

Sub-section 4.2.1 of the National Renewable Energy Action Plan (NREAP) template

Micro Electricity Generation Association Of Ireland (MEGA)

NREAP CONSULTATION PROCESS

Submission To Department Of Communications Energy and Natural Resources

**Consultation by the Department of Communications, Energy &
Natural Resources on sub-section 4.2.1 of the NREAP template**

Submission, as requested by DCENR,
submitted by email to Una Dixon at NREAP@dcenr.gov.ie

Submission Deadline: April 30, 2010

Submission Date: April 29, 2010

Revision No: Final Version



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NOTE:

Please note that all comments put forward by the Micro Electricity Generation Association Of Ireland (MEGA) are designed to be constructive and to re-inforce the current policy-forming framework which is developing the final text for Ireland's National Renewable Energy Action Plan, NREAP.

The MEGA Methodology: In this consultation process MEGA will concentrate on specific areas where MEGA members have real experience and expertise. MEGA will first quote text from the sub-section. This will help to pinpoint the issue. Second, MEGA will make a submission below in this regard. This will be followed by a proposed text change. MEGA recognises that plans, once made, generally require some amendment during implementation and arising out of new knowledge but credibility is at the core of international collaboration, in this regard. Therefore, our NREAP must not only be detailed and comprehensive – it must also be credible and amenable to assessment. Ireland's NREAP will sit together with the NREAPS (Renewable Energy Action Plans) of every single other country in the EU, available to the public and once published – final. It is of extreme importance that Ireland presents itself in this context as an intelligent, smart, forward-looking and business-like country. MEGA submission, therefore, are designed, in this context, to help achieve these ends.

Summary Of Changes Requested By MEGA – Item 1 of 2

ITEM 1

Quote 1 from NREAP Sub-section 4.2.1:

“CER Licensing and Authorisations

Generators with an installed capacity of 1MW or less are deemed to be automatically authorised and licensed under the terms of S.I. 383 and 384 of 2008 and are subject to the Conditions in those Orders. This system was introduced in order to promote microgeneration. A person need not notify the Commission of their development of this generating station in order to stand authorised and licensed.

These statutory instruments (SIs) are publicly available and can be found on the Commission for Energy Regulation’s website and the Irish Statute Book.^[1] Documents referred to in the SIs such as the Grid and Distribution Code and Directions by the Commission are available on the Transmission System Operator, Distribution System Operator and Commission’s website respectively. It is not currently proposed that this 1MW threshold would be revised.

*ESB Networks (the DSO) has a specific section on their website dealing with how micro generator connections can be facilitated, available at:
http://www.esb.ie/esbnetworks/generator_connections/micro_gen_connections.jsp”*

ITEM 1 MEGA PROPOSAL:

MEGA proposes that the following minimum text be added in a phrase immediately following the above quoted text:- **“Delays in the implementation of an SEAI demonstration/testing scheme and other local issues mean that policy formation in the area of microgeneration in Ireland is not at a mature stage. The SEAI is being informed through other processes elsewhere in Europe, and in particular, through the recent changes in UK legislation, along with internal research operations. This will lead to comprehensive changes in the area of microgeneration in terms of both administrative structures (accountability, responsibility, transparency, streamlining, proportionality..) and increased demand for citizen involvement in the direct investment into microgeneration in Ireland.”**

Summary Of Changes Requested By MEGA – Item 2 of 2

ITEM 2

Quote 2 from Sub-section 4.2.1

“Planning

In order to reduce unnecessary obstacles or non-proportionate requirements, exemptions for certain micro renewable projects were introduced by the Department of the Environment, Heritage and Local Government in 2007 and 2008. These measures reduced the regulatory burden in order to promote the use of certain renewable technologies (ground/air source heat pump, biomass, and wind turbines for example), and to achieve a better alignment with key national policy objectives including, in particular, addressing climate change through the planning system.”

ITEM 2 MEGA PROPOSAL:

MEGA proposes the inclusion of the following paragraph to follow immediately the text quoted in ITEM 2 above:-

“The planning exemption schemes for micro renewable projects are evolving and are capable of adapting to the real proportionality issues of the sector. There is scope through the development of the Section 5 Declaration Process (Planning and Development Act 2000 – 2002) to add greater certainty, proportionality and streamlining to the microgeneration planning approvals process. This offers flexibility to planners to define planning exemptability on an incremental or action learning basis. Otherwise, as in other jurisdiction the planning process for microgeneration will remain a sensitive if not difficult issue for planners and microgenerator owners alike.”

MEGA Submission with reasoned argument – 2 items

ITEM 1

Quote 1 from NREAP Sub-section 4.2.1:

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These statutory instruments (SIs) are publicly available and can be found on the Commission for Energy Regulation’s website and the Irish Statute Book.^[2] Documents referred to in the SIs such as the Grid and Distribution Code and Directions by the Commission are available on the Transmission System Operator, Distribution System Operator and Commission’s website respectively. It is not currently proposed that this 1MW threshold would be revised.

*ESB Networks (the DSO) has a specific section on their website dealing with how micro generator connections can be facilitated, available at:
http://www.esb.ie/esbnetworks/generator_connections/micro_gen_connections.jsp”*

ITEM 1MEGA Submission:

This text above leads to the illumination of a fundamental problem which continues to exist in Ireland which puts the DSO (ESB Networks) in direct contradiction to the CER and risk of claims that the public is being directly misinformed. The text above states that the CER accepts that “**Generators with an installed capacity of 1MW or less are deemed to be automatically authorised and licensed under the terms of S.I. 383 and 384 of 2008 and are subject to the Conditions in those Orders. This system was introduced in order to promote microgeneration.**[and later in the same text] .. *ESB Networks (the DSO) has a specific section on their website dealing with how micro generator connections can be facilitated, available at:*

http://www.esb.ie/esbnetworks/generator_connections/micro_gen_connections.jsp”

This weblink leads to the following ESB Title and Statement:- “*ESB Information Title: Conditions Governing the Connection and Operation of Micro-generation*

ESB Text: “This document sets out ESB Networks policy on the connection and operation of micro-generation.

1.2 Definitions

1.2.1 Micro-generation

For the purposes of this document, Micro-generation is defined as a source of electrical energy and all associated equipment, rated up to and including

- 25A at low voltage[230V], when the DSO network connection is single-phase*
- 16A at low voltage [230/400V], when the DSO network connection is threephase,*

and designed to operate in parallel with the ESB Networks LV system.

Where multiple generating sources [of the same or varied technologies] are on the same site and share access to the same ESB Networks connection point, the aggregate rating must not exceed:

25A at low voltage, when the DSO network connection is single-phase

16A at low voltage, when the DSO network connection is three-phase.

This definition makes no explicit reference to any specific form of generating technology but the interface with the ESB Networks LV system must not be capable of connecting the generation source, to the ESB Networks LV system, if the ESB Networks grid supply is not present and within parameters given in Table 1 below. Any form of generation whose interface with the ESB Networks System does not comply with this provision, is considered outside the scope of this policy. “

This ESB statement concerns Small Scale Embedded Generation which is a small subsection of the general microgeneration pool and array. But it is misleading. It leads to the false belief that microgeneration is being catered for in Ireland whereas the reality is that the more serious components of microgeneration are being completely excluded by the system. The ESB admits openly that the application of the European EN50438 standard in this way is incorrect and unintentional and over the past year more larger microgenerators are now succeeding to be connected by ESB Networks (The DSO). But these larger microgenerator systems are outside any cohesive or effective system. Such systems find it impossible to get Power

Purchasing Agreements and therefore have no means of actually selling surplus power into the grid. This is entirely in contravention of EU Directive 2009 28 (and in fact previous EU Directives). This is a situation which is becoming better understood in energy and engineering circles on an international level. The Commission and other Member state Experts are well aware of the problem and failure to activate any concrete remedial or reparative action.

On the other, all Member State Experts and other informed observers are aware of the vast amount of research that has been invested into this area (microgeneration) in the UK. It is known widely, therefore, that there is considerable expertise and knowledge on this area available on our doorsteps in the UK and that this resource is being completely ignored. The text drafted in this subsection so far, regarding microgeneration, serves only to publish that the Irish Energy Industry/Agencies and administrative authorities are either ignorant of the importance of microgeneration or have deliberately decided that microgeneration will not be required to achieve our renewables targets within the NREAP framework.

Our experience has shown that an over reliance on large windfarms, and future offshore energy potential, has caused the microgeneration sector to be neglected. The European project sets out to call upon the citizen, every citizen, to take what steps they can to use energy more efficiently and put an end to waste but also to take what measures they can to produce energy from renewables ... and on this basis, the European project is calling on citizens to understand the limitations of individual action and the need to accept larger projects or the location of renewable energy generators and transmissions lines in areas where some citizens might not otherwise want to see such constructions sited. There is a crucial social mobilisation process and strategy built into the EU policy and strategy on renewables which place microgeneration in a central role in the involvement of the citizenry in the renewable energy challenge in a real, tangible and compelling way.

MEGA owes its origins to the failure in Ireland to put in place policies and instruments that can give renewable microgeneration a level playing field with other non-renewable and fossil fuel technologies. MEGA will concentrate on surviving to see this matter put right. MEGA has developed smart clustering systems that would enable microgeneration producers (Upto 1 MW) to contribute stable and reliable supplies of electricity from the full range of clean alternatives available on a local level. Microgeneration in Ireland, in this way, could reach up to fulfil some of the major promises of the European Energy Project – enterprise development, innovation, job creation, local economic development, intelligent network and acceptance of the importance of renewables at all levels.

The credibility of the proposed NREAP document would be fatally jeopardised if it were not to be stated that there are shortfalls in structures, policies and instruments for involvement in citizens in the renewable energy production challenge and awareness through microgeneration.

ITEM 1 MEGA PROPOSAL:

MEGA proposes that the following minimum text be added in a phrase immediately following the above quoted text:- **“Delays in the implementation of an SEAI demonstration/testing scheme and other local issues mean that policy formation in the area of microgeneration in Ireland is not at a mature stage. The SEAI is being informed through other processes elsewhere in Europe, and in particular, through the recent changes in UK legislation, along with internal research operations. This will lead to comprehensive changes in the area of microgeneration in terms of both administrative structures (accountability, responsibility, transparency, streamlining, proportionality..) and increased demand for citizen involvement in the direct investment into microgeneration in Ireland.”**

ITEM 2

Quote 2 from Sub-section 4.2.1

“Planning

In order to reduce unnecessary obstacles or non-proportionate requirements, exemptions for certain micro renewable projects were introduced by the Department of the Environment, Heritage and Local Government in 2007 and 2008. These measures reduced the regulatory burden in order to promote the use of certain renewable technologies (ground/air source heat pump, biomass, and wind turbines for example), and to achieve a better alignment with key national policy objectives including, in particular, addressing climate change through the planning system.”

