

Community Energy Resource Toolkit

# The Planning Process



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August 2024

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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.**

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 will deliver meaningful impact to communities nationwide.

The Community Energy Resource Toolkit provides a series of nine practical guidance modules to support project development and delivery, including technology options, business planning, project development stages, good governance and more.

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.

# 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. The Climate Action Plan 2023 (CAP23) is the second annual update to Ireland's Climate Action Plan 2019. This Plan is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and the Plan implements the [carbon budgets](#) and [sectoral emissions ceilings](#) and sets out a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 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 Act 2000** [↗](#), as amended (the Act) and the Planning and Development Regulations 2001, as amended (the Regulations). These Regulations are updated regularly to put legislative changes into effect on more detailed aspects of the implementation of the provisions of the Act. The draft Planning and Development Bill was published in January 2023 and is considered the most significant overhaul of the Planning and Development Regime for many years. The Planning and Development (Amendment) Bill 2023 was enacted in Q4 2024. Some of the key changes are as follows:

- An Bord Pleanála will be re-named An Coimisiún Pleanála, or “the Commission”.
- Development plans will now have a lifetime of ten years instead of the current six years.
- Changes to Judicial Review (JR) legislation in order to process these applications as expeditiously as possible.

In addition to the Acts, the Minister may issue Planning Guidelines under Section 28 of the Act and Policy Directives under Section 29 of the Act, which planning authorities must have regard to in discharging their planning functions. The Act 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 Act is to ensure that these plans and strategies are more closely aligned and integrated.

### 2.2 Office of the Planning Regulator

→ The Office of the Planning Regulator was formally established in April 2019 and one of the key aspects was the appointment of an independent planning regulator, empowered to oversee the planning system in Ireland. While not a policy-making body, its role is to ensure that local authorities and An Bord Pleanála correctly implement national and regional policy at all stages of the planning process. The Planning and Development Act 2000, as amended (the Act), gives it a statutory basis to carry out three main functions:

#### → Evaluation of Statutory Plans

In accordance with Sections 31AM and 31AO of the Act, the Office of the Planning Regulator has responsibility for independently assessing all statutory forward planning with a view to ensuring that the plan provides for the proper planning and sustainable development of the area concerned. This includes evaluating City and County Development Plans, Local Area Plans and variations and amendments to these plans. If an adopted plan is subsequently not consistent with any statutory recommendations, the Office may issue a notice to the Minister recommending that powers of direction, specified under Section 31 of the Act, be utilised to compel the local authority to address the matter.

#### → Planning Reviews and Examinations

In accordance with Sections 31AS and 31AT of the Act, the Office of the Planning Regulator may review the systems and procedures used by any local authority, including An Bord Pleanála, in the performance of their planning functions. It is also empowered to examine complaints received about

a local authority. These complaints must relate to the systems and procedures the authority uses when performing its planning function.

### → **Education, Training and Research**

In accordance with Section 31Q of the Act, the Office of the Planning Regulator is responsible for driving national research, education and training to highlight the role and benefit of good planning. It delivers education and training programmes for both elected members and staff of local authorities and regional assemblies.

## 2.3 Planning Policy and Legislative Framework

### → **Planning and Development Act 2000, as amended**

The Act 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 Regulations implement the Act by prescribing the details of the planning code.

### → **National Planning Framework**

The **National Planning Framework (NPF)** [🔗](#) is the government's statutory strategic planning framework to guide the development of the country in economic, social and environmental terms.

The **National Development Plan 2018-2027** [🔗](#) was published in conjunction with the National Planning Framework and sets out the capital investment required to implement it.

**Project Ireland 2040** [🔗](#) – Project Ireland 2040 is the government's long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future.

### → **Regional Spatial Strategies**

The Local Government Act 2014 provides for a regional dimension to local government in Ireland and groups the authorities into three regional assemblies:

- **The Northern and Western Regional Assembly** [🔗](#)
- **The Southern Regional Assembly** [🔗](#)
- **The Eastern and Midland Regional Assembly** [🔗](#)

One of the functions of regional assemblies is to make regional spatial and economic strategies, which co-ordinate both the Development Plans and Local Economic and Community Plans of local authorities.

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** [🔗](#).

### → Development Plans

Development plans in Ireland are part of a systematic hierarchy which is informed by national and regional planning policy and also by the plans and strategies of central government and other public agencies in general. While the national and 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 is a local authority's main policy document in relation to planning and 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.

