SUSTAINABLE ENERGY AUTHORITY OF IRELAND

Rialtas na hÉireann
Government of Ireland

Solar Photovoltaic (PV)

Manual of Consenting Procedures

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Disclaimer

Sustainable Energy Authority of Ireland

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

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Abbreviations

Abbreviation	Definitions
A	Amps
AA	Appropriate Assessment
BCA	Building Control Authority
BCMS	Building Control Management System
CEF	Connecting Europe Facility
CEG	Clean Export Guarantee
CEMPs	Construction Environmental Management Plans
CIÉ	Córas Iompair Éireann
COR	Certificate of Registration
CPPA	Corporate Power Purchase Agreements
CRU	Commission for Regulation of Utilities
DAC	Disability Access Certificate
DAFM	Department of Agriculture, Food and the Marine
DECC	Department of Environment, Climate, Communications,
DSO	Distribution System Operator
DUoS	Distribution Use of System Agreement
EC	European Commission
EcIA	Ecological Impact Assessment
ECP	Enduring Connection Policy
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
EU	European Union
FRA	Flood Risk Assessment
GEP	Good Ecological Potential
GES	Good Ecological Status
IROPI	Imperative Reasons of Overriding Public Interest
kVA	kilo Volt Amperes
LFL	Limited Felling Licence
LV	Low Voltage
LVIA	Landscape and Visual Impact Assessment Landscape and Visual Impact Assessment
MEC	Maximum Export Capacity
MIC	Maximum Import Capacity
MRL	MapRoad Licensing
MV	Medium Voltage
MW	Mega Watt
NC5	New Generator Connection Application
NIS	Natura Impact Statement
NPF	National Planning Framework
NPWS	National Parks and Wildlife Service
OPW	Office of Public Works
ORESS	Offshore Renewable Electricity Support Scheme
pSPA	proposed Special Protection Areas

Abbreviation	Definitions
PV	photovoltaic
RENEWFM	Renewable Energy Projects, Including The Renewable Energy Financing Mechanism
RESS	Renewable Electricity Support Scheme
SAC	Special Areas of Conservation
SEAI	Sustainable Energy Authority of Ireland
SEM	Single Electricity Market
SME	Small and medium enterprises
SPA	Special Protection Areas
SRESS	Small-Scale Renewable Electricity Support Scheme
SSZ	Solar Safeguarding Zones
TIA	Traffic Impact Assessment
TII	Transport Infrastructure Ireland
TPO	Tree Preservation Order
TSO	Transmission System Operator
TUoS	Transmission Use of System
UV	Ultraviolet
VAT	Value-Added Tax
WFD	Water Framework Directive

1 Introduction

1.1 Purpose of this Guide

SEAI is the Single Point of Contact for guidance on the licensing and permitting requirements for renewable energy projects in Ireland. The aim of the initiative is to make it easier to find out what licences and permits may be required during the different stages of your solar photovoltaic (PV) energy project. As part of this initiative, SEAI has produced an online tool. The online Licence and Permit finder tool is located at Renewable Energy Consenting | Single Point of Contact | SEAI. It allows you to search for licences and permits that may be required for your project at relevant stages of development.

This guide has been produced to accompany the *SEAI Single Point of Contact Renewable Energy* online tool. It provides a more detailed overview of specific technological, legislative, and regulatory requirements in relation to the development of a geothermal energy project in Ireland. This guide provides guidance and assists users in identifying the applicable consents and licences that may be required for the design and construction phase, operations and maintenance phase, and end-of-life procedures for solar PV energy projects. It is important to note that SEAI has no decision-making role in the consenting process but is available to provide guidance and support in navigating and understanding it.

1.2 Solar PV Energy Project Stages

The life cycle of a solar PV energy project has several phases.

Initial assessments are carried out during the feasibility phase to determine the project's viability. This can also provide insight into which permits/licences will be required, as these can vary based on project type and specific location. The planning and permitting phases, as well as the pre-construction phase, are where licences/permits and any relevant advance requirements are determined for the project. These phases can overlap and occur simultaneously. The successful completion of the project is followed by commissioning, during which final tests are conducted.

