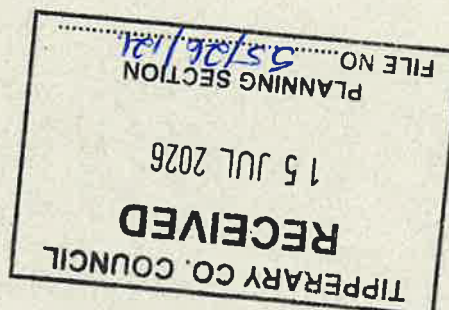




Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	RAY NEILON
Address	LUSMOR, COMMONALINE, CARRAWHITE, CO. TIPPERARY.
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	N/A
Address	
Telephone No.	
E-mail	

Please advise where all correspondence in relation to this application is to be sent;

Applicant ☒ Agent ☐

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	GARRACUMMER WINDFARM. HOLLY FORD, CO. TIPPERARY.
---	--

4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

" ^(INTENSIFICATION) WHETHER THE ~~NECESSITATION~~ OF OPERATIONS RESULTING IN ENVIRONMENTAL NOISE LEVELS EXCEEDING THE NOISE LIMITS SPECIFIED IN PLANNING REF: 04/1259/ABP Ref: PL23215597 AT GARRACUMMER WINDFARM, HOLLYFORD, CONSTITUTES 'DEVELOPMENT' WITHIN THE MEANING OF THE PLANNING AND DEVELOPMENT ACT (2000) (AS AMENDED), AND WHETHER Proposed floor area of proposed works/uses: sqm
--

SUCH DEVELOPMENT IS OR IS NOT 'EXEMPTED DEVELOPMENT'!!
PLEASE ALSO SEE ADDITIONAL SHEET ATTACHED.

5. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Occupier
	C. Other ☒	
Where legal interest is 'Other', please expand further on your interest in the land or structure	ADJOINING PROPERTY OWNER AFFECTED BY NOISE EMISSIONS.	
If you are not the legal owner, please state the name and address of the owner	Name: ORSTED / C.I.P. / PERIGU'S ENERGY. Address: FLOOR 5, ONE ALBERT QUAY CORK CITY	

T12 X 8N6

Signature of Applicant(s)

[Redacted Signature]

Date: 14/07/2026

14/07/26

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

**Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary**

OR

**Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary**

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00.

Receipt No NENAM/0/138900

Date 15/7/2026

Received by Doreen O'Brien

Attachment to Section 5: Development Details (Continued).

"Whether the continuous operation of wind turbines at Garracummer Wind Farm, relying on the physical deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions, constitutes a development and a material change of use under Section 3(1) of the Planning and Development Act, and whether it is or is not exempted development .

The independent acoustic data enclosed with this application was previously submitted to Tipperary County Council's Planning Enforcement. To date, no statutory warning letter or enforcement notice has been served under Section 152 or 154 of the Planning Act. This Section 5 Application is formally submitted to compel the Planning Authority to issue a statutory declaration regarding the unauthorized material change of use resulting from these continuous tonal and impulsive emissions.





Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 16th July 2026

Our Ref: S5/26/121

Civic Offices, Nenagh

**Ray Neilon
Lismor
Commonaline
Cappawhite
Co. Tipperary**

Re: Application for a Section 5 Declaration – Whether the intensification of operations resulting in environmental noise levels exceeding the noise limits specified in Planning Ref: 04/1259, ABP-P23215597 at Garracummer Windfarm, Hollyford, Co. Tipperary

Dear Mr Neilon,

I acknowledge receipt of your application for a Section 5 Declaration received on 15th July 2026, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Reference	S5/26/121
Applicant:	Ray Neilon
Development Address:	Garracummer Windfarm, Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cumber More, Cumber Beg, Turraheen Upper and Rossmore, Hollyford, Co. Tipperary
Proposed Development:	Nature of Section 5 Request set out in Section 1 below.

