near Thurles, Co. Tipperary.

Dear Sir / Madam,

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

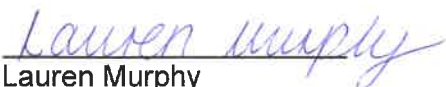
Please be advised that following consultations under section 37CC of the Planning and Development Act 2000, as amended, the Board has formed an opinion on design flexibility. A copy of the opinion is enclosed.

Please note that the Board's opinion on design flexibility will not be available for public inspection until an application is made to it under section 37 of the Act.

Information in relation to challenges to the validity of a decision of An Bord 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 Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,



Lauren Murphy
Executive Officer
Direct Line: 01-8737275

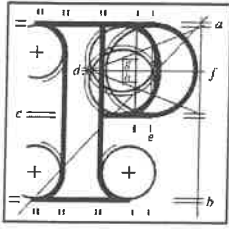
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Glao Áitiúil
Facs
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Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



An
Bord
Pleanála

An Bord Pleanála Opinion on Flexibility

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| 2) Request for meeting | |
| Request under section 37CC of the Act: | Request for Design Flexibility in relation to a proposed Brittas Windfarm. |
| Request reference Number: | ABP-318971-24 |
| Name of the requestor/ prospective applicant: | Brittas Windfarm Limited |
| Location, townland or postal address of the land or structure to which the application relates (as may be appropriate): | Townlands of Brittas, Rossestown and Clobanna, near Thurles, County Tipperary. |
| Nature and extent of the proposed development: | Proposed 10 to 12 number wind turbines with a maximum height of 185 metres and expected capacity export of circa 60 megawatts to 72 megawatts, including an underground cable connection to the national electricity grid, and turbine delivery route. |
| Date of receipt of the request: | 1 st February 2024 |
| Opinion Reference Number: | ABP-318971-24 |
| Date of Opinion: | 3 rd May 2024 |

3) 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 - 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 | Yes: [X] | No: [] | |

| | | | |
|---|----------|---------|-------------|
| 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: [] | No: [] | N/A: [X] |
| (h) The appropriate fee. | Yes: [] | No: [] | N/A: [X] |

At a meeting held on 2nd May 2024, the Board 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 accordance with Section 37CD(2) of the Act, the Board determined that due to the specific circumstances of the development, it is satisfied that the proposed application can be made and decided before certain details of the application are confirmed.

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

| 4) 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 application has been made and decided. | <p>1. Model of turbines, and by extension the following dimensions:</p> <ul style="list-style-type: none"> a) Hub height b) Rotor diameter c) Blade length d) Hardstanding area at the base of each turbine <p>In deciding not to accept the request for flexibility for export capacity the Board considered that this element of the project relates is consequent to turbine design and is not a physical attribute on which it is possible to measure or assess impact. It is accepted that there may be a variation in export capacity arising as a result differing turbine models.</p> |
| 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 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.

The proposed application must be consistent with the opinion provided in accordance with section 37CD of the Act.



Peter Mullan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *7th* day of *May*, 2024

Supplementary information to accompany an application for permission or approval accompanied by an opinion on unconfirmed details


| | |
|---------------------------------------|---------------------------|
| 1) Prospective Applicant Name: | Brittas Wind Farm Limited |
|---------------------------------------|---------------------------|

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|---|---|
| 2) Contact details of person authorised to operate on behalf of the Prospective Applicant (Applicant or Agent): (Not for Public release) | |
| Name: | Caoimhe O Connor (MWP) |
| Correspondence Address: | Reen Point, Blennerville, Tralee, Co. Kerry |

| | |
|-------------------|-------------------------|
| Telephone: | +353 (0)66 7123404 |
| Email: | caoimhe.o'connor@mwp.ie |

| | |
|---|---|
| 3) Proposed Development | |
| Address of the proposed development: | Within the townlands of Brittas, Rossestown, Clobanna, Brownstown, Killeenleigh, Kilkillahara, Brittasroad, Coolgarrane, Athnid More, Cassestown, Laghtagalla, Farranreigh, Furze, Loughlahan, Ballygammane, Co. Tipperary. |
| Description of the proposed development: | <p>The proposed development for which permission under Section 37E is being sought will include the following:</p> <ul style="list-style-type: none"> • 10 No. Wind Turbines with a blade tip height of 180m, hub height range from 102.5 to 105.5m and a rotor diameter range from 149m to 155m; • 10 No. Wind Turbine foundations and Hardstand areas and associated drainage infrastructure; • 1 No. Permanent Lidar unit and associated foundation, hardstand area and compound for Meteorological Monitoring; • 1 No. 110kV Electrical Substation including 2 No. control buildings, electrical plant and equipment, welfare facilities, carparking, water and wastewater holding tanks, security fencing, lightening protection and telecommunications masts, security cameras, external lighting and, all associated infrastructure; • Installation of medium voltage underground electrical and communication cabling connecting the wind turbines to the proposed onsite substation and associated ancillary works; • Installation of approximately 7km of underground electricity and communication cabling between the proposed onsite |