ITEM 2 MEGA Submission:

Our problem with the section which sets out the Spatial Planning regime in Ireland is that it paints a picture of a very sophisticated streamlined systems with exemptions to assist with regard to practical necessity and proportionality. The Planning System in Ireland is recognised internationally to be fraught with inconsistencies, unfair restrictions and excesses. The quote above refers to planning exemptions which in fact can be easily overturned after the fact. SI 83 of 2007 is used increasingly to have exempted wind turbines removed in the case of a simple local complaint. Increasingly Section 5 applications are now required to secure that an actual exemption is valid and even this decision can be overturned.

But the main problem that MEGA producers and installers have is that the exemption rules do not take account of the need for wind generators and other micro generators to be appropriately located and mounted on appropriately high towers. Ireland is a windy country. This means that over the centuries ground cover has been developed to deflect high winds. MEGA submits that crucial reforms are needed to address planning impediments. The issue is less about planning exemptions and more about real proportionality. Existing planning guidelines (e.g. for wind) do little to inform planners about the nature of the resource, the difficulties caused by eddy currents, and the need to locate turbines at an appropriate height. Planners have cut deals with microgenerator producers to install turbines at inappropriate heights – some of these turbines produce less electricity than a similar machine located on a

poor site in England. Why disturb the landscape by allowing a turbine to be installed at a height where it can produce little return in terms of environmental payback or renewable electricity? Are planners in Ireland equipped to deal with micro-hydro installations? A planning exemption system could include a Section 5 Application which allows for technical arguments to be put forward to justify derogation from certain standard limits – such as appropriate tower height. This would effectively provide a more streamlined approach to microgeneration development which though slower than the traditional exemption route it would give planners tools to speed up applications which are modest and proportionally otherwise acceptable without the uncertainty of SI 83 exemption withdrawal.

ITEM 2 MEGA PROPOSAL:

MEGA proposes the inclusion of the following paragraph to follow immediately the text quoted in ITEM 2 above:-

“The planning exemption schemes for micro renewable projects are evolving and are capable of adapting to the real proportionality issues of the sector. There is scope through the development of the Section 5 Declaration Process (Planning and Development Act 2000 – 2002) to add greater certainty, proportionality and streamlining to the microgeneration planning approvals process. This offers flexibility to planners to define planning exemptability on an incremental or action learning basis. Otherwise, as in other jurisdiction the planning process for microgeneration will remain a sensitive if not difficult issue for planners and microgenerator owners alike.”

Consultation by the Department of Communications, Energy & Natural Resources on sub-section 4.2.1 of the NREAP template

Summary:

Section: 4.2.1 (Administrative procedures and spatial planning)

Date of circulation: 8/4/2010

Deadline for feedback: 30/4/2010

Email feedback to: nreap@dcentr.gov.ie

REDG Reps to consult those who they represent on the REDG

4.2.1. Administrative procedures and spatial planning (Article 13(1) of Directive 2009/28/EC)

When answering the following questions, Member States are requested to explain the current national, regional and local rules concerning the authorisation, certification and licensing procedures applied to plants and associated transmission and distribution network infrastructure for the production of electricity, heating or cooling from renewable sources, and to the process of transformation of biomass into biofuels or other energy products. Where further steps are needed to ensure that procedures are proportionate and necessary, Member States are requested also to describe

planned revisions, expected results and the authority responsible to carry out such revisions. When information is technology specific, please indicate it. When regional / local authorities have a substantial role, please also explain it.

(a) List of existing national and, if applicable, regional legislation concerning authorisation, certification, licensing procedures and spatial planning applied to plants and associated transmission and distribution network infrastructure:

CER Licensing and Authorisation of Plant

Electricity Regulation Act 1999

As amended by: SI 309 of 1999
Electricity (Supply)(Amendment) Act 2001
Gas (Interim) (Regulation) Act 2002
Energy (Miscellaneous Provisions) Act 2006
Electricity Regulation (Amendment) (SEM) Act 2007
S.I. 445 of 2000
S.I. 60 of 2005
S.I. 254 of 2006
S.I. 280 of 2008

The Electricity Regulation Act 1999 sets out the functions of the CER and at section 9 includes as a function:

(g) to grant, monitor the performance of, modify, revoke and enforce licences and authorisations pursuant to this Act

The powers of the CER to grant authorisations and licences are set out in s16 and s14 respectively. A person who wishes to construct a generating station or to generate electricity must obtain an authorisation or licence from the CER. It is within the CER's remit to set the form and information required in an application for authorisation and licence, subject to the discussion below regarding criteria in determining an application.

The legislation sets out that a person who constructs a generating station without an authorisation is liable to a fine of up to £100,000.[\[3\]](#) Similarly, a person who generates electricity without being authorised to do so is guilty of an offence and is liable to a fine of up to £1,500 or to imprisonment for a term of up to 12 months, or both.[\[4\]](#)

In terms of general overarching duties the CER must not discriminate between the holders of and applicants for authorisations or licences and must protect the interests of final customers of electricity.[\[5\]](#) In doing so, the CER must have regard to a number of its additional functions such as the promotion of competition in the generation and supply of electricity, to promote the continuity, security and quality of supplies of electricity, to promote the use of renewable, sustainable or alternative forms of energy and to encourage the efficient use and production of electricity.[\[6\]](#)

Small and distributed generation

Section 17(2B) of the 1999 Act states that

‘The CER shall ensure that authorisation procedures for small generators and distributed generation take into account their limited size and potential impact.’

This section promotes the idea of a less burdensome application procedure for smaller generators and provides a basis for revisions to application procedures where appropriate.

Authorisation and Licensing by Order

Sections 17(3A) and 14(1A) of the 1999 Act state that the CER may provide for the authorisation and licensing of classes of generating stations (respectively) in accordance with Orders made by it. It is open to the CER to define these classes of generator and to set terms and conditions for these authorisations and licences^[7].

Criteria for Grant of Authorisation and Licence

Section 18(2) of the Electricity Regulation Act 1999 and SI 309 of 1999 (Electricity Regulation Act 1999 (Criteria for determination of authorisations) Order, 1999) state that the Minister shall specify criteria on which an application for an authorisation to construct or reconstruct a generating station may be determined and that these criteria may relate to:

- (a) the safety and security of the electricity system, electric plant and domestic lines
- (b) protection of public health and safety
- (c) the protection of the environment including the limitation of emission to the atmosphere, water or land
- (d) the siting of a generating station and associated land use
- (e) use of public ground
- (f) the efficient production and use of energy
- (g) the nature of the primary source of energy to be used by a generating station
- (h) the qualifications of an applicant, including the technical, economical and financial qualifications of the applicant, and
- (i) public service obligations provided for in an order under *section 39*

Section 18(2) was based on Article 7(2) of Directive 2003/54/EC. This section has been superseded by Directive 2009/72/EC, which includes two new matters which may be considered in laying down criteria by which the grant of an authorisation may be determined:

- (j) the contribution of the generating capacity to meeting the overall Community target of at least a 20 % share of energy from renewable sources in the Community’s gross final consumption of energy in 2020 referred to in Article 3(1) of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources; and
- (k) the contribution of generating capacity to reducing emissions.

These new criteria will have to be transposed into Irish legislation and the 1999 Act may be amended in the future to include these new criteria.

When assessing applications for authorisations the CER uses a matrix based on the criteria set out by the Minister in S.I. 309 of 1999, enacted under section 18(2) of the Electricity Regulation Act 1999. The same criteria are applied to all applications, regardless of the technology type, although different standards may be required of different sizes or types of generator under the Grid/Distribution Code, or secondary fuel requirements etc.

Section 9(4)(c) of the 1999 Act states that the CER shall have regard to the need 'to secure that licence holders are capable of financing the undertaking of the activities which they are licensed to undertake'. There is a general duty on the CER that it, 'in relation to electricity, does not discriminate unfairly between holders of licences, authorisations and the board and between applicants for authorisations and licences.'[\[8\]](#)

Applications for authorisations and licences must be made using application forms published by the CER and the documentation listed in the accompanying guidance notes should also be submitted. Less documentation is required of applicants whose proposed generating station has an installed capacity of less than 5MW.

Applicants are generally required to submit, as applicable:

- Application form/s
- Two years' accounts
- Power purchase agreement
- Acceptance to REFIT scheme (where relevant)
- Proof of financing
- A certificate from applicant stating that no adverse change has occurred, if more than 3 months have passed since the end of the accounting year covered by the accounts submitted

- If the company is a special purpose vehicle, a statement of the relevant parent company accounts and guarantees

- Outline 5 year business plan
- Maps/Marine Charts
- Construction and commissioning programme
- Planning permission
- Environmental Impact Statement
- Soil stability report and confirmation of compliance with recommendations therein
- Integrated Pollution Prevention Control licence
- Proof of entry on water abstraction register
- Waste licence
- Connection agreement

The Gate Process

Separate to authorisation and licensing, it is worth noting as described in detail in section 4.2.6 (b) of the NREAP that a group processing approach applies for grid connection offers for renewable generators. The 'Gate' process was put in place by the Commission for Energy Regulation following public consultation. It is a group processing approach (GPA) towards the processing and issuance of grid connection offers to renewable generators.

Under the GPA or 'Gate' process, applications for connections are processed in batches rather than sequentially. Within these gates, applications are further divided into groups and sub-groups based on the optimal network required to connect them..

The group processing approach allows for a more strategic view to be taken of network requirements and serves to put in place efficient connection solutions to cater for large number of applications and to ensure optimum network development, minimising network costs and, where possible, avoidance of network bottlenecks.

To date there have been 3 'Gates.' Under Gate 1 and Gate 2, 1755MW of connection offers were made and accepted. Under Gate 3, 3900MW of offers are currently in the process of being issued to renewable generators. A Gate 3 liaison group involving the TSO, DSO, regulator and industry representatives meets on a regular basis and all parties are committed to the full roll-out of the Gate. This amount of renewable generation is sufficient for the achievement of Ireland's RES-E target.

Planning legislation

[Planning and Development \(Strategic Infrastructure\) Act 2006 \(No. 27 of 2006\)](#)

This Act provides for the making to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the State.

