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Department of Communications,
Climate Action & Environment



**An Roinn Tithíochta, Pleanála,
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Department of Housing, Planning,
Community and Local Government

Information Note

Review of the Wind Energy Development Guidelines 2006

“Preferred Draft Approach”

Following detailed engagement between the Department of Housing, Planning, Community and Local Government (DHPCLG) and the Department of Communications, Climate Action and Environment (DCCAE), an emerging “preferred draft approach” to the Review of the 2006 Wind Energy Development Guidelines was jointly announced on 13 June 2017. The emerging “preferred draft approach” was outlined to update the general public, stakeholders and planning authorities on the progress made and timetable for conclusion of the Review of the 2006 Guidelines, in the light of the elapse of time since the review commenced in 2013.

Review of the Wind Energy Development Guidelines 2006

The Wind Energy Development Guidelines 2006, issued under Section 28 of the Planning and Development Act 2000, as amended, sets the national planning policy context for local authority plan-making and the determination of planning applications and appeals by planning authorities and An Bord Pleanála.

As part of a targeted review of the 2006 Guidelines, the DHPCLG published proposed draft revisions to the noise, setback distance and shadow flicker aspects of the 2006 Guidelines for public consultation in December 2013. The public consultation process resulted in a very high level of public response, resulting in over 7,500 submissions, from the public, community groups, industry and other stakeholders expressing a broad range of views which informed the progress of the Review.

The Programme for A Partnership Government (May 2016) included a commitment to conclude the review of the Guidelines, with a view to offering a better balance between the concerns of local communities and the need to invest in indigenous energy projects, informed by the public consultation process and best international practice. On-going work has been underway between DHPCLG and DCCAE in this regard.

Renewable Energy Policy

The Review has been undertaken within a wider national and EU energy policy context in line with binding EU and international obligations on Ireland to play its part in tackling both the causes and effects of climate change.

Under the 2009 Renewable Energy Directive, Ireland is legally bound to deliver 16% of its final energy requirements from renewable sources. The Government decided that, within the overall 16% target, the largest element is to be met by achieving a target of 40% of electricity generation from renewable sources.

Onshore wind is expected to make the largest contribution to achieving this 40% target by 2020. As of the end of April 2017, there was 2,851 megawatts (MW) of wind energy capacity installed and exporting to the national electricity grid. Eirgrid estimates that a total of between 3,900 and 4,300 MW of onshore renewable generation capacity will be required to allow Ireland to achieve 40% renewable electricity by 2020.

In the event that Ireland does not meet its 2020 targets, purchasing compliance is estimated by the SEAI to lie in the range of €65 to €130m for each percentage point that Ireland falls short of the overall 16% renewable energy target.

Looking beyond 2020, an EU target of at least 27% has been indicated as the share of renewable energy consumed in the EU in 2030. While the DCCAE is currently examining the potential for diversifying Ireland's renewable technology mix in the post-2020 period,

as a proven and cost effective technology, onshore wind will remain part of Ireland's generation portfolio out to 2030 and will help to meet Ireland's contribution to the binding EU-wide 2030 renewable energy target.

“Preferred Draft Approach”

There are a wide range of community, spatial planning, energy policy, environmental, technological and industry considerations that need to be balanced within the Review of the 2006 Guidelines.

The package of measures that has emerged as part of the “preferred draft approach” is being developed in the light of the commitment under the Programme for Government to strike a better balance between addressing the concerns of local communities whilst maintaining Ireland's ability to deliver on its binding energy policy obligations.

The “preferred draft approach” focuses on a number of key aspects including:

1. Sound/ Noise.
2. Visual Amenity Setback.
3. Shadow Flicker.
4. Consultation Obligations.
5. Community Dividend.
6. Grid Connections.

SEA Process

In line with requirements under the EU Strategic Environmental Assessment Directive (the SEA Directive), an SEA will be undertaken on the “preferred draft approach” to the revised Guidelines. The SEA process ensures that environmental considerations are fully integrated in the preparation of plans and programmes, which provide a framework for development consent or planning permission.

In addition, the consideration of alternatives in the SEA process provides the opportunity to identify and explore different ways to deliver the objectives of a plan or programme while addressing environmental issues.

The SEA process will involve the preparation of draft revised Guidelines, incorporating the “preferred draft approach”, and an Environmental Report, including alternatives, and will be subject to public consultation enabling all stakeholders to express their views. Therefore, the draft revised Guidelines will be fully informed by the SEA process prior to their publication by the Minister/DHPCLG.

Finalised Guidelines

Subject to and following the completion of the SEA process, the Guidelines will be finalised and issued under Section 28 of the Planning and Development Act 2000, as amended, and will apply to planning applications and considerations for future wind energy development proposals. Planning authorities and An Bord Pleanála will be required to have regard to the Guidelines and must apply any specific planning policy requirements as may be included in the revised Guidelines in carrying out their functions under Section 28(1C) of the Act.

It is intended that the revised and updated Guidelines will be accompanied by a number of technical appendices to assist planning authorities in relation to noise assessment, monitoring and the setting of planning conditions to ensure a consistent and robust approach.

“Preferred Draft Approach” – 6 Key Aspects

1. Sound/ Noise

Noise Limits

The “preferred draft approach” proposes noise restriction limits consistent with World Health Organisation standards, proposing a relative rated noise limit of 5dB(A) above existing background noise within the range of 35 to 43dB(A), with 43dB(A) being the maximum noise limit permitted, day or night. The noise limits will apply to outdoor locations at any residential or noise sensitive properties.

