

An  
Bord  
Pleanála

Board Order  
ABP-310107-21

Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/00849

**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 Ticknevin, Carbury, County Kildare is or is not development or is or is not exempted development:

**AND WHEREAS** Cloncant Renewable Energy Limited care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry requested a declaration on the said question from Kildare County Council and the said Council issued a declaration on the 13<sup>th</sup> day of April, 2021 stating that the said matter was development and was not exempted development:

**AND WHEREAS** the said Cloncant Renewable Energy Limited referred the declaration for review to An Bord Pleanála on the 28<sup>th</sup> 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 referrer regarding the increase in energy output proposed, and

(f) 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-306748-20,

(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-306748-20 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.

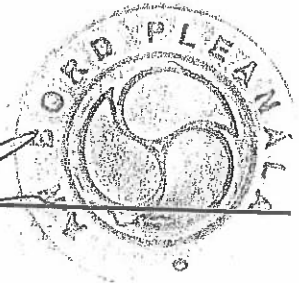
**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the increase in the Megawatt (MW) output at a permitted wind farm development, without increasing the size and scale of any of the works, layout or plans at Ticknevin, Carbury, County Kildare 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 5<sup>th</sup> day of October 2021.

**DECISION QUASHED**