



# Chapter 4: Planning Policy and Guidance

## Coolglass Wind Farm EIAR Vol 2

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## Acronyms and Abbreviations

SLR	SLR Consulting Limited
EIAR	Environmental Impact Assessment Report
EIA	Environmental Impact Assessment
UNFCCC	United Nations Framework Convention on Climate Change
NIRs	National Inventory Reports
EPA	Environmental Protection Agency
GHG	Greenhouse Gas
ETS	Emission Trading Scheme
COP	Conference of the Parties
LNG	Liquified Natural Gas
EC	European Commission
EU	European Union
NSOs	National Strategic Outcomes
NPF	National Planning Framework
NPO	National Policy Objective
NDP	National Development Plan
RESS	Renewable Electricity Support Scheme
RSES	Regional Spatial and Economic Strategy
RSOs	Regional Strategic Outcomes
RPO	Regional Policy Objective
CDP	County Development Plan
SPA	Special Protection Area
SAC	Special Area of Conservation
NHA	Natural Heritage Areas
IWEA	Irish Wind Energy Association
DCCAIE	Department of Communications, Climate Action and Environment
CRU	Commission for Regulation of Utilities
CER	Commission for Energy Regulation



## 4.0 Policy and Guidance

### 4.1 Introduction

This section of the Environmental Impact Assessment Report (EIAR) sets out the relevant European, national, regional, and local policy, with respect to the Proposed Development.

#### 4.1.1 Statement of Authority

This chapter of the EIAR was prepared by Gerald O'Reilly and Crystal Leiker of SLR Consulting.

- Gerald is a qualified Town Planner (MIPI) with 14 years experience in large scale project management and EIAR and ES production in Ireland and Northern Ireland, including Strategic Infrastructure development. He holds a BSc Spatial Planning from Technical University Dublin and a PD in Public Management from the University of Ireland.
- Crystal is a qualified (MIPI) Town Planner with 8 years experience in large scale tourism, renewable energy and minerals projects including project management, EIA production and coordination. She holds a B.Soc.Sc and MPLAN, both from University College Cork.

### 4.2 International global policies

#### 4.2.1 UN Framework Convention on Climate Change

In 1992, countries joined an international treaty, the United Nations Framework Convention on Climate Change (UNFCCC), as a framework for international efforts to combat the challenge posed by climate change. There are 195 parties ratified to the Convention and these are subdivided into Annex I, Annex II, Annex B, Non-Annex I and Least Developed Countries. The UNFCCC seeks to limit average global temperature increases and the resulting climate change.

In addition, the UNFCCC seeks to cope with impacts that are already inevitable. It recognises that the climate system is a shared resource whose stability can be affected by industrial and other emissions of carbon dioxide and other greenhouse gases. The framework sets no binding limits on greenhouse gas emissions for individual countries and contains no enforcement mechanisms. Instead, the framework outlines how specific international treaties (referred to as 'Protocols' or 'Agreements') may be negotiated to set binding limits on greenhouse gases. It does, however, require all parties in Annex 1 [Decision 3 CP.5] (of which the European Union 15 (EU 15) forms part of) to prepare and publish National Inventory Reports (NIRs) on emissions. The Environmental Protection Agency (EPA) is responsible for the preparation of Ireland's NIR.

#### 4.2.2 Kyoto Protocol

Ireland is a Party to the Kyoto Protocol, an international agreement that sets limitations and reduction targets for greenhouse gases for developed countries. It came into effect in 2005, as a result of which, emission reduction targets agreed by developed countries, including Ireland, are binding. Furthermore, In Doha, Qatar, on 8th December 2012, the "Doha Amendment to the Kyoto Protocol" was adopted. The amendment includes:



- New commitments for Annex I Parties to the Kyoto Protocol who agreed to take on commitments in a second commitment period from 1st January 2013 to 31st December 2020;
- A revised list of GHG to be reported on by Parties in the second commitment period; and
- Amendments to several articles of the Kyoto Protocol which specifically referenced issues pertaining to the first commitment period and which needed to be updated for the second commitment period.

During the first commitment period:

- A 5% overall reduction in the emission of greenhouse gases in developed countries was set.
- An average 8% reduction below 1990 levels within the EU was also set.

The second commitment period applied to emissions from 2013 - 2020. All members of the European Union had binding targets in the second commitment period and committed to reduce their GHG emissions by at least 20% by 2020 compared to 1990 levels and to increase this commitment to a 30% reduction if other major emitting countries agree to similar targets under a global climate agreement.

Under the protocol, countries must meet their targets primarily through national measures, although market-based mechanisms such as international emissions trading, through the EU Emission Trading Scheme (ETS) can also be utilised.

### 4.2.3 COP 21 Paris Agreement

The Conference of the Parties (COP) is the highest body of the UNFCCC and consists of environment ministers who have met annually since 1995 to assess progress in dealing with the issue of climate change. At the Paris climate conference (COP21) in December 2015, 195 countries adopted the first-ever universal, legally binding global climate deal. The agreement sets out a global action plan to put the world on track to avoid dangerous climate change by limiting global warming to well below 2°C above pre-industrial levels and to limit the increase to 1.5°C. Under the agreement, Governments also agreed on the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries and to undertake rapid reductions thereafter in accordance with the best available science.

### COP25 Madrid

COP25, the 25th session of the COP, was held between the 2nd and 13th of December 2019 in Madrid. The conference was characterised by repeated warnings from civil society (NGOs and corporates) on emerging evidence and scientific consensus on climate change risk. Specifically, it is noted that there are only '10 years left' before the opportunity of limiting global warming to 1.5°C is no longer feasible. As such, the only scenario that makes it possible is a '7.6% reduction of global GHG emissions every year between 2020 and 2030, and to reach net zero emissions by 2050'. However, there was no consensus achieved between States to finalise the operating rules of the Paris Agreement and ensure that it became operational by 2020.





## **COP 26 Glasgow**

COP 26 was held in November 2021, where the Glasgow Climate Pact was agreed. The pact agrees to focus on the terms of the Paris Agreement and for the first time there was an explicit agreement to reduce use of fossil fuels including Coal.

### **4.3 EU Directives and Policies**

This section summarises the previous policies and targets for renewable energy and greenhouse gas (GHG) emissions in Europe up to 2030 in order to provide context and establish the progress made in Ireland over the past two decades to achieve these EU targets. The section then details the latest policies and targets with a view of 2030 and beyond. The various directives and policies of the EU set a clear mandate for each member state to transition to sustainable, renewable energy and reduce greenhouse gas emissions. This is reflected in the theme of European Commission President, Ursula von der Leyen's inaugural 'State of the Union' address delivered on 16<sup>th</sup> September 2020 which emphasised the need to transform the European economy and society to deal with the climate change emergency. It was also stated that the EU aims to reduce the EU's net greenhouse gas emission by at least 55% on 1990 levels by the end of this decade.

#### **4.3.1 RECAST Renewable Energy Directive (RED II)**

As part of its 'Clean Energy for all Europeans' package, the European Commission in 2016 proposed an update of the Renewable Energy Directive for the period 2021 – 2030 (RED II). In June 2018, an agreement was made in Europe between the European Commission, the European Parliament and the Council with regard to increasing renewable energy use in Europe.

The new regulatory framework includes a binding renewable energy target for the EU for 2030 of 32% with an upwards revision clause by 2023. This agreement will help the EU meet the Paris Agreement goals. In terms of renewable energy production, the agreement has achieved:

- A new, binding EU renewable energy target of 32% by 2030, including a review clause by 2023 for an upward revision of the EU level target;
- Improved design and stability of renewable energy support schemes.

The revised renewable energy Directive 2018/2001/EU entered into force in December 2018.

In July of 2021, the Commission proposed another revision to accelerate the take-up of renewables in the EU to assist in achieving the 2030 energy and climate objectives. The current directive sets a common target of 32% while the proposed revision seeks an increased 40% target as part of the package to deliver on the European Green Deal. In May of 2022 following the Communication on the REPowerEU Plan (COM/2022/230final) to further increase this target to 42.5% by 2030. It is expected that the adoption of this revision is Quarter 1 2023.

#### **4.3.2 European Green Deal (2019)**

The European Green Deal is a growth strategy and group of policy initiatives for the EU which aims to transform the EU into a fair and prosperous society, improving quality of life with modern, resource-efficient and competitive economy where there are no net



emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use. The EU aim to do this by becoming climate-neutral by 2050.

With regard to the supply of clean, affordable and secure energy, the European Green Deal underlines the fact that in order to meet the EU's climate and sustainability goals, all sectors must increase their use of renewable energy and phase out fossil fuels.

The EU aim to increase the greenhouse gas emission reductions targets for 2030 to at least 50% and towards 55%, compared to 1990 levels, in order to achieve net-zero greenhouse gas emissions by 2050. A key principle for achieving this will be to develop a power sector based largely on renewable resources.

### 4.3.3 RePowerEU

In March 2022, the European Commission published REPowerEU – a Joint European Action for more affordable, secure and sustainable energy. The main aim of the plan, called REPowerEU, is to make Europe completely independent from Russian fossil fuels by 2030 as a result of current geopolitical tensions in Ukraine. It received backing from the European Heads of State in the Versailles Declaration of 10<sup>th</sup> and 11<sup>th</sup> March 2022. On 18<sup>th</sup> May 2022, the Communication on the REPowerEU Plan (COM/2022/230final) was published.

REPowerEU provides an indication that member states will be required:

- Acceleration of the permit granting process (12 month permitting window for wind energy<sup>1</sup>)
- To ensure that the following items are of “overriding public interest<sup>2</sup>”, the planning, construction and operation of renewable energy plants, their connection to the grid and the related grid itself and Storage assets as defined in Article 2 of the Renewable Energy Directive<sup>3</sup>

In December of 2022, a provisional agreement among member states have resulted in a number of key objectives which include:

- increasing the resilience, security and sustainability of the Union energy system through the needed decrease of dependence on fossil fuels
- diversification of energy supplies at Union level, including by increasing the uptake of renewables, energy efficiency and energy storage capacity.

New investments to assist member states in the rollout of REPowerEU will be funded through the Innovation Fund and ETS allowances. Key targeted investment objectives include:

- boosting energy efficiency in buildings and critical energy infrastructure

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<sup>1</sup> European Commission. (2022). Commission Recommendation on speeding up permit-granting procedures for renewable energy projects and facilitating Power Purchase Agreements. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=PI\\_COM:C\(2022\)3219&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=PI_COM:C(2022)3219&from=EN)

<sup>2</sup> Member States would be required to ensure that in the permit-granting process, the planning, construction and operation of renewable energy plants, their connection to the grid and the related grid itself, and storage assets are presumed to be the overriding public interest and serving public health and safety when balancing legal interests for the purposes of the Birds, Habitats, and Water Framework Directives.

<sup>3</sup> European Commission (2018). Renewable Energy Directive. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=EN>



- decarbonising industry
- increasing production and uptake of sustainable biomethane, and renewable or fossil-free hydrogen
- increasing the share and accelerating the deployment of renewable energy
- improving energy infrastructure and facilities to meet immediate security of supply needs for gas, including liquefied natural gas (LNG), notably to enable diversification of supply in the interest of the Union as a whole
- oil infrastructure and facilities necessary to meet immediate security of supply needs may be included in the REPowerEU chapter of a member state that has been subject to the exceptional temporary derogation due to its specific dependence on crude oil and geographical situation
- addressing energy poverty
- incentivising a reduction of energy demand
- addressing internal and cross-border energy transmission and distribution bottlenecks
- supporting electricity storage
- accelerating the integration of renewable energy sources
- supporting zero emission transport and its infrastructure, including railways

Member states will be allocated funding in alignment with the member states dependence on fossil fuels and cohesion policies. Funding will be distributed through the Recovery and Resilience Facility (RRF) regulation.

#### **4.3.4 European Commission Recommendation on Speeding Up Permitting Renewables**

In the European Commission's recommendation of 18th May 2022 on speeding up permit granting procedures for renewable energy projects and facilitating Power Purchase Agreements, the European Commission set out a series of recommendations to assist in the speeding up of the permitting process for renewables. In this recommendation, the EC noted that

*"the energy sector is responsible for over 75% of the total greenhouse gas emissions in the Union. Speeding up the production of energy from the development and deployment of renewable energy installations is therefore vital for the Union to reach its 2030 renewable energy target and for contributing to reaching the 2030 Union target of at least 55% GHG emission reductions in accordance with Regulation (EU) 2021/1119."*

Key recommendations include:

- To identify key go-to areas suitable land and sea areas for renewable energy projects. This land should be particularly suitable for the development of renewable energy (renewable go-to areas), while avoiding as much as possible environmentally valuable areas and prioritising *inter alia* degraded land not usable for agriculture
- to limit 'exclusion zones' where renewable energy cannot be developed to a necessary minimum.



- Member States should streamline environmental impact assessment requirements for renewable energy projects to the extent that is legally possible
- Member States should implement long-term grid planning and investment consistent with the planned expansion of renewable energy production capacities, taking into account future demand and the objective of climate neutrality
- Member States should establish simplified procedures for repowering existing renewable energy plants, including streamlined procedures for environmental assessments, and adopt a simple-notification procedure for their grid connections where no significant negative environmental or social impact is expected.
- Member States should set up a contact point tasked with regularly monitoring the main bottlenecks in the permit-granting process and addressing the issues encountered by renewable energy project developers.
- Member States should communicate to the Commission, every two years starting in March 2023, as part of the integrated national energy and climate progress reports to be submitted pursuant to Article 17 of Regulation (EU) 2018/1999 of the European Parliament and of the Council, all available detailed information on the state of implementation of this Recommendation.

#### **4.3.5 Council Regulation (EU) 2022/2577 of 22 December 2022 Laying Down A Framework To Accelerate The Deployment Of Renewable Energy**

On 22<sup>nd</sup> December of 2022, the European Council enacted Council Regulation (EU) 2022/2577 which set out a framework within the European Union to accelerate the deployment of renewable energy.

This framework set out a further immediate and temporary and short term action for all EU Member States accelerate the rollout of renewable energy via a number of targeted actions which Member states could rapidly implement to streamline the permit granting process for renewable projects without the requirement of amendments to national procedures or legal systems.