1. GENERAL

On the 15th July 2026 Mr. Ray Neilon submitted an application for a Section 5 Declaration in relation to the following query regarding Garracummer Windfarm (as per Part 4 of the application form);

“Whether the intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597 at Garracummer Windfarm, Hollyford, constitutes “Development” within the meaning of the Planning and Development Act (2000) (as amended), and whether such development is or is not “Exempted Development”

The Section 5 application includes an attachment which raises the following additional questions;

“Whether the continuous operation of wind turbines at Garracummer Wind Farm, relying on the physical deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions, constitutes a development and a material change of use under Section 3(1) of the Planning and Development Act, and whether it is or is not exempted development

The independent acoustic data enclosed with this application was previously submitted to Tipperary County Council's Planning Enforcement. To date, no statutory warning letter or enforcement notice has been served under Section 152 or 154 of the Planning Act. This Section 5 Application is formally submitted to compel the Planning Authority to issue a statutory declaration regarding the unauthorized material change of use resulting from these continuous tonal and impulsive emissions.

The applicant is also accompanied by the following:

- Site Location Maps
- Cover letter
- ‘Windfarm Environmental Noise Assessment’ prepared by Industrial Noise and Vibration Centre (INVC) dated October 2024
- Copy of inspector's report of ABP Ref: PI 23.215597
- Email thread from Mr. Mike Stigwood of MAS Environmental Ltd to Mr Brian Clancy Tipperary County Council
- Copy Tipperary Council Environmental Section internal memo dated 23/05/2014
- Copy of medical from the HSE dated April 2018

- Copy of Technical Memorandum (Review of AWN report) prepared by Rand Acoustics dated August 2022

Having considered the application received the Planning Authority considers the question posed to be;

- *Whether the intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597*
- *Whether the continuous operation of wind turbines at Garracummer Wind Farm, relying on the physical deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,*
- *and the continuous operation of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions*

at Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, Co. Tipperary is development and if so is it or is it not exempted development.

