

Community Energy Resource Toolkit

# The Planning Process



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November 2021

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### Sustainable Energy Authority of Ireland

SEAI is Ireland's national energy authority investing in, and delivering, appropriate, effective and sustainable solutions to help Ireland's transition to a clean energy future. We work with the public, businesses, communities and the Government to achieve this, through expertise, funding, educational programmes, policy advice, research and the development of new technologies.


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# Introduction


→ **Welcome to the Community Energy Resource Toolkit. This Toolkit has been developed by SEAI to provide guidance and support to communities interested in developing renewable electricity generation projects in Ireland through the Renewable Electricity Support Scheme (RESS).**

The Toolkit is one of many resources which will be developed over time to support communities as part of the Community Enabling Framework, implemented by SEAI. This framework provides end-to-end support to create a community energy sector in Ireland that can flourish and one that will deliver meaningful impact to communities nationwide. For more information on the Framework and supports available please see [www.seai.ie/community-energy/ress](http://www.seai.ie/community-energy/ress) 

The Community Energy Resource Toolkit provides a series of practical guidance modules to support project development and delivery, including technology options, business planning, project development stages and good governance. The full suite of guidance modules will be developed in phases, with the first four modules covering the topics of Onshore Wind; Solar Photovoltaics (PV); Planning Process and Grid Connection.

These modules have been designed to provide step-by-step guidance through the process of developing a renewable energy project, from determining your goals, to helping you achieve them. The design of the Toolkit is similar to the Community and Renewable Energy Scheme (CARES) Toolkit which was developed by Local Energy Scotland on behalf of the Scottish Government, to support community and local energy projects across Scotland. These very useful resources have been examined and adapted to an Irish context for Community RESS projects.

# How to Use This Toolkit

→ This toolkit is designed to be used online. Links are **highlighted in blue** and denoted with this symbol:  Click on the highlighted text to activate the link.

Navigation buttons are displayed at the bottom of every page.  
The navigation symbols are:

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# 1. Planning Module Structure

## 1.1 Introduction

- In recent years, the generation of energy from renewable and low carbon sources has had an increasingly high profile. This is due to a greater appreciation of the issues surrounding climate change, a reduction in the price of renewable and low carbon technologies, improvements in the efficiency and availability of technologies, rising energy prices, and various financial incentives to encourage further uptake. The [Climate Action Plan](#) is a significant policy response to climate change in Ireland. It sets out an ambitious target of reaching a carbon-neutral economy by 2050. It commits to meeting at least 80% of electricity demand by renewable power by 2030.



## 2. The Planning System

### 2.1 Overview of the Irish Planning System

- The two principal pieces of legislation which govern planning and development in Ireland are the Planning and Development Acts and the Planning and Development Regulations. The Planning and Development Act 2000 envisages a hierarchy of plans and strategies which operate at both national and local level, and which are complementary in terms of delivering proper planning and sustainable development. One of the aims of the Planning and Development (Amendment) Act 2010 is to ensure that these plans and strategies are more closely aligned and integrated. Links to the planning and development acts and the planning and development regulations can be found at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

### 2.2 Planning Policy and Legislative Framework

#### → Planning and Development Act

The Planning and Development Acts set out the planning framework. It consolidates all previous planning acts and is the basis for the Irish planning code, outlining the detail of regional planning guidelines, development plans and local area plans as well as the basic framework of the development management and consent system. The Planning and Development regulations implement the Planning and Development acts by prescribing the details of the planning code.

#### → National Planning Policy

Project Ireland 2040 comprises two reports – the National Planning Framework and the National Development Plan 2018-2027. The Department of Housing, Local Government and Heritage on behalf of the Government is responsible for the National Development Plan and National Planning Framework. ([www.gov.ie/en/campaigns/09022006-project-ireland-2040](http://www.gov.ie/en/campaigns/09022006-project-ireland-2040)).

#### → Regional Spatial Strategies

Part II, Chapter III of the Planning and Development Act 2000 provides for the preparation of a Regional Spatial and Economic Strategy by regional assemblies. The regional assemblies, of which there are three in total, were introduced by the Local Government Reform Act 2014 and replace the eight regional authorities and two regional assemblies. The three regional assemblies prepare regional spatial and economic strategies for their respective regions which identify regional assets, opportunities and pressures and provides appropriate policy responses. The regional assemblies review draft development plans from the local authorities within their respective region to ensure consistency with the Regional Spatial and Economic Strategy. ([www.irishstatutebook.ie/eli/2014/act/1/enacted/en/html](http://www.irishstatutebook.ie/eli/2014/act/1/enacted/en/html))

The three new regional assemblies were established in 2015 representing the Northern and Western, Eastern and Midland and Southern Regions. Members of the Regional Assemblies consist of the local authorities within that region. The regional spatial and economic strategy identifies regional assets, opportunities and pressures and provides appropriate policy responses.

## → Office of The Planning Regulator

The Planning and Development (Amendment) Act 2018 provides for the establishment and operation of the Office of the Planning Regulator ([www.opr.ie](http://www.opr.ie)). Prior to 2018 there was no appointed body to oversee the planning policies, decisions and zoning objectives adopted by each local authority in their Development Plans.

The Office of the Planning Regulator has a range of functions, including:

- Independent assessment of all local authority and regional assembly forward planning, including the zoning decisions of local authority members in local area and development plans;
- Conducting reviews of the organisation, systems and procedures used by any planning authority or An Bord Pleanála ([www.pleanala.ie/en-ie/home](http://www.pleanala.ie/en-ie/home)) in the performance of any of their planning functions under the Planning and Development Act 2000 (as amended), including risks of corruption and on foot of individual complaints from members of the public; and
- Driving national research, education, and public information programmes to highlight the role and benefit of planning<sup>1</sup>.

## → Development Plans

Development plans in Ireland are part of a systematic hierarchy which is informed by national and/or regional planning policy and also by the plans and strategies of central government and other public agencies in general. While the national/regional policy focuses on strategic issues, as one moves down the planning hierarchy there should be an increasing focus on detailed issues at the more local level.

The Development Plan (City/County Development Plan [CDP]) is a statutory land-use plan generally consisting of a written statement and associated maps. It sets the overall strategy for proper planning and sustainable development of the functional area taking due cognisance of regional and national plans, policies, and strategies. It provides one of the key policy contexts for individual planning decisions in the development plan area. The Development Plan is the main statement of planning policies for the local area, setting out the land use, and amenity and development objectives of the planning authority. The plan includes zoning of land for particular types of development (residential, amenity, commercial, industrial etc.) and may also list various sites, features, and natural amenities such as trees for protection.

## → Zoning Under the Development Plan

Separately, the requirement for the inclusion of zoning in Development Plans (County/City Development Plans or CDPs) is provided for under Part III, Section 10 of the Planning, and Development Act 2000 (as amended). The Development Plan must set out, among other things, the objectives for the zoning of land for the sole, or mixed use of residential, commercial, industrial, agricultural, recreational, and/or open space.

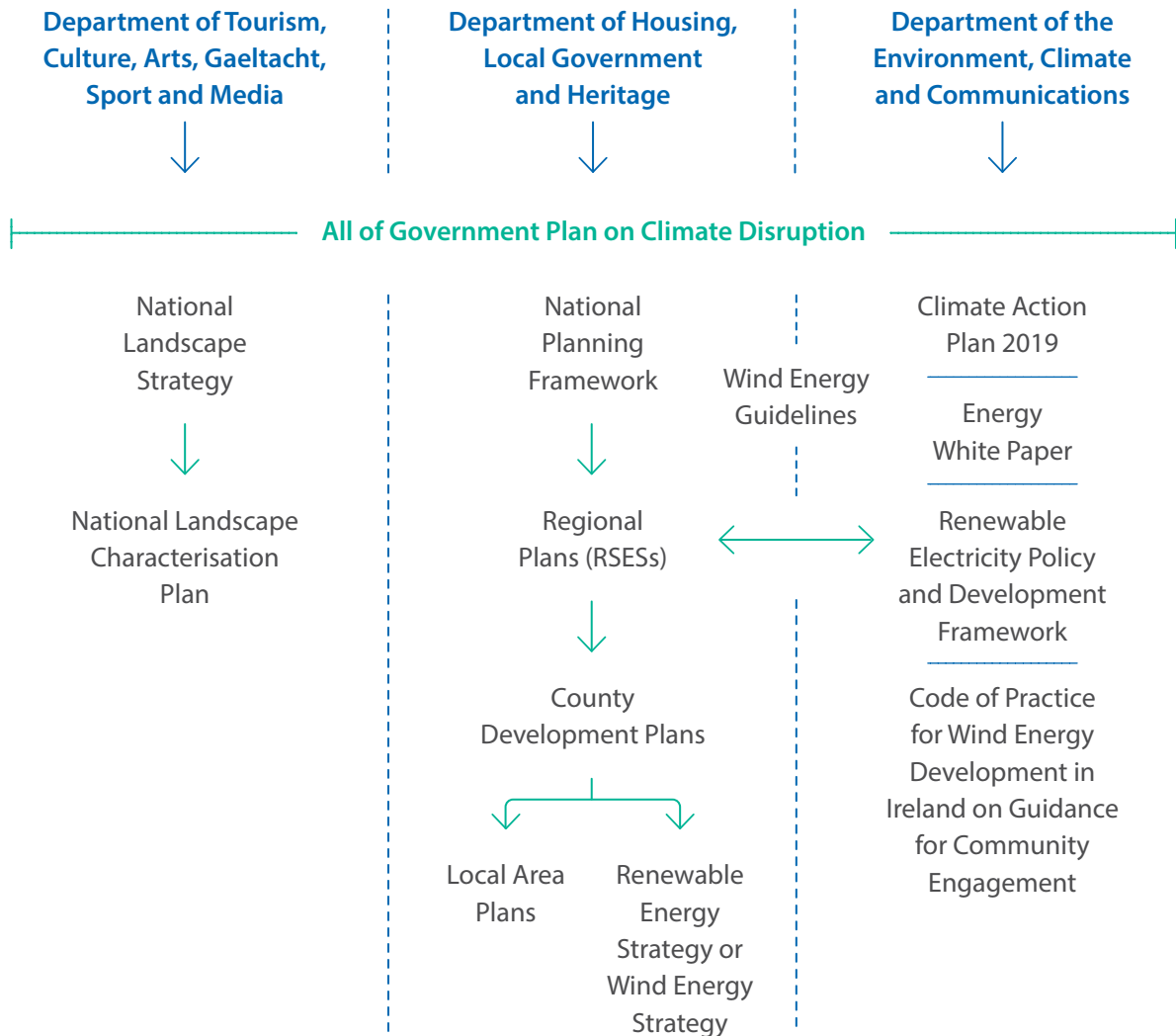
## → Local Area Plans

A planning authority may at any time make a Local Area Plan/s (LAP) for any particular area within the planning authorities' functional area in accordance with Sections 18, 19 and 20 of the Planning and Development Act 2000 (as amended). Local Area Plans are mandatory in certain circumstances, for example where the population is greater than 5,000.