This Act is titled in part "An Act to provide in the interests of the common good, for the making directly to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the State: to make provision for the expeditious determination of such applications, applications for certain other types of consent or approval and applications for planning permissions generally....".

The majority of TSO projects fall under the provisions of the Act.

[Planning and Development Act 2000 \(No. 30 of 2000\)](#) This Act consolidates all previous Planning Acts and much of the Environmental Impact Assessment Regulations. This Act arose out of a comprehensive review of planning legislation that was initiated in August 1997. The principle of the review was to ensure that the planning system of the twenty first century would be strategic in approach and imbued with an ethos of sustainable development.

In addition to the above legislation, regard has to be given to statutory policy framework documents in relation to developments as follows:

- National Development Plan 2007-2013,
- National Spatial Strategy 2002,

- Irish Government's Energy White Paper (March 2007)
- Draft Regional Planning Guidelines for Relevant Region: Border, West, Midlands, Mid-West, South-West, South-East, Mid-East & Dublin: 2010-2022.
- County Development Plan and relevant Local Area Plans
- [Harbours \(Amendment\) Act 2009](#)
- [Planning and Development Amendment Bill 2009](#)
- [Planning and Development \(Amendment\) Bill 2009 - Explanatory and Financial Memorandum](#)
- [Planning and Development \(Amendment\) Bill 2009 - Regulatory Impact Analysis](#)
- Foreshore and Dumping at Sea (Amendment) Act 2009 9No 30 of 2009)
- The Foreshore Act 1933
- Habitats Directive

Under the auspices of the Department of Environment 'Guidelines for Planning Authorities on Wind Energy Development' various Planning Authorities/County Councils have prepared their own 'Wind Energy Strategies'. Furthermore, Clare County Council has prepared a Renewable Energy Strategy and Mayo County Council is currently in the process of drafting a Renewable Energy Strategy.

The Foreshore Acts, 1933 to 2009 require that a lease or licence must be obtained from the relevant Minister prior to undertaking any works or placing structures or material on, or for the occupation of, or removal of material from state-owned foreshore (including any offshore renewable energy projects such as wind, wave or tidal technologies.) In addition, the consent of the relevant Minister is also required for development on privately owned foreshore. The Foreshore Acts apply to the seabed and shore below the line of high water of ordinary or medium tides and extending outwards to the limit of the territorial seas by 12 nautical miles (22.224 kilometers). Leases and licences are granted subject to the payment of fees.

The following is a list of some of the planning requirements for the transmission and distribution network. The list is non-exhaustive and gives an overview of the main legislation involved.

Planning Permission

Transmission and Distribution Infrastructure

EirGrid (the TSO) is responsible for the development of the transmission network and generally all of its projects fall under the 2006 Act. The transmission network comprises 110/220/400kV lines, substations and cables. ESB Networks (the DSO) develop the distribution network which comprises distribution 110kV lines (tail lines not part of the meshed grid transmission grid), and lower voltage lines.

Overhead Distribution lines at 110kV

Planning permission is required for electricity transmission lines of 110kV and above under s182A of the Planning and Development Act 2000 ('the 2000 Act') as

inserted by s.4 of the *Planning and Development (Strategic Infrastructure) Act, 2006* ("the 2006 Act").

Overhead Lines 38kV:

Planning permission is required for 38kV lines under the *Planning and Development Act, 2000*. Applications should be made to the Planning Authority.

If planning permission is granted for a notional alignment of the line, *class 28 (the Location of Overhead Lines) of The Local Government (Planning and Development) Regulations, 2001*, allows electricity companies to locate the line anywhere within 40 metres on either side of the notional line. This may not apply where there is a condition in the planning permission requiring a certain route to be followed, where the proposed line is restricted by other terms and conditions of a planning permission, where the placement of the line affects the property rights of adjoining landowners or where a Special Amenity Area Order is in effect.

Regulation 5 of the Local Government (Planning and Development) Regulations, 1995, amends Article 9 of the *Local Government (Planning and Development) Regulations, 1994*, and provides that electricity undertakings have an exemption from site notices for overhead lines.

Appeals

Appeals can be made under *s.37 of the Planning and Development Act, 2000* as amended by *s.10 of the 2006 Act*. The appeal must be made within 4 weeks of the date of the decision.

Environmental Impact Assessments (EIAs)

S.172 of the 2000 Act provides that an EIA is required if the development is on a class specified in s.176 of that Act. Schedule 5 of the *Planning and Development Regulations, 2001*, ("the 2001 Regulations") set out the classes referred to in s.176. One of the classes is electric power lines with a voltage of 200kV or more and a length of more than 15km and another class is overhead electricity lines with a voltage of 200kV or more. Therefore, EIAs are generally not required for electric power lines of less than 200kV. However, s.103 of the 2001 Regulations allows the planning authority to require an EIA where the development would be likely to have a significant impact on the environment.

Overhead lines 20kV and below:

Class 27 (Development by Electricity Companies for Power Lines) of The Local Government (Planning and Development) Regulations, 2001, provides that the development or construction by an "electricity undertaking" of overhead power lines that will transmit/ distribute power not exceeding 20kV does not require planning permission. This exemption does not apply where a Special Amenity Area Order is in effect.

This exemption may not apply if development takes place in an area where it may interfere with the "character of the landscape". "Interfering with the character of the landscape" means blocking a view that is listed in either the Development Plan or

any draft Development Plan for the area in which development is proposed. Most planning authorities are now preparing Landscape Character Assessments which will establish a further set of criteria by which proposed exempted developments have to be calculated. However, Article 9 of the regulations limits this “character of the landscape” restriction so even if the development does interfere with the “character of the landscape” , it can be allowed once the line/ cable does not exceed 100 metres in length and is for the purpose of conducting electricity from a distribution or transmission line to any premises.

Underground Cables

Class 26 (Development by Electricity Companies for Underground Cables) of the Local Government (Planning and Development) Regulations, 2001, provides that any electricity undertaking can lay mains, pipes, cables and “other apparatus” underground without planning permission. Where the underground cable forms part of a project submitted to the Strategic Infrastructure Division of an Bord Pleanála the exemption may not apply.

Under Class 26 of the Planning & Development Regulations some developments (Laying underground of mains, pipes, cables) are exempt. In the case of the electricity utility provider there are four classes of exemption as follows:

Column 1: Description of Development	Column 2:[9] Reference to Conditions and Limitations for each class as outlined in the Planning & Development Regulations
Class 26	1(a)(i) – (xi)
The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.	1 (b) (i) 1 (d)
Class 27	1(a)(i) – (xi)
The carrying out by any electricity undertaking of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV.	1 (b) (i) 1 (d)
Class 28	1(a)(i) – (xi)
The carrying out by any electricity undertaking of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which	1 (b) (i) 1 (d)

a condition attached to the relevant permission imposed a contrary requirement.

Class 29

The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation for the distribution of electricity at a voltage not exceeding a nominal value of 20kV. The volume above ground level of any such unit substation shall not exceed 11 cubic metres, measured externally.

1(a)(i) –(xi)

1 (b)(i)

1(d)

Please note: 1(a)(i) – (xi) ,1 (b) (i) and 1 (d) all apply as conditions and limitations to Article 6 developments. In case of electricity infrastructure the most relevant conditions and limitations would be 1(a)(v) & (vi), 1(b)(i) and 1(d).

Substations

Class 29 (Development by Electricity Companies for Substations) of the Local Government (Planning and Development) Regulations, 2001, provides that planning permission is not required for the development of substations not exceeding 20kV provided that the volume of the substation does not exceed 11 cubic metres above ground level (to be measured externally). This exemption does not apply where a Special Amenity Order is in effect.

Any substation that does not fall within the Class 29 exemption is considered “development” under s.3 of the *Planning and Development Act, 2000*, and requires planning permission under s.32 of the *2000 Act*.

Road Opening/ breaking

S.51 Electricity Act, 1927, allows the Board to break up roads for the purpose of laying electricity lines along, across or under streets, roads, railway or tramway. *S.52 Electricity Act, 1927*, provides that the Board cannot break up roads without previous consultation with the Local Authority. *S.53 of the Roads Act, 1993*, states that statutory undertakers who have power to carry out works to roads cannot exercise these powers without consent of the Roads Authority or Minister for the Environment.

Wayleave Notices

S.53 of the Electricity Act, 1927, provides for wayleaves across land. *S.53 (1) of the Electricity Supply Act, 1927*, provides that ESB can place an electric line above or below ground across land. *S.53 (3)* provides that before doing so, ESB must serve a notice in writing on the landowner and occupier stating its intention to place the line on the landowner and occupier’s lands.

S.49 of Electricity Regulation Act, 1999, provides that a person who is authorised to construct a generating station may, with the consent of the CER, exercise the power heretofore enjoyed by ESB to serve a wayleave notice.

Special Areas of Conservation (SACs)

SACs are prime wildlife conservation areas in the country, considered to be important on a European as well as national level. The legal basis on which SACs are selected is the EU Habitats Directive transposed into Irish law by the *European Union (Natural Habitats) Regulations, 1997, as amended in 1998 and 2005*. The Directive lists certain habitats and species that must be protected within SACs.

Powers of National Park and Wildlife Services (NPWS):

The NPWS is part of the Department of the Environment Heritage and Local Government and is charged with the conservation of a range of habitats and species in Ireland. Responsibilities of NPWS include:

- designation and protection of SACs, Special Protection Areas (SPAs) and National Heritage Areas (NHAs)
- implementation of domestic legislation e.g. *the Wildlife Acts, 1976 and 2000*, and international legislation e.g. EU habitats and birds directives;
- management and development of National Parks and Nature Reserves;
- overseeing licensing under the *Convention on International Trade in Endangered Species and Wildlife Acts 1976 and 2000*.

Inland Waterways

S.55 of the Electricity Supply Act 1927 provides for advance consultation with the Minister to place or authorise any authorised undertaker to place any electric cable across any navigable river or navigable waterway, whether such cable is placed above or below water or under the ground

1946 Forestry Act

Legislation relating to tree felling is set out in section 37 of the Forestry Act, 1946.

(b) Responsible Ministry(/ies) / authority(/ies) and their competences in the field:

Minister for Communications, Energy and Natural Resources

The Minister for Communications, Energy and Natural Resources is responsible for determining national policy on energy matters, including regulating, promoting and developing renewable energy sources. The Minister's Department of Communications, Energy and Natural Resources is responsible for the implementation of energy policy and the introduction of energy policy legislative change.

