



An
Bord
Pleanála

**Board Direction
ABP-306388-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as follows:

Is (sic) the larger turbines that are erected without proper planning exempt or not exempt from planning? Turbines are bigger all round to include larger blades, bigger and more powerful motors and 13 turbines are not in their site specific locations as in planning.

Are the turbines blades which are longer than planning was for, exempt or not exempt from planning?

Are the larger motors on these turbines exempt or not exempt from planning?

Are the turbines that are not in their site specific locations exempt or not exempt from planning?

Is the access road from/to T. 6. exempt or not exempt from planning?

Is the SPA at Barna/Garracummer exempt or not exempt from industrial development? Five of these turbines are in the SPA?

at Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, County Tipperary.

AND WHEREAS Mr. Ray Neilon, Lusmor, Commonealine, Cappawhite, County Tipperary requested a declaration on this question from Tipperary County Council and the Council reformulated the question as follows -

Whether the erection of wind turbines and access road at Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, County Tipperary is or is not development and is or is not exempted development.

And the Council issued a declaration on the 16th day of December, 2019 stating that the matter was development and was not exempted development:

AND WHEREAS Mr. Ray Neilon referred this declaration for review to An Bord Pleanála on the 10th day of January, 2020:

AND WHEREAS, having regard to the nature of the question and the documentation submitted as part of the referral, An Bord Pleanála decided to reformulate the question as follows -

Whether the erection of wind turbines and access road, all as constructed, at Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, County Tipperary is or is not development and is or is not exempted development:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1) and 4 of the Planning and Development Act, 2000, as amended,
- (b) article 6 of the Planning and Development Regulations, 2001, as amended,
- (c) the documentation and submissions received from the parties to the referral,
- (d) the planning history of the site,

- (e) precedent referral cases An Bord Pleanála Ref.s RL2891; 301738-18; and 304496-19,
- (f) the Report of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The erection of the wind turbines and the provision of the access, all as constructed, comes within the scope of the definition of development contained in section 3, Planning and Development Act, 2000 (as amended).
- (b) There is no relevant express exemption provided for in either section 4, Planning and Development Act, 2000 (as amended) or article 6, Planning and Development Regulations, 2001 (as amended).

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act, hereby decides that the erection of wind turbines and access road, all as constructed, at Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, County Tipperary is development and is not exempted development.

Board Member:



Stephen Bohan

Date: 26/05/2021