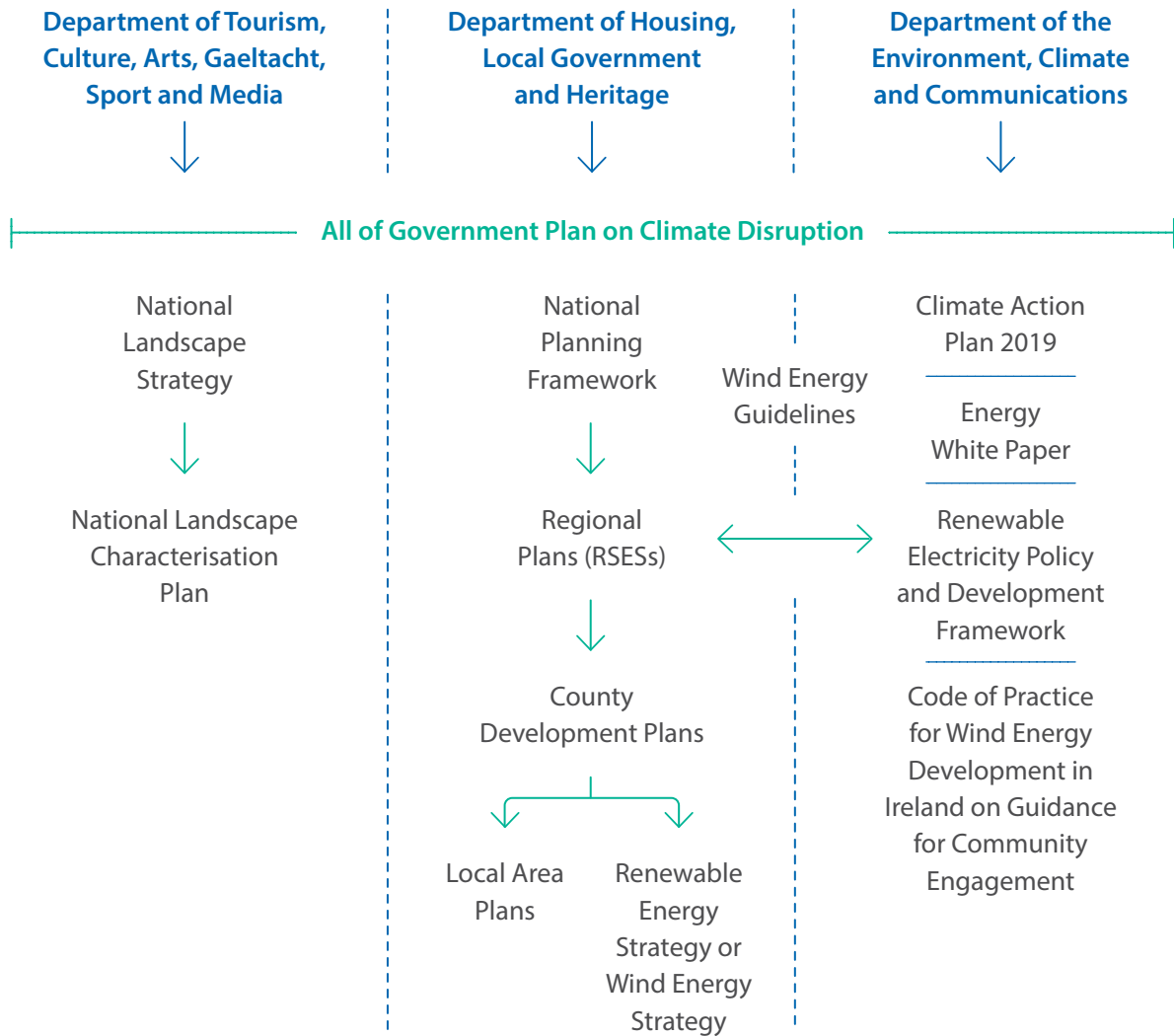
### → Zoning Under the Development Plan

Separately, the requirement for the inclusion of zoning in County and City Development Plans is provided for under Part III, Section 10 of the Planning, and Act. 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

Local authorities are also responsible for developing Local Area Plans. A Local Area Plan is similar to a development plan but provides a more detailed locally focused planning policy framework. A planning authority may at any time make a Local Area Plan for any particular area within the planning authority's functional area in accordance with Sections 18, 19 and 20 of the Act. Local Area Plans are mandatory in certain circumstances, for example where the population is greater than 5,000. They must be consistent with the objectives and policies of more strategic County and City Development Plans as well as national and regional policy considerations arising from the National Planning Framework and Regional Spatial and Economic Strategies.

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, the Department of Housing, Local Government and Heritage 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 Department of Housing, Local Government and Heritage published **Draft Revised Wind Energy Development Guidelines** [🔗](#) for consultation. The main changes proposed to the current 2006 Guidelines relate to noise standards, setback distances, automatic shadow flicker control mechanisms, community consultation and community dividend.



## 2.4 The Role of Local Planning Authorities

→ In the Planning and Development Acts, development is defined as “the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land”. Planning permission must be obtained from the local planning authority, or in certain larger strategic cases, from An Bord Pleanála.

This toolkit provides information to applicants and interested parties as to the council’s expectations and key considerations for planning renewable energy schemes. While the council may, in principle, be supportive of renewable energy developments, it is recognised that they can sometimes 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. In considering an application for planning permission, the planning authority must ensure that the development is consistent with the policies and objectives of the development plan, although An Bord Pleanála has the scope to approve developments that might not be precisely consistent with local planning policies but are consistent with national policies. A planning permission is typically valid for five years and some larger applications may be approved for a ten-year period.


## 2.5 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 (hydroelectricity).

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 ESB Networks for approval for a grid connection. See the [Grid Connection Toolkit module](#)  for more information.

### → Renewable Electricity Support Scheme (RESS)

Large-scale utility solar energy is supported nationally through the Renewable Energy Support Scheme (RESS). This scheme provides financial support for renewable electricity projects in the Republic of Ireland. Support is granted through auctions which are scheduled to be held out to 2025 and that allow projects to secure a fixed revenue independent of the electricity market price.

RESS auctions strongly support efforts to meet the country’s climate targets and send a strong signal of confidence in the technology across the country.

### → **Small-Scale Renewable Electricity Support Scheme (SRESS)**

A new support called SRESS (Small-Scale Renewable Electricity Support Scheme) has been developed to target smaller scale projects ( $\leq 6$  MW). Support will be provided to these projects through a guaranteed tariff. The SRESS aims to provide an easier route to market for community projects than the competitive RESS auction process.

It is also worth considering other market avenues, such as direct supply to a large user, or corporate Power Purchase Agreements (PPA). For further information, see our guide on [the electricity system](#).

### → **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 new [Micro-Generation Support Scheme](#) has been developed to allow excess energy from micro-generation to be sold to the grid.

### → **Wind Power**

The construction of a wind farm requires planning permission. 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. Pre-application consultations are important and give the local authority the opportunity to explain to applicants the type of development that is likely to be acceptable according to the local plan. Local authorities are obliged to keep a record in writing of consultations that relate to a proposed development. This record is kept with the documents relating to that or any subsequent 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
- Proximity to designated structures and monuments
- Proximity to designated environmental sites
- Proximity to water courses
- Topography, ground and soil conditions
- Landscape and visual impact
- Ecological and environmental considerations
- Construction phase activities and impacts
- Proposed lifespan of the development
- Decommissioning and reinstatement of site subject to the satisfaction of the council
- Check land zoning maps and wind energy strategies in the County Development Plan to get information on whether the site is in an area which is open to consideration for wind energy.

### → **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 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, archaeology and cultural heritage, 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, such as 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 by 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](#).