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1 [www.opr.ie/about](http://www.opr.ie/about)

Figure 1: All of Government Plan on Climate Disruption



### → Wind Energy Guidelines

The [2006 Guidelines](#) were issued under Section 28 of The Planning and Development Act 2000. In 2017, DHLGH also issued Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change under Section 28 of the Planning and Development Act 2000 (as amended) in order to provide guidance on the administrative procedures relating to making, reviewing, varying, or amending development plan or local area plan policies or objectives that relate to renewable energy, and in particular, wind energy developments.

In December 2019, The DHLGH published [Draft Revised Wind Energy Development Guidelines](#) for consultation. The main changes proposed to the current 2006 Guidelines relate to noise standards, set back distances, automatic shadow flicker control mechanisms, community consultation and community dividend.



## 2.3 The Role of Local Planning Authorities

→ This Toolkit provides information to applicants and interested parties as to the council's expectations and key considerations for planning renewable energy schemes. Whilst the Council may, in principle be supportive of renewable energy developments, it is recognised that they can, in some instances have a variety of impacts. Appropriate consideration will be given to a range of factors including but not limited to submissions and observations that are made on the planning and environmental reports. Most local planning authorities will prepare a Landscape Character Assessment which is likely to be appended to the County Development Plan. The Landscape Character Assessment should be consulted when considering the siting of schemes.

## 2.4 Renewable Energy and Low Carbon Technologies

→ Renewable energy technologies produce energy from natural resources that will not run out. The most common of these are energy from wind (wind turbines), energy from the sun (solar panels), and energy from water (hydro-electricity).

Renewables and low carbon technologies can be broadly split into two categories:

- Those that produce electricity
- Those that produce heat, either for water or space heating

### → Commercial or Large-scale Generation

Commercial or large-scale renewable energy projects produce energy for sale to the national electricity grid. Such projects are connected to the national electricity grid and must apply directly to Eirgrid or to ESB Networks for approval for a grid connection. See the [Grid Connection toolkit](#) module for more information.

### → RESS

The [Renewable Electricity Support Scheme \(RESS\)](#) provides financial support to renewable electricity projects in Ireland through a competitive auction-based system. There is a separate category within each auction that is for 100% community owned projects, which range in size from 0.5 – 5MW. Renewable electricity is a central element of our action on climate disruption as set out in the Programme for Government, the Climate Action Plan, and the National Energy and Climate Plan 2021-2030. The RESS Scheme ensures that we are on a pathway to meet our ambitious climate targets of 80% renewable electricity by 2030, and lays the foundations of a thriving and cost effective renewable electricity market. This will support the growth of the green economy, create sustainable work opportunities, and ultimately benefit the consumer as renewables become more cost effective.


As well as the community category in RESS to support community-owned renewable electricity generation, the scheme also includes other opportunities for community participation and benefit. All successful RESS projects must establish a Community Benefit Fund to ensure that the benefits of renewable energy are shared with local communities. The fund must be worth €2/MWh of generation. For example this works out approximately at:

- For a 10MW wind farm, the Fund is expected to receive approximately €60,000.




RESS 1 sets out that funds contained in the Community Benefit Fund shall be distributed for the duration of the relevant RESS 1 Project's RESS 1 Support as follows on an annual basis:

- In respect of Onshore Wind RESS 1 Projects, a minimum of €1,000 shall be paid to "near neighbours" – properties located within a distance of a 1 kilometre radius from the RESS 1 Project and therefore most impacted by the development
- A minimum of 40% of the funds shall be used to support community initiatives which align with the UN Sustainable Development Goals, specifically projects focusing on education, energy efficiency, sustainable energy and climate action
- A maximum of 10% of the funds can be used to support the administration of the funds themselves
- The balance of the funds shall be spent on initiatives as proposed by local clubs and societies and not-for-profit entities. In respect of Onshore Wind RESS 1 Projects, part of the balance will also go towards "near neighbour payments" for households located outside a distance of 1 km but within a distance of 2 km from the RESS 1 Project.


The terms and conditions for the second onshore Renewable Electricity Support Scheme (RESS-2) auction were finalised and published in October 2021. Section 7 of the terms and conditions sets out the community related aspects of RESS-2. See the [SEAI RESS webpage](#)  for more information on RESS and opportunities and supports available for communities.

### → Micro-Generation

In Ireland, micro-generation is a small-scale, grid connected electricity generation where customers produce their own electricity and export the surplus onto the ESB Networks Low Voltage System. A support mechanism to allow excess energy from micro generation to be sold to the grid is currently at design stage, See [gov.ie](#)  for latest updates on the proposed scheme.

### → Wind Power

The construction of a wind farm requires planning permission and detailed pre-application discussions will need to take place and either an Environmental Impact Assessment or an Environmental Report may need to be undertaken as part of the planning application.

In addition to the turbines themselves, significant infrastructure development is also required. This often involves the formation of access roads to and within the site capable of accommodating the large vehicles involved in delivery and construction, temporary compound areas, concrete foundation 'pads' for each turbine, hardstand areas for cranes and the on-site storage of turbine components prior to erection, transformer, substation buildings, and works to connect to the local electricity supply network. For more information, please see the [onshore wind toolkit](#) .

Key siting considerations for wind projects include:

- Proximity to residential properties
- Landscape and visual impact
- Ecological and environmental considerations
- Land zoning maps and whether the site is an area which is acceptable/open to consideration for wind energy in the county development plan
- Construction phase activities and impacts
- Proposed lifespan of the development
- Decommissioning and reinstatement of site subject to the satisfaction of the council

## → Solar PV

Solar electricity systems capture the sun's energy using photovoltaic (PV) cells. The cells convert the sunlight into electricity, which can be used to run appliances and lighting. Solar cells do not need constant direct sunlight and will still produce energy on even overcast days. However, the stronger the sunshine, the more electricity is produced. Similarly, the larger the area covered with solar cells; the more electricity is produced.

Installations should be generally south facing, with an angle of 15-55 degrees. Some installations may have tracking technology with sensors and motors to track the motion of the sun and maximise electricity production. Some of the benefits of solar PV include:


- It is well suited to urban environments where other renewables may not be as easy to install
- It is clean and silent to operate
- Solar has little visual impact and does not generate any noise
- On site storage using battery is also a possibility but incurs increased capital costs

Key considerations are:

- Site aspect, area, and topography
- Availability and method of grid connection
- Impact on sensitive receptors including roads, residential development, areas of tourism and landscape amenity value, airfields, and ecology
- The visual impact of the proposal and other permitted large-scale solar PV developments
- Management, fencing and upkeep of the site
- Construction phase activities and impacts
- Proposed lifespan of the development
- Decommissioning and reinstatement of site subject to the satisfaction of the council



### → **Glint and Glare**

Full consideration should be given to how glint and glare of solar arrays will affect the environs. Glint is described as intense direct reflections of the sun, while glare as diffuse reflections of the bright sky around the sun, which is a continuous source of brightness. Glint and glare can cause particular problems for users to the south-east of a development, for example to homes, businesses, and public highways. Applications for solar arrays will be expected to consider the effects of both glint and glare on the surrounding environment and should be accompanied with a Glint and Glare Assessment. Mitigation measures could be put in place to address any harmful impact. For more information, please see the [Solar PV toolkit](#) .

## 2.5 Exempted Development

→ Planning permission from the Council is required in respect of renewable energy development unless it is exempted development or is Strategic Infrastructure Development development in which case consent is required from An Bord Pleanála.

Exempted developments are those developments for which planning permission is not required and are legislated for under Section 4 of the Planning and Development Act 2000 (as amended). The classes of exempted development are set out in column 1 (description of development) of the 2nd Schedule to the Planning and Development Regulations 2001 (as amended) provided that such development complies with the corresponding conditions and limitations set out in column 2 of the 2nd Schedule. Examples of exempted development include the installation of domestic microgeneration such as small turbines or solar panels.

## 2.6 Scale of Exempted Development Projects

→ The Planning Regulations allow for small scale renewable projects to be developed without the need to apply to the local planning authority. The current Planning and Development Regulations 2001 allows for the installation of solar thermal or PV panels in a domestic, agricultural, industrial or light business setting subject to a number of limits and conditions which must be satisfied. In terms of micro wind generation, planning exemptions apply for single turbines in a domestic, agricultural, industrial or business setting.

Article 9 of Planning and Development Regulations sets out restrictions on exemptions. For example, development will not be exempted development if the carrying out of such development would:

- Interfere with the character of the landscape or a view or prospect of special amenity value or special interest
- Contravene a condition attached to a permission or be inconsistent with any use specified.

This is not an exhaustive list, and the provisions of both the Planning Act and the Planning Regulations should be carefully checked if an exemption is being claimed. Should the applicant be unsure on whether the proposed development would be considered as exempt under legislation, a request for a declaration under Section 5 of the planning and development act can be made to the local authority. Local authorities will make a determination on the matter.

## → Wind Measuring Masts

A wind-measuring device should be erected in the location where you want to erect wind turbines. This device should run for at least a year and gather data from several different tower heights. It will provide you with crucial data to make a decision about using wind power in your community. Wind systems can also be combined with storage systems or with other renewable energy technologies in hybrid systems. Data can also be used when carrying out noise baseline monitoring.