Commission for Energy Regulation (CER)

The Commission for Energy Regulation (CER) is the statutorily independent regulator for the electricity and natural gas sectors in Ireland under the Electricity Regulation Act 1999 as amended.

As set out at 4.2.1 (a) above, the Commission for Energy Regulation is responsible for the grant of authorisations to construct or reconstruct a generating station ('authorisation') and licences to generate electricity ('licence'). Section 9 of the Electricity Regulation Act 1999 includes as a function of the CER the duty:

- (g) to grant, monitor the performance of, modify, revoke and enforce licences and authorisations pursuant to this Act

Under section 14(1) a licence is subject to the terms and conditions as specified in the licence. Under section 16(3) where the CER grants an authorisation it is subject to the *'terms and conditions as may be specified in the authorisation, including, as respects a generating station, the generating capacity of such station'*. Where an authorisation or licence is granted by Order it is subject to the Conditions in the Order.[\[10\]](#) The CER may amend or revoke any such Order.

The process for modification of an authorisation or licence is set out in sections 19 and 20 of the Act. Where there is a refusal or modification of an authorisation or licence the applicant/Licensee/Grantee affected may, under section 29, request the Minister to establish an appeal panel. The grantee of an authorisation or licence (otherwise than by Order) may also appeal the terms and conditions of an authorisation in accordance with section 29.

The grounds for revocation of an authorisation or licence are set out in the authorisation and licence themselves. If the CER is of the opinion that the holder of an authorisation or licence is in breach of conditions it may issue a notice of its belief of the breach[\[11\]](#), give a direction or determination[\[12\]](#) or apply to the High Court for an order to discontinue or refrain from specified practices[\[13\]](#).

SEM Committee

Since November 2007, a regional electricity market (the 'Single Electricity Market' (SEM)) is in place on the island of Ireland. The SEM is regulated by the Commission for Energy Regulation and the Northern Ireland Authority for Utility Regulation under the auspices of the Single Electricity Market Committee (the SEM Committee).[\[14\]](#) Further information on the SEM can be found on the 'All Island Project' website, the website of the Single Electricity Market Operator and the websites of the System Operators.

Minister for the Environment, Heritage and Local Government

The Minister for the Environment, Heritage and Local Government is responsible for developing planning policy and legislation. Ireland's planning system was introduced on the 1 October 1964, when the Local Government (Planning and Development) Act, 1963 came into effect.

The physical planning system in Ireland is operated on the ground by 88 local planning authorities: [29 County Councils, 5 County Borough Corporations, 5 Borough Corporations and 49 Town Councils](#).

Ireland is one of the few European countries that has an independent third party planning appeals system. It is operated by [An Bord Pleanála](#), (the Planning Appeals Board). Decisions of the planning authorities can, for the most part, be appealed to An Bord Pleanála. The Government Department is precluded from any interference in these decisions.

The main features of the planning system are:

- making development plans
- the need for planning permission
- exempted development
- appeals against planning decisions
- planning enforcement

The physical planning system plays a key role in facilitating delivery of the infrastructure programmes and in addressing housing supply requirements. Local authorities and An Bord Pleanála directly operate the system.

The Department's primary role is to provide the essential legislative framework and policy guidance while seeking to minimise the regulatory burden and cost of the system. In addition, the Department provides an expert advisory service on heritage/conservation issues to planning authorities and to An Bord Pleanála.

In general, authorities must decide planning applications within 8 weeks of the date of receipt of the application. The applicant or any person who made a valid submission in writing, in relation to the planning application, to the planning authority can appeal to An Bord Pleanála, within 4 weeks of the decision. In deciding applications, authorities are restricted to considering the proper planning and development of the area concerned, including the preservation and improvement of amenities, the development plan, and any valid, written submissions or observations made on a proposed development. The fee for making a submission or observation on a planning application is currently €20.

The Planning and Development (Strategic Infrastructure) Act 2006 provides for, among other things, the establishment of a streamlined consent procedure for certain types of major infrastructure and the creation of a specialised division within An Bord Pleanála to take decisions in relation to such projects.

Offshore Renewable projects

Offshore renewable energy projects are governed by the Foreshore Acts 1933 to 2009. In the future the foreshore consent system will be much closer aligned to the existing land planning system in order to provide for a more streamlined consent process.

Minister for Agriculture, Fisheries and Food

The Minister for Agriculture, Fisheries and Food is responsible for the Forest Service. The felling section of the Forest Service deals with queries under the 1946 Forestry Act.

(c) Revision foreseen with the view to take appropriate steps as described by Article 13(1) of Directive 2009/28/EC by: [date]

Licensing and Authorisations

The Commission for Energy Regulation (CER) has put in place procedures for the grant of an authorisation to construct a generating station and licence to generate electricity that are considered proportionate and necessary. The administrative procedures in place for applications for authorisations and licences are streamlined and designed to meet requirements while resulting in an efficient process. The rules governing applications for authorisations and licences can be seen to be objective and transparent, as they are set out in legislation.

The CER requires information of applicants to ensure that the legislative criteria for the grant of authorisations and licences and the CER's statutory duties are met. The CER processes applications in as timely a manner as possible and maintains contact with applicants throughout the process. Guidance notes for applicants are available on the CER's website. The procedures are the same for renewable energy installations and other applicants. The CER regularly answers queries from and provides advice to prospective applicants and often contacts applicants to request further information and to progress their applications.

It is currently the case that generating stations with an installed capacity of 1MW or less are automatically authorised and licensed by Statutory Instrument ('by Order'). Generating stations with an installed capacity of over 1MW and up to 10MW must apply to the CER to be authorised or licensed by Order. Generating stations above 10MW are licensed and authorised individually.

On 2nd November 2009 the CER published a consultation paper in which it proposed introducing a revised application procedure for authorisations and licences for generating stations with an installed capacity of 40MW or less.[\[15\]](#) This threshold was advanced on the basis that it reduces administrative procedures where possible and appropriate whilst still fulfilling the CER's statutory duties. The threshold chosen means that it would apply predominantly to renewable generating stations, which are generally installed in more remote locations.

The proposed revised application procedure would require the submission of less documentation by the applicants concerned. The proposals contained in this consultation are designed to reduce administrative burden and to reduce procedures where possible and appropriate. The CER must also ensure that it fulfils its statutory functions, and in particular must promote 'the continuity, security and quality and supplies of electricity'.[\[16\]](#) This proposal is considered to reduce application procedures to what is proportionate and necessary and was made with a view to

transposing Article 13(1) of Directive 2009/28/EC. [\[17\]](#) A decision on this proposal will be made soon.

The issuance of authorisations and licences is a function that is discrete from other statutory permit procedures. The CER currently requires that planning and environmental permits are in place before it will grant an authorisation or licence. Under proposed revised application procedures, the CER may grant an authorisation to construct and licence to generate in advance of the securing of statutory consents, but the applicant will be required to declare that it will not carry out any activities without the appropriate consent.

It is difficult to give a timetable for the grant of an authorisation or licence. Once all requested documentation has been submitted, an applicant can generally expect to be issued with a licence within six weeks.

There is no discrimination between applicants, as the same criteria are applied to all applications, regardless of the technology type, although different standards may be required of different sizes or types of generator under the Grid/Distribution Code, or secondary fuel requirements etc. Insofar as the authorisation and licence application examines compliance with those requirements, the assessment of the application does take into account the particularities of individual renewable energy technologies.

Planning

The 2006 Planning and Development (Strategic Infrastructure) Act outlined at 4.2.6 (e) deals with strategic development and strategic infrastructure. It is designed to ensure co-ordination between local, regional and national approaches which balance local interests with the national imperative to deliver strategic infrastructure. The majority of the TSO grid infrastructure projects fall under the provisions of this Act.

The policies and zoning objectives that affect a specific project remain the responsibility of the local planning authority. The local planning authority remains an important stakeholder in the process and in many cases is the main beneficiary of the overall outcome of a specific energy or electrical project.

Currently all Development Plans undertaken by Planning Authorities have to have regard to Regional Planning Guidelines as well as guidelines and circulars issued by the Minister for the Environment, Heritage and Local Government.

In addition, a new Planning and Development (Amendment) Bill 2009 is currently going through the legislative process. One of the aims of this Bill also is to ensure a closer alignment between the National Spatial Strategy, Regional Planning Guidelines, Development Plans and Local Area plans.

A key element in the Bill is the introduction of a requirement for an evidence based “core strategy” in development plans which will provide relevant information as to how the development plan and the housing strategy are consistent with regional planning guidelines and the National Spatial Strategy.

Offshore Environment

Regulatory functions in relation to developments in the offshore environment transferred to the Minister for the Environment, Heritage and Local Government on 15th January 2010. The current legislation is the 1933 Foreshore Act (as amended). It is the intention of the Minister to streamline and modernise the consent process for certain developments in the offshore environment, including offshore renewable energy projects such as wave, wind and tidal technologies on a phased basis in order to ensure service continuity in relation to the processing of offshore applications and providing an improved timeline for making decisions on these projects.

These phases will include the following.

1. Integration of strategic projects on the Foreshore, within the Strategic Infrastructure Act: The Strategic Infrastructure Act will be amended to allow for a fast-track consent process for major wind, wave and tidal energy projects.
2. Administration of non-Strategic foreshore cases by local authorities: In parallel with Phase 2, legislation transferring responsibility for the administration of the non strategic infrastructure foreshore cases to local authorities will be in development, as will the preparation of a Marine Spatial Strategy.
3. Development of a Marine Spatial Strategy: The Department of the Environment, Heritage and Local Government, in collaboration with other key stakeholders will develop a marine spatial planning framework that will clarify allowable location/type of development on the foreshore (and beyond the foreshore limits) to guide/direct decision-makers and users towards appropriate spatial uses of the foreshore and the efficient, sustainable use of marine resources.
4. Integrated Coastal Zone Management: A regional approach to integrated coastal zone management will be pursued supported by the National Spatial Strategy.

(d) Summary of the existing and planned measures at regional / local levels (where relevant)

CER Licensing and Authorisations

The authorisation and licensing of generators is carried out by the regulator (CER) on a national basis. There are no specific measures at regional or local level.

Planning

As mentioned at 4.2.1 (c) above, a new Planning and Development (Amendment) Bill 2009 is currently going through the legislative process. One of the aims of this

Bill also is to ensure a closer alignment between the National Spatial Strategy, Regional Planning Guidelines, Development plans and local area plans.