Of direct interest to this EIAR is the Council agreement that

*the planning, construction and operation of plants and installations for the production of renewable energy is presumed to be in the overriding public interest. This will allow such projects to benefit from a simplified assessment for a number of environmental obligations included in specific EU directives.*

Other targeted actions suggested in this framework include:

- A maximum deadline for the permit- granting process of Solar Energy equipment and its related co-located storage and grid connections to be limited to 3 months
- Repowering exiting renewable energy plants- including a simplified procedure for grid connections where repowering results in a limited increase in total capacity compared to the original project with a maximum consenting deadline of 6 months
- Deployment of heat pumps with a consenting deadline of one month for the installation of heat pumps below 50MW and three months in case of ground source heat pumps



### 4.3.6 European Climate Law Regulation (EU) 2021/1119 (European Climate Law)

The European Climate Law Regulation<sup>4</sup> was established on 30<sup>th</sup> June 2021 and came into effect on 29<sup>th</sup> July 2021. This Regulation sets into law the goal that was set out in the European Green Deal and provides a legally binding, irreversible and responsible pathway for the EU to achieve climate neutrality by 2050. In addition to this overarching legal objective, the Regulation also seeks a number of other key objectives:

- Measures to track the progress of EU member states and adjust actions where required accordingly to reach the overarching 2050 target
- A 55% reduction of net emissions of greenhouse gasses as compared to 1990 by 2030 (including clarity on the contribution of emissions reductions and removals.
- A process to set a 2040 climate target which will also take into account the indicative greenhouse gas budget between years 2030 to 2050. It should be noted that at the time of writing this chapter, this has yet to be published
- The establishment of a European Scientific Advisory Board on Climate Change that will provide independent scientific advice going forward
- Stronger provisions on climate change adaptation in alignment with the Paris Agreement. Such provisions include adaptive capacity of member states, strengthening resilience and reducing vulnerability on climate change. Member states will be required to adopt comprehensive national adaptation strategies and plans based on climate change and vulnerability analysis and most recent scientific evidence.
- A commitment by the EU to both engage with more sectors and to prepare a sector specific roadmap demonstrating a path to climate neutrality in different areas of the economy.

Section 34 of this Regulation is of relevance to the Proposed Development:

*“Member States and the European Parliament, the Council and the Commission should, inter alia, take into account: the contribution of the transition to climate neutrality to public health, the quality of the environment, the well-being of citizens, the prosperity of society, employment and the competitiveness of the economy; the energy transition, **strengthened energy security and the tackling of energy poverty**; food security and affordability; the development of sustainable and smart mobility and transport systems; fairness and solidarity across and within Member States, in light of their economic capability, national circumstances, such as the specificities of islands, and the need for convergence over time; the need to make the transition just and socially fair through appropriate education and training programmes; best available and most recent scientific evidence, in particular the findings reported by the IPCC; the need to integrate climate change related risks into investment and planning decisions; cost-effectiveness and*

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<sup>4</sup> European Climate Law Regulation. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32021R1119#:~:text=This%20Regulation%20establishes%20a%20framework,sinks%20regulated%20in%20Union%20law.>



*technological neutrality in achieving greenhouse gas emission reductions and removals and increasing resilience; and progression over time in environmental integrity and level of ambition.” (own emphasis added)*

#### 4.3.7 Fit for 55

The Fit for 55 package is a set of proposals to revise and update EU legislation and put in place new initiatives with the aim of ensuring that EU policies are in line with the climate goals agreed by the European Council and the European Parliament.

The package of proposals aims at providing a framework for reaching the EU’s climate objectives which will ensure

- A just and socially fair transition
- Maintain and strengthen innovation and competitiveness of the EU industry
- Underpin the EU position as leading the way in the global fight against climate change.

The headline aim of the Fit for 55 package is to reduce greenhouse gas emissions by at least 55% by 2030 compared to 1990 and to achieve climate neutrality in 2050.. It also requires an increase in the Renewable Energy target to 40% by 2030 through a number of measures such as:

- Energy efficiency
- Renewable energy
- CO<sub>2</sub> and Methane emissions reductions

On 8<sup>th</sup> November 2022, a provisional political agreement on stronger emission reduction targets for member states<sup>5</sup> was reached was formally adopted 25<sup>th</sup> April 2023. This was as a result of the REPowerEU plan and the current geopolitical tensions in Ukraine.

As a result of REPowerEU, the Fit for 55 targets have been increased and require swift implementation. Targets for renewable energy development and deployment have changed from 40% / 1067GW to 42.5% with an additional 2.5% indicative top-up to 45% / 1236GW of installed renewables capacity. In addition, the provisional deal endorses an EU level GHG emission reduction target of 40% compared to 2005 by 2030.

While there are a number of targets set out for sectors such as transport, industry and heating and cooling, it is worth noting that a provisional agreement includes accelerated permitting procedures for renewable energy projects given the context of the REPowerEU Plan. Renewable energy deployment is considered to be of ‘overriding public interest’, which will limit the grounds of legal objections to new installations.

The next steps in this process which are currently ongoing re the submission of the provisional agreement to EU Member States followed by the Parliament for approval. The amended Directive requires formal adoption by both the Parliament and the Council before it enters into force.

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<sup>5</sup> European Council (2022). Fit for 55: EU Strengthens Emission Reduction Targets for Member States. <https://www.consilium.europa.eu/en/press/press-releases/2022/11/08/fit-for-55-eu-strengthens-emission-reduction-targets-for-member-states/>



## 4.4 National Policies and Legislation

National energy and climate policy is derived from the overarching European Policy which aims to unify the European Union in energy and climate goals. The following section sets out the relevant national policies which will influence the development of the country in the coming decades with respect to energy production, carbon neutrality and climate change mitigation.

These policies are supported by the Programme for Government (2020) 'Our Shared Future'<sup>6</sup> which presents strong climate governance in rapidly reducing climate change in order to protect and improve public health and quality of life. The government are committed to rapid decarbonisation of the energy sector with an aim of providing the necessary actions to deliver national renewable electricity targets. In line with the European Green Deal (2019), The Programme for Government sets out the Government's commitment to an average 7% per annum reduction in overall greenhouse gas emissions from 2021 to 2030 (a 51% reduction over the decade) and to achieving net zero emissions by 2050 (DoECC, 2020). These government ambitions support the ongoing generation of renewable energy from onshore wind sources, as detailed in the following section.

### 4.4.1 Section 28 Guidelines

The Development Plan Guidelines constitute Ministerial Guidelines under Section 28 of the Act, and set out national policies and objectives for the preparation, making, variation and implementation of development plans.

Section 28 requires that planning authorities and An Bord Pleanála have regard to Ministerial Guidelines and to comply with any specific planning policy requirements contained therein, in the performance of their functions.

Further information in regard to Section 28 guidelines and their relevance to the Laois County Development Plan 2021-2027 are set out in section 4.5.11 of this chapter.

### 4.4.2 Project Ireland 2040: National Planning Framework

As a strategic development framework, Project Ireland 2040: The National Planning Framework (NPF), demonstrates an approach that joins up ambition for improvement across the different areas of our lives, bringing the various government departments, agencies, State owned enterprises and local authorities together behind a shared set of strategic objectives for rural, regional and urban development.

The NPF is supported by a series of National Strategic Outcomes which the Framework seeks to deliver. The purpose of the National Strategic Outcomes (NSOs) is to create a single vision, through a shared set of goals for every community across the country. The most pertinent outcomes in the context of the proposed renewable energy development are:

- **National Strategic Outcome 3:** Strengthened Rural Economies and Communities,
- **National Strategic Outcome 6:** A Strong Economy Supported by Enterprise, Innovation and Skills,
- **National Strategic Outcome 8:** Transition to Sustainable Energy.

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<sup>6</sup> Department of the Taoiseach (2020), Programme for Government: Our Shared Future.



Section 9.2 Resource Efficiency and Transition to a Low Carbon Economy of the National Planning Framework (NPF) describes the national endeavour with respect to Climate Action and Planning. It is detailed that the Government is committed to a long-term climate policy based on the adoption of a series of national plans over the period to 2050, informed by UN and EU policy. This is being progressed through the National Mitigation Plan and the National Climate Change Adaptation Framework, both of which will be updated and reviewed periodically.

In addition to legally binding targets agreed at EU level, it is a national objective for Ireland to transition to be a competitive low carbon, economy by the year 2050. The National Policy Position on Climate Action and Low Carbon Development (updated 2021) establishes the fundamental national objective of achieving transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050, guided by a long-term vision based on:

- an aggregate reduction in carbon dioxide (CO<sub>2</sub>) emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation, built environment and transport sectors; and
- in parallel, an approach to carbon neutrality in the agriculture and land-use sector, including forestry, which does not compromise capacity for sustainable food production.

It is further described that meeting our commitments will require investment and ambitious and effective action across all sectors, as well as societal behavioural change. The planning process provides an established means through which to implement and integrate climate change objectives, including adaptation, at local level. Planning legislation also requires different levels of the planning process to address climate change. With respect to the above the following National Policy Objective (NPO) is provided:

#### **National Planning Objective 54**

*Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.*

Section 9.2 of the NPF also provides a section on Energy Policy and Planning which describes that Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. It is stated that the Government recognise that Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while at the same time ensuring security of supply of competitive energy sources to our citizens and businesses.

Furthermore, it is emphasised that our transition to a low carbon energy future requires:

- A shift from predominantly fossil fuels to predominantly renewable energy sources;
- Increasing efficiency and upgrades to appliances, buildings and systems;
- Decisions around development and deployment of new technologies relating to areas such as wind, smartgrids, electric vehicles, buildings, ocean energy and bio energy;
- and Legal and regulatory frameworks to meet demands and challenges in transitioning to a low carbon society.





With respect to the above the following NPO is provided:

**National Policy Objective 55**

*Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.*

With regard to planning and investment for rural locations, Section 5.4: Planning and Investment to Support Rural Job Creation, recognises the key role of energy production in assisting in the rejuvenation of rural towns and villages to create and sustain vibrant rural communities. It is stated that:

*“Rural areas have significantly contributed to the energy needs of the country and will continue to do so, having a strong role to play in securing a sustainable renewable energy supply. In planning Ireland’s future energy landscape and in transitioning to a low carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable energy solutions have been delivered in rural areas over the last number of years, particularly from solar, wind and biomass energy sources.”*

The following objective is also provided in this regard:

**National Policy Objective 21:**

*Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT based industries and those addressing climate change and sustainability.*

Section 1.2: Making the Vision a Reality, recognises the need for new energy systems and transmission grids in order to deliver a more distributed, renewable focused national energy system in order to harness the potential from wind, wave and solar energy sources. It is stated that:

*“The National Climate Policy Position establishes the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework. New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.”*

**4.4.3 Project Ireland 2040: National Development Plan**

The National Development Plan 2018-2027 (NDP) published in February 2018, in tandem with NPF, seeks to drive Ireland’s long term economic, environmental and social progress over the next decade, in accordance with the spatial planning context of the NPF.



The key role of the NDP is to set out the updated configuration for public capital investment over the next 10 years in order to achieve the National Strategic Outcomes as set out within the NPF.

The NDP outlines a number of key energy initiatives, that set out to diversify our energy resources, and to assist in the transition towards a decarbonised society.

The NDP further emphasises National Strategic Outcome 8: Transition to Sustainable Energy, noting that:

*“Ireland’s energy system requires a radical transformation in order to achieve its 2030 and 2050 energy and climate objectives. This means that how we generate energy and how we use it, has to fundamentally change. This change is already underway with the increasing share of renewables in our energy mix and the progress we are making on energy efficiency.*

*Investment in renewable energy sources, ongoing capacity renewal, and future technology affords Ireland the opportunity to comprehensively decarbonise our energy generation. By 2030, peat and coal will no longer have a role in electricity generation in Ireland. The use of peat will be progressively eliminated by 2030 by converting peat power plants to more sustainable low-carbon technologies.”*

In achieving a Low-Carbon, Climate Resilient Society, the NDP outlines a New Renewable Electricity Support Scheme to support up to 4,500 megawatts of additional renewable electricity by 2030. It is considered that such schemes, in conjunction with greater investment in renewable energy, diversity of supply, and increased utilisation and adoption of electricity storage, will significantly assist in promoting a low-carbon, less energy intensive supply.

On 4th October 2021, the Government published an updated ‘National Development Plan 2021 – 2030’. Chapter 3 Climate Action and the Environment provides a relevant section with respect to Investing for low-carbon, resilient electricity systems. In effect, the NDP Review commits to increasing the share of renewable electricity up to 80% by 2030.

NSO 8 - Chapter 13: Transition to a Climate-Neutral and Climate-Resilient Society describes that:

*“The next 10 years are critical if we are to address the climate crisis and ensure a safe and bright future for the planet, and all of us on it. In Ireland, we have significantly stepped up our climate ambition. The Climate Action and Low Carbon Development (Amendment) Act 2021 commits us to a 51% reduction in our overall greenhouse gas emissions by 2030, and to achieving net zero emissions no later than by 2050.”*

Furthermore, it is stated that:

*“The investment priorities included in this chapter must be delivered to meet the targets set out in the current and future Climate Action Plans, and to achieve our climate objectives. The investment priorities represent a decisive shift towards the achievement of a decarbonised society, demonstrating the Government’s unequivocal commitment to securing a carbon neutral future.”*



*To assist the Department of Environment, Climate and Communications to fund its obligations under the Climate Action Plan, to deliver the National Broadband Plan and in allocating the additional €5 billion from 10 years of Carbon Tax receipts, it will receive a total indicative allocation of €12.9 billion over the 2021-2030 period.”*

Further annual ceilings for the Department beyond 2025 will be agreed on a rolling 5 year basis from 2022. It is further stated that public capital investment choices over the next 10 years must not only contribute to the objective of a 51% reduction in greenhouse gas emissions by 2030 but also lay the pathway to achieve the national climate objective of net-zero greenhouse gas emissions by 2050. With respect to the above, the following Strategic Investment Priorities relevant to wind farm development are provided:

#### *Strategic Investment Priorities – Renewable Energy*

*Regular Renewable Electricity Support Scheme (RESS) auctions will deliver competitive levels of onshore wind and solar electricity generation which indicatively could be up to 2.5 GW of grid scale solar and up to 8 GW of onshore wind by 2030.*

*The RESS will also support the delivery of up to 5 GW of additional offshore renewable electricity generation by 2030.*

The above highlights that subject to the appropriate planning and environmental assessments, onshore wind farm development would support the achievement of national objectives and related investment in renewable electricity generation. The following sections provide the relevant information with respect to the Planning and Development Bill 2022, the Climate Action and Low Carbon Development (Amendment) Act 2021 and the Climate Action Plan 2023.

#### **4.4.4 Planning and Development Bill 2022**

The Planning and Development Bill 2022 is currently in draft stage and was approved by the Irish government in December 2022. The draft bill has not been finalised at this time and there are areas which require further input for technical issues.

Key changes to the legislation include:

- The renaming of An Bord Pleanála to An Coimisiún Pleanála
- All national policies will now be issued as National Planning Statements
- the extension of the lifetime of a development plan from 6 years to 10 years
- changes to the Judicial Review process including timeline revisions, new “standing” criteria and the ability of bodies concerned to make amended decisions / correct errors of law while requesting a stay on the determination of a judicial review while doing so.
- The introduction of a mandatory timeline for the determination of all decisions
- the replacement of substitute consent for “retrospective consents”

The Government had aimed to enact the Bill in summer 2023. However, at the time of this writing in May of 2023, this bill was still under revision.