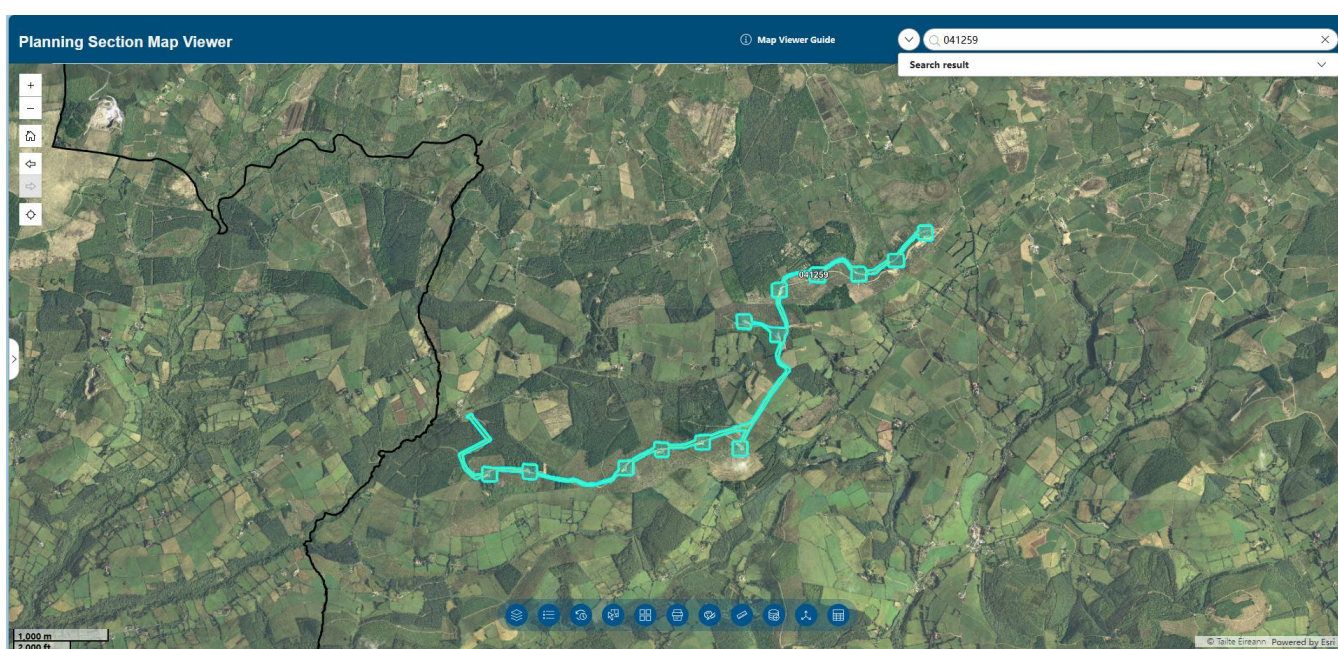


Figure 1 Location of the windfarm subject to this Section 5 Declaration

2. **STATUTORY PROVISIONS**

Planning and Development Act 2000, as amended

Section 2(1) of the Planning and Development Act, 2000, as amended, (hereafter referred to as the Act) states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

Section 2(1) of the Act defines “works” as:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 (1) of the Act, states as follows:

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4 of the Act states:

(1) *The following shall be exempted developments for the purposes of this Act—*

(h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

(2)(a) *The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—*

(i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*

(ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

4(4) *Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

Section 5 of the Act states as follows:

(1) *If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.*

3. ASSESSMENT

a. Site Location

The Garracummer Wind Farm consists of 17 wind turbines and all ancillary supporting infrastructure and is located to the west of Hollyford Village within the townlands of Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore.

The 17 no. turbines were permitted to three separate applicants and under three separate planning permissions but are now operated collectively as Garracummer Wind Farm.

b. Relevant Planning History

PI 23. 215597 (PI. Ref. No. 04/1259)

Permission was GRANTED by An Bord Pleanála under **PI 23.215597** (TCC PI. Ref. No. 04/1259) to Garracummer Wind Farm Limited, St. Oliver's, Bishop's Hill, Kilkenny, on the 5th May 2006 for the development of a 26 MW wind farm comprising 13 no. 2 MW wind turbines with steel towers and composite fibre rotor blades of hub height up to 67 metres, a rotor diameter of up to 80 metres and base to blade-tip height of up to 107 metres, also including wind turbines transformers, turbine hardstands, new access roads, strengthening and widening of existing forestry access roads; drainage; a substation control building with fenced compound for electrical equipment; underground electrical cables linking the

turbines with the substation compound; underground communication cables, and all associated site works and ancillary development.

Condition 1 and 9 of An Bord Pleanála **PI 23.215597** specifically related to noise.

On Site (Wind Farm)