## 2.6 Exempted Development

- Planning permission from the council is required in respect of renewable energy development unless it is exempted development or is deemed strategic infrastructure 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 purpose of exemption is to avoid restrictions on minor developments. 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 micro-generation, such as small turbines or solar panels. An exemption may, however, be removed by a condition of a planning permission. All permissions pertaining to a site should be reviewed before proceeding with any minor works.

## 2.7 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 wind micro-generation, planning exemptions apply for single turbines in a domestic, agricultural, industrial or business setting.

The provisions relating to exempted development do not apply if an Environmental Impact Assessment (EIA) is required. Article 9 of Planning and Development Regulations sets out restrictions on exemptions. For example, it would not be exempted development if carrying it out 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;
- require an Appropriate Assessment because it would be likely to have a significant effect on the integrity of a European site.

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. If you are 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 decide 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 different tower heights. It will provide you with crucial data to decide 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 an 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 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 centre lines of any electricity transmission lines of 110kV or more.

The above criteria are 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.





## 2.8 Environmental Impact Assessment

→ The Environmental Impact Assessment assesses the effects of a project or development proposal on the environment. It is carried out by the local authority or An Bord Pleanála during the consideration of applications for planning permission, taking account of an Environmental Impact Assessment Report. The Environmental Impact Assessment Report is the written statement of the effects, if any, that a project would have on the environment. This report must be prepared by, or on behalf of, the developer by qualified and competent experts. The report informs the Environmental Impact Assessment process.

Environmental Impact Assessment identifies, describes and assesses the direct and indirect effects of a proposed project in relation to a range of environmental factors. The following is a list of studies that would typically accompany a planning application where an Environmental Impact Assessment Report is required for a wind farm:

- Population and human health
- Biodiversity, with particular emphasis on species and habitats protected under EU Directives
- 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 interaction between the factors listed above

\* The timeline for bird surveys depends on the scale of the project and the site context, i.e. site sensitivities etc. For an Environmental Impact Assessment Report project, the typical period is a minimum of two years.

**Statutory guidelines** [🔗](#) on carrying out an Environmental Impact Assessment were published by the Minister for Housing, Local Government and Heritage in August 2018.



Whether an Environmental Impact Assessment is required for a particular development depends on the nature of the development. Carrying out an Environmental Impact Assessment is mandatory for the types of development listed in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended. These are developments considered likely to have significant effects on the environment. Examples of projects include certain power stations, airports, railways, ports, waste disposal activities and certain overhead power lines, 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 based on thresholds or a case-by-case examination. If the proposed development is listed as a class of development but is below the threshold, it is referred to as sub-threshold development. In these cases, the planning authority must consider if the proposed development is likely to have any significant effects on the environment that should be assessed through the Environmental Impact Assessment process, known as Screening. Figure 2 sets out an overview of the screening process.