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| | <p>substation and the nearby existing Thurles 110kV substation in the townland of Ballygammane, Co. Tipperary. The cabling will be laid primarily within the public road and will connect the proposed wind farm to the national grid;</p> <ul style="list-style-type: none"> • 4 No. Site Entrances from the public road and associated fencing and signage; • Construction of new permanent site access tracks, turning heads and associated drainage infrastructure; • The upgrading of existing access tracks and associated drainage infrastructure; • 2 No. Temporary construction site compounds and mobile welfare facilities; • 1 No. Borrow pit and associated drainage infrastructure to be used as a source of stone material during construction; • Spoil deposition areas; • Associated surface water management systems; • Tree felling and hedgerow removal to accommodate wind farm infrastructure; • Temporary accommodation works at 2 no. locations adjacent to the public road to facilitate delivery of turbine components to site within the townlands of Brittas and Brittasroad, Co. Tipperary. The works primarily relate to trimming and clearing of vegetation, temporary removal of street furniture and fencing, and installation of temporary stone hard standing; and • All related site works and ancillary development; <p>The applicant is seeking a ten-year permission and an operational period of no less than 35 years from the date of commissioning of the entire Wind Farm.</p> |
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| 4) Declaration: | |
| I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning and Development Act 2000, as amended, and the Regulations made thereunder. | |
| 5) Signature of person authorised to operate on behalf of the Prospective Applicant: | |
|  | |
| Caoimhe O'Connor (MWP), Reen Point, Blennerville, Tralee (Agent) | |
| Date: | 12 th December 2024 |

| | |
|---|--|
| 6) Information on Flexibility Meeting Request and Opinion on Unconfirmed Details | |
| Meeting requested under section 32H, 37CC, 182F or 287A of the Act: | Section 37CC(1) Request- section 37E application (SID) |

| | |
|----------------------------------|-------------------------------|
| Meeting Reference Number: | ABP-318971-24 |
| Date of Meeting Request: | 1 st February 2024 |
| Date of Meeting: | 1 st March 2024 |
| Opinion Reference Number: | ABP-318971-24 |
| Date of Opinion: | 3 rd May 2024 |

| 7) Document to be submitted | | | |
|---|---|---------------------------------|--|
| Document | Enclosed with Request | | |
| A copy of the opinion issued under section 32I, 37CD, 182G or 287B of the Planning and Development Act 2000 | Yes:[<input checked="" type="checkbox"/>] | No:[<input type="checkbox"/>] | |

| 8) Statement of unconfirmed details | | |
|---|------------------------------|---|
| a) Outline all of the details, or groups of details, of the proposed development that are unconfirmed in the application: | | |
| <p>The details unconfirmed in this planning application relate to the final turbine model chosen for construction which include a range of options available. The range is illustrated in the accompanying planning drawings 23318-MWP-00-00-DR-C-5401 and 5402.</p> <p>The range includes details as follows:</p> <ol style="list-style-type: none"> 1. Turbine hub height ranging from 102.5 to 105.5m; 2. Turbine rotor diameter range from 149m to 155m; 3. Turbine blade length range from 73m to 76m; 4. Alternative hardstanding layouts for the area at the base of each turbine. Although flexibility was granted for the hardstanding areas, one composite design has been progressed for these elements of the project, as shown in planning drawing 23318-MWP-00-00DR-C-5404. | | |
| b) For each detail or group of details, referenced in paragraph (a) above, confirm whether the application for permission or approval in respect of the unconfirmed details is being made on the basis of options, parameters, or both, and provide a description of the details of the options, parameters or both. | | |
| Detail/Group of details | Options or Parameters | Details of options or parameters |
| Hub Height | Parameters | Range from 102.5 to 105.5m inclusive |
| Rotor Diameter | Parameters | Range from 149m to 155m inclusive |

| | | |
|--------------|------------|---------------------------------|
| Blade Length | Parameters | Range from 73m to 76m inclusive |
|--------------|------------|---------------------------------|

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|------------------------------|--|
| 9) Official Use only: | |
| Planning Reference: | |
| Board Stamp: | |