

An
Bord
Pleanála

Board Order
ABP-309940-21

Planning and Development Acts 2000 to 2020

Planning Authority: Offaly County Council

Planning Register Reference Number: DEC21/6

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, County Offaly is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Offaly County Council of Arás an Chontae, Charleville Road, Tullamore, County Offaly 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

(e) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

(a) the proposed increase in energy output from approximately 49.5MW to 59.4MW would contravene condition number 1 of An Bord Pleanála reference ABP-306924-20,

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

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

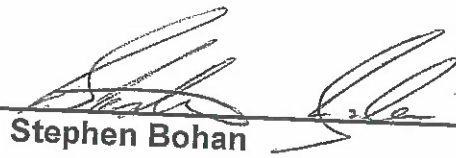
(d) there is an absence of adequate information to enable the Board to ascertain the impact the proposed development may have on, for example, grid connection and grid capacity, and

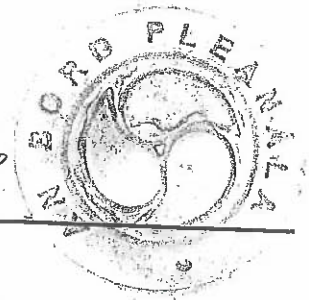
(e) the substantial increase in energy output would materially intensify the development from that originally envisaged, proposed and permitted and would comprise development which is not exempted development:

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, Kilumber, Cloncant and Cushaling, Edenderry, County Offaly, is development and is not exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.


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



Dated this 8th day of October 2021.

DECISION QUASHED