Licences or permits may be required during the project's operation to ensure continuous maintenance is permitted. Finally, decommissioning a project will also require licensing/permitting, depending on whether the project will be removed, extended, or replaced. The following sections of this manual outline each phase of the life cycle, including relevant permits, licences, regulatory requirements, and schemes associated with each phase.

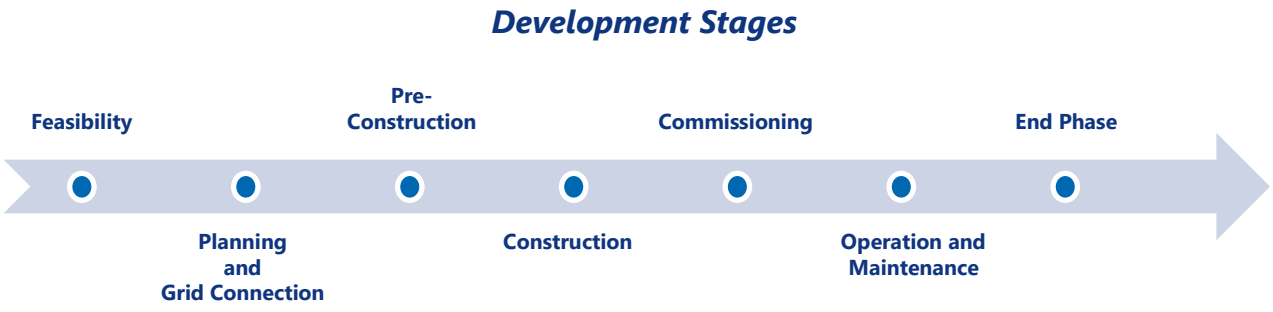

Figure 1-1: Solar PV Energy Project - General Development Stages

2 Design and Construction Phase

2.1 Site Selection and Feasibility

The first phase of a solar PV energy project is feasibility and design. Many of these considerations can be assisted by your contractor; however, before selecting a contractor, it is best to have an idea of the size of solar PV installation you require, based on your energy requirements and the proposed position of the installation.

For your convenience, the SEAI also facilitates One Stop Shops for solar PV installation, which will cover required assessments for grants, grant applications, and contractor works. More information about One Stop Shops can be found here.

Information related to larger commercial solar PV energy projects is detailed below. If you are only considering a small-scale, self-consumption project, please continue to **Section 0**.

2.2 Commercial Feasibility

The feasibility of a solar PV project is vital, as it will determine if the project should be pursued or not, regardless of whether it is a commercial or community-based endeavour. A potential site should be identified, taking into account matters such as land ownership and local planning restrictions, details of which can be found in the relevant Local Development Plan. Other high-level considerations, such as site access, can help to inform site location considerations.

Once a potentially suitable site has been identified, appropriate feasibility studies should be undertaken. You will need to identify the relevant professional advisory team to support you in conducting feasibility studies.

The following points are, therefore, potential guidelines only when examining the feasibility of a selected site. Depending on the type of project you are seeking to construct, feasibility considerations may differ:

- Solar resource, UV, and glint and glare assessment (direction assessment).
- Grid connection options, constraints, and curtailment.
- Existing and future grid infrastructure/available capacity.
- Available land and land ownership status.
- Setback from dwellings.
- Ground conditions.
- Proximity to protected or sensitive areas (e.g., Heritage Sites, SACs, SPAs, etc.).
- Community acceptance.
- Proximity to airports, airfields, military, and commercial operations.
- National, Regional and Local planning policy and Development Plans related to solar PV projects in your area.

Local Authorities may also have published information on the construction of solar energy developments in the area, which may impact planning decisions or serve as helpful guidance. Generally, a multidisciplinary team will be best placed to guide feasibility studies across various fields, including planning, engineering, financial consultants, and developers.

The outcome of feasibility assessments will help determine the necessary licences/permits for your project; therefore, it is important to consider your project's specific assessment needs to ensure preparation for the planning and permitting phases.