#### **4.4.5 Climate Action and Low Carbon Development (Amendment) Act 2021**

In 2021, the Government of Ireland approved the Climate Action and Low Carbon Development (Amendment) Act 2021 which aims for net-zero emissions by 2050 and an Interim Target of 51% reduction to be reached by 2030, relative to a baseline of 2018.

The Act is to provide for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a climate resilient, biodiversity rich and climate neutral economy by the end of the year 2050. The Government is required to adopt a series of economy-wide five-year carbon budgets, with the first two five-year carbon budgets correlating to the Interim Target. This includes a provision for the first two five-year carbon budgets to equate to a total reduction of 51% emissions over the period to 2030, in line with the programme for Government which commits to a 7% average yearly reduction in overall greenhouse gas emissions over the next decade, and to achieving net zero emissions by 2050. This Act will drive implementation of a suite of policies to help us achieve this goal. The Act also provides the framework for Ireland to meet its international and EU climate commitments and to become a leader in addressing climate change. The Act amends the Climate Action and Low Carbon Development Act 2015 to significantly strengthen the framework for governance of climate action by the State in order to realise our national, EU and international climate goals and obligations.

The Act also requires for all Local Authorities to prepare individual Climate Action Plans which will include both mitigation and adaptation measures, representing a mandate for Local Authorities to adapt to climate change.

#### **4.4.6 Climate Action Plan 2023**

The Climate Action Plan 2023 provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting the country on a path to reach net-zero emissions by no later than 2050, as committed to in the Programme for Government and set out in the Climate Act 2023.

It is intended to put Ireland on a more sustainable path; cut emissions; create a cleaner, greener economy and society; and protect from the devastating consequences of climate change. It is considered a huge opportunity to create new jobs and grow businesses in areas like offshore wind; cutting-edge agriculture; and retrofitting, making our homes warmer and safer.

It is stated under the Climate Action and Low Carbon Development (Amendment) Act 2021, that Ireland's national climate objective requires the State to pursue and achieve, by no later than the end of the year 2050, the transition to a climate-resilient, biodiversity-rich, environmentally sustainable and climate-neutral economy. The Act also provides for provides for a reduction of 51% in GHG emissions by 2030, compared to 2018 levels.

Furthermore, it is noted that decarbonising industry and enterprise is vital for Ireland's economy and future competitiveness. This is due to the linkages between fossil fuel use and economic development. As a result of this, it will require a carbon-neutral heating in industry, decarbonising construction materials, fossil fuel demand reduction through energy efficiency measures, and increasing the use of zero emission gas.

The Plan lists the actions needed to deliver on our climate targets and sets indicative ranges of emissions reductions for each sector of the economy. It will be updated annually, including in 2024, to ensure alignment with the country's legally binding economy-wide carbon budgets and sectoral ceilings.



Relevant to onshore wind farm development, the following actions are also provided:

- To increase the proportion of renewable electricity to up to 80% by 2030 and a target of 9 GW from onshore wind by 2030.
- Set out onshore wind energy targets for each local authority in the Renewable Electricity Spatial Policy Framework and publish a revised Methodology for Local Authority Renewable Energy Strategies.
- Publish a revised draft of the Wind Energy Development Guidelines.

The framework to set out targets for onshore renewable electricity development to inform spatial plans will enable the disaggregation of national targets to a scale that can be applied at local authority level. Once available this will be applied to development plans. The timeline for the publication of the framework is in 2023.

The Plan states that it is impossible to predict how the next decade will unfold. The pace of individual, technological, scientific, societal, and economic change will not be precisely in line with our assumptions today. It is therefore stated that the Plan will be updated every 12 months, in line with the Climate Action and Low Carbon Development (Amendment) Act 2021 and following consultation with key stakeholders. These updates will be informed by the latest analyses and by Ireland's performance against targets; and will include any new or corrective actions that may be needed in order to stay on track towards the overall 2030 targets and the ultimate objective of achieving a transition to a climate resilient, biodiversity rich and carbon neutral economy no later than 2050.

#### **4.4.7 Ireland's Greenhouse Gas Emissions Projections (2021-2040)**

In 2022, the EPA published a report, titled 'Ireland's Greenhouse Gas Emissions Projections 2021-2040', provides an updated assessment of Ireland's total projected greenhouse gas emissions out to 2040. This includes an assessment of progress towards achieving its National ambitions under the Climate Action and Low Carbon Development (Amendment) Act 2021 and EU emission reduction targets for 2030 as set under the EU Effort Sharing Regulation (Regulation (EU) 2018/842 (as amended by Regulation (EU) 2023/857)).

The Key Findings from the report are as follows:

- Urgent implementation of all climate plans and policies, plus further new measures, are needed for Ireland to meet the 51% emissions reduction target and put Ireland on track for climate neutrality by 2050.
- Ireland can meet its non-ETS EU targets of a 30 % emission reduction by 2030 (compared to 2005) assuming implementation of planned policies and measures and the use of the flexibilities available. These include a land use flexibility using the Climate Action Plan 2021 afforestation rate of 8,000 hectares per annum.
- The gap between the 'Existing Measures' and 'Additional Measures' scenarios in these projections highlights that the current pace of implementation will not achieve the change required to meet the Climate Act targets. Faster implementation of 'Additional Measures' is needed to close this gap.
- Carbon budgets proposed by the Climate Change Advisory Council have recently been approved by the Oireachtas for the periods 2021-25, 2026-30 and 2031-35. The Projections highlight that there is currently a significant gap between the budgets and the projected emissions over the budget periods. This gap will need to be addressed very quickly if Ireland is to stay within the Carbon Budgets.



- Under the Additional Measures scenario, renewable energy is projected to increase to 78 % of electricity generation by 2030 with emissions from the Energy Industry decreasing by 10 % per annum from 2021-30. Increased coal use from 2021 and growing energy demand, including from data centres, threaten to negatively impact achievement of National targets, particularly for the first carbon budget period.
- Under the Existing Measures scenario emissions are projected to increase by 1.9 % over the 2020-2030 period. A methane emissions reduction of almost 30 % is required to achieve a 22 % reduction in Agriculture emissions compared to 2018, as committed to in the 2021 Climate Action Plan. The sector must clearly set out how this will be achieved to address uncertainty regarding its ability to deliver even the lower end of the range of its sectoral targets within the ever-shortening timeframe to 2030.
- The end of COVID travel restrictions is projected to result in transport emissions increasing by 18-19 % from 2020 to 2022. Emissions from the sector are projected to reduce to 39 % below 2018 levels by 2030 and achieve a 31.7 % renewable transport share if the additional measures in plans and policies are implemented, this includes over 940,000 electric vehicles on the road by 2030, increased biofuel blend rates and measures to support more sustainable transport.
- Spending more time at home due to hybrid working and the increasing cost of fossil fuels highlights the need for our houses to become far more efficient. Implementing currently planned measures for the installation of 680,000 heat-pumps by 2030 as well as retrofitting 500,000 homes is projected to achieve a 41.5 % reduction in residential emissions in 2030 (compared to 2018).

During its operation, it is estimated that the Proposed Development could generate 248,030 MWh of electricity which would be sufficient to supply approximately 59,055 Irish households with renewable electricity per year, based on the average Irish household using 4.2 MWh of electricity<sup>7</sup>. Thus, this energy will be used to offset the same amount of energy that would otherwise be generated from burning of fossil fuels at power stations.

#### **4.4.8 Regional Spatial & Economic Strategy for the Eastern and Midlands Region**

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands region (adopted 28<sup>th</sup> June 2019) is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. At this strategic level it provides a framework for investment to better manage spatial planning and economic development throughout the Region. The principal statutory purpose of the RSES is to support the implementation of Project Ireland 2040 – National Planning Framework and National Development Plan and the economic policies of the Government by providing a long-term strategic planning and economic framework for the development of the Regions.

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<sup>7</sup> This figure is available from the March 2017 CER 'Review of Review of Typical Domestic Consumption Values for Electricity and Gas Customers'. Based on the range of feedback received through the consultation, from price comparison websites, Non-Governmental Organisations, suppliers and ESNB, the CER has reviewed the options presented in its consultation paper and has decided to use a single revised average value for typical consumption for both electricity and gas. These figures are 4,200 kWh for electricity and 11,000 kWh for gas. Obligation was then placed on CER accredited price comparison web sites and relevant industry stakeholders, to update the common industry figures to the revised figures by 1st of August 2017.



With respect to renewable energy requirements within the Eastern and Midlands region, section 2.2 Vision and Key Principles highlights that:

*“A key challenge facing the Region, along with all other regions, is the transition to a low carbon society. For the RSES this means five primary areas of transition which are at the core of the Strategy:*

- *sustainable development patterns which promote compact growth, reduce transport demand and encourage low carbon transport modes;*
- *sustainable transport systems (people and freight);*
- *carbon storing and sequestering land uses;*
- *energy efficient buildings and industry; and*
- *renewable energy.”*

In relation to the RSES’s ‘Key Principles’, it is outlined that the Strategy is underpinned by key cross-cutting principles that reflect the three pillars of sustainability; Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. The central need is for the RSES to be people focussed, as ‘quality of life’ encapsulates strong economic output and stability, good environmental performance and a good standard of living for all. The following key principle is provided in relation to Climate Action:

#### **Climate Action**

*The need to enhance climate resilience and to accelerate a transition to a low carbon society recognising the role of natural capital and ecosystem services in achieving this.*

Section 2.3 Regional Strategic Outcomes seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes (NSOs) of the NPF. To this end, the Strategy sets out 16 Regional Strategic Outcomes (RSOs), which are aligned with international, EU and national policy and which in turn set the framework for city and county development plans. Thus, the RSES can assist local authorities in aligning with EU priorities to leverage funding and partnership opportunities. The following RSO is significant with respect to onshore wind farm development and related renewable energy generation:

#### **RSO 9: Support the Transition to Low Carbon and Clean Energy:**

*Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables focused energy system to support the transition to a low carbon economy by 2050.*

Section 7.9 Climate Change of Chapter 7 Environment and Climate provides a significant section on Decarbonising the Energy Sector. It is described that the Region will need to shift from its reliance on using fossil fuels and natural gas as its main energy source to a more diverse range of low and zero-carbon sources, including renewable energy and secondary heat sources. Decentralised energy will be critical to the Region’s energy supply and will ensure that the Region can become more self-sufficient in relation to its energy



needs. It is further stated that generating electricity supply from indigenous renewable sources requires:

- facilitating the provision of appropriate renewable energy infrastructure and technologies and deeper.
- cooperation with Northern Ireland and the EU.
- expansion and upgrading of the grid with the aim of increasing the share of variable renewable electricity
- that the all-island system can accommodate.
- Onshore wind, bioenergy, solar and offshore energy.
- Effective community engagement including support for micro generation.
- Moving from carbon intense fossil fuel generation to lower emissions fuels.
- Increasing the use of electricity and bioenergy to heat our homes and fuel our transport.
- The need to ensure sufficient electricity to meet increased demand.

The Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of wind energy – both onshore and offshore. The following relevant Regional Policy Objective (RPO) is also provided:

#### **RPO 7.36**

*Planning policy at local authority level shall reflect and adhere to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland on Guidelines for Community Engagement and any other relevant guidance which may be issued in relation to sustainable energy provisions.*

Section 4.8 Rural Places: Towns, Villages and the Countryside of Chapter 4 People and Places provides a relevant section with respect to 'Enabling and Sustaining the Rural Economy'. It is described therein that Energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas. The following RPO is also of significance in this regard:

#### **RPO 6.7:**

*Support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bioeconomy, tourism, and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage.*

The development of the Coolglass Wind Farm will aid in meeting the objectives set out in the RSES including diversification of the rural economy, actions against climate change and the sustainable development of wind energy at an appropriate location.





## 4.5 Local Policy

### 4.5.1 Laois County Development Plan 2021-2027

The Laois County Development Plan 2021-2027 (CDP) was adopted on 25<sup>th</sup> January 2022 and came into effect 8th March 2022. This section provides an overview of the key planning policy and related objectives in review CDP.

Section 3.4 'Integrating Climate Action Into the Plan' of chapter 3 'Climate Action and Energy' of the CDP describes that one of the cross-cutting principles of the Plan is to support a transition to a low carbon and climate resilient society, a necessary measure that is supported by a comprehensive legislative and policy framework relating to climate action. The CDP seeks to simultaneously address issues of climate change, energy supply and sustainability through the adoption and implementation of policy at a local level. In response, the CDP outlines key action areas and 'Climate Mitigation Objectives'. Those relevant to this strategy are outlined in **Table 4-1**:

**Table 4-1 Climate Mitigation Objectives**

Climate Mitigation Objective	Objective Text	Status
CM RE 1	Prepare a Renewable Energy Strategy (RES) for County Laois and commencement of the variation to the County Development Plan within 1 year of adoption of the plan. Once adopted this will be by way of a variation to the Laois County Development Plan.	At the time of this writing, no new Renewable Energy Strategy has been published.
CM RE 2	Promote and encourage the development of energy from renewable sources such as hydro, bio-energy, wind, solar, geothermal and landfill gas subject to compliance with normal planning and environmental criteria in co-operation with statutory and other energy providers.	N/A
CM RE 5	Promote and facilitate wind energy development in accordance with the Guidelines for Planning Authorities on Wind Energy Development (Department of Housing, Planning and Local Government) and any update thereof and the Appendix 5 Wind Energy Strategy of this Plan, the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change <sup>8</sup> , and subject to compliance with normal planning and environmental criteria.	N/A
CM RE 6	Ensure a setback distance for Wind turbines from schools, dwellings, community centres and all public roads in all areas open for consideration for wind farm development as per the Guidelines for Planning Authorities on Wind Energy Development (Department of Housing, Planning and Local Government).	This was required by Ministerial Direction (see Section 4.5.11)
CM RE 7	Promote the location of wind farms and wind energy infrastructure in the 'preferred areas' as outlined on Map 3.2 to prohibit such infrastructure in areas as 'Areas not open for consideration' and to consider, subject to appropriate assessment, the location of wind generating	Note: this action ties into CM RE1 at the beginning of this table

<sup>8</sup> Note: these guidelines have now been revoked



Climate Mitigation Objective	Objective Text	Status
	infrastructure in areas 'open for consideration' and as per the Laois Wind Energy Strategy 2021-2027.	