- 22/60570** Permission GRANTED for 1) a proposed staff welfare compound, consisting of 4 no. 6m x 4m x 3.0m high, prefabricated welfare and administration buildings, a car park area for 5 no. vehicles, 1 no. 1.2m x 1.2m x 3.0m high toilet block with self-contained effluent storage tank approximately 1,500 litres in size, 2) RETENTION PERMISSION for an amended internal site access road layout and hardstanding areas (previously approved under planning reg. ref.: 04/1259) and 3) all associated site ancillary services and works, total development area of approx. 1.8 ha
- 21/1313** Permission GRANTED of further continued use of two erected permanent 65m lattice meteorological masts previously granted under Planning Permission Ref 12/77 and extended under Planning Permission Ref. 15600530 and Planning Permission Ref 18600988 for the purposes of monitoring wind and climate conditions at Garracummer windfarm, granted permission under Planning Ref 04/1259 and ABP PL.23.215597
- 20/18** Permission GRANTED for development consisting of the installation of battery arrays, located within container units (18 number units, each 30m² by c.2.6m tall), a control building (c.160.5m² by c.6.4m tall) and transformer (c.5m tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV, internal access roads and drainage. The overall development site is c.2.6Ha. The application includes a Natura Impact Statement (NIS)
- 18/600988** Permission GRANTED for further continued use of two erected permanent 65m lattice meteorological masts previously granted under Planning permission ref: 12/77 and extended under planning permission ref: 15600530, for the purposes of monitoring wind and climate conditions at Garracummer windfarm granted permission under planning ref: 04/1259 and ABP PL.23.215597
- 15/600530** Permission was GRANTED to extend the duration of 2 no. permanent 65m lattice meteorological masts granted planning permission under planning reference 12/77, for the purpose of monitoring wind and climate conditions for the Garracummer Wind Farm, granted planning permission under planning reference 04/1259 and ABP Ref. 23.221656.
- 12/77** Permission was GRANTED to Bord Gais Energy to construct 2 no. permanent 65m lattice meteorological masts for the purposes of monitoring wind and climate conditions for the development of a windfarm granted planning permission under planning ref. 04/1259 and PL23.215597
- 11/70** Permission was GRANTED to Bord Gais Energy to retain one temporary meteorological mast of 70m in height for the limited purposes of monitoring wind and climate conditions for development of a windfarm granted planning permission under ref. 04/1259 and PL23.215597; planning for a period of 3 years was requested.
- 10/183** Permission was GRANTED for the erection of 1 no. temporary meteorological mast of 70m in height for a period of 3 years for the limited purpose of monitoring wind and climate conditions for the development, ref. 04/1259 and ABP PL23.215597
- 10/79** Permission GRANTED amendment to permitted internal site road layout for Tooreen Windfarm, ref. 04/1034, via the construction of two spur roads to connect the adjacent Garracummer Windfarm ref. 04/1259 and PL23. 215597, with Tooreen Windfarm; the

purpose of this proposed revision to the permitted layout is to provide alternative access into the site from the Garracummer Windfarm via these interconnecting spur roads.

- 09/213** Permission was GRANTED to erect temporary meteorological mast of 70m in height for 15 months for the purpose of monitoring wind and climate conditions for development - planning ref. no. 04/1259 and ABP ref. no. PL23.215597
- 08/1236** Permission GRANTED for to develop 5 no. borrow pits and internal site access roads to be utilised for the limited purposes of on site construction of a 13 turbine windfarm development (Garracummer Wind Farm) planning Ref 04/1259 and ABP 23.215597
- 04/1178** Permission GRANTED under Pl. Ref. No. 04/1178 to John Bourke, Foileen, Rossmore, Cashel, Co Tipperary, on 10th December 2004 two wind turbines, an electrical substation, a meteorological mast 40 metres high and associated ancillary works at Turraheen Upper, Rossmore, Cashel, Co Tipperary. The turbines will have a tower height of 65 metres and a blade diameter of 70 metres.
- 04/1034** Permission GRANTED for two wind turbines, an electrical sub-station, a meteorological mast 40 metres high and associated ancillary works - the turbines will have a tower height of 65 metres and a blade diameter of 70 metres.

Enforcement

It is noted that there are a number of enforcement cases in relation to the overall development/ use of the site;

- TUD-20-121** Warning letter issued 23/02/2022 for non-compliance with PI23.215597 (Pl. Ref. No. 04/1259) for 3 no. steel containers. Case closed
- TUD-20-219** Warning letter issued 23/02/2022 for non-compliance with PI23.215597 (Pl. Ref. No. 04/1259) for entrance / access roads. Case closed
- TUD-20-230** Case Closed
- TUD-20-221** Case Closed
- TUD-20-236** Warning letter issued 23/02/2022 for non-compliance with PI23.215597 (Pl. Ref. No. 04/1259) relating to an access road extending beyond that shown under the plan and particulars submitted under 04/1259.
- TUD-18-168** Case Closed
- ENF168/13** Case Closed

- S5/19/116** Declaration issued on 16th December 2019 determining that erection of wind turbines and access road at Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, Co. Tipperary is development and is not exempted development. The referral was appealed to An Bord Pleanála under reference: RL92.306388 which determined determining that erection of wind turbines and access road is development and is not exempted development <https://www.pleanala.ie/en-ie/case/306388>.