Developing a project plan that maps out all the stages needed to realise your project, moving toward design, is important. A consent plan will be an essential tool in understanding the potential timelines, project milestones, and stages whereby permissions are required to proceed with various elements of your project, allowing you to plan accordingly.

It is then important to develop a project plan that maps out all the stages needed to realise your project, moving toward design.

2.3 Constraints Identification

A constraint identification and mapping exercise is a useful method for identifying and visually presenting constraints that may exist for a specific site. This can show existing infrastructure and features, such as sensitive areas and houses, etc. This will enable a solar PV energy developer to visually identify specific constraints, rank them, and facilitate better siting of project infrastructure.

2.4 Routes to Market for Sale of Electricity

There are a number of options to consider when exploring potential avenues for selling electricity generated from a commercial solar PV energy project.

2.4.1 Clean Export Guarantee

The Clean Export Guarantee (CEG) tariff provides an opportunity for micro- and small-scale generators in Ireland to receive payment from their electricity supplier for all excess renewable electricity they export to the grid. This remuneration is intended to reflect the wholesale market value of the electricity.

For further information, please visit the CRU website at the following link: https://www.cru.ie/consumer-information/microgeneration/

2.4.2 Small-Scale Renewable Electricity Support Scheme (SRESS)

The Small-Scale Renewable Electricity Scheme (SRESS) is a non-auction renewable electricity initiative run by the Department of Environment, Climate and Communications. Designed specifically for community, farm, and SME projects with a capacity between 50 kW and 6 MW, SRESS offers a simpler, non-competitive route to market. It aims to facilitate community participation by providing an easier pathway compared to the competitive RESS auction process, allowing farmers, businesses, and others to maximise their involvement in the energy transition.

For further information, please click on the following link: https://www.gov.ie/en/publication/96110-small-scale-generation/

Community projects are also supported through the SEAI Community Enabling Framework. For more information, please click the following link: https://www.seai.ie/plan-your-energy-journey/for-your-community/enabling-framework

2.4.3 Renewable Electricity Support Scheme

The Renewable Electricity Support Scheme (RESS) is a government initiative introduced by the Department of Environment, Climate and Communications (DECC). Its primary goal is to promote the generation of renewable energy, such as solar energy, to help Ireland meet its domestic and European Union carbon reduction targets by 2030.

The scheme aims to create a more favourable environment for renewable energy projects and incentivise their development. It operates through a competitive auction system where companies involved in various renewable industries, such as solar PV energy, can participate.

The RESS Scheme provides solid financial stability to a renewable project, allowing for more solid private investment by guaranteeing a financial return on investment while simultaneously working to achieve better

value for Irish electricity consumers.

For further information on the RESS process, including the latest auctions and up-to-date details, please click on the following link: https://www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme/

2.4.4 Corporate Power Purchase Agreements (CPPA)

Another potential market route is through a Corporate Power Purchase Agreement (CPPA). This is an arrangement where a corporate entity, such as a company, procures renewable electricity directly from a generator through a contractual agreement. It serves as an alternative for projects excluded from ORESS, unsuccessful in ORESS, or where the ORESS terms and conditions are not commercially viable.

For further information, please visit the following page: https://www.gov.ie/en/publication/a0d2e-renewable-electricity-corporate-power-purchase-agreements-roadmap/

2.4.5 Merchant Market

The 'merchant' market or open market pricing is another option for selling electricity generated. However, the relatively lower price, volatility, and associated risk are not desirable sources of income for early-stage renewable projects seeking financing. Ultimately, after government supports or CPPA expire, most projects will likely end up operating in the merchant market.

2.5 Project Financing

Financing will need to be secured to develop a solar PV project. Financing may be secured in stages, with funds allocated to support the early stages of concept development, followed by the planning and assessment stages, and finally, the construction stage.

There are various ways a renewable energy project can be funded, including equity funding, grants, bank loans, or a combination of these. Typically, loans are required to be repaid prior to the end of the RESS fixed price, as this provides certainty for the lender, which helps reduce the cost of borrowing through reduced investment risk.