Section 3.5.5 'Wind Energy' of the CDP is also of relevance as the Council seeks to achieve a reasonable balance between an overall positive attitude to renewable energy and enabling the wind energy resources of the county to be harnessed in a manner that is consistent with proper planning and sustainable development and will play a vital role in achieving this target. Other key points include:

- The installed wind capacity in Co Laois in 2021 is 32MW. This represents 0.7% of the total installed wind capacity in the Republic of Ireland to date based on the national installed wind capacity of 4,235 MW in 2020.
- A potential additional 85.8 MW to 93.6 MW of energy of the Proposed Development in tandem with the energy generated from other permitted wind farms in the south east of the county would bring the total output in Laois to at least 120 MW.
- If the potential from granted permissions were to be constructed , together with what has been built, it would represent a contribution from Co Laois at nearly 1.5% of the total (8,200 MW) by 2030.

The Council commits to working with key stakeholders in the carrying out of an assessment of how the implementation of the Plan will contribute to realising overall national targets on renewable energy and climate change, and in particular wind energy production and the potential wind energy resource.

The Planning Authority notes that there is still an absence of national guidance on how local authorities can set a target for wind energy generation within their functional area. However referring to the Specific Planning Policy Requirement for the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)<sup>9</sup>, the CDP has provided the below information:

- Wind Energy Output by the end of the Plan Period 119.4 MW.
- Solar Energy Output by the end of the Plan Period 137.7 MW.
- Anaerobic Digestion Output by the end of the Plan Period 4,300 MWh per year.

This demonstrates County Laois's contribution in terms of permitted applications to realising overall national targets (under the Climate Action Plan) on renewable energy and climate change mitigation. The CPD states that the specific targets for the Region and County will be designed on foot of a Regional Renewable Energy Strategy which will also identify targets at a county level, taking into account the complexities of the receiving environment, a consistent approach to designations and cross boundary issues. This will be undertaken at a local level once adopted at the regional level.

The CDP states that there are a number of other considerations which must be factored when dealing with applications for wind energy development. These include visual impact, landscape protection, impacts on residential amenity, impact on wildlife and habitats, connections to the national grid and impact of construction and ancillary infrastructure including access roads and grid connections. It is stated that the Council will

<sup>9</sup> These guidelines been revoked and no new guidelines have been issued as of the writing of this chapter



*have regard to the Draft Wind Energy Development Guidelines for Planning Authorities (DHPLG, 2019) in relation to the siting and development of wind turbines and the information required as part of a planning application.*

In review of 'Appendix 5 Wind Energy Strategy', County Laois has been divided into 6 Landscape Character Types which are as follows:

- Mountain, Hills and Upland Areas
- Lowland Agricultural Areas
- River Corridors and Lakes
- Peatland Areas
- Urban Fringe Areas
- Rolling Hill Areas

The strategy outlines that the main areas that were under consideration for wind energy development during the last county development plan were mainly in the following landscape type areas:

- Hills and Upland Areas
- Peatland Areas
- Rolling Hill Areas

The CDP notes a presumption against wind energy development in the Mountain Areas.

#### **4.5.2 Hills and Upland Areas**

The Site is located in an area characterised as 'hills and upland'. The Wind Energy Strategy of the CDP describes that although lacking in terms of dramatic peaks, hills and uplands are a prominent feature of the county, particularly in the north-west and south-east. From the tops of these hills, panoramic views of the lowland landscapes of Laois and adjacent counties are gained. The hills also act as orientating features. The Seven Hills, Cullenagh, Cullahill, Fossy Mountains and the upland areas around Swan, Luggacurren and Wolfhill are prominent by virtue of landmarks at their summits as well as their topography: A church at Wolfhill acts as a prominent local landmark.

The hills and uplands form important historic features with an abundance of archaeological features and contain evidence of human settlement extending back 9,000 years. There is extensive mono-type afforestation and marginal agriculture in these areas. Field systems and the enclosures associated with them are generally absent in this landscape. It is stated that new dwellings are comparatively few with much of the older stock abandoned and derelict.

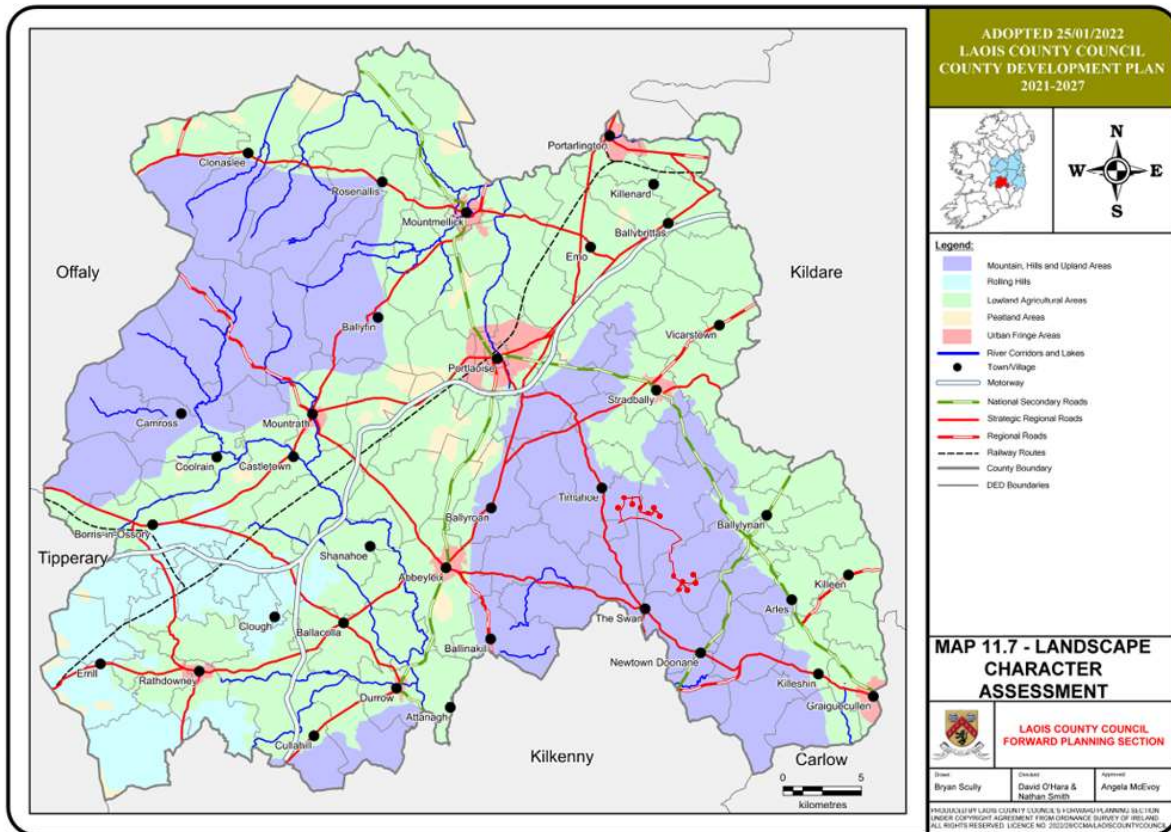
These hills and uplands represent considerable potential in terms of tourism development. However, at present they are somewhat isolated as separate entities. It is suggested that linking the most important sites by way-marked trails would be a valuable addition allowing further appreciation of the landscape in a sensitive manner.

The Wind Energy Strategy has identified these upland areas for consideration in terms of future wind energy development. The Strategy states:



*The siting and design of wind energy proposals shall be in accordance with the Planning Guidelines for Wind Energy Development for Planning Authorities [DoEHLG, 2006] and the County Laois Wind Energy Strategy.*

**Figure 4-1** illustrates the county landscape character assessment.



**Figure 4-1 Landscape Character Assessment (with Site superimposed)**

(Source: Appendix 6 Landscape Character Assessment, Laois County Development Plan 2021 – 2027)

### 4.5.3 Areas Not Open to Consideration

A portion of the Site is located within an area deemed ‘not open to consideration for wind farm development as defined under the current Laois CDP, Wind Energy Strategy. Laois County Council define this wind zonation category for areas which ‘due to their scenic, ecological or tourism values are unable to accommodate development of this type’.

#### Ecological Value:

In addition to the proposed site located on Fossy Mountain, the Slieve Bloom and Cullahill Mountains, as well as “The Seven Hills of Laois”, a series of hills which extend in a north-south trajectory between Portlaoise and Stradbally and include the Rock of Dunamaise, and Corrigeen Hill are also zoned as ‘not open to consideration’. These areas enjoy extensive environmental designations, in contrast to the Proposed Development site which does not contain any European or Nationally designated sites.



The Proposed Development has also considered the proximity to any Special Area's of Conservation (SAC) or Special Protection Areas (SPA) that require a Habitats Directive Assessment under Article 6 of the Habitat Regulations. Full details can be found in Chapter 15 (Biodiversity) and in the accompanying Natura Impact Statement (NIS).

#### Tourism Value:

The Slieve Bloom mountains are designated as an SPA, SAC, Natural Heritage Area (NHA), and Nature Reserve. It is also recognised in Chapter 8 of the Laois County Development Plan 2021 – 2027 (Laois CDP) as being a location for considerable tourist and leisure activity. The "Seven Hills" coincide with a NHA and is described as offering major tourism potential focused mainly on the Rock of Dunamais. Both the Slieve Blooms and Rock of Dunamais are outlined within the Laois CDP as areas for "key tourism initiatives". The Cullahill Mountain is adjacent to an SAC of the same name and also stated as offering major tourism potential within the CDP. The area surrounding the proposed wind farm site is not specifically outlined within the Laois CDP as an area which is important for tourism. .

#### Scenic Value:

There is specific reference within the Laois CDP to the sensitivity and exclusion of wind energy potential across the Slieve Blooms, but not of the upland areas to the southeast of the County where the proposed development would be located. This is reflected in the wind energy strategy map, where this area is partially designated as 'Open for Consideration' and partially as an area 'Not Open for Consideration'. However, the key section of 'Areas Not Open for Designation' specifically relates to the receiving landscape sensitivity. For the surrounding counties, the key landscape policy context is the sensitivity and presence (or absence) of scenic designations, these are briefly outlined in Chapter 7, with the visual (scenic) designations identified in the visual baseline section.

The Laois CDP includes a Landscape Character Assessment, which identifies the different landscape character areas of the County. The Proposed Development site is located within the 'Mountains, Hills and Upland Areas' Landscape Character Type (LCT). Policy Objective LCA 7 for this LCT states that it is a policy of the Council to "*Facilitate, where appropriate, developments that have a functional and locational requirement to be situated on steep or elevated sites (e.g. reservoirs, telecommunication masts or wind energy structures) where residual adverse visual impacts are minimised or mitigated*". The sensitivity of this landscape type is stated as being Medium-High within table 11.6 of the CDP which splits 'hills and Upland areas' (medium sensitivity) and 'Mountain Areas' (high sensitivity) into two different sensitivity designations.

'Rolling Hills and Hills and Upland Areas' is included in the Medium Sensitivity designation, and described as '*Areas with the capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regard to localised sensitivity factors*', while 'Mountain Areas' (along with Peatlands, River Corridors and Lakes, European Sites) are designated as High Sensitivity, with the following description '*Areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors or special sensitivity factors*'.

Looking specifically at the environment surrounding the Proposed Development, this site bears more resemblance to the Medium sensitivity designation (Rolling Hills, Hills and Upland Areas) description and sensitivity than to the High sensitivity designation (Mountains) description which bears more resemblance to the Slieve Bloom Mountains which are also included in the 'Mountains, Hills and Upland Areas' LCT, and is of considerably higher natural



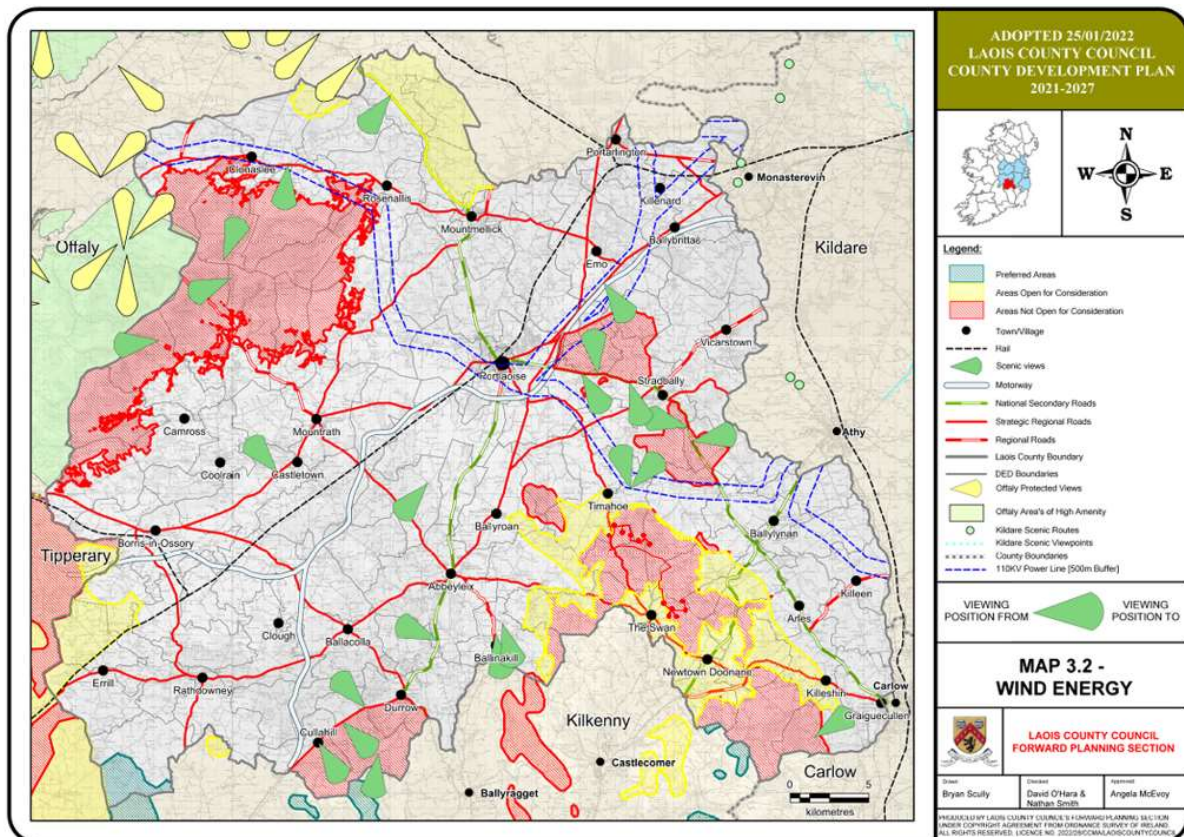
and scenic value than the areas immediately surrounding the Proposed Development Site and the wider area in south Co. Laois which are deemed to be more akin to 'Rolling Hills, Hills, and Upland Areas' (Medium Sensitivity). The full assessment on this can be found in Chapter 7 (Landscape and Visual).