In the course of assessing S5/19/116 a legal opinion was obtained by Tipperary County Council which is relevant to the current Section 5. The legal opinion advised as follows;

- *Section 5 of the Act is not designed to address the question as to whether any development that has occurred is "unauthorised development." The only issues that can be considered for the purposes of Section 5 is as to whether there has been development and, if so, whether that development constitutes exempted development.*

- *The definition of “development” has two limbs: “works” and “material change of use”. It is within jurisdiction of the Planning Authority and the Board to consider the question as to whether there has been a “material change of use” from the permitted use. However, it is not within the jurisdiction of the Planning Authority, under a Section 5 application, to consider whether works that have been carried out have deviated from the terms of a permission or are in breach of the conditions thereof. Furthermore, in the opinion of Senior Counsel, the Board does not have jurisdiction under a Section 5 referral to adjudicate on the question as to whether works have been carried out in breach of the terms or conditions of the relevant planning permission. This is properly a matter for enforcement.*
- *Any works that have been carried out other than in accordance with the terms and/or conditions of a permission are indisputably “works”. There is, therefore, in reality, no “question” to be determined. Neither the planning authority nor the Board have jurisdiction to answer a different question: are the works that have been carried out in breach of the terms and conditions of the relevant permission? That is not a question as to whether “works” have taken place.*

c. Assessment

A) “Is or is not Development”

The application for a Section 5 Declaration submitted by the applicant queries whether the following is or is not development and is or is not exempted development. **The Planning Authority has not rephrased the query posed by the applicant and will consider same as per the submitted application.**

- *Whether the **intensification** of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597*
- *Whether the **continuous operation** of wind turbines at Garracummer Wind Farm, relying on the physical **deployment** of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,*
- *And the **continuous operation** of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions*

The definition of “development” has two limbs: “works” and “material change of use”.

Works

Works in the current context includes any act or operation of **construction, excavation, demolition, extension, alteration, repair or renewal**. The query posed by the applicant refers to the continuous operation of the windfarm, intensification by virtue of a breach of noise limits and the deployment of motors and rotor blades. The operation of the windfarm or the breach of noise limits is not considered to fall under the definition of works as they do not comprise construction, excavation, demolition, extension, repair or renewal. It is considered that the deployment of motors and rotor blades is works and is therefore development.

Material change of use

There is no statutory definition of ‘material change of use’. However, it is linked to the degree of a change and the materiality of the associated impacts which are determined on the individual merits of a case. There is case law on this matter (Galway County Council v. Lackagh Road Ltd (1985) I.R. 20, Westmeath County Council v. Quirke (1996) I.C.L.Y. 750 and sat Digifone v South Dublin County Council (2002) 3 I.R. 585 (2002) 2 I.L.R.M. 547). While not directly related to the subject proposal, the judgments issued in these cases offer a basis for Planning Authorities when considering the issue of materiality.

In summary, the critical issue in determining materiality is whether there are sufficient planning considerations raised by the change in activity to justify its submission to development management.

In this case, there is a permitted windfarm operating on the subject site. It is alleged that the windfarm is in breach of the noise conditions attached to the permission and that this is an intensification that is a material change of use. The Planning Authority does not consider that the alleged breach of noise limits could be considered to be an intensification of the permitted use or a material change of use.

As set out above the Planning Authority does not consider that the operation of the windfarm or the breach of noise limits constitute works or a material change of use and these items are therefore not development.

It is considered that the deployment (understood as installation) of motors and rotor blades is works and is therefore development.

B) "Is or is not Exempted Development"

There is no relevant express exemption in the Act (Section 4) or in the Regulations (Article 6) for the deployment of motors and rotor blades.

The development, therefore, does not constitute exempted development.

The issued raised in relation to whether or not the wind farm is operating within the confines of the parent permission and the conditions attached to same **do not come within the legal scope of a Section 5 referral**. This view was supported by the Commission under RL92.306388.