A key element in the Bill is the introduction of a requirement for an evidence based “core strategy” in development plans which will provide relevant information as to how the development plan and the housing strategy are consistent with regional planning guidelines and the National Spatial Strategy. Other provisions that may have impacts on the development of renewable technologies may also be introduced within this Bill which is anticipated to have undergone the legislative process by Summer 2010.

In relation to offshore renewable energy developments, the proposed legislative changes are set out at 4.2.1 (c) above – the intention being to ensure a greater integration between the terrestrial planning system and the current consent processes governing offshore renewable energy development applications.

(e) Are there unnecessary obstacles or non-proportionate requirements detected related to authorisation, certification and licensing procedures applied to plants and associated transmission and distribution network infrastructure for the production of electricity, heating or cooling from renewable sources, and to the process of transformation of biomass into biofuels or other energy products? If so, what are they?

CER Licensing and Authorisations

The Commission considers that requirements in an application for an authorisation or licence are limited to what is necessary and proportionate in order to establish that the generating station in question meets statutory criteria.

The Commission’s proposals for the revision of application procedures for certain generating stations (as outlined above) is aimed at reducing the administration involved in authorisation and licensing procedures where possible and appropriate^[18].

Planning

In order to reduce unnecessary obstacles or non-proportionate requirements, exemptions for certain micro renewable projects were introduced by the Department of the Environment, Heritage and Local Government in 2007 and 2008. These measures reduced the regulatory burden in order to promote the use of certain renewable technologies (ground/air source heat pump, biomass, and wind turbines for example), and to achieve a better alignment with key national policy objectives including, in particular, addressing climate change through the planning system.

The planning exemptions for renewable technologies that meet certain criteria (a summary of Statutory Instrument (SI) 83 of 2007 and Statutory Instrument (SI) 235 of 2008) is attached at Appendix 1.

The regulations also include provisions aimed at encouraging the uptake of cleaner and cheaper energy from renewable sources in the industrial, business and

agricultural sectors by providing exemptions facilitating a greater penetration of renewable technologies in these sectors.

Article 9.(1) of SI 600 of 2001 outlines conditions for which the exemptions set out in SI 83 of 2007 and SI 235 of 2008 (detailed for each technology below) do not apply. They include if the development would:

- Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed;
- Consist of or comprise the excavation, alteration or demolition of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed;
- Be in an area to which a special amenity area order relates.

Those intending to install a technology that is mentioned in the exemptions are advised to get a written declaration from their local authority which will provide assurance that their particular development is covered by the exemptions. This is of particular relevance to wind turbines which are high visibility.

The cost of such a declaration (Section 5 Declaration) is approximately €80 and it must be provided by the local authority within the statutory timelines set out in Section 5 of the Planning and Development Act 2000. There have been instances of people assuming they were exempt which have ended with the local authority requesting that installations be removed. The designation of an area changes over time and, for example, the building of a house may have been approved 20 years ago but the house may now be in an area of special designation.

(f) What level of administration (local, regional and national) is responsible for authorising, certifying and licensing renewable energy installations and for spatial planning? (If it depends on the type of installation, please specify.) If more than one level is involved, how is coordination between the different levels managed? How will coordination between different responsible authorities be improved in the future?

CER Licensing and Authorisations

The Commission for Energy Regulation (CER), the regulator of the electricity and gas sectors and an independent body, is responsible for issuing authorisations and licences for all electricity generation stations.

The CER currently requires that planning permission has been granted before it issues an authorisation or licence. In its proposed revised application procedures for generating stations with an installed capacity of up to 40MW, [\[19\]](#) the CER proposes that it may issue an authorisation or licence before planning permission has been

granted but the applicant must declare that it will obtain the necessary statutory consents and will not commence work until the relevant consents are in place.

Planning and foreshore consents

Generally, most energy projects (renewable and non renewable) will have to go through the planning process in addition to any other consents needed. An applicant will apply to the relevant planning authority with details of the proposed project and an Environmental Impact Statement, if required.

With regard to both domestic and industrial micro generation however, planning exemptions have been introduced by the Department of the Environment, Heritage and Local Government. These exemptions have certain thresholds for different types of developments (see Appendix 1.)

An overview of the planning process is outlined at 4.2.1 (b) above. In addition flow charts are attached at Appendices 2 and 3. Appendix 2 illustrates the Planning Application Process for non strategic infrastructure cases while Appendix 3 is a flowchart for strategic infrastructure including the pre application stage, application stage and post decision stage.

For major developments, the Strategic Infrastructure consent process which has been in operation since the 31st January 2007 provides for An Bord Pleanála to make a decision in respect of certain types of project subject to certain criteria being met, that the development:-

- (a) would be of strategic, economic or social importance to the State or the region in which it would be situate.
- (b) would have a significant effect on the area of more that one planning Authority.
- (c) would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in force in respect of the area or areas in which it would be situate.

It also provides specifically for certain types of energy infrastructure which would be subject to the streamlined process including:

—An installation for the harnessing of wind power for energy production (a wind farm) with more than 50 turbines or having a total output greater than 100 megawatts.

The County Development Plan is one of the planning policy frameworks within which a decision is taken. The county development plan therefore has an important role to play in the facilitation of strategic infrastructure such as high voltage power lines and this should be reflected in the plans, policies and objectives.

A new Planning and Development (Amendment) Bill 2009 is going through the legislative process. One of the aims of this Bill also is to ensure a closer alignment between the National Spatial Strategy, Regional Planning Guidelines, Development plans and local area plans. A key element in the Bill is the introduction of a requirement for an evidence based “core strategy” in development plans which will provide relevant information as to how the development plan and the housing strategy are consistent with regional planning guidelines and the National Spatial Strategy.

Offshore renewable energy projects are governed by the Foreshore Acts 1933 to 2009. It is intended that in the future the foreshore consent system will be much closer aligned to the existing land planning system in order to provide for a more streamlined consent process.

(g) How is it ensured that comprehensive information on the processing of authorisation, certification and licensing applications and on assistance to applicants made available? What information and assistance is available to potential applicants for new renewable energy installations on their applications?

Renewable Energy Information Office (REIO)

The Renewable Energy Information Office[20] under the Sustainable Energy Authority of Ireland (SEAI) at outlined in section 4.2.4 is available to provide comprehensive information to potential applicants of new renewable installations. With the assistance of the DSO, TSO and regulator, in October 2008, SEAI published a booklet entitled ‘A guide to connecting renewable and CHP electricity generators to the electricity network.’ http://www.sei.ie/Publications/Renewables_Publications/connecting_RE_and_chp_to_network.pdf

Additional Information is also available at: <http://www.seai.ie/Renewables/>

Commission for Energy Regulation (CER) Licensing and Authorisations

The regulator has published guidance notes for applicants for authorisations and licences on its website, along with application forms.[21] They answer questions and provide advice to prospective applicants by phone and email on an ongoing basis. The CER issues an acknowledgement to applicants once it is in receipt of their application and will contact applicants to request further information if it is required. The CER is available to answer applicants queries in person if a meeting is considered necessary.

TSO & DSO

The DSO (ESB Networks) has a specific Customer Relations Manager nominated to liaise with wind farms, with details provided on ESB’s website, available at: http://www.esb.ie/esbnetworks/generator_connections/gate_3.jsp

The TSO (Eirgrid) has a Customer Relations Team which aims to provide reliable and efficient assistance and support to all customers. The Team provides a single point of contact to facilitate the processing of queries and comments.

Gate 3 Liaison Group

As described in detail at section 4.2.6(b) of the NREAP, the 'Gate' process was put in place by the Commission for Energy Regulation following public consultation. It is a group processing approach towards the processing and issuance of grid connection offers to renewable generators. A Gate 3 liaison group involving the TSO, DSO, regulator and industry representatives meets on a regular basis and all parties are committed to the full roll-out of the Gate.

Department of Environment, Heritage & Local Government

The Department of Environment, Heritage & Local Government provides comprehensive information on the planning process on its website at:
<http://www.environ.ie/en/DevelopmentandHousing/PlanningDevelopment/>

(h) How is horizontal coordination facilitated between different administrative bodies, responsible for the different parts of the permit? How many procedural steps are needed to receive the final authorisation/ licence/permit? Is there a one-stop shop for coordinating all steps? Are timetables for processing applications communicated in advance? What is the average time for obtaining a decision for the application?

CER Licensing and Authorisations

In granting an authorisation to construct the CER currently requires that other permits or permissions have been granted; this includes planning permission, Integrated Pollution Prevention Control Licence, Waste Licence, addition to the water abstraction register, connection offer and REFIT acceptance, where appropriate.

It the CER's proposed revised application procedures for generating stations with an installed capacity of up to 40MW, [22] the Commission may issue an authorisation or licence before planning permission has been granted but the applicant must declare that it will obtain the necessary statutory consents and will not commence work until the relevant consents are in place.

The number of steps required in obtaining an authorisation or licence depends on the project in question and the statutory permits it requires. Once an applicant has submitted a completed application form for an authorisation or licence, fee and all requested information, it could generally expect to be issued with a licence within six weeks.

Gate 3 Liaison Group

As described in detail at section 4.2.6(b) of the NREAP, the 'Gate' process was put in place by the Commission for Energy Regulation following public consultation. It is a group processing approach towards the processing and issuance of grid connection offers to renewable generators. A Gate 3 liaison group involving the TSO, DSO, regulator and industry representatives meets on a regular basis and all parties are committed to the full roll-out of the Gate. The Gate 3 liaison group facilitates horizontal co-ordination.

Planning

Ireland's planning system was introduced on the 1 October 1964, when the Local Government (Planning and Development) Act, 1963 came into effect. The Minister for the Environment, Heritage and Local Government is responsible for developing planning policy and legislation. The physical planning system in Ireland is operated on the ground by 88 local planning authorities: [29 County Councils, 5 County Borough Corporations, 5 Borough Corporations and 49 Town Councils](#). Decisions of the planning authorities can, for the most part, be appealed to An Bord Pleanála, the planning appeals board. The Department is precluded from any interference in these decisions.

The main features of the planning system are:

- making development plans
- the need for planning permission
- exempted development
- appeals against planning decisions
- planning enforcement

The physical planning system plays a key role in facilitating delivery of the infrastructure programmes and in addressing housing supply requirements. Local authorities and An Bord Pleanála directly operate the system.

The Department's primary role is to provide the essential legislative framework and policy guidance while seeking to minimise the regulatory burden and cost of the system. In addition, the Department provides an expert advisory service on heritage/conservation issues to planning authorities and to An Bord Pleanála.