It is worth mentioning that a recent Ministerial Direction to Laois County Council noted concerns about the lack of evidence basis that was provided in the making of the County Wind Energy Strategy. The full text of the Ministerial Direction is shown in section 4.5.11 of this chapter, item 2(b) while an analysis of same is found in the accompanying Planning Report accompanying this EIAR.

#### 4.5.4 Areas Open to Consideration

As highlighted above, four turbines are located a portion of the Site located within an area designated 'open to consideration' for wind development. Having regard to the landscape character assessment policies amendments have been made to the areas to reflect these policies. The CDP states that *Applications in these areas will be treated on their merits with the onus on the applicant to demonstrate why the development should be granted permission.*

**Figure 4-2** illustrates the CDP Wind Energy Strategy map. It is noted that the site is located both in an area open to consideration an area that is not open for consideration for wind development.



**Figure 4-2 Wind Energy Map Laois County Council (with Site Location superimposed)**

*(Source: Wind Energy Map 3.2 in the Adopted Laois County Development Plan 2021 – 2027)*



#### 4.5.5 Wind Energy Policy Objectives

The relevant policies from the Laois Wind Energy Strategy are set out in **Table 4-2**:

**Table 4-2 Laois County Council Wind Energy Policy**

Wind Energy Policy	Objective Text
WES 1: Development of Renewable Energy Generation	It is the policy of the Council to support, in principle and in appropriate scales and locations, the development of wind energy resources in County Laois. The future sustainable development of the County is dependent on a secure supply of energy. There is a need to promote the development of renewable energy to reduce dependency on fossil fuels and to comply with national and European policies with regards to renewable energy resources and to address the challenge of climate change. It will be an objective of the Council to ensure the security of energy supply by accommodating the development of wind energy resources in appropriate areas and at appropriate scales in the county.
WES 2: Development of Low Carbon Economy	Laois County Council will seek to promote itself as moving towards becoming a low carbon county by 2018 as a means of attracting inward investment to the County and the wider Midlands region.
WES4: Community Involvement and Gain	Laois County Council will seek to promote community involvement and require community benefit where possible in proposed wind farm developments.

#### Specific Area Policies

Three area classifications (there are no Strategic Areas) have been recommended for wind farm development in County Laois and specific policies pertaining to each are presented in **Table 4-3**:

**Table 4-3 Laois County Council Specific Area Policies**

Wind Energy Policy	Objective Text
WES 5: Preferred Areas	These areas are considered suitable for wind farm development because of sufficient wind speeds, access to grid network, and established patterns of enquiries.  Projects within these areas must demonstrate conformity with existing and approved wind farms to avoid visual clutter, be developed in line with the Planning Guidelines in terms of siting, layout and environmental studies. Proximity to a Special Area of Conservation or Special Protection Area will require a Habitats Directive Assessment under Article 6 of the Habitat Regulations.
WES 6: Areas Open for Consideration	Wind energy applications in these areas will be evaluated on a case by case basis subject to viable wind speeds, environmental resources and constraints and cumulative impacts.
WES 7: Areas Not Open for Consideration	These areas are not considered suitable for wind farm development due to their overall sensitivity arising from landscape, ecological, recreational and/or cultural and built heritage resources as well as their limited wind regime.





#### 4.5.6 Development Control Standards for Wind Farms in County Laois

The Laois Wind Energy Strategy also outlines the development management standards for the sector, which are set out in **Table 4-4**:

**Table 4-4 Laois Co. Co. Development Management Requirements for Wind Development**

Development Management Topic	Objective Text
Boundary	The impact of proposed wind farms on the development potential of adjacent sites will be considered. Turbine distances from the boundaries of adjacent landholdings will be assessed on a case-by-case basis.
Shadow Flicker	An assessment of the theoretical shadow flicker shall be prepared, further assessment shall indicate the likely level of shadow flicker based on anticipated meteorological constraints. If required, mitigating measures shall be proposed.
Cumulative Impacts	In order to preserve the spatial, scenic and rural integrity of the areas open to consideration the cumulative effect will be taken into account so as to avoid multiplicity of wind farms in these areas.
Archaeology	An archaeological assessment will be required for all sites within close proximity to Recorded Monuments. Relocation of turbines to minimise impacts to the archaeological heritage will be permitted if necessary. This will be subject to agreement with the planning authority.
Bird Migratory Routes	Wind Turbines will not be permitted within the known flight path of migratory wild fowl.
Fencing	Fencing shall generally be permitted around the substation and not on any other part of the site unless agreed as part of a rehabilitation programme for on-site vegetation. The fencing shall then be permitted for the length of time required to ensure recovery of the vegetation.
Noise	Permitted maximum noise levels at noise sensitive residences shall be in compliance with noise specifications of the DoEHLG "Wind Energy Guidelines". Once commissioned the development will be monitored. In the event that the monitoring shows that any turbine is exceeding its projected noise levels and is having a detrimental noise impact, mitigating measures shall be agreed with the Local Authority.
Environmental Monitoring	<ul style="list-style-type: none"> <li>• Environmental monitoring will be required in sites adjacent to sensitive or vulnerable areas such as European Sites.</li> <li>• All liquids and hydrocarbons stored on site during construction shall be stored in a waterproof bunded area.</li> <li>• Silt traps shall be provided to intercept silt laden water from the site during construction.</li> <li>• All ancillary construction equipment shall be removed from the site within one month of final completion.</li> <li>• Prior to commencement the developer shall agree with the Planning Authority details of the redistribution of any excess spoil generated during the construction phase. If on-site borrow pits are to be used during the construction phase the details shall be agreed with the Planning Authority beforehand.</li> <li>• This may involve a separate planning application.</li> </ul>
Roads	Access roads within the site shall be un-surfaced and shall be located and constructed so as to minimise their visual impact. If the development is decommissioned, they shall



Development Management Topic	Objective Text
	<p>be removed, unless an alternative use for them has been agreed in advance with the Planning Authority.</p> <p>Prior to commencement of development details of access openings to the site shall be agreed with the Planning Authority.</p> <p>Prior to commencement of development the developer shall submit and agree with the Planning Authority proposals in relation vehicle types and use of public roads during the construction phase.</p> <p>Site road embankments and associated areas shall be contoured and seeded to the satisfaction of the Planning Authority after construction.</p> <p>Site road embankments and associated areas shall be contoured and seeded to the satisfaction of the Planning Authority after construction. Surface damage to public roads created during the construction phase shall be reinstated to the satisfaction of the Planning Authority.</p>
Aquifers	<p>The developer shall have a responsibility to demonstrate that any Proposed Development will not have significant impacts upon aquifers, groundwater or drinking water.</p>
Ancillary Structures and Equipment	<p>No structures other than wind turbines, substation, monitoring mast and other essential ancillary installations will be permitted.</p> <p>The planning application shall include all details of all such installations and shall be provided to the Planning Authority as part of the planning process.</p> <p>Suitable landscaping proposals to reduce substation its visibility shall also be submitted. Wind monitoring masts require planning permission, which will be subject to Class 20A of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 as amended. These are typically for a 40m or 50m mast required to monitor onsite wind speeds over 1-2 years.</p>
Cable Route	<p>While the grid provider is responsible for grid connections, details of likely cable routes shall be included with the planning application. Connections within the wind farm will be laid underground.</p>
Electromagnetic Interference	<p>The potential electromagnetic interference of any proposal shall be assessed by the applicant in consultation with the relevant bodies prior to submission of any application. Proposals shall include measures to monitor the effects of the development on telecommunications and procedures to remedy any interference when the wind farm becomes operational.</p>
Safety Aspects	<p>The developer shall submit a maintenance agreement to be agreed with the Planning Authority to ensure the turbines do not deteriorate to a degree where they may pose a hazard to public safety.</p> <p>Where proposals are located in close proximity to Motorways, National Primary and Secondary Routes, it is recommended that the applicant consult with the National Roads Authority, prior to making an application, in order to agree a setback distance from the road.</p> <p>In the case of all other public roads, proposed setbacks for wind farms shall be subject to the agreement of the Council's Roads Department.</p>
Decommissioning of associated infrastructure at end of life	<p>A planning application for any renewable energy infrastructure [including wind] must be accompanied by a full and complete set of plans and condition on how the site shall be restored to its original condition at end of life. This should be accompanied by a bond, payable by the developer to the planning authority; the sole purpose of this bond shall be to enable the removal of any and all associated infrastructure with the granted development at the end of the developments term of existence.</p>



Development Management Topic	Objective Text
Aeronautical Safety	All proposals shall be referred to the Irish Aviation Authority for their comments and recommendations prior to the submission of any planning application.
Financial Contributions	In accordance with the Development Contribution Scheme the developer shall pay Laois County Council a levy in accordance with the Development Contribution Scheme.  In order to ensure the satisfactory completion of the development the developer shall pay a deposit or bond the amount of which will be decided by the Planning Authority.

#### 4.5.7 Landscape Policy

'Appendix 6 landscape Character Assessment' of the CDP provides the policy objectives for 'Hills and Uplands Areas' and 'Mountain Areas' which are set out in **Table 4-5**:

**Table 4-5 Laois County Council Landscape Policy Requirements**

Landscape Policy Objectives	Objective Text
LCA 5	Ensure that development will not have a disproportionate visual impact (due to excessive bulk, scale or inappropriate siting) and will not significantly interfere with or detract from scenic upland vistas, when viewed from areas nearby, scenic routes, viewpoints and settlements.
LCA 6	Ensure that developments on steep slopes (i.e. >10%) will not be conspicuous or have a disproportionate visual impact on the surrounding environment as seen from relevant scenic routes, viewpoints and settlements.
LCA 7	Facilitate, where appropriate, developments that have a functional and locational requirement to be situated on steep or elevated sites (e.g. reservoirs, telecommunication masts or wind energy structures) where residual adverse visual impacts are minimised or mitigated.
LCA 8	Maintain the visual integrity of areas which have retained a largely undisturbed upland character and Respect the remote character and existing low-density development in these areas.
LCA 9	Have regard to the potential for screening vegetation when evaluating proposals for development within the uplands.
LCA 10	Actively propose the designation of the Slieve Blooms as a Special Amenity Area and seek an Order to that effect.
LCA 11	Protect the positive contribution that views across adjacent lowland areas and landmarks within the landscape make to the overall landscape character.

#### 4.5.8 Views and prospects

Relevant policy in relation to views and prospects are set out in **Table 4-6**:



**Table 4-6 Laois County Council Views and Prospects Objectives**

View and Prospects Objectives	Objective Text
SV 1	Protect views from designated scenic routes indicated in Table 11.7 and Map 11.8 (Scenic Views and Prospects in County Laois) of the Plan, by avoiding any development that could disrupt the vistas or disproportionately impact on the landscape character of the area, thereby affecting the scenic and amenity value of the views.
SV2	Review and update all Scenic Routes and Views in the county during the lifetime of the Plan.

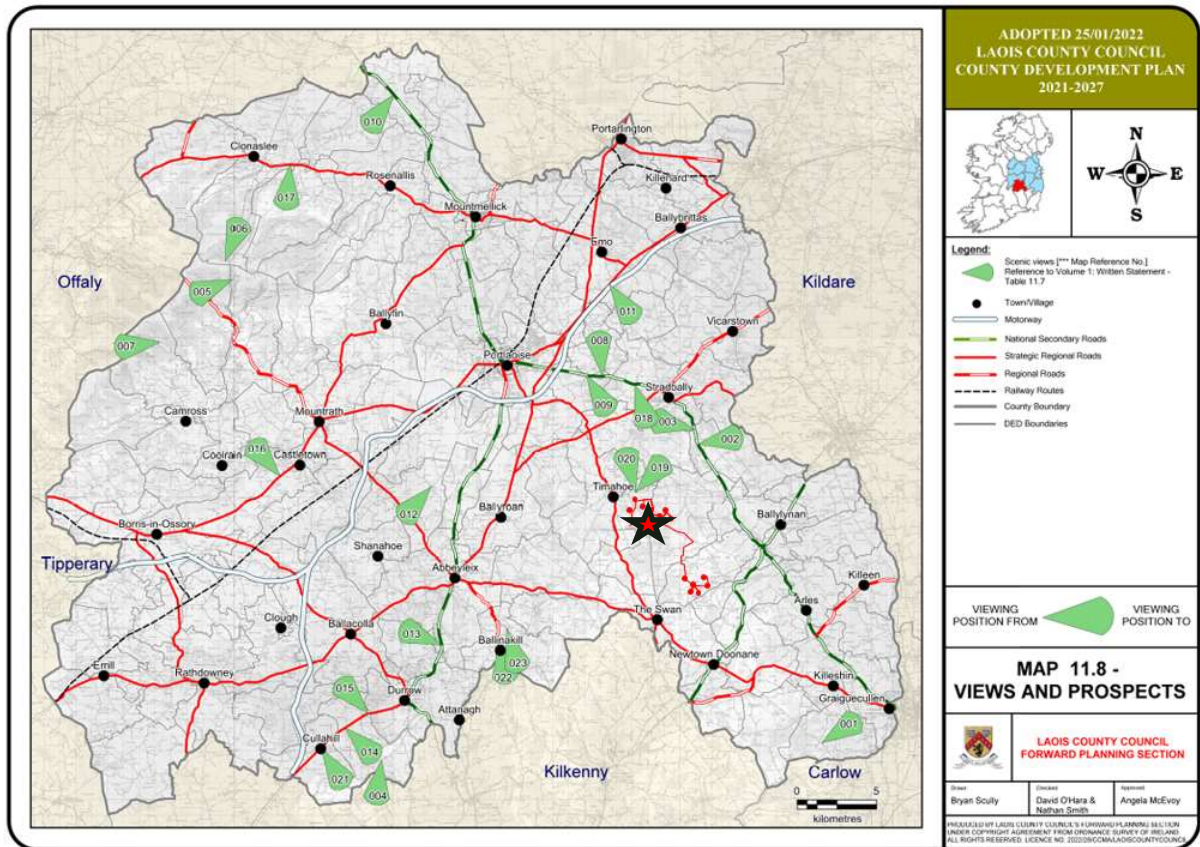
There are two listed views proximate to the site which set out in **Table 4-7**:

**Table 4-7 Laois County Council Views and Prospects Proximate to Site**

Listed Views proximate to the site	Detail
019	View from: Road No. L3840 in the townlands of Timahoe: Views over farmland and Hewson Hill.
020	View from: Road No. L3840 in the townlands of Timahoe View to: Views over farmland and Ballaghmore Hill.

In relation to Landscape, **Figure 4-3** highlights the listed views and prospects in the County. The listed views as detailed above can be seen therein. It is noted the site has no scenic or listed views either towards or from it.