C) "Restrictions to exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended"

As the development is not exempted development the question of restrictions on exemptions does not arise.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether

- *The intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597*
- *The continuous operation of wind turbines at Garracummer Wind Farm, relying on the physical deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,*
- *The continuous operation of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions*

at Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, Co. Tipperary is or is not development and is or is not exempted development;

AND WHEREAS the Planning Authority, in considering this referral, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, as amended, and,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Documentation and submissions received from the applicant,
- (d) Planning history of the site

AND WHEREAS Tipperary County Council has concluded that:

- *The intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597, and,*

- *The continuous operation of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions*

Does not constitute works or a material change of use and is not development.

AND WHEREAS Tipperary County Council has concluded that:

- *The deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,*

Constitutes works and is development.

As there is no relevant express exemption provided under the Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended, for this element of the proposal same is NOT exempted development.

Advice Note: The questions raised in relation to whether or not the wind farm is operating within the confines of the planning permission or any conditions attached to same do not come within the scope of a Section 5 referral.

L. Bettel-Lypur

C. Conway

Date: 7.8.2026

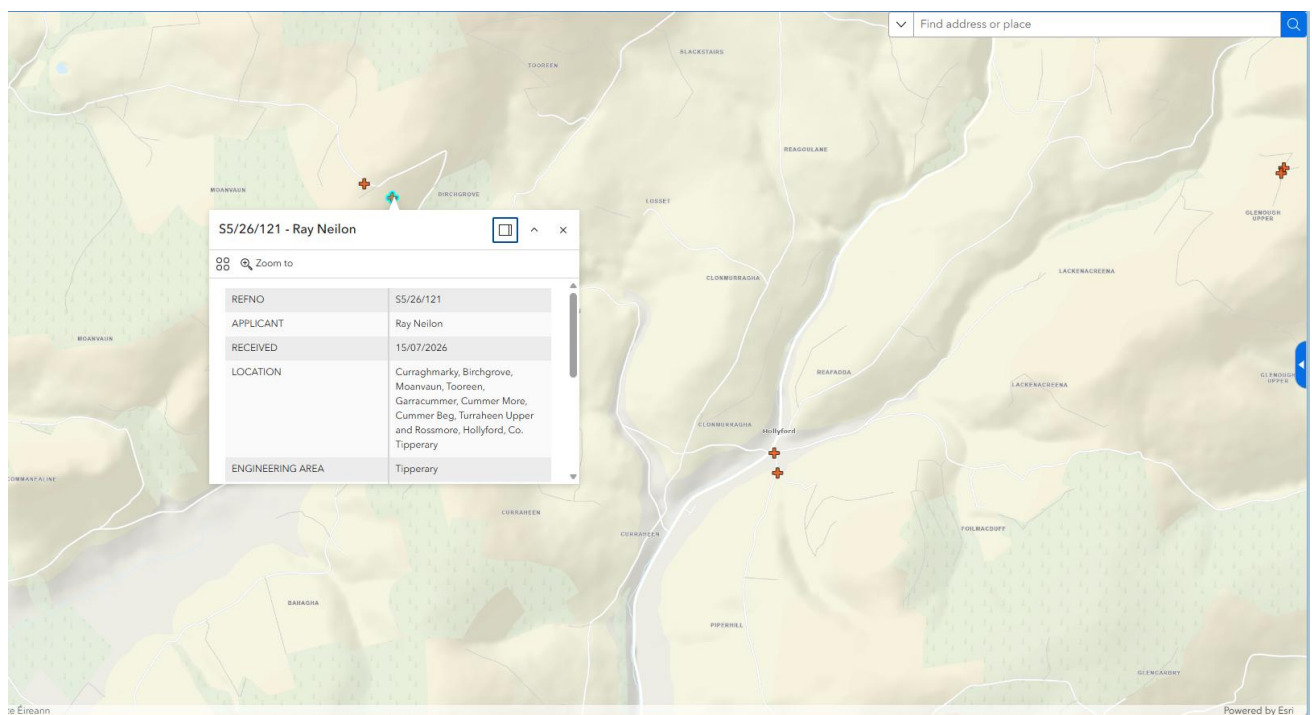


Figure 2 Planning Register

Re: S5/26/121

From Butler-Ryan, Lauren [REDACTED]
Date Mon 10 Aug 2026 3:21 PM
To Conway, Caroline [REDACTED] Kiely, Teresa [REDACTED] Ryan, Siobhan
Anne [REDACTED]