In general, authorities must decide planning applications within 8 weeks of the date of receipt of the application. The applicant or any person who made a valid submission in writing, in relation to the planning application, to the planning authority can appeal to An Bord Pleanála, within 4 weeks of the decision. In deciding applications, authorities are restricted to considering the proper planning and development of the area concerned, including the preservation and improvement of amenities, the development plan, and any valid, written submissions or observations made on a proposed development.

In addition, The Planning and Development (Strategic Infrastructure) Act 2006, which provided for, among other things, the establishment of a streamlined consent procedure for certain types of major infrastructure and the creation of a specialised division within An Bord Pleanála to take decisions in relation to such projects.

Offshore renewable energy projects are governed by the foreshore acts 1933 to 2009, although it is intended that in the future the foreshore consent system will be much closer aligned to the existing land planning system in order to provide for a more streamlined consent process.

Offshore developments including offshore renewable energy technologies such as wind, wave and tidal energy have no statutory time period for being dealt with, but

going forward it is intended to change that through closer integration with the existing planning consent regime.

(i) Do authorisation procedures take into account the specificities of the different renewable energy technologies? If so, please describe how. If they do not, do you envisage taking them into account in the future?

CER Licensing and Authorisations

The authorisation and licensing procedures do not explicitly take into account the specificities of renewable energy technologies - the same legislative criteria for the grant of an authorisation or licence are applied in all applications. However, different standards may be required of different sizes or types of generator under the Grid/Distribution Code, or secondary fuel requirements etc. Insofar as the authorisation and licence application examines compliance with those requirements, the assessment of the application does take into account the particular requirement on that individual renewable energy technology.

Planning

As noted at 4.2.1 (e) above, in order to reduce unnecessary obstacles or non-proportionate requirements, exemptions for certain micro renewable projects were introduced by the Department of the Environment, Heritage and Local Government in 2007 and 2008. These measures reduced the regulatory burden in order to promote the use of certain renewable technologies (ground/air source heat pump, biomass, and wind turbines for example), and to achieve a better alignment with key national policy objectives including, in particular, addressing climate change through the planning system.

The planning exemptions for renewable technologies that meet certain criteria (a summary of Statutory Instrument (SI) 83 of 2007 and Statutory Instrument (SI) 235 of 2008) is attached at Appendix 1. It can be seen from Appendix 1 that the planning exemptions take into account the various specificities of the renewable energy technologies.

(j) Are there specific procedures, for example simple notification, for small-scale, decentralised installations (such as solar panels on buildings or biomass boilers in buildings)? If so, what are the procedural steps? Are the rules publicly available to citizens? Where are they published? Is the introduction of simplified notification procedures planned in the future? If so, for which types of installation / system? (Is net metering possible?)

CER Licensing and Authorisations

Generators with an installed capacity of 1MW or less are deemed to be automatically authorised and licensed under the terms of S.I. 383 and 384 of 2008 and are subject to the Conditions in those Orders. This system was introduced in order to promote microgeneration. A person need not notify the Commission of their development of this generating station in order to stand authorised and licensed.

These statutory instruments (SIs) are publicly available and can be found on the Commission for Energy Regulation's website and the Irish Statute Book.^[23] Documents referred to in the SIs such as the Grid and Distribution Code and Directions by the Commission are available on the Transmission System Operator, Distribution System Operator and Commission's website respectively. It is not currently proposed that this 1MW threshold would be revised.

ESB Networks (the DSO) has a specific section on their website dealing with how micro generator connections can be facilitated, available at:
http://www.esb.ie/esbnetworks/generator_connections/micro_gen_connections.jsp

Planning

As outlined at 4.2.1. (e) above, certain small scale micro renewable projects are exempt from the need to seek planning permission. The planning exemptions for renewable technologies that meet certain criteria (a summary of Statutory Instrument (SI) 83 of 2007 and Statutory Instrument (SI) 235 of 2008) is attached at Appendix 1. Information is available on the Department on Environment, Heritage & Local Government website: <http://www.environ.ie> and from the Renewable Energy Information Office <http://www.seai.ie/Renewables/REIO/>

(k) Where are the fees associated with applications for authorisation/ licences/ permits for new installations published? Are they related to the administrative costs of granting such permits? Is there any plan to revise these fees?

Commission for Energy Regulation (CER) Licensing and Authorisations

Fees for the grant of authorisations and licences are as set out below. These are published on the Commission for Energy Regulation's website in Guidance notes for applicants. Under legislation the Commission has discretion to determine the application fee for authorisations and licences.^[24] It is noted that fees are subject to periodic review and therefore may be revised, any such revisions being published on the CER's website.

Authorisation to Construct		Licence to Generate	
Installed Capacity	€	Installed Capacity	€
1MW to < 5MW	35	1MW to < 5MW	35
5MW to <15MW	270	5MW to <15MW	55
15MW to < 50MW	995	15MW to < 50MW	200
50MW to < 100MW	1,995	50MW to < 100MW	400
100MW to < 200MW	6,635	100MW to < 200MW	1,330
200MW to < 500MW	16,590	200MW to < 500MW	3,320
500MW+	19,905	500MW+	3,980

Planning

On the planning side, different fees apply to different types of development, for example, the current fee for an application to build a house is 65 euro, but costs vary depending on the nature of the project, for example the provision of overhead transmission or distribution lines for conducting electricity lines is €80 or €50 for each

1,000 metres length, or part thereof whichever is the greater. The fee for making submissions or observations to a planning authority in respect of a planning application is €20.

Since the enactment of the 2000 Act planning authorities are statutorily obliged to acknowledge submissions on planning applications and to consider those submissions before making decisions on planning applications. Persons who make submissions are also entitled to be notified of

- any new information provided;
- the decision of the planning authority;
- an appeal against the decision of the planning authority.

The fee for applying for a project under the Strategic Infrastructure consent process is €100,000 and the fee for making submissions or observations to An Bord Pleanála for development under the Planning and Development (Strategic Infrastructure) Act 2006 is €50.

The Board is legally obliged to consider all submissions or observations before making a decision. Third parties also have the right to:

- be notified of any new significant information provided by an applicant;
- request an oral hearing, and;
- be notified of the decision of the Board.

The fees charged are not related directly to the administration costs of processing an application in the case of non strategic infrastructure application (the administrative costs would be higher than the fees.)

Offshore Projects

Foreshore leases and licences are subject to charges for all state-owned foreshore. In the case of offshore energy projects, the valuation of the lease will form part of the negotiation process and may be based on the nominal energy output of each project, and may be subject to regular reviews.

(I) Is official guidance available to local and regional administrative bodies on planning, designing, building and refurbishing industrial and residential areas to install equipments and systems using renewable energy sources in electricity and heating and cooling, including in district heating and cooling? If such official guidance is not available or insufficient, how and when will this need be addressed?

Planning

In relation to the planning processes for renewable energy developments, various guidance documents are available for the information of Planning Authorities, potential developers as well as interested members of the public.

Each Planning Authority is obliged by statute to prepare a Development Plan every 6 years for their functional area. The contents of this Development Plan would include objectives for the provision of infrastructure including energy facilities.

Guidelines specifically in relation to wind energy development were published by the Department of the Environment, Heritage and Local Government in June 2006. These guidelines include advice inter alia on the size, scale and siting of wind turbine. The guidelines are available on the Department's website at: <http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/>

Certain Planning Authorities have produced their own Wind Energy Strategies i.e. Wexford County Council[25], Mayo County Council[26] and Clare County Council[27].

General

As noted in section 4.2.4, part of the Sustainable Energy Authority of Ireland, the Renewable Energy Information Office (REIO), deals exclusively with providing users and suppliers with up to date accurate technical and process information.

The Renewable Energy Information Office undertakes a range of activities for example conferences, workshops, demonstration events and study tours. All information is published online[28] with a wide range of detailed information available for all stakeholders. In addition, the Renewable Energy Information Office (REIO) operates a telephone help desk that caters to individual queries from members of the public.

The Renewable Energy Information Office has developed targeted resources for planners and architects e.g.

[Passive Homes - Guidelines For The Design And Construction Of Passive House Dwellings In Ireland](#); (PDF, 2.04MB)

[Retrofitted Passive homes - Guidelines for Upgrading existing dwellings in Ireland to the PassivHAUS Standard](#); (PDF, 2.5MB)

[Passive Solar Design](#) (.pdf, 848kb)

[Solar Water Heaters](#) (.pdf, 156kb)

[Renewable Heat Pumps](#) (.pdf, 222kb)

[Wood Pellet Stoves](#) (.pdf, 848kb)

Further examples of the guidance and information provided by REIO can be found at:

http://www.seai.ie/Renewables/REIO_Library/

http://www.seai.ie/Renewables/Renewable_Energy_in_Business_and_Industry/

http://www.seai.ie/Renewables/Renewable_Energy_for_the_Homeowner/

Note: See also Section 4.2.3 (buildings) of the NREAP.

(m) Are there specific trainings for case handlers of authorisation, certification and licensing procedures of renewable energy installations?

The regulator's (CER) staff have published guidance notes for applicants for authorisations and licences and answer queries from prospective applicants by phone and email on an ongoing basis. The staff are trained in house. With regard to the planning process, decisions are taken by trained planners with appropriate qualifications.

Appendix 1

Planning Exemptions for Renewable Technologies that meet certain criteria

Summary of exemptions set out in SI 83 of 2007 and SI 235 of 2008

Technology/ Application	Summary
Wind turbine in a domestic setting	<ul style="list-style-type: none">· Turbine must not be attached to a building.· One turbine per house and it can not be sited in front of the building.· Total height must not exceed 13m.· Rotor diameter must not exceed 6m.· 3m minimum clearance between ground and lowest point of blades.· Turbine mast must be the total maximum height of the assembly including turbine and blades plus one metre from the nearest party boundary.· Noise levels must not exceed 43db(A) or 5 db(A) above background noise at the nearest inhabited neighbouring dwelling.· No advertising can be placed on the turbine and the turbine must be matt finished.· The blades must not interfere with telecoms signals.
Wind turbine in an agricultural setting	<ul style="list-style-type: none">· Turbine must not be attached to a building.· One only turbine per site.· Total height must not exceed 20m.· Rotor diameter must not exceed 8m.· 3m minimum clearance required between ground and lowest point of blades.· Turbine mast must be one and a half times the total maximum height of the assembly (including turbine and blades) plus 1m from the nearest party boundary or non-electrical overhead lines.· Turbine mast must be the total maximum height of the assembly including turbine and blades plus 20m from the nearest 38kV electricity distribution line.· Turbine mast must be the total maximum height of the assembly including turbine and blades plus 30m from the centreline of the nearest transmission line i.e. 110kV plus.