**Figure 4-3 Laois County Council Views and Prospects Map (with Site superimposed)**

(Source: Laois County Development Plan 2021 – 2027)

#### 4.5.9 Transport Parameters

**Table 4-8** sets out the transport related objectives are relevant to the development proposal.

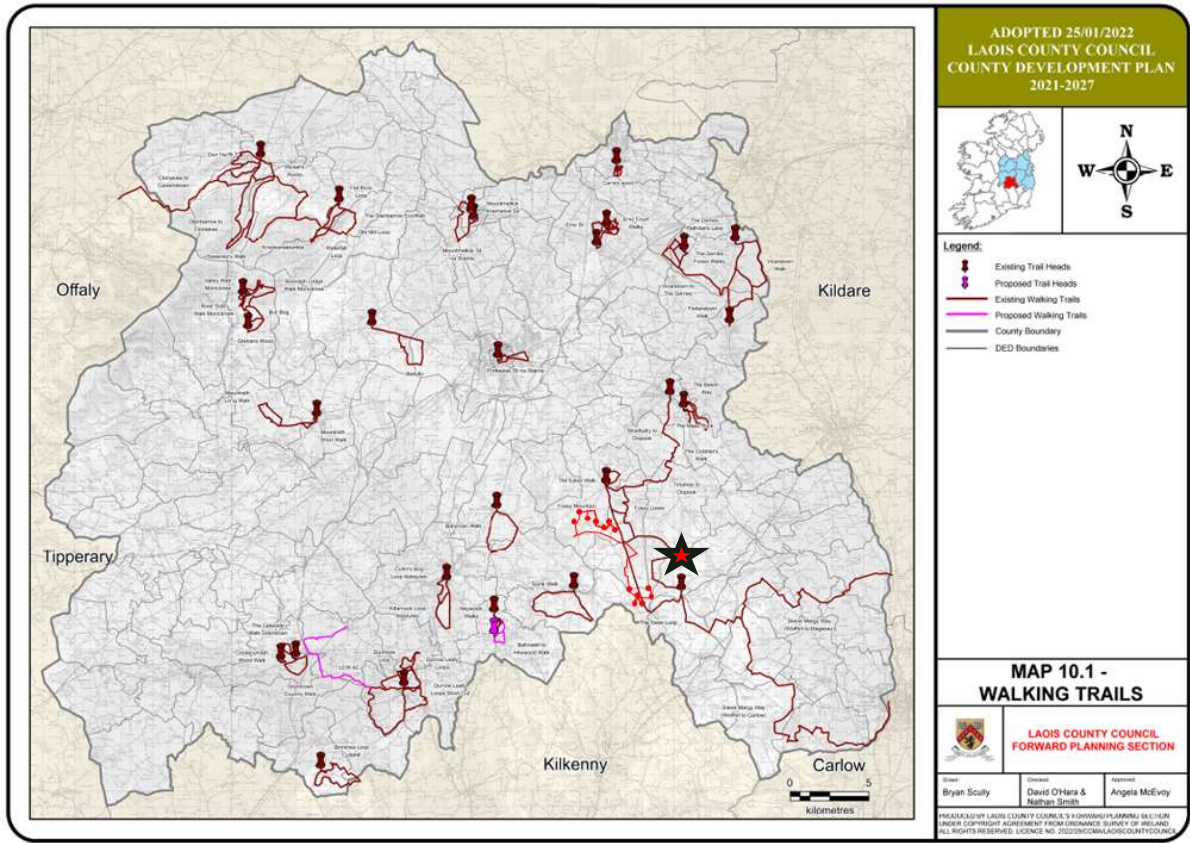
**Table 4-8 South Laois Walking and Cycling Hub Policy Objectives**

Policy Objective	Policy Text
TRANS 49	Designate and promote South Laois as an Activity Hub.
TRANS 50	Support ancillary or complementary recreational uses in the area, such as the establishment of canoe trails, bridle trails and angling.
TRANS 53	Promote the physical and health benefits of walking, for example through Get Into Walking Workshops, the Annual Laois Walks Festival and other community /stakeholder organised walking events in Laois.
TRANS 55	Foster the development of additional walking routes with trailheads in or close to Laois towns and villages, using National Trails Office toolkits, where an under-provision of walking trails exists, for example in Rathdowney and Borris-in-Ossory.
TRANS 57	Support the designation of forest cycling areas in Laois such as at cycle club trails at Durrow, Cullenagh, Fossy and Cullahill Mountain.

**Figure 4-4** highlights both existing and proposed walking trails in the County. As can be seen, some are proximate to the area of the Site.



If the Project is granted development consent between the two planning applications including the addition of the proposed Recreational Amenity Trail, then the Project would further enhance the walking trails in the area, providing connectivity from the settlement of Timahoe to existing trails in the vicinity. In addition, the Project would provide green energy and biodiversity enhancement measures, further enhancing the green infrastructure of the area.



**Figure 4-4 Existing and Proposed Walking Trails in the area (with Site superimposed)**

*(Source: Laois County Development Plan 2021 – 2027)*

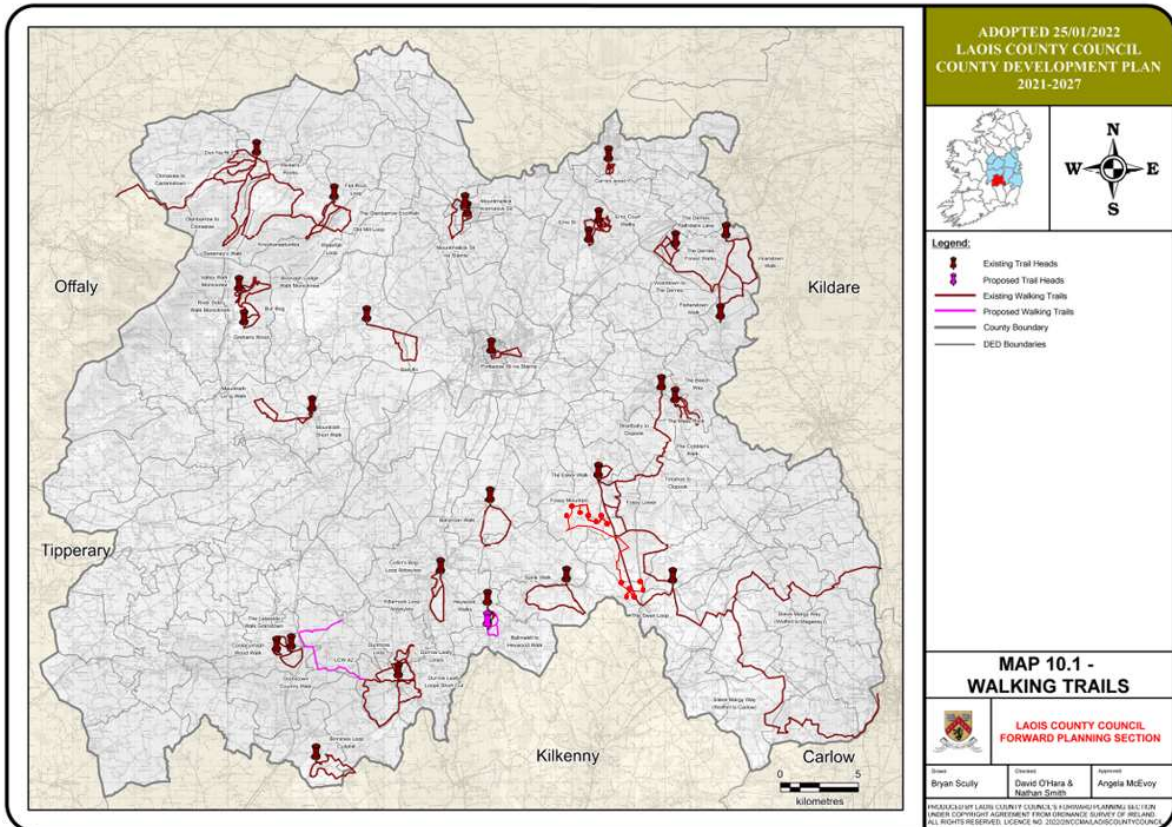
#### 4.5.10 Public Rights of Way

The County Development Plan has listed public rights of way. The following public right of way is relevant to the Proposed Development as it crosses through the red line boundary and is set out in **Table 4-9** and demonstrated in **Figure 4-5**.



**Table 4-9 Public Rights of Way**

Public Right of Way	Detail
PRW 3	Timahoe to Clopook – forest and road walk.



**Figure 4-5 Public Rights of Way(Site Location superimposed)**

(Source: Laois County Development Plan 2021 – 2027)

#### 4.5.11 Ministerial Direction on the Laois County Development Plan 2021 – 2027

##### Synopsis of the Draft Ministerial Direction

On 27<sup>th</sup> September 2017, Mr. Damien English, Minister of State at the Department of Housing, Planning, and Local Government issued a Ministerial Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended) directing Laois County Council to take a number of steps in relation to the Laois County Development Plan 2021 – 2027 . This specifically requested the removal of the 1.5km set back distance. The relevant text from the order is provided below:

(1) This Direction may be cited as the Planning and Development (Laois County Development Plan 2021-2027) Direction 2022.

(2) The Planning Authority is hereby directed to take the following steps:



*a. Delete the setback distance of 1.5 km from Section 6.1 – Buffer Zones which is contained in the Development Control Standards for wind farms in County Laois in Section 6 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.*

*b. Take such steps as are required to identify, on an evidence-basis and using appropriate and meaningful metrics, the target which County Laois can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, and in particular wind energy production and the potential wind energy resource (in megawatts), and to amend the adopted Plan accordingly.*

#### STATEMENT OF REASONS

*I. The Laois County Development Plan 2021 – 2027 as made is inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically items 2 and 3 of the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), and the requirement for the planning authority to comply with the aforementioned Specific Planning Policy Requirements under Section 28(1C) and 12(18). The development plan as made therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.*

#### Final Ministerial Direction

On 28<sup>th</sup> September 2022, Peter Burke, TD issued a final Ministerial Direction to Laois County Council. The relevant wording of this Direction is as follows:

*(2) The Planning Authority is hereby directed to take the following steps:*

*a. Delete the setback distance of 1.5 km from Section 6.1 – Buffer Zones which is contained in the Development Control Standards for wind farms in County Laois in Section 6 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.*

*Statement of reasons:*

*I. Pursuant to Section 31(1)(a)(i)(II) and Section 31(1)(b)*

*The Minister is of the opinion that the Development Plan has failed to implement a recommendation made to the planning authority by the Office and that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.*

*II. Pursuant to Section 31(1)(ba)(i)*





*The Laois County Development Plan 2021-2027 is inconsistent with the policy objectives of the National Planning Framework, specifically NPO 55, which states that it is an objective to ‘promote renewable energy use and generation at appropriate locations.....to meet national objectives towards achieving a low carbon economy by 2050’, and the requirements for the planning authority to comply with, and the development plan to be consistent with, the aforementioned National Policy Objective under Sections 10(1A) and/or 12(11) read in conjunction with Section 12(18);*

*III. Pursuant to Section 31(1)(c)*

*The Development Plan does not have adequate regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement under the Wind Energy Development Guidelines for Planning Authorities (2006) that the development plan must achieve a reasonable balance in responding to overall Government Policy on renewable energy, enabling the wind energy resources of the planning authority’s area to be harnessed in a manner that is consistent with proper planning and sustainable development in order to provide a plan-led context to the assessment of individual wind energy development proposals.*

*IV. Pursuant to Section 31(1)(ba)(i) & (ii)*

*The Development Plan contains conflicting objectives on wind energy development such that the Policy objectives supporting wind and renewal energy development of the adopted Development Plan cannot be achieved having regard to the separation distances required by Section 6.1 of Appendix 5: Wind Energy Strategy of the adopted Development Plan.*

For these reasons, policy EN7, has been omitted from this policy chapter and from the Development Management Standards as outlined above.

#### **4.5.12 Kilkeny County Development Plan 2021-2027**

Given the Sites proximity to the County Boundary, it is considered prudent to include the Policies and Objectives of The Kilkeny County Development Plan 2021-2027 (KCDP)

The Kilkeny County Development Plan 2021-2027 (KCDP) was adopted on 3rd September 2021 and came into effect 15th October 2021. This section provides an overview of the key planning policy and related objectives in review CDP.

Section 2.4 ‘Integration of Climate Change Into the County Development Plan’ of Chapter 2 ‘Climate Change’ of the KCDP describes that it aims to provide a policy framework with objectives and actions in this City and County Development Plan to facilitate the transition to a low carbon and climate resilient County with an emphasis on reduction in energy demand and greenhouse gas emissions, through a combination of effective mitigation and adaptation responses to climate change.

The KCDP identifies the Kilkeny, as a participant in the Covenant of Mayors, a European cooperation movement, is dedicated to enhancing energy efficiency and the utilisation of renewable energy sources. These renewable sources encompass wind, solar, ocean, bio (plant life), and falling water, which are considered inexhaustible natural resources



occurring in the environment. The council has also committed to the Climate Action Charter for Local Authorities, which aims to achieve a 50% improvement in energy efficiency by 2030 compared to the baseline of 2009. They are also actively engaged in promoting climate action policies and standards within the wider community and beyond the public sector through adaptation and mitigation measures based on robust evidence.

Furthermore, Kilkenny County Council has recently become a member of the European Climate Alliance, committing to reducing CO<sub>2</sub> emissions by 10% every 5 years, ultimately halving per capita emissions by 2030 compared to the 1990 baseline. The CDP recognises that Ireland and Kilkenny possess abundant renewable energy resources, which are crucial for meeting energy demands beyond 2020. Indigenous renewable energy already plays a significant role in the domestic fuel mix, contributing to sustainability and reducing reliance on imported fuels, thereby enhancing energy security.

To support their sustainability goals, Ireland has set an ambitious target of increasing reliance on renewables from 12.8% to 34.1% by 2030, with 70% of the renewable share coming from electricity sources. In January 2017, Kilkenny County Council adopted a Sustainable Energy Action Plan, regularly monitored and reported through the 3 Counties Energy Agency every two years via [www.energyhub.ie](http://www.energyhub.ie).

Data collected indicates that Kilkenny's CO<sub>2</sub> emissions started to deviate from the projected 2020 trajectory as the recession period of the previous decade concluded, suggesting changes in emissions patterns.

Chapter 11 of the CDP outlines the mechanisms to support the increased development of renewable energy production county wide and across communities and citizens in accordance with the EU Renewable Energy Directive 2018/2001/EU.

Objective 11A of the CDP sets out:

*"To support and facilitate the provision of energy in accordance with Ireland's transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan."*

Section 11.5 "Wind Energy" of the KCDP is also of relevance. The KCDP identifies that at the time of its writing Kilkenny had approximately 76 MW of installed wind energy, generated by 39 turbines. Under the KCDP a Wind Energy Strategy has been prepared and is Appendix K of the KCDP.