The European Union offers several funding mechanisms for solar PV renewable energy projects, including the Renewable Energy Financing Mechanism (RENEWFM), Horizon Europe, the Connecting Europe Facility (CEF), the Modernisation Fund, and the InvestEU Programme. These programs offer various forms of financial support, including grants, loans, and guarantees, to promote clean energy and help achieve renewable energy targets across member states.

Further information can be found by clicking on the following link:
https://cinea.ec.europa.eu/programmes/renewable-energy-financing-mechanism_en

2.6 Community Solar PV Projects

Community groups can come together to enter the solar energy market, alongside commercial entities. The process for getting a project constructed is similar to a commercial venture, in terms of ensuring an appropriate site is selected and navigating the planning system.

The governance of a community solar energy project has a defined structure that helps ensure the successful delivery of the project and secure available government support. Please consult resources published by the SEAI in relation to community Solar PV energy projects.

SEAI's Community Enabling Framework is located here. The toolkit provides helpful advice in navigating the process as a community group. Community-led projects have an upper limit of 6 Megawatts (MW) if participating in the Small-Scale Renewable Energy Support Scheme (SRESS).

2.7 Enabling Tasks

After a potential project and site pass feasibility screening, enabling tasks must be undertaken to transition toward the planning and pre-construction phases. These tasks include:

- Land lease options/Purchasing;
- Options to access the site;
- Community engagement; and
- On-site sunlight monitoring.

Some of these may take place in conjunction with the planning phase.

It is important to consider the need for community engagement early in the process. New renewable energy developments, especially those located near residential areas, often raise concerns from residents for several reasons, including concerns about the impact on visual amenity, conservation, and issues such as glint and glare. There may be valid concerns from residents that can be addressed early in the process, which can help avoid negative community interaction later on and foster community buy-in, including involving the community in the process before any statutory requirements are met. This early engagement has been shown to improve the acceptance of renewable energy developments in the surrounding area. Identifying key public stakeholders and community leaders is an important task to undertake as early as practicable.

2.8 Design Stage

For larger-scale projects, following the kick-off and feasibility stages, you may move on to the design phase of the project.

Depending on the scale, specific surveys may be necessary to inform the design process. You may need to undertake an Environmental Impact Assessment (EIA), which involves conducting a range of environmental studies in order to inform the design of the project in line with relevant environmental regulations. Prior to undertaking these studies, you may need to apply for certain licences and permits based on the specifics of your chosen site and the project you are proposing, such as environmental derogation licences, ecological consents, archaeological excavation licences if near a national monument or detection device consents. The project is then designed by your technical team, following relevant planning regulations and other environmental regulations, and you can then review the financial viability of the project based on that design.

2.9 Policy and Legislation

A crucial aspect of any renewable energy project is to understand the relevant EU, national, regional, and local planning policies and legislation that underpin a project's development. Some of the key policy and legislation documents that will need to be considered are set out below.

European Legislation and Policy:

- 2030 EU Climate and Energy Framework
- European Green Deal
- Renewable Energy Directive 2018/2001/EU
- EU Fit for 55 Package

National Legislation:

- Planning and Development Act 2000, as amended
- National Planning and Development Policy

- National Planning Framework (NPF)
- Climate Action Plans

Relevant Regional and Local Planning and Development Policies and Strategies:

- Regional Spatial and Economic Strategies
- County Development Plans

It is crucial to clearly demonstrate how a proposed project aligns with the relevant policies. Your planning and environmental advisors can provide guidance on all applicable legislation and policies relevant to your project.

2.10 Community Engagement

It is important to consider the need for quality community engagement early in the design and planning process.

New renewable energy source developments, particularly those situated near residential areas, often raise concerns among residents. Common concerns generally relate to noise, visual, and environmental impacts.

It is recommended that these concerns be addressed early in the process, as this can help to avoid negative community interaction at a later stage and foster community acceptance. Identifying key public stakeholders and community leaders is an important task to undertake as early as practicable. This early engagement has been shown to improve the acceptance of renewable energy projects.

2.11 Planning and Environmental Assessments

When applying for planning permission for your project, the Planning Authority or your technical advisors should be able to provide guidance on the assessments that may be required to support your planning application. This will be dependent on the nature, extent, and location of your project.