Wind turbine in an industrial or business setting

- The turbine must not be within 100m of an existing turbine.
- Noise levels must not exceed 43db(A) at the nearest inhabited dwelling.
- No advertising can be placed on the turbine and the turbine must be matt finished.
- The blades must not interfere with telecoms signals.
- Consent must be sought from the Irish Aviation Authority if the turbine is to be within 5km of an airport.
- Turbine must not be attached to a building.
- One only turbine per site.
- Total height must not exceed 20m.
- Rotor diameter must not exceed 8m.
- 3m minimum clearance required between ground and lowest point of blades.
- Turbine mast must be the total maximum height of the assembly including turbine and blades plus 5m from the nearest party boundary or non-electrical overhead lines.
- Turbine mast must be the total maximum height of the assembly including turbine and blades plus 20m from the nearest 38kV electricity distribution line.
- Turbine mast must be the total maximum height of the assembly including turbine and blades plus 30m from the centreline of the nearest transmission line i.e. 110kV plus.
- Noise levels must not exceed 43db(A) or 5 db(A) above background noise at the nearest inhabited neighbouring dwelling.
- No advertising can be placed on the turbine and the turbine must be matt finished.
- The blades must not interfere with telecoms signals.
- Consent must be sought from the Irish Aviation Authority if the turbine is to be within 5km of an airport.
- The area must not be within an Architectural Conservation Area.

Solar Thermal or PV panel in a domestic setting

- Total panel area must not exceed 12 sq. m or 50% of the total roof area including existing panels.
- The distance between the plane of the wall or pitched roof and the panel must not be more than 15cm.
- The distance between the plane of a flat roof and the panel must not exceed 50cm.
- The panel must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.
- A free standing array's height must not exceed 2m above ground level.

**Solar Thermal
within a light
industrial or
business setting**

- The erection of a free standing array must not reduce the area of private space to the rear or side of the house to less than 25 sq. m.
- Can not be erected on a wall.
- Total panel area must not exceed 50 sq. m or 50% of the total roof area including existing panels.
- The distance between the plane of the pitched roof and the panel must not exceed 50cm in a light industrial building and 15cm in a business premises.
- The distance between the plane of a flat roof and a panel must not exceed 2m in a light industrial setting and 1m in a business premises.
- The panel must be a minimum of 50cm from the edge of the roof on which it is mounted or 2m on a flat roof.
- Any associated equipment or storage must be within the roof space of the building.
- A free standing array's height must not exceed 2m above ground level.
- The total aperture area of a free standing array must not exceed 25 sq. m.
- No advertising can be placed on the panel and a free standing panel must not be placed to the front of the premises.

**Solar Thermal or
PV within an
industrial setting**

- Distance between the plane of the wall or pitched roof and the panel must not exceed 1m.
- The distance between the plane of a flat roof and the panel must not exceed 2m.
- The panel must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.
- The total aperture area must not exceed 50 sq. m.
- Any associated equipment or storage must be within the roof space of the building.
- A free standing array's height must not exceed 2m above ground level.
- No advertising can be placed on the panel.

**Solar Thermal or
PV within an
agricultural
setting**

- Total panel area must not exceed 50 sq. m or 50% of the total roof area including existing panels.
- Distance between the plane of the wall and the panel must not exceed 15cm.
- The distance between the plane of a pitched roof and the panel must not exceed 50cm.
- The distance between the plane of a flat roof and the panel must not exceed 2m.
- The panel must be a minimum of 50cm from the edge of the wall or roof on which it is mounted or 2m if on a flat roof.

PV within a light industrial or business setting

- The total aperture area of a free standing array must not exceed 25 sq. m.
- Any associated equipment or storage must be within the roof space of the building.
- A free standing array's height must not exceed 2m above ground level.
- No advertising can be placed on the panel.
- Total panel area must not exceed 50 sq. m or 50% of the total roof area including existing panels.
- The distance between the plane of the wall and the panel must not exceed 15cm.
- The distance between the plane of a pitched roof and the panel must not exceed 50cm in the case of a light industrial building and 15cm in a business setting.
- The distance between the plane of a flat roof and the panel must not exceed 2m in the case of a light industrial building and 1m in the case of a business premises.
- The panel must be a minimum of 50cm from the edge of the roof or pitched roof on which it is mounted or 2m on a flat roof.
- Any associated equipment or storage must be within the roof space of the building.
- A free standing array's height must not exceed 2m above ground level.
- The total aperture area of a free standing array must not exceed 25 sq. m.
- No advertising can be placed on the panel and a free standing panel must not be placed to the front of the premises.

CHP enclosing structure in industrial setting

- Gross floor area not to exceed 500 sq. m and height and length must not exceed 10m and 50m respectively.
- Must not be within 10m of public road or 200 metres of the nearest inhabited dwelling e.g. house, school, church, hospital unless written consent is available.
- Structure must not exceed 8m if within 100m of a public road.
- Maximum of 2 flues which must be below 20m in height and a maximum of 1m in diameter.
- Noise levels must not exceed 43 db(A) at the nearest party boundary.
- One only such structure exempt per premises and the structure can not enclose anything else.
-

CHP enclosing structure in light

- Gross floor area not to exceed 300 sq. m and height and length must not exceed 8m and 40m respectively.

industrial or commercial setting

- Must not be within 10m of public road or 200 metres of the nearest inhabited dwelling e.g. house, school, church, hospital unless written consent is available.
- Structure must not exceed 8m if within 100m of a public road.
- Maximum of 2 flues which must be below 16m in height and a maximum of 1m in diameter.
- Noise levels must not exceed 43 db(A) at the nearest party boundary.
- One only such structure exempt per premises and the structure can not enclose anything else.

CHP enclosing structure in agricultural setting

- Gross floor area not to exceed 300 sq. m and height and length must not exceed 8m and 40m respectively.
- Must not be within 10m of public road or 100 metres of the nearest inhabited dwelling e.g. house, school, church, hospital unless written consent is available.
- Structure must not exceed 8m if within 100m of a public road.
- Maximum of 2 flues which must be below 16m in height and a maximum of 1m in diameter.
- Noise levels must not exceed 43 db(A) at the nearest party boundary.
- One only such structure exempt per premises and the structure can not enclose anything else.

Biomass Boiler in industrial, light industrial or business setting

- Exemptions apply to boiler house, flues and storage of fuel.
- The gross floor area of the boiler house must not exceed 20 sq. m.
- The maximum allowable storage capacity for fuel store must not exceed 75 cubic metres.
- The maximum exempt height for the storage is 3m.
- The maximum exempt height for any flue, 2 are allowable, is 16m above ground level and the maximum diameter of same is 1m.
- Only one such structure is allowable per premises.
- The boiler house must not be within 10m of a public road or 100 metres from the nearest inhabited building such as a school, church, hospital etc. unless the written consent of the occupant is given.
- Noise levels must not exceed 43 db(A) at the nearest party boundary.
- The fuel must not be derived from animal waste or from wood containing dangerous substances.

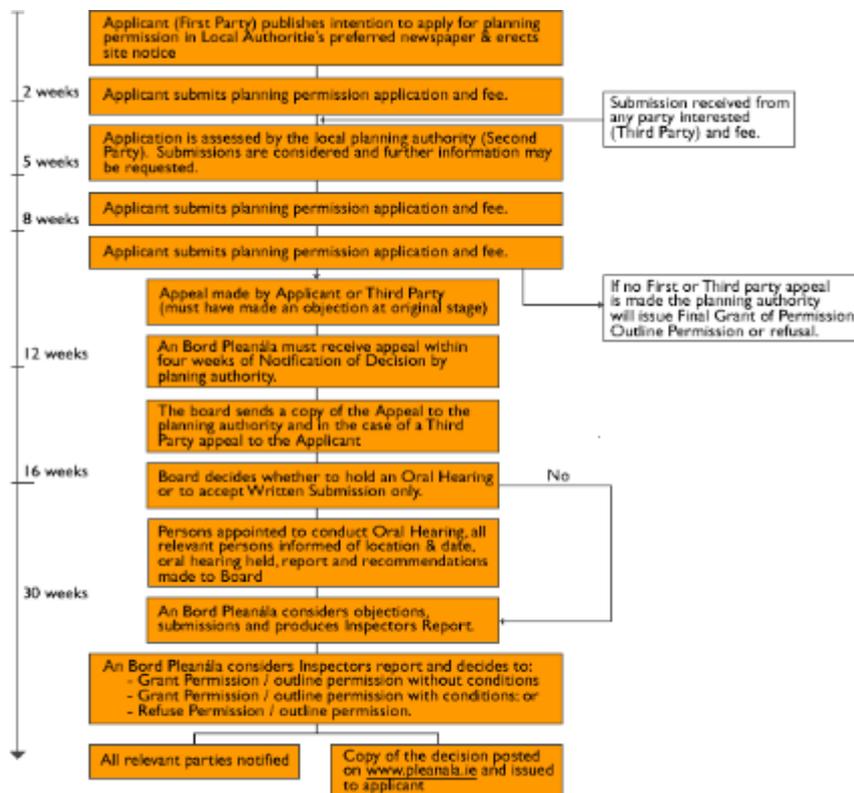
Biomass Boiler in an agricultural setting

- Exemptions apply to boiler house, flues and storage of fuel.

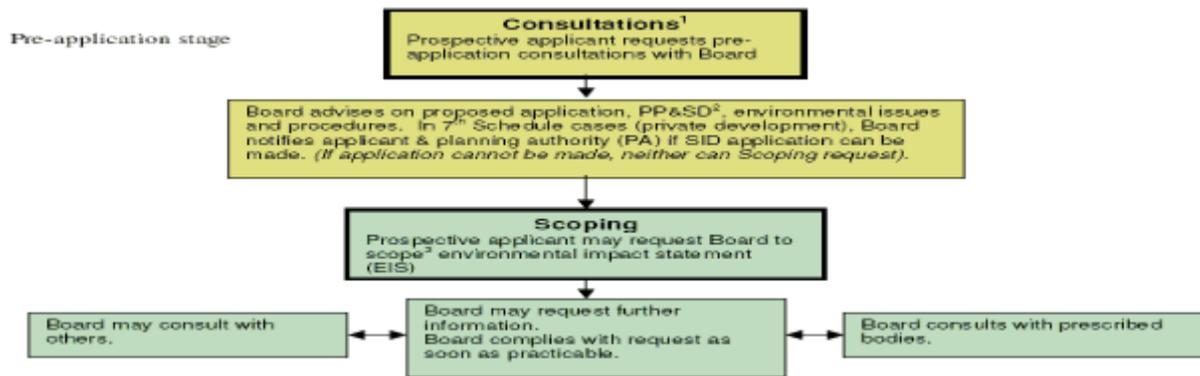
- The gross floor area of the boiler house must not exceed 20 sq. m.
- The maximum allowable storage capacity for fuel store must not exceed 75 cubic metres.
- The maximum exempt height for the storage is 3m.
- The maximum exempt height for any flue, 2 are allowable, is 20m above ground level and the maximum diameter of same is 1m.
- Only one such structure is allowable per premises.
- The boiler house must not be within 10m of a public road or 100 metres from the nearest inhabited building such as a school, church, hospital etc. unless the written consent of the occupant is given.
- Noise levels must not exceed 43 db(A) at the nearest party boundary.
- The fuel must not be derived from wood containing dangerous substances.

