



An
Bord
Pleanála

Board Direction
ABP-309940-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/09/2021.

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

WHEREAS a question has arisen as to whether the increase in the Megawatt (MW) output at a permitted wind farm development, without increasing the size and scale of any of the works, layout or plans at Ballykilleen, Shean, Kilcumber, Cloncant, and Cushaling, Edenderry, Co. Offaly is or is not development or is or is not exempted development:

AND WHEREAS Cloncant Renewable Energy Ltd. requested a declaration on this question from Offaly County Council and the Council referred it to An Bord Pleanála for determination on the 13th day of April, 2021:

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

- (a) sections 3(1) and 4 of the Planning and Development Act, 2000, as amended,
- (b) sections 37A and 37B of the Planning and Development Act, 2000, as amended,

(c) article 6 of the Planning and Development Regulations, 2001, as amended,

(d) the planning history of the site,

(e) the information submitted on behalf of the applicant regarding the increase in energy output proposed, and

(f) the report of the Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

(a) the proposed increase in energy output from approx. 49.5MW to 59.4MW would contravene Condition 1 of ABP-306924-20,

(b) increasing the energy output from approx. 49.5MW to 59.4MW would not align with the strategic infrastructure development procedure set out in sections 37A and 37B of the Planning & Development Act, 2000, as amended.

(c) the proposed increase in energy output to 59.4MW would be a material increase in the energy output permitted under ABP-306924-20 which has yet to be implemented.

(d) there is an absence of adequate information to enable the Board to ascertain the impact the proposed development may have on, for example, grid connection and grid capacity.

(e) the substantial increase in energy output would materially intensify the development from that originally envisaged, proposed, and permitted and would comprise development which is not exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the increase in the Megawatt (MW) output at a permitted wind farm development, without increasing the size and scale of any of the works, layout or plans at

Ballykilleen, Shean, Kilcumber, Cloncant, and Cushaling, Edenderry, Co. Offaly, is development and is not exempted development.

Board Member:


Stephen Bohan

Date: 21/09/2021

DECISION QUASHED

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