Larger projects will likely require a full Environmental Impact Assessment Report (EIAR). This will be discussed further in the following sections. Smaller projects that do not meet the EIA threshold criteria may still require additional assessments and reports to be submitted in support of your planning application.

The typical environmental assessments required for solar PV energy projects are listed below. Please note this is not an exhaustive list, and further consultation with the Planning Authority and project-specific scoping with your technical advisors is highly recommended.

- Environmental Baseline Surveys
- Screening for EIA and/or Environmental Statement/Report and/or EIAR
- Appropriate Assessment (AA) Screening Report and/or a Natura Impact Statement (NIS) Report
- Water Framework Directive (WFD) Assessment
- Ecological Impact Assessment (EcIA)
- Archaeological & Built Heritage Impact Assessment
- Glint and Glare Assessment
- Flood Risk Assessment (FRA)
- Traffic Impact Assessment (TIA)

Notwithstanding that smaller projects may be exempt from the requirement for planning permission (see Section 2.12.1) it is important to carefully consider the location and siting of solar PV energy

works. Installations in proximity to priority habitats or European-designated sites, such as Special Protection Areas for birds or Special Areas of Conservation, may not be suitable. Old barns, mature broadleaf forests and hedgerows, for example, may contain protected or priority species. If in doubt, it is best to seek ecological advice when siting a solar PV energy project of its planning exemption status.

2.11.1 Environmental Baseline Surveys

Large-scale projects such as solar PV energy developments will require several assessments to be carried out to support their statutory permit applications. The requirements for these assessments can be discussed with your technical advisors.

Environmental baseline surveys will need to be undertaken as part of the assessment process. These surveys provide vital information for the development of a project. In some cases, two years of survey data may be required. Environmental assessments are generally carried out in tandem with the design process.

The following sections summarise the environmental assessments likely to be required.

2.11.2 Environmental Impact Assessment Report (EIAR)

2.11.2.1 Overview

In accordance with Directive 2011/92/EU, as amended by Directive 2014/52/EU, projects that are likely to have significant effects on the environment by virtue of their nature, size, or location must be subject to an EIA. EIA stands for the process of carrying out an Environmental Impact Assessment. The Environmental Impact Assessment Report (EIAR) is the principal document on which the EIA process is based, which is prepared by the developer.

The EIAR must identify, describe, and assess likely significant effects, both direct and indirect, of the project on the environment. It is important to note that the EIA is an iterative process and should be integrated into the design process. Through considered design and site selection, it may be possible to avoid, prevent or reduce adverse impacts on the environment, and this is a key requirement of the EIA process.

For a planning application, it is the responsibility of the relevant Planning Authority to carry out an assessment of the information provided in the EIAR and come to a reasoned conclusion on the project's impacts on the environment.

For further information in relation to EIAR, please refer to the following documents:

Guidelines on the information to be contained in Environmental Impact Assessment Reports May 2022

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

2.10.2.2 EIA Screening - Mandatory EIA Thresholds

EIA Screening is the process of deciding whether a development requires an EIA to be carried out. The EIA Screening exercise first assesses the development to ascertain if it is subject to Mandatory EIA, using classifications defined in the EIA Directive (projects listed in Annex I of the EIA Directive are subject to an EIA).

If the project is not listed in Annex I, and no mandatory EIA is required, the EIA Screening process progresses to consider projects listed under Annex II of the EIA Directive. Projects listed in Annex II of the EIA Directive are subject to an EIA if (i) they exceed certain thresholds (set out in Annex II and by each Member State); or (ii) if they do not meet or exceed the threshold but where the project is deemed likely to have significant environmental effects, with regards to the project's scale, nature, location, and context.

2.11.2.2 EIA Screening - Sub-threshold EIA

Proposed energy developments below the mandatory thresholds but that may be likely to have significant environmental effects may also require an Environmental Impact Assessment (EIA) and should, therefore, be screened for EIA to determine whether the project is likely to have a significant impact on the environment. These projects may be referred to as "sub-threshold" projects. In the case of sub-threshold development, it is advisable that developers consult with the Planning Authority regarding the possible need for an EIAR.