Accordingly, the county has been divided into three policy areas for the development of wind farms, based on an assessment of viability against other considerations; "Acceptable in principle", "Open for Consideration" and "Not normally permissible". A matrix is set out below outlining which of the various category scales will be considered in each Wind Strategy area. [Error! Reference source not found.](#) shows a map of County Kilkenny with areas designated in accordance with their suitability for wind energy development. While the Proposed Development is not located within the boundaries of Kilkenny County Council, it is in close proximity to the County Boundary. Key information provided by Kilkenny to the Applicant during the scoping process informs this section, namely:



- The Wind Energy Development Strategy and Ministerial Direction
- Ministerial Direction

### Kilkenny Draft Wind Energy Development Strategy 2021

The Kilkenny Wind Energy Development Strategy (Wind Strategy) incorporates a statement of the Council’s objectives in relation to wind energy development and sets out the methodology for the identification of suitable locations for wind energy development in the county, having regard to the relevant policy context.

The key objectives of this Wind Strategy are as follows:

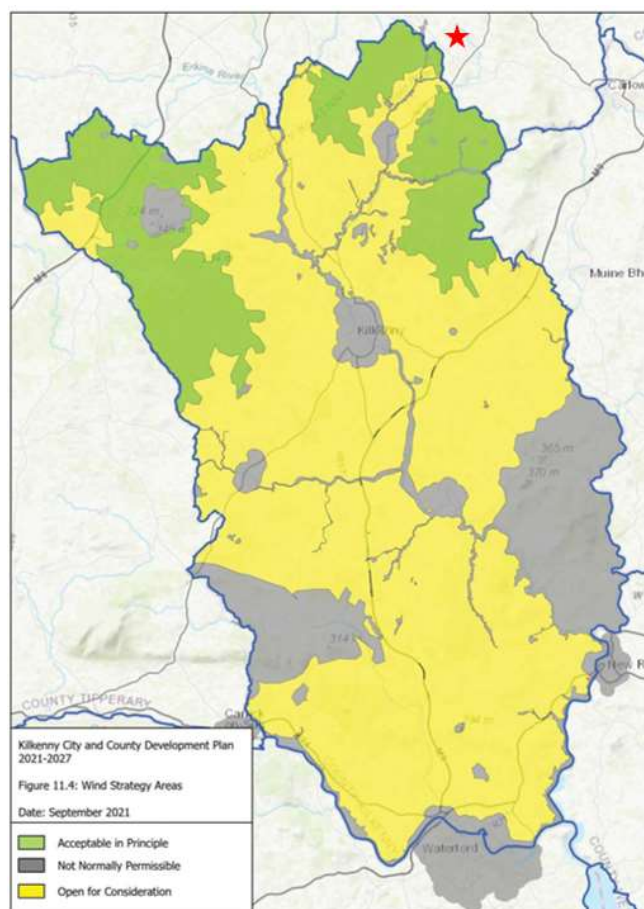
- Recognise the importance of wind energy as a renewable energy source and ensure the security of energy supply by supporting, in principle and at appropriate scales and locations, the development of wind energy resources in the county.
- Promote the development of wind energy and other renewable energy sources in the county to meet national renewable energy targets (supplying a minimum of 100% of electricity consumption from renewable sources by 2030).
- Enable Kilkenny to generate the equivalent of 100% of its electricity needs from renewable energy.
- Identify strategic areas in the county for wind energy development.
- Provide specific criteria for wind energy development that the planning authority will take into account when considering any wind energy or related proposals
- Investigate the potential for relatively small-scale wind energy developments within urban and industrial areas, and for small community-based proposals outside the strategic areas.

Accordingly, the county has been divided into three policy areas for the development of wind farms, based on an assessment of viability against other considerations; “Acceptable in principle”, “Open for Consideration” and “Not normally permissible”. A matrix is set out below outlining which of the various category scales will be considered in each Wind Strategy area. *Error! Reference source not found.* shows a map of County Kilkenny with areas designated in accordance with their suitability for wind energy development. It is noted that the area adjacent to the site is classified as ‘Accepted in Principle’.

**Table 4-10 Excerpt of Table 11.3 of the KCDP**

<b>Table 11.3: Wind Energy Strategy Areas – policy approach</b>			
<b>Strategy area</b>	<b>Acceptable in Principle</b>	<b>Open for consideration</b>	<b>Not normally permissible</b>
<b>Individual turbine</b>	✓	✓	✓
<b>Auto producer</b>	✓	✓	✓
<b>Small scale wind farm/Community led initiative</b>	✓	✓	X
<b>Large scale wind farm</b>	✓	X	X





**Figure 4-6 KCDP Wind Strategy Areas (Southern Cluster of the Site denoted by red star)**

### Key Policies of Relevance

Chapter 11 of the CDP outlines the mechanisms to support the increased development of renewable energy production county wide and across communities and citizens in accordance with the EU Renewable Energy Directive 2018/2001/EU.

Objective 11A of the CDP sets out:

*“To support and facilitate the provision of energy in accordance with Ireland’s transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan.”*

Section 11.5 “Wind Energy” of the KCDP is also of relevance. The KCDP identifies that at the time of its writing Kilkenny had approximately 76 MW of installed wind energy, generated by 39 turbines.

The KCDP identifies specific renewable energy objectives. These are set out below.

The Strategic Aim of the objectives is to generate 100% of electricity demand for the County through renewables by 2030 by promoting and facilitating all forms of renewable



energies and energy efficiency improvements in a sustainable manner as a response to climate change in suitable locations having due regard to natural and built heritage, biodiversity and residential amenities.

*“11A To support and facilitate the provision of energy in accordance with Ireland’s transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan.*

*11B To identify and designate a Decarbonation Zone (DZ) in the Council’s Climate Action Plan for a spatial area in which a range of climate mitigation, adaptation and biodiversity measures are developed to address local low carbon energy, greenhouse gas emissions and climate needs to contribute to national climate action.”*

The above objectives have been considered in the design of the Site.

### **Renewable Energy Objectives**

The KCDP identifies specific renewable energy objectives. These are set out below.

The Strategic Aim of the objectives is to generate 100% of electricity demand for the County through renewables by 2030 by promoting and facilitating all forms of renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change in suitable locations having due regard to natural and built heritage, biodiversity and residential amenities.

*“11A To support and facilitate the provision of energy in accordance with Ireland’s transition to a low carbon energy future by means of the maintenance and upgrading of electricity and gas network grid infrastructure and by integrating renewable energy sources and ensuring our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows over the period of the plan.*

*11B To identify and designate a Decarbonation Zone (DZ) in the Council’s Climate Action Plan for a spatial area in which a range of climate mitigation, adaptation and biodiversity measures are developed to address local low carbon energy, greenhouse gas emissions and climate needs to contribute to national climate action.”*

The above objectives have been considered in the design of the Site.

### **Climate Change Objectives**

The KCDP identifies specific Climate Change objectives. These are set out below.

The Strategic Aim of the objective is to provide a policy framework with objectives and actions in this City and County Development Plan to facilitate the transition to a low carbon and climate resilient County with an emphasis on reduction in energy demand and



greenhouse gas emissions, through a combination of effective mitigation and adaptation responses to climate change

*“2A To support and encourage sustainable compact growth and settlement patterns, integrate land use and transportation, and maximise opportunities through development form, layout and design to secure climate resilience and reduce carbon emissions.*

*2B To support the implementation of the National Climate Action Plan and the National Climate Action Charter for Local Authorities, and to facilitate measures which seek to reduce emissions of greenhouse gases by embedding appropriate policies within the Development Plan.*

*2C To promote, support and direct effective climate action policies and objectives that seek to improve climate outcomes across the settlement areas and communities of County Kilkenny helping to successfully contribute and deliver on the obligations of the State to transition to low carbon and climate resilient society,*

*2D To integrate appropriate mitigation and adaptation considerations and measures into all forms of development.*

*2E To ensure that the Development Plan transposes, supports and implements strategic objectives of the National Planning Framework and the Southern Regional Spatial and Economic Strategy to create an enabling local development framework that: (a) promotes and integrates important climate considerations in local development and the assessment of planning applications and (b) supports the practical implementation of national climate policy and targets to assist in the delivery of the national transition objective.*

*2F To adopt nature-based approaches and green infrastructural solutions as viable mitigation and adaptation measures to reduce greenhouse gas emissions where feasible. The Council will promote and support physical activity, active recreation and an active lifestyle.*

*2G To reduce energy related CO<sub>2</sub> emissions of Kilkenny County Council.*

*2H To achieve the commitment under the European Climate Alliance to the reduction of greenhouse gas emissions by 10 percent every 5 years.”*

The above objectives have been considered in the design of the Site.

## **Ministerial Direction on the Kilkenny County Development Plan 2021 – 2027**

### **Synopsis of the Draft Ministerial Direction**

- On 15th October 2021, the Minister of State at the Department of Housing, Local Government and Heritage, consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Planning and Development Act 2000 (as amended), notified Kilkenny County Council of his intention to issue a Direction to the Kilkenny City and County Development Plan 2021-2027.



- 1.0 In accordance with Section 31(4) of the Planning and Development Act 2000, those parts of the Kilkenny City and County Development Plan 2021 – 2027 Plan referred to in the notice shall be taken not to have come into effect, been made or amended; namely;
  - To reinstate section 11.4 and 11.5.1 of the draft Development Plan including the identification of 201 MW of renewable energy to meet the objective of 100% of electricity needs from renewable sources for the County by 2030 consistency with the Climate Action Plan
- 2.0 Amend the adopted wind energy strategy map to ensure consistency with renewable energy target to include: reinstatement of areas designated at Templeorum/Mullenbeg, Castlebanny and three small areas in the south of the county to “acceptable in principal”.

#### **4.5.13 Ministerial Direction on the Kilkenny County Development Plan 2021 – 2027**

##### **Synopsis of the Draft Ministerial Direction**

- On 15th October 2021, the Minister of State at the Department of Housing, Local Government and Heritage, consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Planning and Development Act 2000 (as amended), notified Kilkenny County Council of his intention to issue a Direction to the Kilkenny City and County Development Plan 2021-2027.
- In accordance with Section 31(4) of the Planning and Development Act 2000, those parts of the Kilkenny City and County Development Plan 2021 – 2027 Plan referred to in the notice shall be taken not to have come into effect, been made or amended; namely;
- Chapter 11, Renewable Energy Section 11.4 Kilkenny Targets, Section 11.5.1 Current status and targets and Figure 11.4 Wind Strategy areas.

## **4.6 Other Relevant Policies and Guidelines**

### **4.6.1 The Planning and Development, Maritime, and Valuation (Amendment) Act 2022**

The Planning and Development, Maritime, and Valuation (Amendment) Act 2022 was signed into law in July 2022. However, not all elements of this Act are in force. This legislation seeks to provide clarity relating to design options. This has come about as a result of a recent High Court Judgement.

An applicant who is intending to apply for planning permission under section 34 of the Planning and Development Act 2000 (PDA), strategic infrastructure developments under Schedule 7 of the PDA, permission in respect of cables, wires and pipelines under sections 182 B and 182 D of the PDA, can, under the new legislation, obtain an opinion as to flexibility with regard to the application for permission by convening a meeting with the relevant consenting authority before submitting their application.



In the request for such a meeting, the prospective application is required to include a description of the nature of the details of the Proposed Development which are unlikely to be confirmed at the time of the proposed application and the circumstances that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed the details. The prospective applicant must provide an undertaking to provide with the proposed application two or more options, parameters or a combination of both in respect of these details on the basis of which the application may be decided. This is of particular relevance to wind farm design as the candidate turbine may change.

Where the consenting authority is satisfied that it is appropriate that the application be made and decided before the prospective applicant has confirmed certain details of the application it is required to provide an opinion to that effect. Conversely, where it is not satisfied it must notify the prospective applicant of this. Notably, an opinion will only be made public when the planning application is made.

Where permission is granted pursuant to this procedure, it will include a condition in respect of any detail of the development which was not yet been confirmed at the time.

It is noteworthy that the provisions in relation to flexibility of design have not yet been commenced and will need to be enacted by a commencement order.

#### **4.6.2 DoEHLG - Wind Energy Development Planning Guidelines 2006**

The Wind Energy Development Planning Guidelines (2006) published by the Department of the Environment, Heritage and Local Government (DoEHLG) offer advice to planning authorities assessing planning applications for wind farm developments. The guidelines set out criteria which assist in the identification of suitable locations for wind energy development. They are also of assistance to developers and the wider public in considering wind energy development.

The Proposed Development has considered the provisions of the Wind Energy Development Guidelines 2006 in the design and siting of the Proposed Development. The Proposed Development is considered to be in line with the recommendations as set out in the Guidelines.

#### **4.6.3 Draft Revised Wind Energy Development Guidelines (December 2019)**

The Draft Revised Wind Energy Development Guidelines were published in December 2019 for public consultation. The guidelines will supersede the 2006 guidelines once formally adopted by the government. The revised guidelines aim to apply consistency across all Renewable Energy Strategies with regard to Development Management objectives. **Table 4-11** sets out the compliance of the Proposed Development to both 2006 and 2019 Guidelines.

The key points of note in the draft Revised Guidelines include:

- Revised set back distances. 4 times the tip height (720m) is to be applied between turbines and the nearest point of the curtilage of any residential property with a mandatory minimum set back distance of 500 meters to be applied.
- Revised noise limits provide a higher level of protection to nearby residential receptors. The draft guidelines propose a noise limit, referred to as a "Relative Rated Noise Limit (RRNL) in the range of 35 – 43 dB(A) while not exceeding the





background noise level by more than 5dB(A) with an upper limit of 43 dB(A)” (Section 5.7.11).

- Section 7.16 of the draft guidelines confirm a policy of zero shadow flicker at nearby existing dwellings or other affected properties. The draft guidelines state that a condition "Should" be attached to all planning permissions to ensure that there will be no shadow flicker at any existing nearby dwelling.
- Wind energy developers will have to provide an opportunity for the Proposed Development to be of enduring economic or social benefit to the local community, whether by facilitating community investment/ ownership in the project, other types of benefits/ dividends, or a combination of the two.

The Proposed Development has been designed in accordance with the current statutory Section 28 Ministerial Guidelines, Wind Energy Development Guidelines 2006. We are aware that these guidelines are subject to targeted review and therefore the design of the Proposed Development has had regard to the Draft Revised Wind Energy Development Guidelines, published by the Department of Housing, Planning and Local Government (December 2019).

In this regard the proposed layout has achieved a separation distance in excess of 4 times tip height or 720m between turbine locations and the closest dwellings. The closest dwelling is 722m from any turbine. The Proposed Development is therefore in compliance with this provision. Furthermore, an objective to have zero shadow flicker at all nearby properties has been incorporated into the mitigation, in line with the draft guidelines.