Hi Siobhan,

This is the current list of landowners as per land direct. I went through each folio as it spans across the application site boundary.

The company is now called GARRACUMMER WIND FARM LIMITED registered at 5th Floor, One Albert Quay, Cork, Co. Cork T12X8N6 and I have carried out a company search which includes the company directors (if you need to issue letter to those directly etc) and saved into the folder.

TY4149L	GARRACUMMER WIND FARM LIMITED (Shinagh House Bandon County Cork)
TY4028L	GARRACUMMER WINDFARM LIMITED (Floor Five City Quarter Lapp's Quay Cork)
TY68008F	GARRACUMMER WIND FARM LIMITED (Floor Five City Quarter Lapp's Quay Cork)
TY68007F	GARRACUMMER WIND FARM LIMITED (Floor Five City Quarter Lapp's Quay Cork)
TY14898F	COILLTE CUIDEACHTA GHNÍOMHAÍOCHTA AINMNITHE (Dublin Road Newtownmountkennedy County Wicklow)
TY8837F	MICHAEL RYAN (Mienvee Hollyford County Tipperary)
TY39307F	THOMAS MCGRATH (Birchgrove Hollyford County Tipperary)
TY8476	IRISH FORESTRY UNIT TRUST FORESTRY NOMINEES LIMITED (Unit 5 Woodford Court Woodford Business Park Santry Dublin 17)

Kind Regards,
Lauren

Lauren Butler-Ryan | District Planner | Planning Section

Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary.
Comhairle Contae Thiobraid Árann, Oifigí Cathartha, Cluain Meala, Co. Thiobraid Árann.

0818 06 5000 |  [REDACTED] www.tipperarycoco.ie



From: Conway, Caroline [REDACTED]
Sent: Monday 10 August 2026 14:57
To: Kiely, Teresa [REDACTED] Ryan, Siobhan Anne [REDACTED] Butler-Ryan, Lauren [REDACTED]
Subject: Re: S5/26/121

Lauren can you look at land direct to see who owns the land. I am fairly sure Brookfield sold to another company recently

**Caroline Conway,
Senior Executive Planner,
Planning Section,
Tipperary County Council**

☎ 0818 06 5000 | ✉ [REDACTED] www.tipperarycoco.ie

cid:image001.png@01CF740E.E9E90380

From: Kiely, Teresa [REDACTED]
Sent: Monday 10 August 2026 2:55 pm
To: Ryan, Siobhan Anne [REDACTED] Butler-Ryan, Lauren [REDACTED]
[REDACTED] Conway, Caroline [REDACTED]
Subject: Re: S5/26/121

And occupier (wind farm company)

From: Ryan, Siobhan Anne [REDACTED]
Sent: 10 August 2026 14:54
To: Butler-Ryan, Lauren [REDACTED] Conway, Caroline [REDACTED]
Cc: Kiely, Teresa [REDACTED]
Subject: S5/26/121

Hi Lauren & Caroline,

I need to notify all of the owners the decision for S5/26/121 (Ray Neilon). Can you please advise me ASAP, as I need to send out the decision to each one.

Kind Regards,
Siobhan

**Siobhan Ryan,
Staff Officer, Planning**
Civic Offices, Limerick Road, Nenagh, Co. Tipperary.
Telephone: 0818 06 5000
E-mail: [REDACTED]
Website: www.tipperarycoco.ie





Date: 10th August 2026

Our Ref: S5/26/121

Civic Offices, Nenagh

Ray Neilon
Lusmor
Commonaline
Cappawhite
Co. Tipperary

Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.