**Figure 2: Pre-Screening Process**

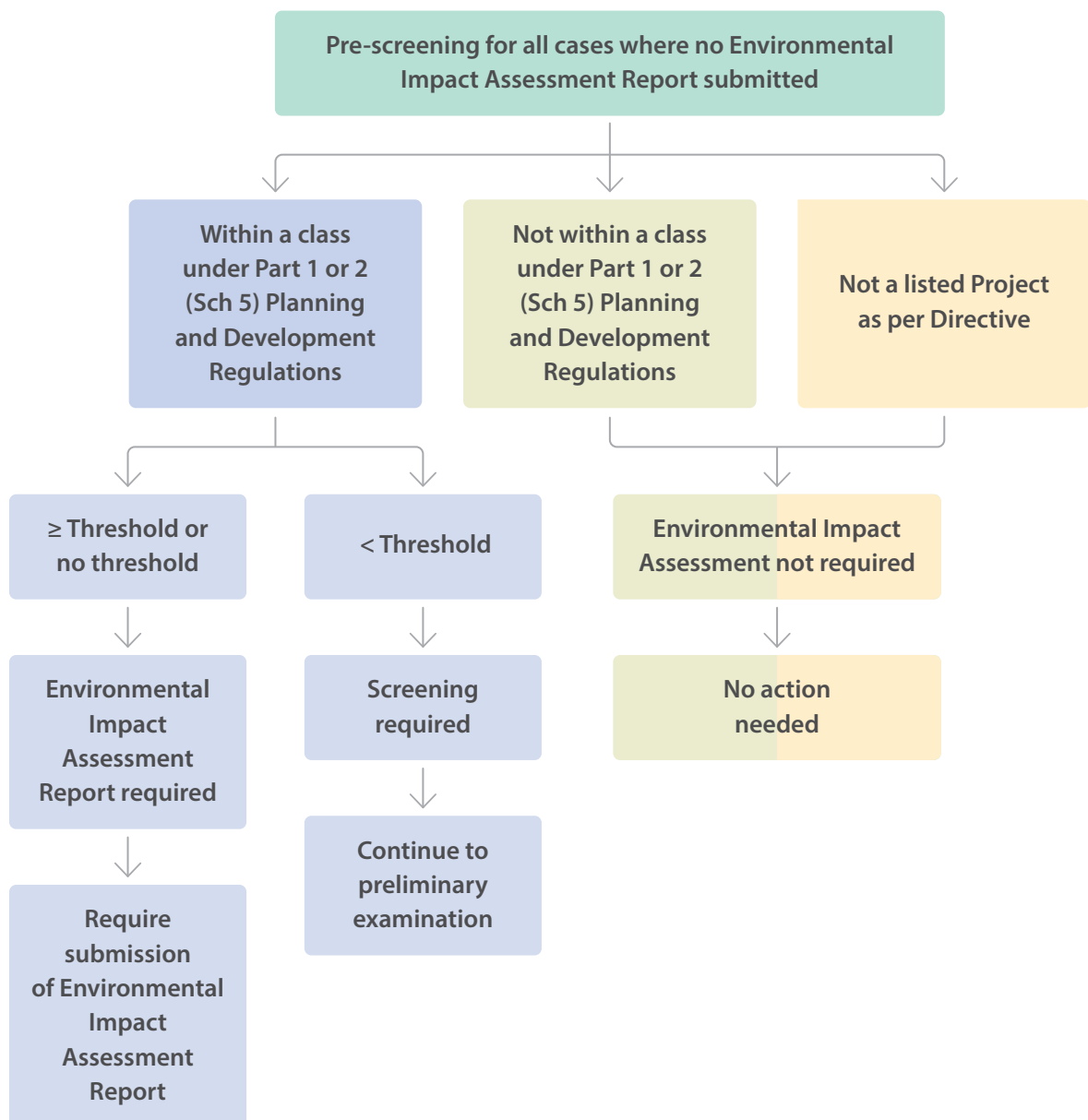
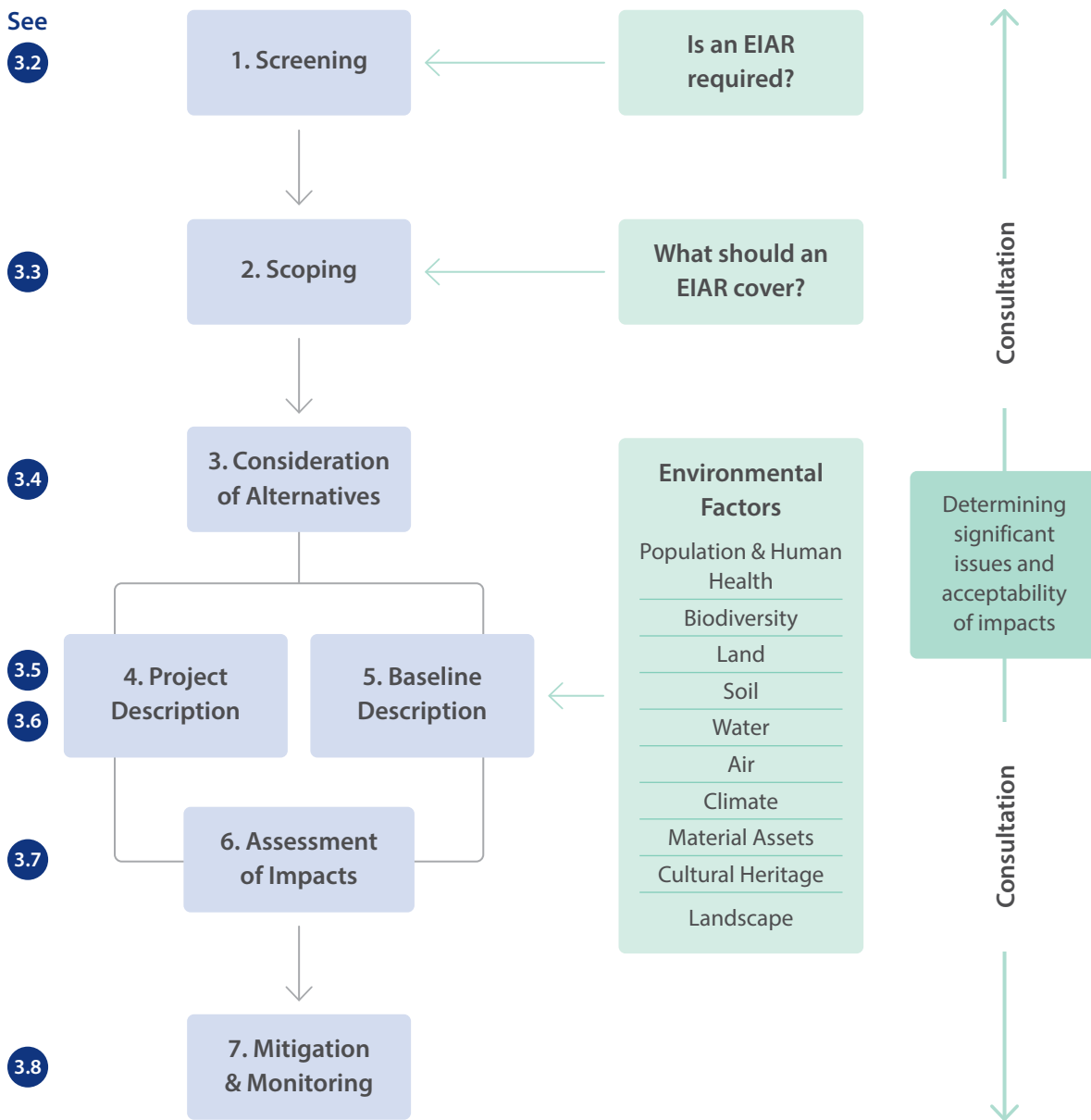





Figure 3 summarises the Environmental Impact Assessment process. The competent authority’s assessment is based on the findings of the Environmental Impact Assessment Report.

**Figure 3: Environmental Impact Assessment Report Contents in Sequence**



The information that must be included in an EIA is shown as seven stages in sequence in the diagram above. The environment is described under a number of specific headings that are shown on the right. Adherence to this general sequence and structure helps ensure an objective and systematic approach.

Source: Guidelines on the information to be contained in Environmental Impact Assessment Reports published by the Environmental Protection Agency (EPA) May 2022

Community energy projects are larger than household-size installations, but usually less than 6MW. The EU Environmental Impact Assessment Directive ([2011/92/EU](#)  as amended by [2014/52/EU](#) ) 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.

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 sub-threshold development where there is a likelihood of significant effects or where a Natura Impact Statement is required. The cumulative impacts must also be considered where, for example, there is an extension to an 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. These 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 five 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

## 2.9 Biodiversity, Habitats and Nature Conservation

- The EU Birds Directive in 1979 and the Habitats Directive in 1992 established the Natura 2000 network of sites of the highest biodiversity importance for rare and threatened habitats and species across the EU. These ecologically important sites are known as Natura 2000 sites. These sites are designated areas for the protection and conservation of certain habitats and species. Any proposals that are likely to have a significant effect on designated European sites will be required to be assessed. Where adverse effects on site integrity are identified and cannot be mitigated, any proposal will be refused unless it can demonstrate that
1. there are no alternatives,
  2. the scheme is required for imperative reasons of overriding public interest and
  3. 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. Each Natura 2000 site has site-specific conservation objectives which aim to define favourable conservation conditions for a particular habitat or species at that site. The Natura 2000 Network Viewer is an [online tool](#) that shows all Natura 2000 sites and provides key information on designation species and habitats and information on conservation status.