Under Class 20A Schedule 2, Article 6 of the Planning and Development Regulations 2001, a wind measuring mast is considered to be exempted development if it meets certain criteria such as the following:

- No such masts shall be erected for a period exceeding 15 months in any 24 month period
- The total mast height shall not exceed 80 metres
- The mast shall be a distance of not less than 5 metres from any party boundary
- 20 metres from any nonelectrical overhead cables
- 20 metres from any 38kV electricity distribution lines
- 30 metres from the centrelines of any electricity transmission lines of 110kV or more.

The above criteria is not an exhaustive list and there are limits and conditions which must be satisfied. It is always best to check with your local planning authority in advance of carrying out such works. The full list of criteria that must be satisfied is set out under the Planning and Development Regulations 2001.





## 2.7 Environmental Impact Assessment

→ The Environmental Impact Assessment is the assessment process carried out by the competent authority while the Environmental Impact Assessment Report (formerly referred to as an Environmental Impact Statement) is the written statement of the effects, if any, of a project, if carried out, would have on the environment.

The following is list of Environmental Impact Assessment Report studies that would typically accompany a planning application where an Environmental Impact Assessment Report is required for a wind farm include:

- Population and human health
- Biodiversity
- Bird studies\*
- Archaeology and cultural heritage
- Soils and geology
- Hydrology and hydrogeology
- Landscape and visual impact
- Noise
- Air quality and climate
- Traffic and transport

\*The timeline for Bird Surveys is dependent on the scale of the project of the site context i.e., site sensitivities etc. For an Environmental Impact Assessment Report project, the typical time period is a minimum of two years.





Statutory guidelines on carrying out Environmental Impact Assessment were published by the Minister for Housing, Local Government and Heritage in August 2018. A link to this document is available at [www.gov.ie/en/publication/53aee9-guidelines-for-planning-authorities-and-an-bord-pleanala-on-carrying](http://www.gov.ie/en/publication/53aee9-guidelines-for-planning-authorities-and-an-bord-pleanala-on-carrying).

Whether or not an Environmental Impact Assessment is required for a particular development depends on the nature of the development. All projects listed in Annex I of the Directive require a mandatory Environmental Impact Assessment e.g. long-distance railway lines, motorways and express roads, installations for the disposal of hazardous waste etc.). Those listed in Annex II are at the discretion of the Member State as to whether they require an Environmental Impact Assessment, and this is usually done through the screening procedure which determines the effects of projects on the basis of thresholds or a case-by-case examination. Figure 2 sets out an overview of the screening process.

**Figure 2: Pre-Screening Process**

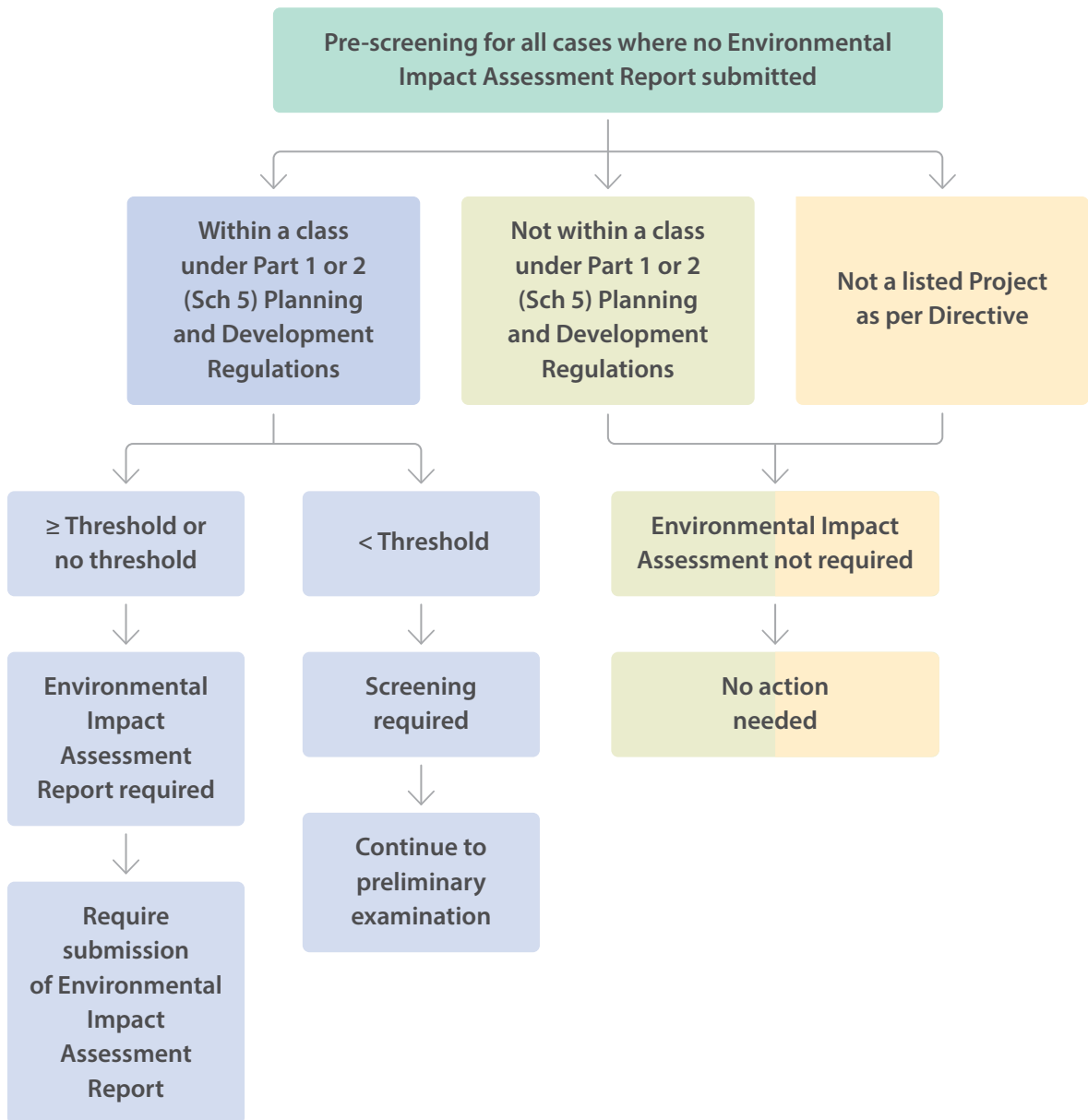
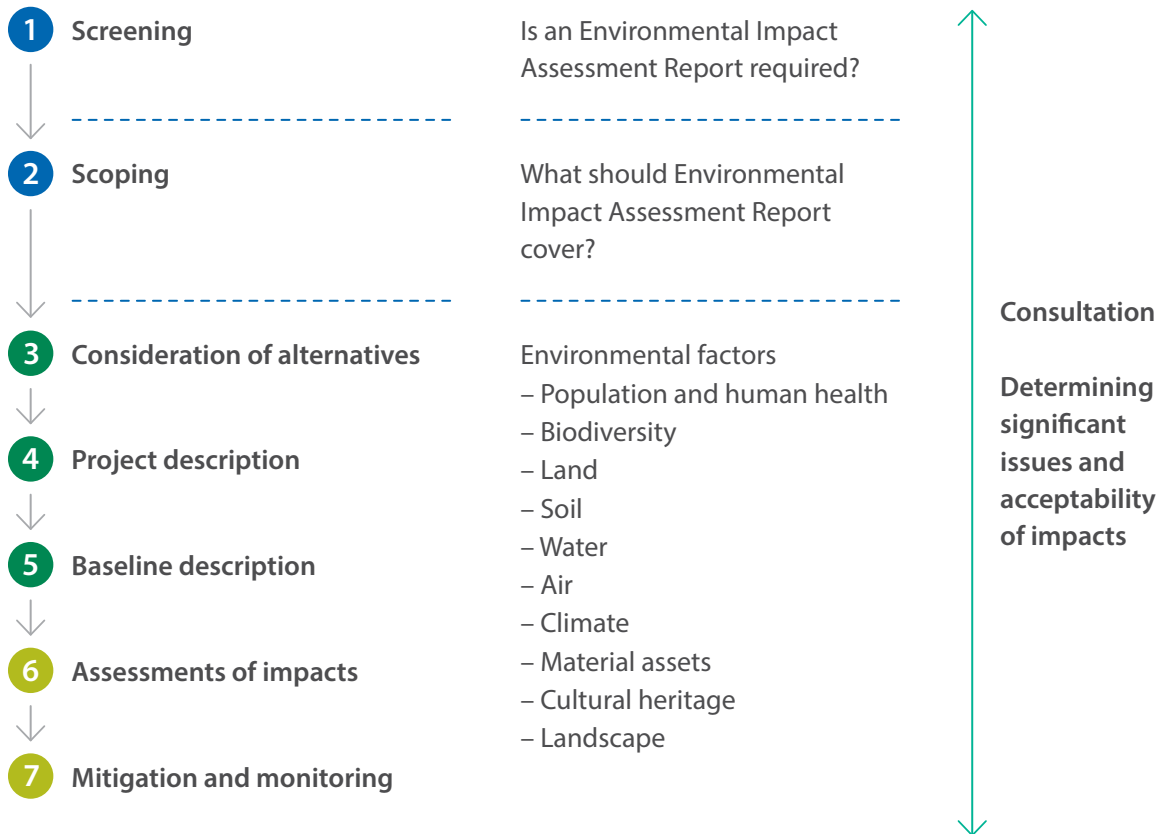


Figure 3 provides an overview of the Environmental Impact Assessment process. The competent authorities' assessment (Environmental Impact Assessment) is based on the findings in the Environmental Impact Assessment Report.