Sounds containing certain characteristics specific to wind turbines (e.g. tonal, low frequency and amplitude modulation) are frequently perceived to be more intrusive than those that do not. The rated limit will take account of these certain noise characteristics and, where identified, permitted noise limits will be further reduced to mitigate for these.

Noise Monitoring

Updated noise measures are being proposed in tandem with the introduction of a new noise monitoring regime in relation to wind farms with local authorities enforcing planning conditions supported by the Environmental Protection Agency who will provide independent noise monitoring of wind farms. Where there is evidence of non-compliance with noise limits, wind turbines will be required to be turned off until compliance with the noise limits is proven.

Detailed technical guidance is being developed in relation to noise assessment, monitoring and the setting of planning conditions to assist planning authorities and developers in this regard.

2. Visual Amenity Setback

The 'preferred draft approach' proposed for visual amenity comprises a setback distance, of 4 times the tip height between a wind turbine and the nearest point of the curtilage of any residential property, subject to a mandatory minimum setback of 500 metres.

The potential for visual disturbance can be considered as dependent on the scale of the proposed turbine and the associated distance. Thus a setback which is the function of size of the turbine should be key to setting the appropriate setback.

Setback requirements would also be subject to compliance with noise limits.

3. Shadow Flicker

Shadow Flicker occurs when the sun is low in the sky and the rotating blades of a wind turbine casts a moving shadow which, if it passes over a window in a nearby house or other property results in a rapid change or flicker in the incoming sunlight. The time period in which a neighbouring property may be affected by shadow flicker is completely predictable.

The 'preferred draft approach' proposes that technology and appropriate modelling at design stage to eradicate the occurrence of shadow flicker must be confirmed in all planning applications for wind energy development.

Moreover, there will be clearly specified measures for automatic wind turbine shut down, where the issue arises as a condition planning permission. In effect, no neighbouring property will experience the occurrence of shadow flicker.

4. Consultation Obligations

It is proposed that there will be an obligation on the developer of a wind energy project to consult with communities, prior to submitting a planning application.

Planning authorities will take into account the degree to which the proponents of wind energy projects have meaningfully and properly consulted with and facilitated public participation in developing and refining their proposals. Projects should reflect broadly based community perspectives, should explain the potential benefits of a project and should seek to establish relationships with the community on a long-term basis.

Community Report

Planning applications must contain a Community Report prepared by the applicant which will specify how the final proposal reflects community consultation.

The Community Report must also outline steps taken to ensure that the proposed development will be of enduring economic benefit to the communities concerned.

5. Community Dividend

Community benefit/dividend will be a core component of future wind farm development with both community ownership and part-ownership of wind energy projects by local communities being encouraged.

Wind farm developers will also be required to take steps to ensure that the proposed development will be of enduring economic benefit to the communities concerned. While the precise benefit will vary according to the nature and scale of a project and the local communities' preferred options regarding the nature of the community benefit, it is essential that applicants/developers offer a form of community benefit that provides for a tangible long-term dividend to the community.

Community benefit may encompass a range of measures that a project can bring to local areas. For the majority of projects, this is associated with the level of economic benefit, widely defined, that a project brings to a community. Whether in the form of local jobs and training opportunities, energy efficiency measures, and contributions in kind to local assets and facilities, it is important that community benefit is a core component of future wind farm development.

Models to support community participation will be implemented as part of the new Renewable Electricity Support Scheme under development by the DCCAE.

The 'preferred draft approach' for the consultation obligations and community dividend proposals will be further supported by the "Code of Practice for Wind Energy Developments – Guidelines for Community Engagement", issued by the DCCAE in December 2016 for the wind industry sector.

6. Grid Connection

From a visual amenity aspect, undergrounding of cable connections from wind farms to the transmission and distribution system is the most appropriate solution, except where specific ground conditions or technical considerations make this impractical.

Draft Revised Guidelines

The draft revised Guidelines will be prepared incorporating the 6 key aspects of the "preferred draft approach" outlined above along with a general update of the 2006 Guidelines.

SEA Process and Timelines

The SEA process for these Guidelines will involve a number of stages, including:

- scoping the content of an Environmental Report with the prescribed Environmental Authorities;
- environmental assessment and the preparation of an Environment Report;
- a public consultation on the proposed draft Guidelines and Environmental Report; and
- the adoption of the Guidelines pursuant to SEA, with the subsequent publication of an SEA Report.

It is envisaged that the full SEA process will take approximately 9 months, including tendering for the appointment of SEA consultants. An indicative SEA Process Timeline is set out at Appendix 1.

It is also intended to screen for appropriate assessment (AA).

In tandem with commencing the tendering process for an SEA consultant in early Q3 2017, DHPCLG will also carry out the SEA screening process and commence the scoping process with the Environmental Authorities, on an in-house basis. The indicative timeline for the completion of the overall process and the issuing of adopted Guidelines is Q1 2018.

Indicative SEA Process Timeline*

Stage	Timeline	Period	Action
Screening and Scoping	Week 0-2	2 weeks	Preparation of SEA Scoping Report
	Week 3-6	4 weeks	Environmental Authority Consultation
Environmental Assessment	Week 7-8	2 weeks	Review response Environmental Authorities. Finalise “Recommended” Guidelines, Environmental Report and AA Screening Report
	Week 9-12	4 weeks	Additional period if NIS (AA) required
Public Consultation	Week 13-20	8 week	Publication of “Recommended” Guidelines, Environmental Report and AA Screening/NIS
	Week 21-24	4 weeks	Review response from Public Consultation
Finalise Guidelines	Week 25-26	2 weeks	Publication of adopted Guidelines and SEA Report

* Timeline may change e.g. due to the volume of submission received in the public consultation stage.