Dear Mr Neilon,

I refer to your application for a Section 5 Declaration received on 15th July, 2026, in relation to the following proposed works:

- ***The intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597***
- ***The continuous operation of wind turbines at Garracummer Wind Farm, relying on the physical deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,***
- ***The continuous operation of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions***

at Garracummer Windfarm, Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, Co. Tipperary

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, as amended, and,

- b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Documentation and submissions received from the applicant,
- d) Planning history of the site

AND WHEREAS Tipperary County Council has concluded that:

- *The intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597, and,*
- *The continuous operation of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions*

Does not constitute works or a material change of use and is **not development**.

AND WHEREAS Tipperary County Council has concluded that:

- *The deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,*

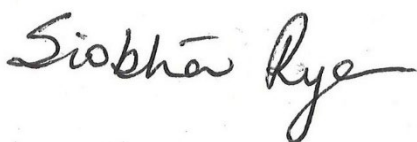
Constitutes works and is development.

As there is no relevant express exemption provided under the Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended, for this element of the proposal same is **NOT exempted development**.

Advice Note: The questions raised in relation to whether or not the wind farm is operating within the confines of the planning permission or any conditions attached to same do not come within the scope of a Section 5 referral.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely



for **Director of Services**

CC: Garracummer Wind Farm Limited, 5th Floor, One Albert Quay, Cork, Co. Cork T12 X8N6

- **Coillte Cuideachta Ghníomhaíochta Ainmnithe, Dublin Road, Newtownmountkennedy, Co. Wicklow**
- **Michael Ryan, Mienvee Hollyford, Co. Tipperary**
- **Thomas McGrath, Birchgrove, Hollyford, Co. Tipperary**
- **Irish Forestry Unit Trust Forestry Nominees Ltd., Unit 5 Woodford Court, Woodford Business Park, Santry, Dublin 17**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/121** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Caroline Conway, Senior Executive Planner, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 47881 dated 7th July 2026 hereby order

that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Ray Neilon, Lusmor, Commonaline, Cappawhite, Co. Tipperary, as to whether the following is or is not development and is or is not exempted development;

- ***The intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597***
- ***The continuous operation of wind turbines at Garracummer Wind Farm, relying on the physical deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,***
- ***The continuous operation of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions***

at Garracummer Windfarm, Curraghmarky, Birchgrove, Moanvaun, Tooreen, Garracummer, Cummer More, Cummer Beg, Turraheen Upper and Rossmore, Hollyford, Co. Tipperary.

AND WHEREAS Tipperary County Council, in considering this declaration, had regard particularly to –

- a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, as amended, and,
- b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Documentation and submissions received from the applicant,
- d) Planning history of the site

AND WHEREAS Tipperary County Council has concluded that:

- *The intensification of operations resulting in Environmental Noise Levels exceeding the noise limited specified in Planning Ref: 041259 / ABP Ref: PI23.215597, and,*
- *The continuous operation of wind turbines at Garracummer Wind Farm, in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions*

Does not constitute works or a material change of use and is **not development**.

AND WHEREAS Tipperary County Council has concluded that:

- *The deployment of unauthorized 2.5MW motors and 10-meter oversized rotor blades (established as development and not exempted development by An Bord Pleanála in case ABP-306388-20), in a manner that triggers severe, destructive tonal and impulsive noise characteristics under specific meteorological and wind conditions,*

Constitutes works and is development.

As there is no relevant express exemption provided under the Planning and Development Act 2000, as amended, or the Planning and Development Regulations 2001, as amended, for this element of the proposal same is **NOT exempted development**.

Advice Note: The questions raised in relation to whether or not the wind farm is operating within the confines of the planning permission or any conditions attached to same do not come within the scope of a Section 5 referral.



Signed:

**Caroline Conway
Senior Executive Planner**

Date: 10/08/2026