Appendix2

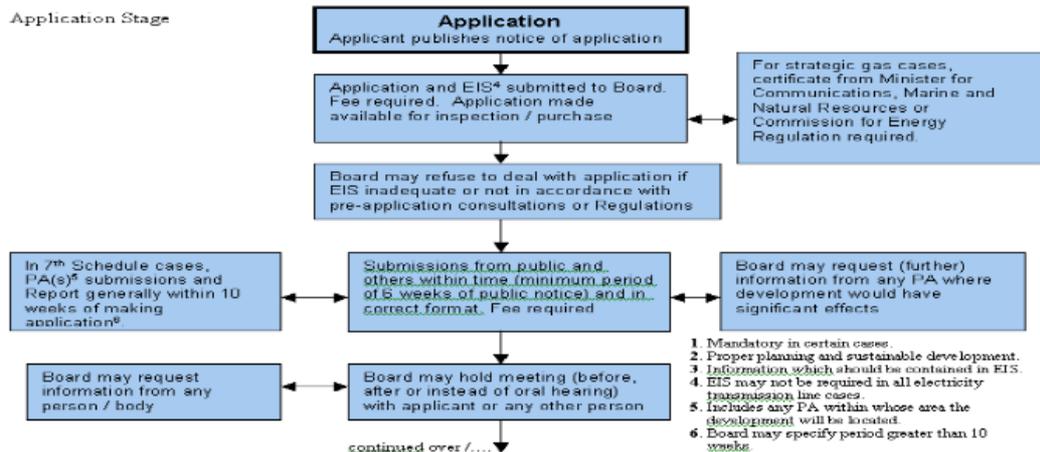
Planning Application Process (Non – Strategic Infrastructure Cases)



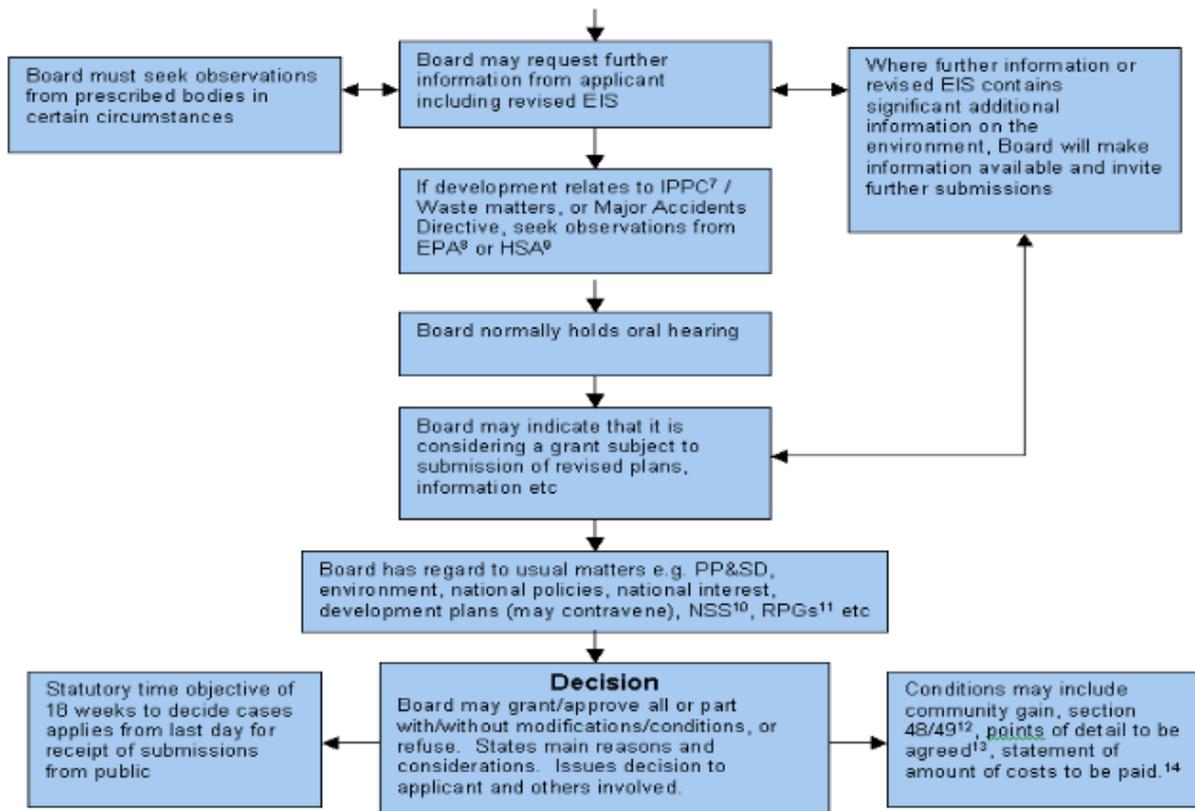
Appendix 3 Flowchart for Strategic Infrastructure Development



1.2 Application stage - Strategic Infrastructure Development



1. Mandatory in certain cases.
2. Proper planning and sustainable development.
3. Information which should be contained in EIS.
4. EIS may not be required in all electricity transmission line cases.
5. Includes any PA within whose area the development will be located.
6. Board may specify period greater than 10 weeks.

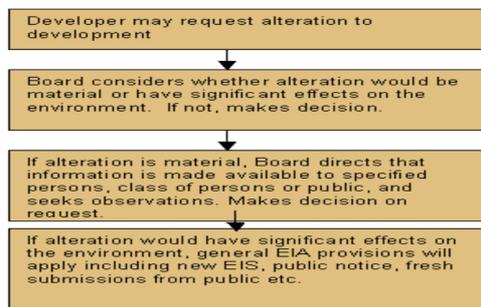


1.3 Post-decision stage - Strategic Infrastructure Development

Post-decision stage

Board may amend decision to correct clerical error or to clarify what it intended to convey. May invite submissions from relevant persons. Change may not result in material alteration to development as permitted /approved.

- 7. Integrated pollution prevention and control.
- 8. Environmental Protection Agency.
- 9. Health and Safety Authority.
- 10. National Spatial Strategy.
- 11. Regional Planning Guidelines
- 12. Section 48/49 financial contribution conditions.
- 13. Only applies to 7th Schedule cases.
- 14. Must issue with 7th Schedule decision. In other cases, where it applies, it may issue at a later date.



1

MEGA SUBMISSION

[1] www.irishstatutebook.ie

[2] www.irishstatutebook.ie

[3] Section 16(1), Electricity Regulation Act 1999

[4] Regulation 4(1) of S.I. 445/2000

[5] Section 9(3) Electricity Regulation Act 1999

[6] Section 9(4) and 9(5) Electricity Regulation Act 1999

[7] CER has defined relevant classes. Statutory instruments 383 and 384 of 2008.

<http://www.irishstatutebook.ie/2008/en/si/0383.html>

<http://www.irishstatutebook.ie/2008/en/si/0384.html>

[8] Section 9(3)(a), Electricity Regulation Act 1999

[9] Planning and Development Regulations 2001 – 2007 - ‘Article 6: Schedule 2: Part 1: Exempted Development: Class 26 – Class 29’

[10] Section 16(3A)(a) and section 14(1A)

[11] Electricity Regulation Act 1999, Section 24

[12] Electricity Regulation Act 1999, Section 25

[13] Electricity Regulation Act 1999, Section 26

[14] Ref: <http://www.allislandproject.org/>, http://www.allislandproject.org/en/SEM_semc.aspx

[15] CER/09/175, *Revised Application Procedures for Authorisations and Licences for Certain Generating Stations*. <http://www.cer.ie/en/electricity-generation-current-consultations.aspx?article=9fe2e3cc-bd66-47ae-af9b-bd7b0b9266d6>

[16] Section 9(4)(c), Electricity Regulation Act 1999

[17] See particularly Section 3.3.4, CER/09/175, *Revised Application Procedures for Authorisations and Licences for Certain Generating Stations*. <http://www.cer.ie/en/electricity-generation-current-consultations.aspx?article=9fe2e3cc-bd66-47ae-af9b-bd7b0b9266d6>

[18] CER/09/175, *Revised Application Procedures for Authorisations and Licences for Certain Generating Stations*. <http://www.cer.ie/GetAttachment.aspx?id=f391b3ad-870d-4961-881f-f34df2d9af6d>

[19] CER/09/175, *Revised Application Procedures for Authorisations and Licences for Certain Generating Stations*. <http://www.cer.ie/en/electricity-generation-current-consultations.aspx?article=9fe2e3cc-bd66-47ae-af9b-bd7b0b9266d6>

[20] <http://www.seai.ie/Renewables/REIO>

[21] <http://www.cer.ie/en/electricity-generation-licences-and-authorisations.aspx>

[22] CER/09/175, *Revised Application Procedures for Authorisations and Licences for Certain Generating Stations*. <http://www.cer.ie/en/electricity-generation-current-consultations.aspx?article=9fe2e3cc-bd66-47ae-af9b-bd7b0b9266d6>

[23] www.irishstatutebook.ie

[24] Electricity Regulation Act 1999, sections 14(5) & 17(2)

[25] <http://www.wexford.ie/wex/YourCouncil/Publications/DevelopmentPlans/WindStrategy/>

[26] <http://www.mayococo.ie/en/Planning/DevelopmentPlansandLocalAreaPlans/MayoCountyDevelopmentPlan2008-2014/>

[27] <http://www.clarecoco.ie/planning/planning-strategy/development-plans/clare-county-development-plan-2005-2011/>

[28] <http://www.seai.ie/Renewables/REIO>