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**

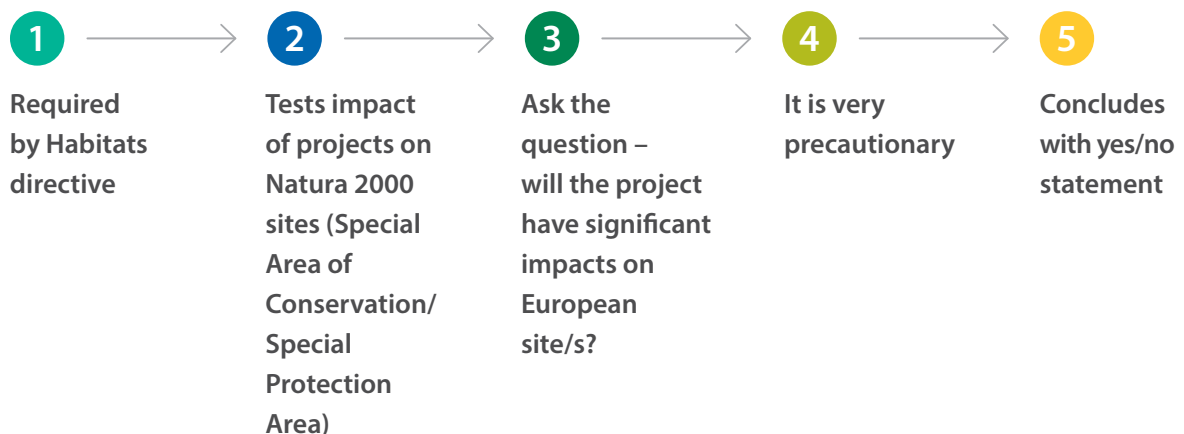
Article 6(3) of the Habitat Directive requires any plan or programme, not directly connected with or necessary to the management of a European protected site, but likely to have significant impacts on it, to undergo an Appropriate Assessment. An Appropriate Assessment is a detailed study of the likely impacts of a proposed plan or project on the ecology of a designated Natura 2000 site. A plan or project can only be approved where it can be demonstrated, beyond reasonable scientific doubt,



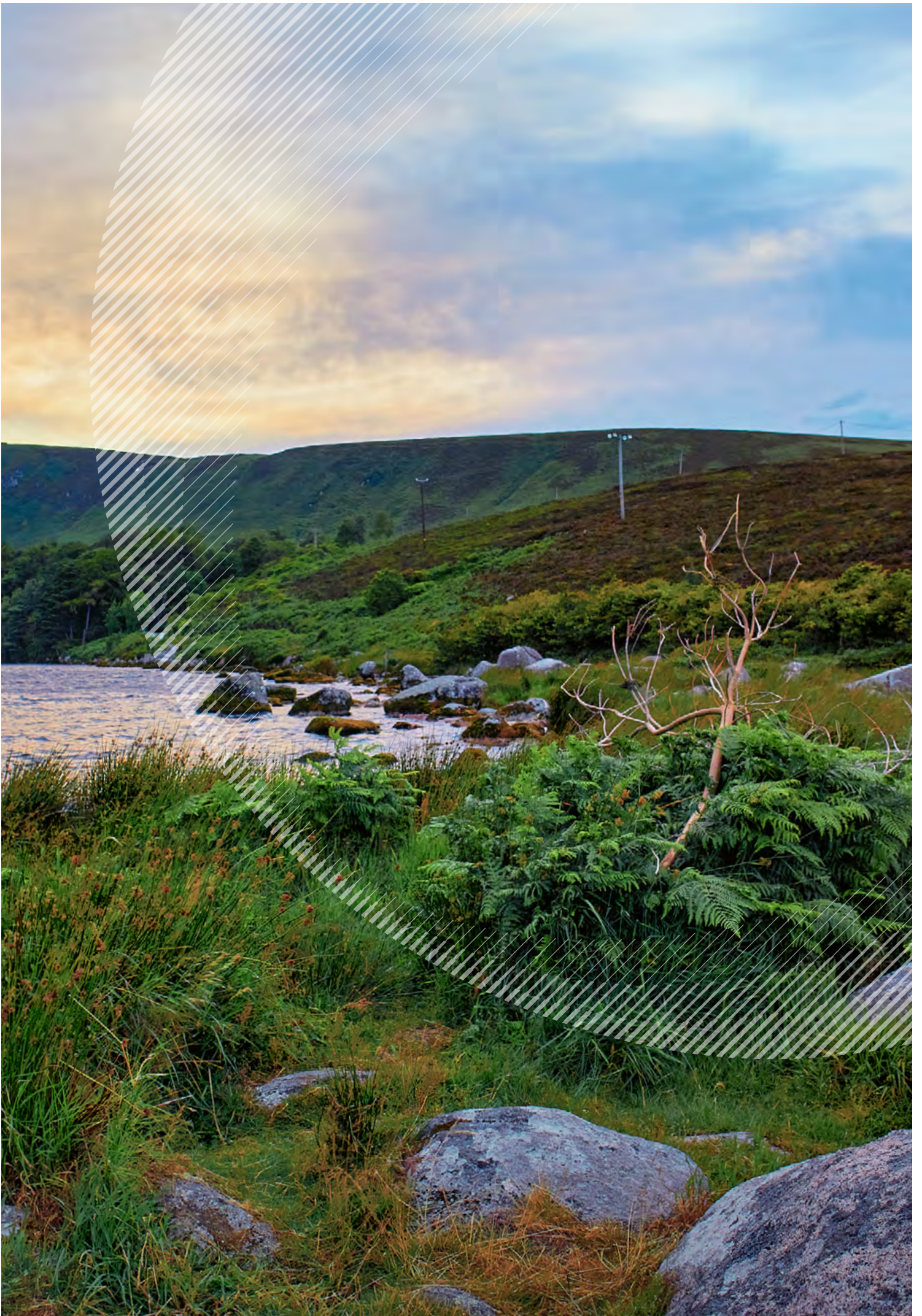
that it will not negatively affect the integrity of a Natura 2000 site (SACs and SPAs). This is a scientific assessment carried out by the competent authority (developer usually prepares all Appropriate Assessment documentation, but responsibility lies with the consent authority). The Appropriate Assessment 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.