**Figure 3: Environmental Impact Assessment Report Guidelines**



**Draft guidelines on the information to be contained in Environmental Impact Assessment Reports Environmental Protection Agency August 2017**

This section provides planning charts for different technologies. The charts below focus on community-scale projects. Community energy projects are larger than household-size installations, but usually less than 5MW. The EU Environmental Impact Assessment Directive specifies projects which, by virtue of their nature, size, or location, are likely to have significant effects on the environment and should be subject to Environmental Impact Assessment. The Directive requires projects listed in Annex I of the Directive to be subject to mandatory Environmental Impact Assessment and provides that Member States may determine whether projects listed in Annex II of the Directive shall be subject to Environmental Impact Assessment. A link to the Environmental Impact Assessment Directives can be found at [www.ec.europa.eu/environment/eia/eia-legalcontext.htm](http://www.ec.europa.eu/environment/eia/eia-legalcontext.htm)

Projects requiring an Environmental Impact Assessment by a planning authority or An Bord Pleanála (the Board), as appropriate, in respect of an application for planning consent are listed in Schedule 5 of the Planning and Development Regulations 2001 (the Regulations), which transposes the list of projects in Annexes I and II of the Environmental Impact Assessment Directive. Proposals for individual renewable energy development projects may be subject to Environmental Impact Assessment as part of the planning process. Part 2 of Schedule 5 of the Regulations includes

renewable energy development projects, such as wind energy projects and, in accordance with the Directive, certain thresholds have been set below which development need not necessarily be subject to Environmental Impact Assessment. Environmental Impact Assessment is also required in the consideration of planning applications, other than in the circumstances referred to above, where a development is likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations.

In some instances an Environmental Impact Assessment Report may be required for subthreshold development where there is a likelihood of significant effects or where an Natura Impact Statement is required. The cumulative impacts must also be considered where for example there is an extension to existing wind farm which in combination would exceed the thresholds set out under Part 2 of Schedule 5 of The Planning and Development Regulations. The Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018) provide further information with respect to Environmental Impact Assessment and sub threshold development.

At present, while solar farm development projects are not specifically listed as requiring assessment under the Environmental Impact Assessment Directive or under the Regulations, such development proposals may be required by a planning authority to undertake an environmental impact assessment, taking into account the criteria listed in Schedule 7 which include the characteristics of the proposed project having regard to its size, its cumulation with other development, pollution and nuisances, and the risk of accidents as well as the location of the proposed development having regard to the existing land use, the environmental sensitivity of the geographical area and the absorption capacity of the natural environment in the area of the proposed development.

Environmental Impact Assessment should cover the entire project including the wind farm/solar farm, the grid connection and haul routes.

For wind farms, projects of not greater than 5 turbines or 5MW may not require an Environmental Impact Assessment. In such cases, an Environmental Report is likely to be required in support of the planning application.

The Environmental Report is likely to include similar topics to that of an Environmental Impact Assessment Report:

- Planning policy
- Air quality and climate
- Biodiversity
- Soils and geology
- Water and hydrogeology
- Noise
- Landscape and visual
- Shadow flicker
- Archaeology and cultural heritage
- Transport and access

## 2.8 Biodiversity, Habitats and Nature Conservation

→ Any proposals that are likely to have a significant effect on designated European sites will be required to be assessed. European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Where adverse effects on site integrity are identified and cannot be mitigated, any proposal will be refused unless it can be demonstrated that there are no alternatives, the scheme is required for imperative reasons of overriding public interest and compensatory measures can be provided.

European sites of ecological conservation importance are defined as Special Areas of Conservation (SACs) for habitats and species, designated under the [Habitats Directive 92/43/EC](#) and Special Protection Areas (SPAs) for birds designated under [Directive 2009/147/EC](#) on the conservation of wild birds (the codified version of Council Directive 79/409/EEC as amended) ('the Birds Directive').

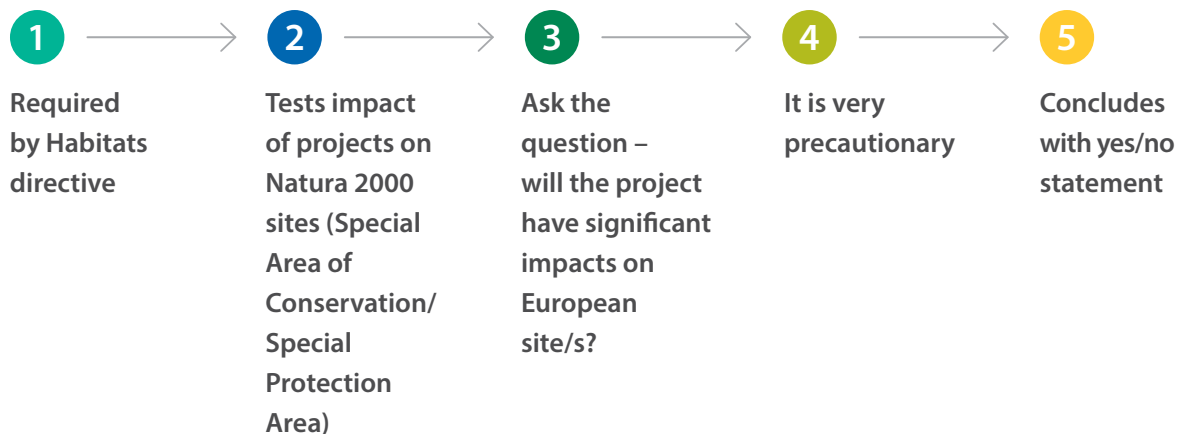
These are also known, collectively, as Natura 2000 sites. The Natura 2000 Network Viewer is an online tool that shows all Natura 200 sites and provides key information on designation species and habitats and information on conservation status. A link to the map can be found at: [www.ec.europa.eu/environment/nature/natura2000/index\\_en.htm](http://www.ec.europa.eu/environment/nature/natura2000/index_en.htm).

The ecological features of a site and the details of the project will determine the types of surveys required. A Natura Impact Statement is carried out by ecological specialists on behalf of the proponent of the project and assessed by the planning authority.

### → Appropriate Assessment

Article 6 (3) of the Habitat Directive requires any plan or programme, not directly connected with or necessary to the management of a European protected site, but likely to have significant impacts on it, to undergo an Appropriate Assessment. This is a scientific assessment carried out by the competent authority (developer usually prepares all an Appropriate Assessment documentation, but responsibility lies with the consent authority). The Appropriate Assessment is specific to the conservation objectives of the site, so it will only assess those aspects of a site for which it is designated. Figure 4 provides an overview of the Appropriate Assessment Screening Steps.

**Figure 4: Appropriate Assessment Screening**









## 3. Planning Feasibility

### 3.1 Identifying Sites

→ The following key issues may need to be considered for renewable and low carbon technology developments. The guidance only applies to the technologies that require planning permission.

#### → Availability of Resource

Wind speed is an important issue when identifying a suitable site for a wind turbine. For wind energy generation to be effective and efficient, wind speeds must have consistency without hindrance from any turbulent air, and other obstructions such as trees and buildings. When wind speed is too high, for safety reasons, the blades will cease rotation.

Irradiance maps can be used to identify suitable sites for solar.

#### → Erect a Mast Tall Enough to Mount an Anemometer

This is used to measure, over a minimum period of one year, the wind resource at the intended hub height of the wind turbines selected for the wind farm. This should be as close to hub height as possible, and readings should be taken from two heights on the mast for verification. (Preliminary readings at a minimum height of 10m are often taken first for a period of a few months to check if the site is as promising as thought before going to the expense of erecting the taller mast.) These wind speed readings are correlated against those from the nearest Met Éireann weather station with readings stretching back for at least 30 years. This enables a rough prediction of the annual energy production in kilowatt-hour per year (kWh/yr) for the site to be made. There is also an opportunity to use LiDAR technology to monitor wind speed data. This is less costly option than the installation of meteorological masts with anemometers. Open source data may also be available.

#### → Landscape and Visual Impact

The potential impacts of wind energy can be a direct concern in areas of highly sensitive landscapes. Effects will vary depending on the size and number of turbines in a development, its placement within the landscape, or the number of visual receptors. Landscape impacts include the effect of a wind turbine on the fabric, character and quality of the landscape and the degree to which it will become a defining characteristic. Visual impacts concern the extent to which the wind turbine will become a feature in particular views and the impact upon people experiencing those views. Both must be considered individually and cumulatively with other existing and proposed turbines (those with planning permission but not constructed) as part of the application process.

For solar developments, the layout and design will be informed by a landscape analysis. There will be local variations in landscape character and sensitivity between sites. The most suitable sites for solar are likely to be on flat/lower slopes rather than upland slopes/mountainous areas. It is best to avoid areas where it would be overlooked by sensitive viewpoints.

#### → Ecological Considerations

Renewable Energy schemes should generally not be located on ecologically important sites (Special Protection Areas and Special Areas of Conservation).

**Birds (wind power):** The environmental assessment process for wind projects usually requires a study of the bird use of the area before and after construction, and often a mortality survey after construction. Studies of turbine installations suggest that informed site selection is extremely important in reducing the number of birds killed by a wind plant.

### → Culture and Heritage Impacts

If a renewable energy development is proposed within the setting of, or near to the setting of cultural and heritage assets an assessment of its impact on the asset must be undertaken and submitted with the planning application along with details of how any negative impacts will be mitigated. This is especially the case with solar projects where there is greater site coverage.

### → Air Traffic

Wind turbines may generate a risk for low flying aircraft. Additionally, wind turbines may have an effect on the proper operation of radar systems of both aircraft and river navigation equipment. For any wind power development that may produce such concerns, the correct assessments and consultees must be all involved in the planning process. Glint and glare associated with solar farms can also present a potential constraint to air traffic.

### → Shadow Flicker and EMI

Wind turbines may interfere with electromagnetic transmissions such as television, radio, and phone signals. Under certain circumstances, the sun may pass behind the blades of a turbine and create a shadow effect over neighbouring properties. When the blades rotate, the shadow will flicker. Issues with shadow flicker are rare and will only effect properties with 130 degrees either side of North relative to the turbine. The likelihood will depend on the direction, distance, turbine height, time of year, prevailing wind direction and with 10 rotor diameters of a turbine.

Where a wind turbine proposal is within 10 rotor diameters of a building, an analysis of shadow flicker must be undertaken and submitted with the planning application. If shadow flicker is proven to have an impact, it must be quantified, and mitigation strategies identified. Wind turbines can be controlled to avoid shadow flicker; this can be secured through a planning condition that will require the provision and operation of a system that will stop the turbine rotating when shadow flickering occurs.

### → Operational Considerations

Dependent on the size and scale of development, site access will be required for the construction and maintenance of the development, which may result in the need for an access road leading up to the wind turbines themselves. The appropriate assessments regarding construction of the turbine and to provide the correct cabling from the development site to the sub-station where generated electricity is sent will also need to be undertaken. If any works are required to the highway or any other land this should be identified in the planning application.