The Proposed Development once constructed will provide a community benefit fund for the nearby community consisting of financial support for near neighbours and community-led projects, in line with the Renewable Energy Support Scheme (RESS) Community Benefit Fund Good Practice Principles published in 2022. The community benefit fund will contribute €2/MWh for all energy produced in alignment with Renewable Electricity Support Scheme 2 (RESS 2) requirements.

The Draft Guidelines are referred to in Chapter 10 – Noise and Vibration in relation to the methodology for assessment. Here it is noted that the Draft Guidelines may be subject to further revisions following public consultation. As such, the noise limits from the 2006 guidelines form the basis of the assessment.

Error! Reference source not found. provides an outline of the key development parameters within each set of guidelines and how the Proposed Development responds to each.

**Table 4-11 Compliance With the Wind Energy Development Guidelines (2006) and Draft Wind Energy Guidelines (2019)**

Topic Area	Wind Energy Development Guidelines (2006)	Draft Revised Wind Energy Development Guidelines December 2019
Noise	500m from nearest turbine.	No specific setback distance listed.
Shadow Flicker	500m from nearest turbine. All turbines are located in excess of 4x tip height, or 720m from the nearest residential receptor. In this regard the Proposed Development has achieved the required distances.	10 rotor diameters from each turbine – this results in a distance of between <b>1550 and 1630m</b> . If turbine cannot be relocated, automatic shutoff during periods of potential shadow flicker should occur  An objective to have zero shadow flicker at all nearby properties has been incorporated into the mitigation to avoid shadow



Topic Area	Wind Energy Development Guidelines (2006)	Draft Revised Wind Energy Development Guidelines December 2019
		flicker at nearby dwellings through mitigation measures has also been included in the project, in line with the draft guidelines.
Visual Disturbance	No specific setback distance listed.	<ul style="list-style-type: none"> <li>• <b>500m</b> from nearest turbine to the nearest point of the curtilage of any residential receptor.</li> <li>• 4 tip heights from each turbine to the curtilage of the nearest residential receptors– this results in a distance of <b>720m</b> (180m x4).</li> </ul> <p>In this regard the proposed layout has achieved a minimum separation distance of approximately in excess of 4 times tip height or 720m between turbine locations and the closest dwellings. The closest dwelling is 722m from any turbine. The Proposed Development is therefore in compliance with this provision. In this regard the Proposed Development has achieved the required distances.</p>
Proximity to Roads and Railways	<p>Best practice indicates that it is advisable to achieve a safety set back from National and Regional roads and railways of a distance equal to the height of the turbine and blade.</p> <ul style="list-style-type: none"> <li>• <b>180m</b> from nearest turbine.</li> </ul> <p>The nearest National or Regional Road to the Proposed Development is the R426 which is located 1.1km at the closest extent (T2 in the Northern Cluster). The nearest National Road is the N78 which is located 3.8 km from the Proposed Development at its closest extent (T8). In this regard the Proposed Development has achieved the required distances.</p>	<p>Although wind turbines erected in accordance with standard engineering practice are stable structures, best practice indicates that it is advisable to achieve a safety set back from National and Regional roads and railways of a distance equal to the height of the turbine to the tip of the blade plus 10%.</p> <ul style="list-style-type: none"> <li>• <b>198m</b> from nearest turbine.</li> </ul> <p>The nearest National or Regional Road to the Proposed Development is the R426 which is located 1.1km at the closest extent (T2 in the Northern Cluster). The nearest National Road is the N78 which is located 3.8 km from the Proposed Development at its closest extent (T8). In this regard the Proposed Development has achieved the required distances.</p>
Proximity to power lines	<p>Adequate clearance between structures and overhead power lines as specified by the electricity undertaker should be provided. There is a statutory obligation to notify the electricity distributor of proposed developments within 23 meters of any transmission or distribution line.</p> <ul style="list-style-type: none"> <li>• <b>23m</b> from nearest turbine to any transmission distribution line.</li> </ul> <p>The nearest power line to the proposed development is 1.9km to the north of the Northern Cluster. In this regard the Proposed Development has achieved the required distances.</p>	<p>They advise that the distance between an overhead transmission line (110kV, 22kV or 400kV) and a commercial wind turbine should not be less than three and a half rotor diameters unless EirGrid have agreed a reduction based on a risk assessment. The minimum clearance for all turbines and overhead transmission lines must be falling distance (measured from the edge of the foundation) plus an additional flashover distance for the relevant voltage.</p> <ul style="list-style-type: none"> <li>• <b>525m</b> from any overhead power lines.</li> </ul> <p>The nearest power line to the proposed development is 1.9km to the north of the Northern Cluster. In this regard the Proposed Development has achieved the required distances.</p>

#### 4.6.4 Irish Wind Energy Association - Best Practice Guidelines for the Irish Wind Energy Industry

The 'Best Practice Guidelines for the Irish Wind Energy Industry' were published by the Irish Wind Energy Association in 2008 and the Guidelines were updated in 2012. These guidelines are to encourage responsible and sensitive wind farm development, and to provide assistance and recommendations for those developing onshore wind energy projects in Ireland.



The approach to the development of the Proposed Development is in line with the 2012 IWEA guidelines in that it complies with relevant planning and environmental legislation, requirements for environmental impact assessment, provides an environmentally sensitive design, takes account of best practice health and safety and provides quality public engagement in order to develop a responsible and sensitive wind energy project.

#### **4.6.5 IWEA Best Practice Principles in Community Engagement and Community Commitment 2013**

The Best Practice Principles in Community Engagement and Community Commitment were published by IWEA in 2013. IWEA and its members support the provision of financial contributions by wind farm operators to local communities and have sought to formulate best practice principles for the provision of a community commitment. The inclusion of community benefit has now been supplemented by the provisions of the Renewable Energy Support Scheme as described in Section 4.8.7.

However, the IWEA publication also sets out Best Practice Principles of community engagement when planning the engagement strategy and preparing associated literature. The aim of the publication is to ensure that the view of local communities is taken on board at all stages of development and that local communities share in the benefits of the development. Throughout the consultation process for the Proposed Development, specific regard has been taken of this guidance document. Details of the public and stakeholder consultation process carried out throughout the development of the Proposed Development is detailed in Chapter 2 – EIA Scoping, Consultation and Key Issues.

#### **4.6.6 Code of Practice for Wind Energy Development in Ireland - Guidelines for Community Engagement**

In December 2016, the Department of Communications, Climate Action and Environment (DCCAE) issued a code of practice for wind energy development in relation to community engagement. This Code of Good Practice:

*“is intended to ensure that wind energy development in Ireland is undertaken in observance with the best industry practices, and with the full engagement of communities around the country.”*

The guidance states that the methods of engagement should reflect the nature of the project and the potential level of impact that it could have on a community. Throughout the consultation process the applicant has had regard to the Code of Practice for Wind Energy including the practical steps that wind farm promoters should comply with in engaging with communities as set out in this Guidance.

#### **4.6.7 Commission for Regulation of Utilities: Enduring Connection Policy**

The Commission for Regulation of Utilities (CRU) (previously the Commission for Energy Regulation (CER)) launched a new grid connection policy in March 2018 for renewable and other generators, known as ECP-1, which will seek to allow “shovel ready” projects that already have a valid planning permission, connect to the electricity networks. The principal objective which guides this decision is to allow those projects which are ‘shovel ready’ to have an opportunity to connect to the network, along with laying the foundations for future, more regular batches for connection.



The first connection offers were issued in August 2018 with the system operators expected to hold a further batch as soon as reasonably practical following the conclusion of the 2018 batch. On 4 April 2023, the CRU published its decision updating its earlier decision on ECP-2 and setting the policy for a single batch window opening in October 2023 for two months..

The ECP system replaces the previous 'Gate' system of grid connection applications. The grid connection application window under ECP-1 was the first time since 2007 that certain renewable energy projects including wind farms, have had an opportunity to secure a new grid connection offer.

Coolglass Wind Farm Limited will apply for a grid connection for the Proposed Development through the ECP process subject to the receipt of a grant of planning permission which is required to qualify for an application.

#### **4.6.8 Renewable Electricity Support Scheme (RESS)**

The RESS scheme was launched in July 2018. The RESS is different to previous support schemes as it proposes to support renewable electricity projects through a series of scheduled, competitive auctions. Support schemes like RESS, in place all over the world, are a way of ensuring that renewable energy technologies are incentivised to replace the use of fossil fuels in our economy. Governments contract to buy electricity at a guaranteed price for the long term, typically a period of about fifteen years. This gives developers the certainty they need to build projects. A cornerstone of RESS is that communities should benefit directly from renewable electricity projects and the RESS-2 terms and conditions (the "RESS-1 T&Cs") contain various community requirements.

The primary policy objectives relevant to RESS include delivering Ireland's renewable electricity ambitions, increasing community participation in and ownership of renewable electricity projects, ensuring value for electricity customers and enhancing security of supply. The scheme will help deliver Ireland's contribution to the EU-wide binding renewable energy target of 32% RES by 2030 and the nation's renewed targets of 80% electricity produced by renewable sources by 2030 as set out in the Climate Action Plan (2021).

In October of 2021 Government of Ireland published the 'Terms and Conditions for the Second Competition Under the Renewable Electricity Support Scheme RESS 2 2021'. The Renewable Electricity Support Scheme (RESS) is an auction scheme in which renewable energy projects bid for grid capacity. The noted document sets out the terms and conditions that apply to the second competition, RESS - 2. Eligible projects under RESS include onshore wind, offshore wind, solar, hydro along with many other renewable generation methods. Should an applicant be successful under this system they will be invited to submit an offer price on their RESS project.

The provisional results of the RESS – 2 auction were published in May 2022. Successful onshore wind projects accounted for up to approximately 414MW of capacity. The provision of the RESS schemes, along with the Enduring Connection Policy highlights the governments push towards a transition to a low carbon economy and the achievement of renewable energy targets as set out in the Climate Action Plan (2021).

RESS 2 followed on from RESS – 1 and provides for a community benefit fund which will contribute €2/MWh for all RESS 2 Projects. The Good Practice Principles Handbook lays out a range of principles and guidance for Generators in order to ensure the successful operation and delivery of Community Benefit Funds, including the need to ensure



community participation in fund decision-making via the establishment of a local committee, which should encourage successful dispersal of funds. Generators shall comply with the principles and guidance contained in the Good Practice Principles Handbook in the context of the operation and administration of the Community Benefit Fund for their particular RESS 2 Project.

RESS 3 was published in April of 2023. These RESS guidelines have minimal changes from RESS 1 and 2 that are of relevance to this planning application. However, it is worth noting that only projects which have a letter of offer for a grid connection may take place in the RESS 3 auction.

In 2021 a 'Good Practice Principles Handbook for Community Benefit Funds' was published by the Department of the Environment, Climate and Communications which sets out guidance for the use of the fund. One such community requirement – the mandatory Community Benefit Fund – is the focus of this Handbook. The Generator or its agent will administer the funds contained in the Community Benefit Fund and shall distribute such funds for the duration of the relevant RESS 2 Project's. RESS 2 Support as follows on an annual basis:

- a) in respect of Onshore Wind RESS 2 Projects, a minimum of €1,000 shall be paid to each household located within a distance of a 1 kilometre radius from the RESS 2 Project;
- b) a minimum of 40% of the funds shall be paid to not-for-profit community enterprises whose primary focus or aim is the promotion of initiatives towards the delivery of the UN Sustainable Development Goals, in particular Goals 4, 7, 11 and 13, including education, energy efficiency, sustainable energy and climate action initiatives;
- c) a maximum of 10% of the funds may be spent on administration. This is to ensure successful outcomes and good governance of the Community Benefit Fund. The Generator may supplement this spend on administration from its own funds should it be deemed necessary to do so; and
- d) the balance of the funds shall be spent on: (i) initiatives successful in the annual application process, as proposed by clubs and societies and similar not-for-profit entities; and (ii) in respect of Onshore Wind RESS 2 Projects, on "near neighbour payments" for households located outside a distance of 1 kilometre from the RESS 2 Project but within a distance of 2 kilometres from such RESS 2 Project. The distance specified is from the base of the nearest turbine to the nearest part of the structure of the occupied residence, the location of which is identified in the postal geo-directory.

### **Near neighbour provisions (II) and (part of d)**

Central to the commitments in RESS to enable communities to benefit from the development of renewable wind farms is the recognition that those living in closest proximity are most impacted by them. Their construction may cause direct inconvenience for a number of months and their ongoing existence may have some visual or noise impacts, for instance. Wind farm developers have traditionally engaged with and often provided benefit to such "near neighbours", but there has been inconsistency in approach over the years. The research that informed the Good Practice Principles Handbook for Community Benefit Funds indicated that it was desirable to lay out with clarity the concept



that near neighbours should receive direct benefits from the wind farm. This was therefore defined as a requirement in the RESS – 2 T&Cs.

This formal requirement is intended as a recognition that modest annual payments are appropriate for near neighbours, but it is not intended to consume a substantial percentage of the Fund. The fundamental intention of the Fund is that the wider community benefits from the RESS Project's existence. Near neighbours are a small subset of this wider catchment. It is fully expected that, apart from the direct benefit payments now mandated, near neighbours will benefit from the remainder of the Fund as it facilitates wider, community endeavours.

If the Proposed Development is successful in receiving planning consent, Coolglass Windfarm will apply for support through the RESS process. Therefore, a community benefit fund will apply to the Project. For the Proposed Development, it would mean that there would be in the region of €470,000 per year available for the local community. The community benefit fund is further detailed in Chapter 2 of this EIAR.

## 4.7 Conclusion

The policy as described throughout this chapter sets out significant international, European, national, regional and local policy support for a move to renewable energy technologies and a reduction in greenhouse gas emissions. Ireland is committed to meeting International and European targets and if these targets are not met the government must purchase Carbon Credits to meet compliance with both emissions and renewable energy targets or face fines from the EU.

While Ireland has come a long way in increasing renewable energy generation, the targets are ever increasing from a European perspective. 2050 European targets effectively mean that Europe's energy production will have to be almost carbon-free by 2050. The Climate Action Plan 2023 sets out to increase the proportion of renewable electricity to up to 80% by 2030. Notably Section 11 Electricity of the Plan provides a Key Performance Indicator (KPI) of providing 9 GW Onshore wind by 2030. The emissions reduction targets by sector to 2030 for the Electricity Sector are also set at 25-75%.

Therefore, there is a clear national mandate to accommodate significant onshore wind within the next decade. Furthermore, the National Planning Framework emphasises a move to a low-carbon economy to reduce Ireland's carbon footprint by integrating climate action into the planning system in support of national targets. It is this commitment on energy and climate policy that justifies a clear need for renewable energy generation in Ireland. It is recognised a range of renewable resource alternatives are needed to meet our International and European commitments, however onshore wind is an established sector and economically competitive. It is also a proven technology that will be critical to meeting the near term renewable targets up to 2030.





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