The screening process is the first stage to determine whether a plan or project requires an Appropriate Assessment of the likely significant impacts on a Natura 2000 site. For a plan or project to be screened out from requiring an Appropriate Assessment it must be proven beyond scientific doubt that no such significant impacts are likely to result from the implementation of the proposed plan or project. No mitigation measures can be relied upon to reach this conclusion. If there is any doubt, then the plan or project should be screened, and a full Appropriate Assessment must be carried out. If an Appropriate Assessment is required for a project or development proposal, a Natura Impact Statement must be submitted to the planning authority by the applicant. This is a scientific study of the likely impact of the proposed development on the integrity of the Natura 2000 site that may be affected. The planning authority must then consider the Natura Impact Statement, and if the potential impacts identified at the screening stage can be avoided or reduced through the application of mitigation measures so that no adverse effects on the integrity of the Natura 2000 site will result from the proposed development. The Natura Impact Statement is presented and submitted as a separate standalone document and accompanies the planning application. The Statement includes both the Stage 1 Screening Report and the Stage 2 Appropriate Assessment. It is important that the Natura Impact Statement is robust and in full compliance with the relevant legislation as this is an area that is frequently challenged. The Statement must be in line with current best practice guidelines, Regulations and interpretation of planning and judicial decisions.

**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 stop rotating.

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

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

An anemometer can be used to measure the wind resource at the intended hub height of the wind turbines selected for the wind farm over a minimum period of one year. This should be as close to the 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 (Light Detection and Ranging) technology to monitor wind speed data. This is a 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 and bats (wind power):** The environmental assessment process for wind projects usually requires a study of the bird and bats 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 and bats 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 influence 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 all be involved in the planning process. Glint and glare associated with solar farms can also present a potential constraint to air traffic.

### → Shadow Flicker and Electromagnetic Interference

Wind turbines may interfere with electromagnetic transmissions such as television, radio and phone signals. The interference with broadcast communication can often be overcome by the installation of deflectors or repeaters; however, the layout and design of the wind energy development should consider nearby telecommunications links.

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 affect properties with 130° 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 ten rotor diameters of a turbine.

Where a wind turbine proposal is within ten 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

Depending 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. You will need to undertake assessments regarding construction of the turbine and provide the correct cabling from the development site to the substation where generated electricity will be sent. Any works required to the highway or any other land should be identified in the planning application.

### Wind Energy Guidelines

Wind energy developments should have due regard to the Wind Energy Development Guidelines (2006) and the Draft Revised Wind Energy Development Guidelines December 2019. These Guidelines outline recommendations for the siting and setback distances for wind turbines.

### Noise Levels

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 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 four times tip height is incorporated between the turbine and any other dwelling.

### Appropriate Distance

You will need to consider appropriate distance between all wind turbines and power lines when planning for grid connections. The minimum clearance for all turbines and overhead transmission lines must be falling distance (measured from the edge of the foundation) plus an additional flashover distance for the relevant voltage. EirGrid advises that the distance between an overhead transmission line (110kV, 22kV or 400kV) and a commercial wind turbine should not be less than three and a half rotor diameters unless EirGrid has agreed a reduction based on a risk assessment. ESB Networks should be consulted on applications, and evidence of any pre-application discussions should be submitted as part of the planning application.

It is advisable to achieve a safety setback from national and regional roads and railways of a distance equal to the height of the turbine to the tip of the blade plus 10%.

In general, to ensure optimal performance and to account for turbulence and wake effects, the minimum distances between wind turbines will generally be three times the rotor diameter in the crosswind direction and seven times the rotor diameter in the prevailing downwind direction. Bearing in mind the requirements for optimal performance, a distance of not less than two rotor blades from adjoining property boundaries will generally be acceptable, unless by written agreement of adjoining landowners to a lesser distance.

### → 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 summarises some of the principal 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 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. 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, but 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, while 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 minimise 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 contact the planning department of your local authority before 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 are likely to be the greatest issues, and these should be considered carefully.

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

The local authority can offer pre-application advice to guide you through the process before you submit your formal application, 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 unique set of circumstances. Communities can gain more insight into community consultation through reading the [Stakeholder and Community Engagement module](#). 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 in 2020 and subsequent RESS and Offshore Renewable Energy Support Scheme (ORESS) auctions include a provision that mandatory Community Benefit Funds 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 scheme is that communities should benefit directly from all the renewable electricity projects.

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.

Similarly, Wind Energy Ireland produced a [Community Benefit Report](#) in 2019 that provides good examples of community projects.

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.