Noise generation is perceived to be an adverse impact of wind turbine operations; although noise levels of modern wind energy are generally very low. Improvements in technologies have reduced mechanical noise impacts significantly. However, It is important that turbines are located an appropriate distance from noise sensitive developments to minimise any adverse impacts upon local amenity.

Wind turbines also create noise, which can have an impact on the amenity of the occupants of any nearby dwellings. As such it is recommended that a separation distance of at least 500 metres or 4 times tip height is incorporated between the turbine and any other dwelling.

Appropriate distance between all wind turbines and power lines and those further considerations are given to issues that can arise when planning for grid connections. ESB should be consulted on applications and evidence of any pre-application discussions should be submitted as part of the planning application.

### → **Decommissioning and Site Restoration**

Solar farms and wind turbines have a finite life and, should planning permission be granted it is likely to be subject to a condition requiring the turbine to be decommissioned and removed when no longer in use. A condition may also be added requiring certain colours and finishes of the mast, blades, and hub but this will be specific to the turbine's location.

## **3.2 Identify Site Constraints**

→ Refer to the Wind Energy Maps or Renewable Energy Strategy in the County Development Plan to check wind energy designations. Refer to the Council's Landscape Assessment [if any] to see where the site lies in relation to landscape sensitivity.

## **3.3 Zoning Considerations**

→ Zoning objectives determine the most appropriate type of development on a particular piece of land. They are also used to distinguish certain land uses such as housing and industry, to define business districts or city and town centre areas and predominant land uses such as the local authority land zoning map which sets out particular uses for land such as open space, agriculture, or education. For renewable energy projects the following designations usually apply:

Areas as being either a) strategic, b) acceptable in principle, c) open for consideration or d) not normally permissible, for wind energy.

## **3.4 Planning Constraints**

→ There are numerous planning constraints that will affect the suitability of the various renewable and low carbon energy technologies. The list below gives a brief summary of some of the principle ones. There are various other statutory and non-statutory constraints that may apply to your site. These range from the distance to a neighbouring property, to the site being located in a flood risk area.

Choosing an appropriate siting can be hard as the need to minimise the impact on the landscape is often difficult to reconcile with the need to ensure an uninterrupted flow of wind to the turbine. In order for a wind turbine to operate efficiently, it will need an average wind speed of 4.5-5m/s at the hub. The flow of wind to the turbine should be free from obstructions such as trees, buildings, or hills in the prevailing wind direction to minimise turbulence.

The problem arises as the best operational location for a wind turbine may be on a ridge top, however this may be the worst location in terms of landscape impact. A balance needs to be struck which may include siting a turbine against a backdrop of trees or a hillside, whilst still retaining an uninterrupted flow of wind.

## 3.5 Technical Considerations that Affect Siting

→ **Noise concerns:** Arise particularly around wind energy systems. Local planning authorities generally require setbacks for turbines from residential areas and roads that minimize this impact.

**Visual impacts:** Equally, a concern with turbines tends to wane with ownership and engagement. The turbines might be generating dividends for the community, making their appearance a welcome symbol for many communities and homeowners.

**Other environmental impacts:** Hydrological and soil studies should be undertaken for larger renewable energy installations. These studies will ensure minimal erosion from construction and access roads and identify any possible concerns for the construction of the foundations, or any peat stability issues. They are required for environmental assessment processes.

**Glint and Glare:** In the case of Solar PV developments, glint and glare will be one of the biggest issues. Glint and glare can be a significant issue and should not be underestimated, particularly to the southeast of a solar PV development. The potential impacts upon residential properties and the road network should be thoroughly assessed at the pre-planning stage





## 4. Pre-Application Process

### 4.1 Identify your Local Authority

→ If a physically viable site can be identified, you should then contact planning department of your local authority prior to submitting a planning application. A pre-application enquiry can identify the planning issues at an early stage, and where possible suggest remedies to any problems. The siting and its effect on the landscape is likely to be the greatest issue, and this should be considered carefully.

A planning consultant can guide you through the planning application process and can work with you to deliver a high quality and compliant planning application.

The local authority will be able to offer pre-application advice before a formal application is submitted in order to guide applicants through the process, which may minimise delays later in processing the application.

### 4.2 Pre-Application Information

→ You will need to give the planning authority with as much information as possible including:

- Pre-Application Form
- Cover letter setting out details of the project
- Site Location Plan
- Site Feasibility [not mandatory] setting out key constraints and any European Sites

### 4.3 Engage in Dialogue with the Local Planning Authority

→ Pre-application discussions can also help you and the planning authority identify areas of concern about the proposed development so that consideration is given to amending the proposal before the application is submitted. The advice and guidance provided at the pre-application stage is given in good faith, however, it does not guarantee or supply a definitive undertaking as to whether the proposal is likely to be acceptable.

### 4.4 Supporting Documents and Specialist Reports


→ Not all of the renewable energy resources identified above will be available and economically viable in your project area. To determine whether you have a viable project or not, it is necessary to conduct a resource assessment. Unless you have the necessary experience in-house, you should hire a consultant to help you assess your renewable energy resource.


## 4.5 Community Consultation

- There are many different types of community consultation exercises and methods, which can be tailored and adapted to the particular unique set of circumstances. Concerns with view and landscape aesthetics must be addressed during local meetings. It is recommended that public consultation takes place at an early stage prior to the submission of a planning application. There will also be an opportunity for a Community Benefit fund to be established.

## 4.6 Community Benefit Fund

- The first RESS auction held last year included a provision that mandatory Community Benefit Funds would be established by all successful projects. These funds are set at €2/MWh for all generation projects and are to be used for the wider environmental, social and cultural well-being of the local community. A key emphasis of the new scheme is that communities should benefit directly from all the renewable electricity projects being supported in the scheme.

A set of Good Practice Principles have been published so that all projects and individuals know what is expected from Community Benefit Funds and to ensure that the requirement to provide a fund is applied consistently. A link to the handbook can be found at: [www.gov.ie/en/publication/5f12f-community-projects-and-benefit-funds-ress](http://www.gov.ie/en/publication/5f12f-community-projects-and-benefit-funds-ress) .

Similarly Wind Energy Ireland produced a community benefit report in 2019 which provides good examples of community projects. A link to the project can be found at: [www.windenergyireland.com/images/files/iwea-funding-communities-single-pages-2020.pdf](http://www.windenergyireland.com/images/files/iwea-funding-communities-single-pages-2020.pdf) .

The Department's 2016 'Code of Practice for Wind Energy Development in Ireland – Guidelines for Community Engagement sets out guidelines for community benefit amongst other things.



# 5. The Planning Application Process

→ Figure 5 sets out an overview of the Planning Application process.

**Figure 5: Planning Application Process**

- 1 5 week period for submissions

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- 2 3 week period for local authority review

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- 3 4 week period for 1st of 3rd party appeal to An Bord Pleanála

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- 4 3-5 week period for local authority decision (This period could be extended if the Further Information request is considered substantial further information by the local authority and the planning application has to be re-advertised)

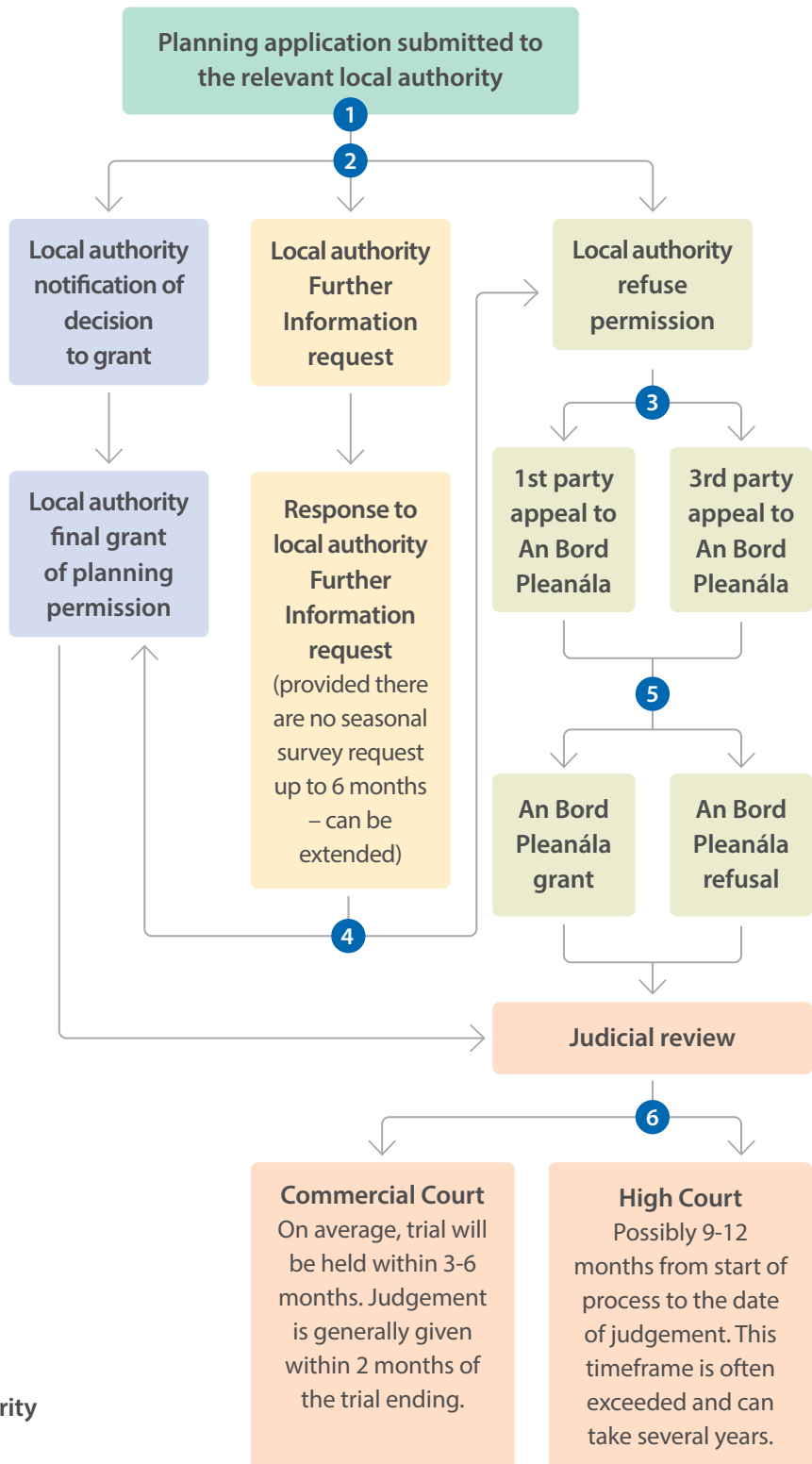
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- 5 18 week period for An Bord Pleanála decision (statutory period, however this has often been extended)

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- 6 8 week period for possible judicial review by 1st of 3rd party

1st party: Applicant  
2nd party: Planning Authority  
3rd party: Objector



**Commercial Court**  
On average, trial will be held within 3-6 months. Judgement is generally given within 2 months of the trial ending.

