

An
Bord
Pleanála

Board Direction ABP-317245-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/01/2025.

The Board decided, as indicated hereunder:

WHEREAS a question has arisen as to whether the increase in output from eight (8) number permitted wind turbines at Ballykillen, Shean, Kilcumber, Cloncant and Cushaling, Ededderry, County Offaly, involving the increase in megawatt (MW) output from 44 MW to 52.8 MW, is or is not development or is or is not exempted development:

AND WHEREAS Cloncant Renewable Energy Limited requested a declaration on this question from Offaly County Council on the 19th day of March, 2021 and the Council referred the question to An Bord Pleanála on the 28th day of April, 2021:

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

- (a) Section 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended,
- (c) the development as granted permission under planning register reference PL2/19/606 (An Bord Pleanála ref. ABP-306924-20),
- (d) the documentation on file, including submissions from the requester and the planning authority,
- (e) the clarifications received by the Board on the 4th day of September 2023 from the requester in relation to impacts

arising from the increase in MW output (including at
'Environmental Considerations of Proposal' therein), and

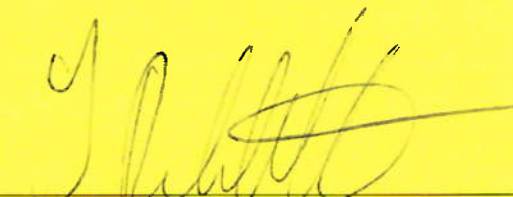
(f) the pattern of development in the area.

AND WHEREAS An Bord Pleanála has concluded that –

- (a) there is no specific condition limiting the MW output attached to planning register reference PL2/19/606 (An Bord Pleanála ref. ABP-306924-20),
- (b) the increase in MW output does not constitute 'works' pursuant to section 2 of the 2000 Act,
- (c) the increase in MW output is not 'development' pursuant to section 3 of the 2000 Act, with reference to the following:
 - (i) the increase in MW output from the eight no. turbines is limited,
 - (ii) the increase in MW output does not give rise to any additional material planning or environmental considerations not already assessed and permitted pursuant to planning register reference PL2/19/606 (An Bord Pleanála ref. ABP-306924-20),
 - (iii) there is no material change in use arising from the increase in MW output.

NOW THEREFORE An Bord Pleanála, in exercise of its powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the increase in output from eight (8) number permitted wind turbines at Ballykillen, Shean, Kilcumber, Cloncant and Cushaling, Edenderry, County Offaly, involving the increase in megawatt (MW) output from 44 MW to 52.8 MW, is not development.

Board Member:


Tom Rabbette

Date: 16/01/2025