



An  
Bord  
Pleanála

**Board Direction**  
**BD-011290-22**  
**ABP-310287-21**

The submissions on this file and the Inspector's initial report and supplementary report were considered at a Board meeting held on 20/09/2022. The Board meeting followed an earlier Board meeting in which the submissions on this file and the Inspector's initial report were considered on 13/05/2022 and deferred for further consideration and for further assessment by the inspector.

Under Section 5(3)(b) of the Planning and Development Act 2000, as amended, the Board considered the question as to what is or is not development or exempted development, being a question that was made originally to the planning authority under section 5(1) of that Act and where no declaration issued by the planning authority within the statutory timeframe.

The Board decided to dismiss the referral under section 138(1)(b) of the Planning and Development Act 2000, as amended, based on the following reasons and considerations.

### **Reasons and Considerations**

Having regard to the information provided by the referrer to the planning authority and to the Board and to the inspectors reports, and noting the response provided to the planning authority by the stated owner and operator of the Gneevess windfarm (Brookfield Renewable Ireland Limited) on a related referral case (ABP-310086-21) relating to the same question, it is considered that the nature of the referred question dealing with a part of infrastructure that appears to have been delivered, but to which no specific information or evidence has been provided, is such that the extent and

purpose of the case in question has not been adequately described by the referrer and therefore the Board has not been able to adequately evaluate the question. In light of such circumstances and having regard to the nature of the referral, the Board is satisfied that the question should not be further considered by it and decided to dismiss this referral under Section 138(1)(b) of the Planning and Development Act 2000, as amended.

**Board Member:**

Patricia Calleary  
Patricia Calleary

**Date:** 20/09/2022