**High Court**  
Possibly 9-12 months from start of process to the date of judgement. This timeframe is often exceeded and can take several years.



## 5.1 General Requirements for Renewable Development Planning Application

→ You must give notice of the intention to make the planning application within the period of two weeks before the making of the application.

The newspaper notice must be published in an approved newspaper within a period of two weeks before the making of the application and must contain as a heading the name of the planning authority to which the planning application will be made in. In addition, it must state:

- Your name
- The location, townland or postal address of the land or structure to which the application relates
- The type of permission sought, i.e. whether the application is for permission for development, retention of development, outline permission or permission consequent on the grant of outline permission.

The planning authority must approve a list of newspapers, to ensure it reaches a sufficient number of people. This list is subject to change.

### → Site Notice

You must erect a site notice giving notice of intention to make the application in accordance with art.19 of the Planning and Development Regulations. Site notices erected or fixed on any land or structure must be in the form set out at Form No. 1 of Sch.3 (or a form of like effect) and be inscribed or printed in indelible ink on a white background, affixed on a rigid, durable material and secured against damage from bad weather. The notice should be securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances (or on any other part of the land or structure adjoining a public road). The notice should be easily visible and should be legible by people using the public road. It should not be obscured or concealed at any time.

Where the planning authority is of the view that the erection or fixing of a single site notice is not sufficient or does not adequately inform the public, the authority can require a further site notice or site notices and require evidence of compliance with same.

The site notice must state if a planning application is accompanied by an Natura Impact Statement or an Environmental Impact Assessment Report.

Where a valid planning application is made in respect of any land or structure, and a subsequent application is made within six months from the date of making the first application in respect of substantially the same site, the site notice for the second application must be inscribed or printed in indelible ink on a yellow background.

### → Planning Drawings

Plans, drawings and maps accompanying a planning application must all be in metric scale. Site or layout plans must be drawn to a scale of not less than 1:500. The site boundary must be clearly delineated in red. Any features adjoining or in the vicinity of the land or structure to which the application relates must be shown. This may include buildings, roads, boundaries, septic tanks, percolation areas, board-wells and significant tree stands. Other plans, elevations and sections must be drawn to a scale of not less than 1:200.

### → Legal Interest

Article 22(2)(g) of the Planning and Development Regulations states that “where the applicant is not the legal owner of the land or structure concerned, the written consent of the owner” is to be included with the application. It is clear from this that an individual other than the owner can make an application to the planning authority. The consent need only be in relation to the making of the application for permission itself. Therefore, the applicant is not the owner of the land and a letter from the owner will be required to be submitted with the planning application stating that they give consent for a planning application to be made on their land.

## 5.2 Example of Hypothetical Planning Feasibility

→ A hypothetical 5MW solar project is proposed on a 10 hectare site approximately 2km to Ballyhale 38kV substation in Co. Kilkenny.

The first thing to identify is any planning constraints relating to the site. A review of the Kilkenny County Development Plan 2014-2020 will identify land zonings and any other planning policy constraints that need to be considered at this stage.

([www.kilkennycoco.ie/eng/Services/Planning/DevelopmentPlans/Development\\_Plans\\_2014-2020](http://www.kilkennycoco.ie/eng/Services/Planning/DevelopmentPlans/Development_Plans_2014-2020)). Chapter 10 the KCD sets out the most relevant planning policies with respect to renewable energy. Chapter 10 sets out policies relating to solar developments but there are no specific policies for Solar PV.

The landscape designations from the Kilkenny County Development Plan will be reviewed as part of the assessment. The site is not within any sensitive landscape designations in the Kilkenny County Development Plan.

A planning history search should be carried out for the site and sites in the surrounding area. A review of the Office of Public Works Flood Risk Portal will identify an known flood risk. Flood risk information can be found at [www.maps.opw.ie](http://www.maps.opw.ie).

From a review of the Kilkenny County Development Plan the site is located within a rural area in close proximity to Ballyhale 38KV substation. The overall land holding comprises 10 hectares and is made up of mature hedgerows and several field boundaries.

The topography of the site is flat and is on a south facing slope which is important to maximise solar gain. A review of the Geological Survey Ireland will identify soils and subsoils. A link to the website can be found at (<https://dcenr.maps.arcgis.com/apps/webappviewer/index.html?id=de7012a99d2748ea9106e7ee1b6ab8d5&scale=0>).

The proposed site is currently used for agriculture and is located adjacent to an existing local road network, and it is made of narrow roads with one off housing. You have secured agreements with the landowner for the project. The proposed site is located 2km from Ballyhale 38KV substation. One of the critical actions at the project inception stage is to find out if there is available capacity on the line. Grid connections are costly and driven by the length of the grid connection.

This includes identifying site constraints such as proximity relative to Natura 2000 Sites. A list of European Sites can be found on the Environmental Protection Agency MAP (<https://gis.epa.ie/EPAMaps>). It is noted from a review of the Environmental Protection Agency maps that the site and likely grid connection route options are not located within any European Sites. The nearest European Site is located 3km to the east of the site. From reviewing the Environmental Protection Agency maps, it is noted that there are no hydrological links to any European Sites.

The project is screened for Environmental Impact Assessment Screening. The project does not fall within the scope of Environmental Impact Assessment under Parts 1 and 2 of Schedule 5 of the Planning Regulations.

### → Pre-Application

A pre-application is submitted to Kilkenny County Council. The pre-application is accompanied by a site location plan and a cover letter outlining the main constraints relating to the site. The pre-application advice given by Kilkenny County Council considers the development to be acceptable in principle subject to the findings of a number of specialist reports.

Following the pre-application advice a planning application is progressed for the site.



## 5.3 Costs and Associated Timelines for Processes Involved

→ The costs of putting together the planning application for the Ballyhale Solar Farm community project are set out in Table 1. This is not a definitive list of costs but is intended to be a guide of likely costs associated with a solar or wind farm project. A typical community solar farm planning application may cost in the region of €30,000-40,000. Planning contributions will also need to be factored into the overall planning application cost. The timescales for preparation of the planning application will vary. But in the hypothetical project in Ballyhale it will take approximately four to six months to prepare a planning application for submission to Kilkenny County Council. The statutory timescales of the determination of a planning application have been set out in Figure 5.

**Table 1: Typical Costs for a 5MW Solar Farm Planning Application**

	Cost €
Planning Application Forms and Cover Letter	750
Environmental Report	5,000
Drawings	4,000
Archaeology Report	2,500
Landscape and Visual Impact Assessment	7,500
Glint and Glare Assessment	3,000
Screening for Appropriate Assessment	1,500
Screening for Environmental Impact Assessment	1,250
Ecological Impact Assessment	3,500
Flood Risk Assessment	2,750
Traffic and Transport Assessment	4,500
Planning Policy Statement	2,500
<b>Total</b>	<b>€38,750</b>

**Note:** Where a full Environmental Impact Assessment Report is required, the cost could be €200,000 to €400,000 depending on scale of project and studies.

The cost indicated in Table 1 are approximate and the costs will vary depending on the site complexities. A contingency fee should be set aside should further information be requested from the Planning Authority and/or an Appeal has to be made to An Bord Pleanála. Further information on planning appeals can be found in section 7 of this document.

Further information on solar projects can be found on the Irish Solar Energy Association website: [www.irishsolarenergy.org](http://www.irishsolarenergy.org).




## 5.4 Additional Information and Specialist Reports

- Table 2 and 3 sets out the likely reports that will be required as part of a planning application. You should have discussed reporting requirements with the planning authority prior to the submission of the planning application.

## 5.5 Environmental Impact Assessment/Appropriate Assessment

- An Environmental Impact Assessment for projects below 5MW for wind farms is not generally required. There is no specific threshold for solar farms. An environmental report which can be drawn up by a planning consultant is all that will be required. If an Environmental Impact Assessment Report is required to accompany the planning application, an environmental consultant can visit the site to define its scope.

If a proposal is in or near to a Special Protection Area or Special Area of Conservation an assessment against the Habitats Regulations is likely to be required.

Wind turbines can also affect protected species such as bats. If a turbine is to be located near to a bat habitat (woodland, a body of water, old buildings, hedgerows etc.) a specialist bat report may also be required to show how the issues of bats will be dealt with. Birds may also be affected by turbines, and further information and investigation may be required if the site is close to nesting birds. Nesting birds are protected by The Wildlife Act, 1976 (as amended) provided the legislative basis for the protection of birds. Further information can be found on the National Parks and Wildlife Service website: [www.npws.ie](http://www.npws.ie) .

## 5.6 Landowner Consents

- You will need to obtain a letter of consent from the Landowner(s) to accompany your planning application.

## 5.7 Timescales for Determination of Planning Application

- Generally, the local planning authority must make a decision on a planning application within eight weeks of receiving the application, but if the local authority needs more information, or the decision is appealed, it may take much longer.

## 5.8 Request for Further Information

- The planning authority may request further information where it considers that it has insufficient information to determine the application. However, the planning authority cannot seek further information as a means of extending the statutory time period. If a request for further information is not complied with within six months of the original request or an additional period not exceeding three months, the planning application is deemed to be withdrawn.