Helpful guidance can be found in the following document: Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development Aug 2003.

2.11.2.3 Scoping

Scoping is an important stage that takes place early in the EIA process. It provides an opportunity for both developers and the Competent Authority to determine those key environmental impacts and issues of concern that are likely to be of the utmost importance to the Project proposal's decision-making and eliminates those that are less of a concern. In other words, Scoping defines the EIAR's content and ensures that the environmental assessment is focused on the Project's most significant effects on the factors listed in Article 3 of the Directive, and that time and money are not spent on unnecessary examinations. It also reduces the likelihood that competent authorities will need to request additional information from developers after the EIAR has been prepared and submitted.

The EIA scoping exercise should assist in identifying relevant data gaps which need to be filled by further field surveys. Surveys over a prolonged period (e.g. in some cases, for periods of up to 2-3 years) may be required to inform some of the relevant baseline elements. This has implications for the timeframe within which the application for consent can be submitted.

If EIA is required, the developer can request a written scoping opinion from the Planning Authority on the information to be contained in the EIAR. This is an opportunity for the Planning Authority, the developer and the developer's technical advisers to discuss the scope and level of detail of the environmental information to be submitted in the EIAR.

2.11.2.4 Public Consultation

Public consultation is a key consideration for development projects, and it is important that stakeholders are brought into the process at an early stage. Public concerns raised through the consultation process may be brought into the EIA scoping and be addressed in the EIAR, as applicable. Public Information events may be held, where the project may present the plans and invite feedback from the local community. It will be necessary to set up a system to record such feedback or a website where key project documents such as scoping reports, the EIAR, maps, and application documents may be viewed. As part of the EIA process, it is necessary to place public notices informing the public when an application and EIAR have been submitted to the competent authorities.

2.11.2.5 Consultation with Prescribed Bodies

Prior to the submission of a planning application for a planning application, there is a requirement for the developer to notify a specified list of Prescribed Bodies about the proposal. Upon receipt of an application that is accompanied by an EIAR, there is a requirement for competent authorities to consult with authorities likely to be concerned by the project by reason of their specific environmental responsibilities or local and regional competences and to give them an opportunity to make submissions/observations on the information supplied by the developer and on the request for development consent.

2.11.2.6 EIA Assessment and Determination

Once the EIAR has been completed and the application documentation prepared, the application is submitted to the Competent Authority for assessment and determination. The applicant and the Competent Authority must comply with relevant statutory provisions that may apply in relation to documentation, public notices, consultation, and processing of the application. If, during the assessment, the Competent Authority

determines that the information presented in an EIAR is not sufficient for it to decide, then the developer may be asked to provide further information.

2.10.3 Appropriate Assessment (AA) under the Habitats and Birds Directives

The Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) seek to maintain, and where necessary, restore the favourable conservation status of designated natural habitats and species throughout member states. Designated Special Areas of Conservation (SAC), Special Protection Areas (SPA), candidate Special Areas of Conservation (SAC) and proposed Special Protection Areas (pSPA) are collectively known as European Sites. The most important ecological sites are designated as European Sites under provisions of Irish legislation transposing these Directives. Together, these sites form part of the Natura 2000 network of comparable sites throughout Ireland and other European Member States.

Article 6(3) of the Habitats Directive requires an AA of plans and projects that are likely to have significant effects on any European Site. A Competent Authority cannot agree to the plan or project until it has ascertained that it will not adversely affect the integrity of the site concerned.

2.10.3.1 Screening for Appropriate Assessment (Stage 1)

Under the Habitats Directive, it is the Competent Authority's responsibility to complete the Screening for AA and issue its determination whether an AA is required. To support this, the applicant must submit a Screening for AA Report. The report should include all supporting information necessary for the Competent Authority to reach a 'Screening for AA Determination', including the applicant's own conclusion/determination in relation to screening.

The Report should be completed to meet the requirements of the Habitats Directive, EU and National guidance documents, transposing legislation, and relevant domestic and European case law.