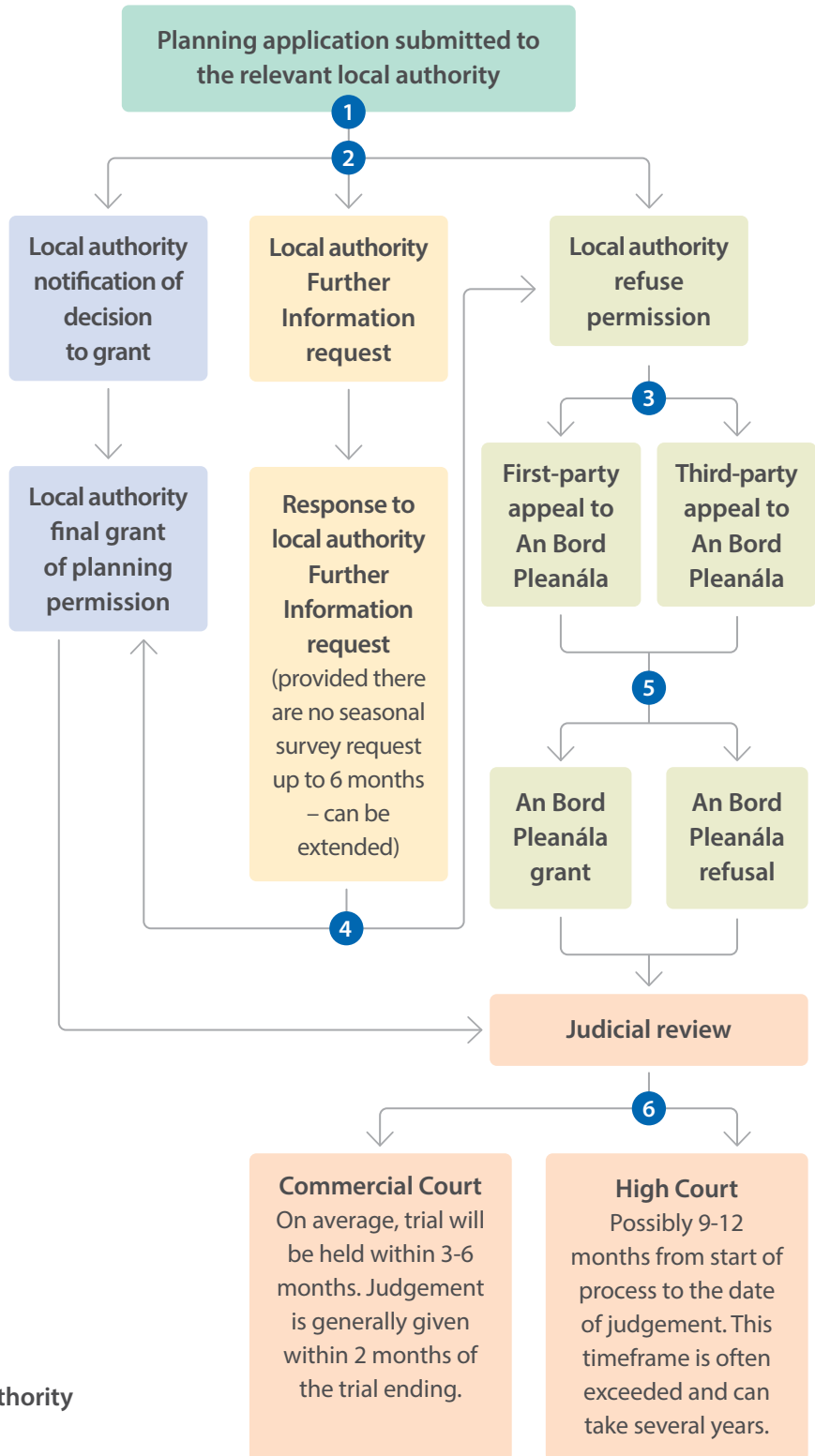
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- 5 18 week period for possible judicial review by 1st of third-party

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

**First party: Applicant**  
**Second party: Planning authority**  
**Third 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 a period of two weeks before making the application. For example, if you are planning on making the application on the 15th of January, you must give notice of your intention sometime between the 1st-14th of January.

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

- The name of the person or legal entity applying for permission
- 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 application may be inspected or purchased at a fee, not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours. Generally all plans and reports lodged will also be made available to the public online on the local authority website.
- A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee within the period of five weeks, beginning on the date of receipt by the authority of the application.

The planning authority must approve a list of newspapers, to ensure it reaches enough 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 Article 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 Schedule 3 (or a similar form) 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 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 applicant must ensure that the site notice is maintained on site for a period of five weeks from the date the application is lodged. If the notice becomes damaged or if it is removed, it should be replaced immediately, otherwise your application may be invalidated.

The site notice must state if a planning application is accompanied by a 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 or a scale agreed with the planning authority. 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. Site or layout plans should indicate the distances of any structures from the site boundaries and show the level or contours, where applicable, of the land and any proposed structures relative to Ordnance Survey. Other plans, elevations and sections must be drawn to a scale of not less than 1:200. Plans and drawings of floor plans, elevations and sections must indicate in figures the principal dimensions (including overall height) of any proposed structures. Any map or plan based on an Ordnance Survey map must indicate the relevant sheet number and the north point must be shown on all maps and plans, other than elevations and sections. A valid copyright license from Tailte Éireann should also be included on any Ordnance Survey maps.

### → 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 to make the application” must be included. 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 2021-2027](#) will identify land zonings and any other planning policy constraints that need to be considered at this stage.

Chapter 11 of the development plan sets out the most relevant planning policies with respect to renewable energy. Chapter 11 sets out policies relating to solar developments but there are no specific policies for solar PV.


The landscape designations from the development plan will be reviewed as part of the assessment. The site is not within any sensitive landscape designations.

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 a known flood risk.

From a review of the development plan, the site is located within a rural area. It is in close proximity to Ballyhale 38kV substation. The overall land holding comprises 10 hectares and has mature hedgerows at 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.

The proposed site is currently used for agriculture and is located adjacent to an existing local road network, comprising 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 \(EPA\) map](#) . It is noted from a review of the EPA 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 EPA 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 several 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 €60,000–€80,000. Planning contributions will also need to be factored into the overall planning application cost. The timescales for preparing the planning application will vary. But in the hypothetical project in Ballyhale, it will take approximately 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	1,500
Environmental Report	25,000
Drawings and printing	5,500
Archaeology Report	4,500
Landscape and Visual Impact Assessment	7,500
Glint and Glare Assessment	3,000
Screening for Appropriate Assessment	3,500
Screening for Environmental Impact Assessment	3,500
Ecological Impact Assessment	5,500
Flood Risk Assessment	2,750
Traffic and Transport Assessment	4,500
Planning Policy Statement	2,500
Local authority fee	1,500
<b>Total</b>	<b>70,750</b>

**Note:** Where a full Environmental Impact Assessment Report is required, the cost could be €400,000 to €600,000 depending on the scale of the 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 must 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.