Where the planning authority receives significant additional data or information following a request for additional information or a request for revised plans, drawings, or particulars, you must publish a notice which is marked "Revised Plans" or "Further Information" in an approved newspaper within a specified period and must notify any persons who made a submission or observation.

## 5.9 Submissions and Observations

- Anyone interested in making submissions or observations may do so in writing to the planning authority within a period of five weeks beginning on the date of receipt by the authority of the application. Anyone can see a copy of your application and on payment of a fee of €20, can make a written submission or observation on it. The decision on your planning permission will be notified to you and anyone who commented in writing on it. If the local authority decides to give you planning permission, you will get a notice of intention to grant planning permission. If no one appeals the decision to An Bord Pleanála within 4 weeks of the date of this decision, you will get grant of permission from the local authority. (See section 7).

## 5.10 Planning Decision

- The planning authority considers several matters when deciding on a planning application including:
- The proper planning and sustainable development of the area (e.g. appropriate land use – is the land zoned for wind development and/or solar PV)
  - Provisions of the development plan;
  - Any other relevant plans (e.g. local area plan);
  - Government or Ministerial policy e.g. Climate Action Plan 2019
  - Environmental Impacts on European site (e.g. Special Areas of Conservation; Special Protection Areas).

## 5.11 Reasons for Refusal

- If the local authority refuses your application, it will set out reasons for this. You have four weeks from the date of their decision to appeal to An Bord Pleanála. Should your application receive a positive decision, you can also appeal overly restrictive planning conditions attached to your permission. Your appeal must include the full grounds of the appeal with supporting material and arguments and the appropriate appeal fee required by An Bord Pleanála. Further information on the Appeals process is set out in section 7.

## 5.12 Typical Reasons for Refusal Relating to Wind

- Some of the typical reasons for refusal relating to wind farms relate mainly to:
- Landscape and visual impact
  - Ecological impacts
  - Impacts on Natura 2000 sites
  - Impacts relating to residential amenity such as noise or shadow flicker

## 5.13 Typical Reasons for Refusal Relating to Solar

- Some of the typical reasons for refusal relating to solar farms relate mainly to:
- Loss of agricultural land
  - Glint and glare impacts
  - Visual amenity
  - Archaeology



**Table 2: Planning Application Checklist for Wind Farm**

Application Checklist for Wind Farm		✓
<b>Application form (all applications)</b>		
<b>Plans</b>	<ul style="list-style-type: none"> <li>• Location Plan (1:2,500)</li> <hr/> <li>• Site Plans showing: (all applications)               <ul style="list-style-type: none"> <li>– the site size</li> <li>– site boundary</li> <li>– location of the turbine(s) and associated infrastructure</li> <li>– proximity to existing dwellings</li> <li>– photomontages, wireframe drawings and viewpoints</li> </ul> </li> <hr/> <li>• Elevation plan (all)</li> <hr/> <li>• Surface water management plan (if applicable)</li> <hr/> <li>• Decommissioning and Restoration Plan (all applications)</li> <hr/> <li>• Capacity – electrical output (MW) (all applications)</li> <hr/> <li>• Site Specific Analysis (all applications)</li> <hr/> <li>• Grid Connection Details</li> </ul>	
<b>Surveys</b>	<ul style="list-style-type: none"> <li>• Ecological Survey (all applications)</li> <hr/> <li>• Landscape and Visual Assessment (all applications)</li> <hr/> <li>• Cumulative Impact Assessment</li> <hr/> <li>• Noise Assessment (all applications)</li> <hr/> <li>• Bat Survey (all applications)</li> <hr/> <li>• Birds Survey (minimum desk study for all)</li> <hr/> <li>• Archaeological/Heritage Assessment (if applicable)</li> <hr/> <li>• Traffic management plan (all)</li> <hr/> <li>• Shadow flicker and visual impact assessments (if applicable)</li> </ul>	
<b>Other items that may be required</b>	<ul style="list-style-type: none"> <li>• Environmental Impact Assessment Report</li> <hr/> <li>• Appropriate Assessment under the Habitat Regulations</li> <hr/> <li>• Details of Grid Connection</li> <hr/> <li>• Details of proposed mitigation for any designated sites,</li> <hr/> <li>• European Protected Species that may be impacted, together with proposals for post-construction monitoring</li> </ul>	



**Table 3: Planning Application Checklist for Solar Farm Array**

Application Checklist for Solar Farm		✓
<b>Application form (all applications)</b>		
<b>Plans</b>	<ul style="list-style-type: none"> <li>• Location Plan (1:2,500)</li> <hr/> <li>• Site Plans showing: (all applications)               <ul style="list-style-type: none"> <li>– the site size</li> <li>– site boundary</li> <li>– location of the panels and associated infrastructure (including sub-station and cabling route)</li> </ul> </li> <hr/> <li>• Design of the module or array (all applications)</li> <hr/> <li>• Elevations to show the proposed location (if applicable)</li> <hr/> <li>• Surface water management plan (if applicable)</li> </ul>	<hr/> <hr/> <hr/> <hr/> <hr/>
<b>Details</b>	<ul style="list-style-type: none"> <li>• Capacity / Electrical output (MW) (all applications)</li> <hr/> <li>• Orientation / roof pitch and details of roof mounting (if applicable)</li> </ul>	<hr/>
<b>Surveys</b>	<ul style="list-style-type: none"> <li>• Landscape and Visual Assessment (all applications)</li> <hr/> <li>• Archaeological Assessment (if applicable)</li> <hr/> <li>• Ecological survey (all applications)</li> <hr/> <li>• Traffic management plan (if applicable)</li> <hr/> <li>• Landscape &amp; Visual impact assessment (if applicable)</li> <hr/> <li>• Glint and glare assessment (if applicable)</li> <hr/> <li>• Details of proposed mitigation for any designated sites</li> </ul>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<b>Other items that may be required</b>	European Protected Species that may be impacted, together with proposals for post-construction monitoring	

## 6. Discharge of Planning Conditions

### 6.1 Development Timescales

- If the local authority decides to grant you planning permission, you will receive a notice of that decision. If there are no third party appeals submitted to An Bord Pleanála within four weeks of the date of this decision, you will receive the grant of permission from the local authority. You must not start building before you receive the grant of permission. Normally, planning permission is subject to planning conditions which must be discharged prior to the commencement of development on site.

Planning permission normally lasts for five years. However, you can apply for a longer period and 10 years is typical.

### 6.2 Changes to Planning Permission

- It is inevitable that there may be changes to the project and an amendment planning application can be made to the local authority. The level of detail required to be submitted as part of an amendment planning application will vary depending on the changes to be made. In some instances, changes to a planning permission may be considered immaterial deviations from the original planning application. If this is the case then it can be dealt with by way of a non-material amendment. It is recommended that you contact your local planning department to discuss the extent of changes to the project.




## 6.3 Pre-Commencement Conditions

→ Local planning authorities have the power to impose planning conditions on planning permission.

Typical planning conditions include:

- Time limits for implementation of planning permission
- Condition stipulating the operational life of the development
- Community Benefit/Dividends
- Development Contributions
- Environmental Monitoring
- Construction Phase (Hours of construction, construction traffic, reinstatement of the site)
- Aeronautical Safety
- Electromagnetic Interference
- Archaeology Conditions
- Decommissioning Plan and site restoration

Please note that this is not an exhaustive list of typical planning conditions and further information with respect to wind energy planning conditions can be found in the Wind Energy Development Guidelines (2006). ([www.gov.ie/en/publication/f449e-wind-energy-development-guidelines-2006](http://www.gov.ie/en/publication/f449e-wind-energy-development-guidelines-2006) )

## 6.4 Post Construction Conditions

→ Post construction conditions are often imposed on renewable energy projects. In particular for wind farm developments these mainly relate to noise and ecological monitoring.

## 7. Planning Appeals

### 7.1 Right of Appeal Decision


- Appeals can be made to An Bord Pleanála (the Board) by:
- A first party (applicant); and/or
  - A third party who submitted a submission or observation at the planning stage to the local planning authority, such as a neighbour of the proposed development that submitted an objection to the application. However, there are three exceptions where a third party may appeal even if he/she did not make an objection / submission already:
    1. A person with an interest (owner / occupier) in the land adjoining the site of proposed development;
    2. Where an Environmental Impact Assessment Report (formerly Environmental Impact Statement) has been submitted; a party with genuine environmental protection concerns subject to certain conditions; and
    3. A prescribed body who was entitled to be notified of a planning application by the planning authority and was not notified in accordance with law.

The planning appeals decision of the Board is final, and a challenge cannot be made other than to its legal validity by way of judicial review in the High Court.

### 7.2 Timeline for Bringing Planning Appeal to An Bord Pleanála

- An appeal must be brought within four weeks of the making of the decision by the planning authority. The four-week time period begins to run on the date of the decision, which is not necessarily the date on which the appellant receives notification of the decision. If the appeal is made by pre-paid post, it must arrive at the Board's offices before the expiry of the four-week period. If the appellant chooses to hand deliver the appeal to the offices of the Board, they must leave the documentation with an employee of the Board personally. If the last day of the four-week time period falls on a weekend, public holiday, or any other day on which the Board's offices are closed, the appeal will be accepted as valid if received by the Board on the next day on which its offices are open.

### 7.3 Time Limit for Deciding a Planning Appeal

- The Board has a statutory objective to try to decide cases within 18 weeks. The 18-week period includes any request periods mentioned previously. For example, An Bord Pleanála may ask you to comment on a submission and ask you to reply within 4 weeks, this four-week period is part of the overall 18-week appeal period. If the Board cannot make a decision within 18 weeks, they will write to participants in the appeal to update them. When the Board makes a decision, they will send you a letter and a copy of the Board Order inform you of the decision. More information about the Board's decision is available on the website: [www.pleanala.ie/en-ie/home](http://www.pleanala.ie/en-ie/home) 



## 7.4 Checklist for Preparing a Planning Appeal

→ An Bord Pleanála has a checklist available on their website but includes the following:

**Table 4: Checklist for Planning Appeal**

Checklist for Planning Appeal	✓
Name and address. If a planning agent is acting for you, the agent must clearly state their own name and address as well as your name and address	
Details to allow An Bord Pleanála easily identify the application you wish to appeal. Examples of the details: <ul style="list-style-type: none"> <li>• A copy of the planning authority decision, or</li> <li>• Name of the planning authority and the planning register reference number</li> </ul>	
You must provide: <ul style="list-style-type: none"> <li>• Your planning grounds of appeal (reasons and arguments) for wanting the planning authority’s decision changed, and</li> <li>• Any items you wish to support your grounds of appeal</li> </ul>	
If you are a third party, you must include the written acknowledgement given to you by the planning authority to confirm it received your submission or observation at planning application stage.	
You must pay the correct fee	
You must make your appeal within 4 weeks from the date that the planning authority has made its decision	





## 8. Use of Environmental Studies and Reports by Other Competent Authorities

### 8.1 The Commission for Regulation of Utilities

- The Commission for Regulation of Utilities (CRU) and other competent authorities will require details of the planning application including any environmental studies and reports for a consent. An applicant must have a Licence to Construct and a Licence to Generate in order to construct a renewable energy facility and generate electricity.