The Competent Authority will publish a Screening for AA Determination, which will either inform the applicant that their application has been 'screened-in' for AA or that it has been 'screened-out' and does not require a (Stage 2) AA to be carried out.

2.10.3.2 Appropriate Assessment (Stage 2)

If likely significant effects cannot be ruled out at the (Stage 1) Screening stage, the Competent Authority is required to carry out a (Stage 2) AA. To inform this process, the Applicant will have to prepare a Natura Impact Statement (NIS) Report. If the Applicant has already determined to their satisfaction that, in all likelihood, a Stage 2 AA will be required and has prepared a NIS Report in anticipation of being requested to do so, they may submit it at the initial application stage.

2.10.3.3 Alternative Solutions (Stage 3)

Stage 3 of the AA process arises wherever consideration must be given to alternative locations and processes that would avoid any impact identified in Stage 2. It is only required wherever any impact arising at Stage 2 cannot be avoided.

2.10.3.4 Imperative Reasons for Overriding Public Interest (Stage 4)

In the event that the AA concludes that adverse impacts upon the integrity of a European Site cannot be ruled out or that the integrity of such a European site will be adversely affected and where it has been demonstrated that there are no alternative solutions, Article 6(4) of the Habitats Directive allows for derogation for 'Imperative Reasons of Overriding Public Interest' (IROPI). There are limitations on the reasons applicable where priority habitats, as defined in the Directive, are affected.

IROPI is complex process where it must be shown that public interest clearly outweighs the long-term conservation interests of the protected site. These have only been sought and granted in very rare instances in Ireland and are only considered as a very last resort. Where it is considered that IROPI applies to an infrastructural project, a statement of the case is prepared by the competent authority and referred to the

Minister for his/her consideration. The Minister will consider whether the compensatory measures proposed as part of the development are sufficient to ensure that the overall coherence of the Natura 2000 network is protected, and this may involve consultation with the European Commission. Once the Minister issues a notice to the competent authority with respect to whether compensatory measures are sufficient or not, the competent authority will then determine the planning application.

2.11.3 Water Framework Directive (WFD) Assessment

Since 2000, the WFD [Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 Establishing a Framework for Community Action in the Field of Water Policy] has been the main law for water protection in Europe. It applies to inland, transitional, and coastal waters in addition to groundwaters.

An objective of the WFD is to achieve the protection of aquatic ecology and habitats, drinking resources and bathing waters through river basin management planning and monitoring. This objective is summarised as Good Ecological Status (GES) and Good Ecological Potential (GEP) for artificial or heavily modified water bodies.

An assessment of how the solar PV energy project may impact relevant water bodies will need to be carried out before the submission of a planning application, and a WFD Assessment report should also accompany the application.

2.11.4 Ecological Impact Assessment (EcIA)

EcIA is *"a process of identifying, quantifying and evaluating potential effects of development-related or other proposed actions on habitats, species and ecosystems"*[1].

An EcIA can help competent authorities understand ecological issues to determine a project for consent. EcIA is not a statutory requirement on its own; however, if conducted under EIA, then it must follow EIA Regulations. EcIA is an evaluation process undertaken to support a range of assessments. An EcIA report (or the ecological chapter of an EIAR) should describe the significant effects of a project so that all interested parties understand the implications of what is proposed.

For further information in relation to EcIA, please refer to the following document: EcIA-Guidelines-v1.3-Sept-2024.pdf

2.11.5 Archaeological & Built Heritage Impact Assessment

An archaeological and built heritage impact assessment ensures that a development respects the area's cultural heritage, as outlined in the Planning and Development Act 2000 (as amended) and the National Monuments Act.

Further details about the assessment process and the several key stages involved are described here: Archaeological and Built Heritage Assessment | SEAI

2.11.6 Glint and Glare Assessment

A glint and glare assessment is a technical evaluation conducted to understand the potential impact of reflective surfaces such as solar PV panels. These assessments typically support planning permission for ensuring that new developments are designed with consideration for their environmental and social impact.