## 5.4 Additional Information and Specialist Reports

- Table 2 and 3 in Section 5.13 set out the likely reports that will be required as part of a planning application. You should discuss 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 Appropriate Assessment will 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) providing the legislative basis for the protection of birds. Further information can be found on the [National Parks and Wildlife Service](#) website.

## 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 decide 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. The planning authority must seek the further information from the applicant within the first eight weeks. The planning authority then has four weeks from the day it receives the reply to the further information request to decide on 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.

In the case that the planning authority receives significant additional data or information after requesting additional information or revised plans, drawings or particulars, you must

1. Publish a notice marked "Revised Plans" or "Further Information" in an approved newspaper within a specified period.
2. Notify anyone 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. When lodging their submission or observation, they must provide their name and the address to which any correspondence relating to the application should be sent. 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 four 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 or Local Area Plan
- Any other relevant plans government, regional or strategic policy considerations that might apply
- Any guidelines issued by the Minister under Section 28 of the Planning and Development Act, 2000, as amended; environmental impacts on European site (e.g. Special Areas of Conservation; Special Protection Areas)
- Submissions and observations made by members of the public or prescribed bodies on the application

## 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 (scale should be at least 1:1000 in built-up areas and 1:2500 in other areas, or other scales as may be agreed with the planning authority)</li> <hr/> <li>• Site Plans showing: (all applications)               <ul style="list-style-type: none"> <li>– scale at least 1:500 or a scale agreed with the planning authority</li> <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 (scale should be at least 1:1000 in built-up areas and 1:2500 in other areas, or other scales as may be agreed with the planning authority)</li> <hr/> <li>• Site Plans showing: (all applications)               <ul style="list-style-type: none"> <li>– Scale at least 1:500 or a scale agreed with the planning authority</li> <li>– the site size</li> <li>– site boundary</li> <li>– location of the panels and associated infrastructure (including substation 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>	
<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>	
<b>Surveys</b>	<ul style="list-style-type: none"> <li>• Landscape and Visual Assessment (all applications)</li> <hr/> <li>• Archaeological and Cultural Heritage Assessment (if applicable)</li> <hr/> <li>• Ecological Survey and Appropriate Assessment screening (all applications)</li> <hr/> <li>• Traffic Management Plan (if applicable)</li> <hr/> <li>• Landscape and 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>	
<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 ten years is typical for larger developments.

### 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. 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 implementing planning permission
- 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) and the [Draft Revised Wind Energy Development Guidelines](#)  December 2019.

## 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
  - Any person, body or interested group etc., who submitted a valid submission or observation in writing to the planning authority in relation to the planning application. However, there are three exceptions where a third party may appeal even if they did not make an objection or 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 has been submitted; a body whose aims or objectives relate to the promotion of environmental protection, and which meets certain other requirements; 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 the 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 a Planning Appeal to An Bord Pleanála

- An appeal must be brought within four weeks of the planning authority making its decision. The four-week time period starts 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. The time limit is strictly adhered to. An appeal posted in time but received out of time is invalid.

## 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 four weeks; this four-week period is part of the overall 18-week appeal period. If the Board cannot decide within 18 weeks, they will write to participants in the appeal to update them. When the Board decides, they will send you a letter and a copy of the Board Order informing you of the decision.

## 7.4 Checklist for Preparing a Planning Appeal

→ An Bord Pleanála has a checklist available on its 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 to 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 four weeks from the date that the planning authority 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 [Commission for Regulation of Utilities](#)  in advance of submitting your application(s).

It also 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 made to the Forest Service may need to be supported by Appropriate Assessment screening / Natura Impact Statement and by the Environmental Impact Assessment Report/Environmental Report.

## 9. Further Information

→ Further information in relation to broader planning issues for renewable energy developments is 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, and how to make a planning appeal.



# 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
CDP	Council/City Development Plan
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
JR	Judicial Review
KCD	Kilkenny County Development Plan
kWh	Kilowatt hour
LAP	Local Area Plan
LiDAR	Light Detection and Ranging
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



## Abbreviations (continued)

OPW	Office of Public Works
ORESS	Offshore Renewable Energy Support Scheme
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
PV	Photovoltaics
RESS	Renewable Electricity Support Scheme
RSES	Regional Spatial and Economic Strategy
SAC	Special Areas of Conservation
SME	Small and Medium-Sized Enterprise
SPA	Special Protection Area
SRESS	Small Scale Renewable Electricity Support Scheme
WEI	Wind Energy Ireland

# Appendix A: List of Sources

## → Resource

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[Climate Action Plan](#) 

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[An Bord Pleanála](#) 

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[Development Management Guidelines](#) 

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[Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment \(August 2018\)](#) 

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[The Habitats Directive 92/43/EC](#) 

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[Directive 2009/147/EC](#) 

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[The Commission for Regulation of Utilities](#) 

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[The Department of Housing, Local Government and Heritage](#) 

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[The Department of the Environment, Climate and Communications](#) 

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[Forest Service Licences](#) 

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[ISEA \(Irish Solar Energy Association\)](#) 

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[Kilkenny County Council Development Plan 2014-2020](#) 

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[The EU Environmental Impact Assessment Directive](#) 

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[The Environmental Protection Agency](#) 

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[Geological Survey Ireland](#) 

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[The Local Government Reform Act 2014](#) 

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[The Office of the Planning Regulator](#) 

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[The Office of Public Works](#) 

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[The Office of Public Works Flood Risk Portal](#) 

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[National Parks and Wildlife](#) 

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[The Planning and Development Act 2000](#) 

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[The Planning and Development Regulations 2001](#) 

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[Project 2040](#) 

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[The Renewable Electricity Support Scheme \(RESS\)](#) 

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## Resource

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[The 2006 Wind Energy Guidelines](#) 

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[The Draft Revised Wind Energy Development Guidelines December 2019](#) 

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[Wind Energy Ireland Building Communities – Wind Energy Community Benefit Report 2019](#) 

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