A Section 48 or Section 49 (or both) applications under the Electricity Regulation Act, 1999 will be required for your grid connection.

A pre-application meeting can be requested with the CRU in advance of submitting your application(s). Further information is available on the CRU's website. ([www.cru.ie/professional/licensing/atc-gl-licensing-2](http://www.cru.ie/professional/licensing/atc-gl-licensing-2))


The CRU website contains guidance notes to assist applicants in preparing a valid application that includes all necessary information and supporting documentation for an application for an Authorisation and/or Licence.

### 8.2 Forest Service Licences

- Should you need to remove forestry to accommodate your development, then your Environmental Impact Assessment Report or Environmental Report will need to assess the effects of forestry removal and also consider replant areas. Licence applications for felling and for afforestation will be made to Forest Service may need to be supported by Appropriate Assessment Screening/Natura Impact Statement and by the Environmental Impact Assessment Report/Environmental Report. Further information can be found at [www.gov.ie/en/publication/19b8d-tree-felling-licences](http://www.gov.ie/en/publication/19b8d-tree-felling-licences).

## 9. Further Information

→ Further information in relation to broader planning issues for renewable energy developments are available from a number of sources.

The Office of the Planning Regulator and the Department of Housing, Local Government and Heritage have published a series of planning leaflets dealing with all aspects of the planning system. These leaflets cover a wide range of issues including how to prepare and lodge a planning application, how to make a planning appeal. [www.opr.ie/planning-leaflets](http://www.opr.ie/planning-leaflets) 





# Glossary and Abbreviations

## Glossary

→ AA	Appropriate Assessment – An assessment carried out under Article 6(3) of the Habitats Directive of the implications of a plan or project, either individually or in combination with other plans and projects, on a Natura 2000 site(s) in view of the site’s conservation objectives.
ASSI	Areas of Special Scientific Interest (ASSIs) are protected areas designated under The Environment (Northern Ireland) Order 2002 for their species, habitat and/or geological features.
Cumulative Impact	Consider the combined effect of all existing/granted wind farm developments in conjunction with the proposed wind energy development areas being considered under this Wind Energy Strategy process to determine if any area has an over-concentration of development.
Micro-Generation	The small-scale generation of heat and electricity by individuals, small businesses, and communities to meet their own needs, as an alternative to or to supplement grid-connected power.
Natura 2000 sites	A network of European sites comprising Special Areas of Conservation and Special Protection Areas (including candidate and proposed sites), selected for the conservation of Habitats in line with the Birds and Habitats Directives.
Residential Amenity	Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling.
Shadow Flicker	The blades of a wind turbine may cast a shadow and the rotation of the blades causes the shadow to flick on and off. This effect lasts only for a short period and happens only in certain specific combined circumstances.
Turbines	Composed of a tubular tower with typically three blades connected to machinery inside an enclosure at the top of the tower called the nacelle. A transformer is typically located in the tower and each turbine has a concrete base.
Wind (Meteorological) Monitoring Mast	Mast for measuring wind speeds over the site.
Wind Potential	Areas where commercial development of wind energy resources is viable were identified.
















## Abbreviations

→ AA	Appropriate Assessment
ABP	An Bord Pleanála
CHP	Combined Heat and Power
CJEU	Court of Justice of the European Union
CPD	County Development Plan
CRU	Commission for Regulation of Utilities
DECC	Department of the Environment, Climate and Communications
DHLGH	Department of Housing, Local Government and Heritage
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
ESBN	ESB Networks
EU	European Union
EWEA	European Wind Energy Association
IROPI	Imperative Reasons of Overriding Public Interest
kWh	Kilowatt hour
LPA	Local Planning Authority
MW	Megawatt (1,000,000 watts)
NDP	National Development Plan
NGOs	Non-Governmental Organisations
NHA	National Heritage Areas
NIS	Natura Impact Statement
NPF	National Planning Framework
NPWS	National Parks and Wildlife Service
OPR	The Office of the Planning Regulator
OPW	Office of Public Works
PDA 2000	The Planning and Development Act 2000
PDR 2001	The Planning and Development Regulations 2001
pNHA	Proposed Natural Heritage Area
PPA	Power Purchase Agreement

## Abbreviations (continued)

RESS	Renewable Electricity Support Scheme
RSES	Regional Spatial and Economic Strategy
SAC	Special Areas of Conservation
SME	Small and Medium-Sized Enterprises
SPA	Special Protection Areas
WEI	Wind Energy Ireland

# Appendix A: List of Sources

→ Resource	Link
Climate Action Plan	<a href="http://www.gov.ie/en/publication/6223e-climate-action-plan-2021">www.gov.ie/en/publication/6223e-climate-action-plan-2021</a> 
An Bord Pleanála	<a href="http://www.pleanala.ie/en-ie/home">www.pleanala.ie/en-ie/home</a> 
Development Management Guidelines	<a href="http://www.gov.ie/en/publication/4b409-development-management-guidelines">www.gov.ie/en/publication/4b409-development-management-guidelines</a> 
Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)	<a href="http://www.gov.ie/en/publication/53aee9-guidelines-for-planning-authorities-and-an-bord-pleanala-on-carrying">www.gov.ie/en/publication/53aee9-guidelines-for-planning-authorities-and-an-bord-pleanala-on-carrying</a> 
The Habitats Directive 92/43/EC	<a href="http://www.ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm">www.ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm</a> 
Directive 2009/147/EC	<a href="http://www.ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm">www.ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm</a> 
The Commission for Regulation of Utilities	<a href="http://www.cru.ie/professional/licensing/atc-gl-licensing-2">www.cru.ie/professional/licensing/atc-gl-licensing-2</a> 
The Department of Housing, Local Government and Heritage	<a href="http://www.gov.ie/housing">www.gov.ie/housing</a> 
The Department of the Environment, Climate and Communications	<a href="http://www.gov.ie/en/organisation/department-of-the-environment-climate-and-communications">www.gov.ie/en/organisation/department-of-the-environment-climate-and-communications</a> 
Forest Service Licences	<a href="http://www.gov.ie/en/publication/19b8d-tree-felling-licences">www.gov.ie/en/publication/19b8d-tree-felling-licences</a> 
ISEA (Irish Solar Energy Association)	<a href="http://www.irishsolarenergy.org">www.irishsolarenergy.org</a> 
Kilkenny County Council Development Plan 2014-2020	<a href="http://www.kilkennycoco.ie/eng/Services/Planning/DevelopmentPlans/Development_Plans_2014-2020">www.kilkennycoco.ie/eng/Services/Planning/DevelopmentPlans/Development_Plans_2014-2020</a> 
The EU Environmental Impact Assessment Directive	<a href="http://www.ec.europa.eu/environment/eia/eia-legalcontext.htm">www.ec.europa.eu/environment/eia/eia-legalcontext.htm</a> 
The Environmental Protection Agency	<a href="https://gis.epa.ie/EPAMaps">https://gis.epa.ie/EPAMaps</a> 
Geological Survey Ireland	<a href="https://dcenr.maps.arcgis.com/apps/webappviewer/index.html?id=de7012a99d2748ea9106e7ee1b6ab8d5&amp;scale=0">https://dcenr.maps.arcgis.com/apps/webappviewer/index.html?id=de7012a99d2748ea9106e7ee1b6ab8d5&amp;scale=0</a> 



Resource	Link
The Local Government Reform Act 2014	<a href="http://www.irishstatutebook.ie/eli/2014/act/1/enacted/en/html">www.irishstatutebook.ie/eli/2014/act/1/enacted/en/html</a> 
The Office of The Planing Regulator	<a href="http://www.opr.ie/planning-leaflets">www.opr.ie/planning-leaflets</a> 
The Office of Public Works	<a href="mailto:publications@opw.ie">publications@opw.ie</a> 
The Office of Public Works Flood Risk Portal	<a href="http://www.maps.opw.ie">www.maps.opw.ie</a> 
National Parks and Wildlife	<a href="http://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf">www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf</a> 
The Planning and Development Act 2000	<a href="http://www.irishstatutebook.ie">www.irishstatutebook.ie</a> 
The Planning and Development Regulations 2001	<a href="http://www.irishstatutebook.ie">www.irishstatutebook.ie</a> 
Project 2040	<a href="http://www.gov.ie/en/campaigns/09022006-project-ireland-2040">www.gov.ie/en/campaigns/09022006-project-ireland-2040</a> 
The Renewable Electricity Support Scheme (RESS)	<a href="http://www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme">www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme</a> 
The 2006 Wind Energy Guidelines	<a href="http://www.gov.ie/en/publication/f449e-wind-energy-development-guidelines-2006">www.gov.ie/en/publication/f449e-wind-energy-development-guidelines-2006</a> 
The Draft Revised Wind Energy Development Guidelines December 2019	<a href="http://www.gov.ie/en/publication/9d0f66-draft-revised-wind-energy-development-guidelines-december-2019">www.gov.ie/en/publication/9d0f66-draft-revised-wind-energy-development-guidelines-december-2019</a> 
Wind Energy Ireland Building Communities – Wind Energy Community Benefit Report 2019	<a href="http://www.windenergyireland.com/images/files/iwea-funding-communities-single-pages-2020.pdf">www.windenergyireland.com/images/files/iwea-funding-communities-single-pages-2020.pdf</a> 



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