2.11.7 Flood Risk Assessment (FRA)

An FRA is the process of identifying, analysing, and evaluating the potential risks of flooding in an area. It helps communities understand where floods may occur, how severe the floods could be, and what impact

[1] *EcIA-Guidelines-v1.3-Sept-2024.pdf*

they can have on people, property, and the environment.

Planning authorities will introduce flood risk assessment as an integral and leading element of their development planning functions under the Planning Code, at the earliest practicable opportunity, in line with the requirements of the Guidelines, which can be found at the link below. Planning authorities will assess planning applications for development in accordance with the provisions of these Guidelines following the guidance of their own or any OPW Strategic Flood Risk Assessment and the application of the sequential approach and, if necessary, the Justification Test required by these Guidelines.

Further information can be found here: www.gov.ie/The Planning System and Flood Risk Management - Guidelines for Planning Authorities

2.11.8 Traffic Impact Assessment (TIA)

A TIA is a comprehensive review of all the potential transport impacts of a proposed development or re-development, with an agreed plan to mitigate any adverse consequences. All new developments will generate trips on the existing transport network, either by car, commercial vehicle, cycling, walking or public transport. In cases where a proposed development is of a size or type that would generate significant additional trips on adjoining transport infrastructure, this additional demand may necessitate changes to the road layout or public transport service.

It is essential that the developer or promoter should provide a full and detailed assessment of how the trips to and from the development might affect the transport network. The assessment should be an impartial description of the impacts of the proposed development and should outline both its positive and negative aspects.

Further information can be found here: TII - Traffic and Transport Assessment Guidelines

2.12 Planning Permission

2.12.1 Planning Exempted Development

Using the *SEAI Single Point of Contact Renewable Energy* online tool can help inform you about whether planning permission will be required, based on some information about your proposed project.

The Planning and Development Regulations 2001, as amended, permit the development of certain solar PV projects without the requirement for planning permission from the Local Authority. However, this is subject to meeting certain criteria. The tables below show a summary of the exemption criteria from the Planning and Development Regulations 2001, as amended, for the various exemption classes.

The Planning and Development Regulations are updated periodically, so please ensure that you check the most up-to-date version of these Regulations. The design regulations outlined below are derived from Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022. The text included in the tables is not the precise wording as set out by law but has instead been edited for easier reading.

It is important to note that the new Planning and Development Act 2024 was signed into law in October 2024. This brings reforms to existing planning arrangements and associated planning regulations. However, it is still being implemented. This is expected to take at least 18 months, and this will be supplemented and supported by updated planning regulations, which will take some time to be adopted. Until such a time, the current planning regulations remain relevant, but you are advised to consult with your planning advisor on this matter.

Article 9 of the Planning and Development Regulations sets out restrictions on exemptions. In this respect, it should be noted that development will not be exempted development for numerous reasons, which include, *inter alia*, wherever:

- A (Stage 2) AA is required, which can arise wherever the location of the solar panel is in the vicinity of Natura 2000 Sites.
- The proposed development would interfere with the character of the landscape or a view or prospect of special amenity value or special interest.
- Contravene a condition attached to a permission or be inconsistent with any use specified.

This is by no means an exhaustive list, and the provisions of both the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended, should be carefully checked if an exemption is being availed of. Should the applicant be unsure of whether the proposed development would be considered as exempt under legislation, a request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, can be made to the Planning Authority. Relevant Planning Authorities will determine the matter via the Section 5 process. Other relevant exemption considerations related to solar PV development are set out in the tables below.

Table 1: Planning Exemption Regulations – Housing Solar PV Exempted Development Regulations

Houses	
Description of Development	**Design Regulations**
Placing or erection of a solar PV installation on a roof of a house, or on a roof of any ancillary buildings within the curtilage of a house (not including apartments)	The distance between the plane of the roof and the solar photo-voltaic shall not exceed 50cm in the case of a flat roof or 15cm in any other case.
	The solar photo-voltaic panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.
Placing or erection of a solar PV installation within the curtilage of a house	Any free-standing solar photo-voltaic installation shall not be placed or erected forward of the front wall of the house.
	The total aperture area of any free-standing solar photo-voltaic panels taken together with any other such existing free-standing panels shall not exceed 25 square metres.
	The placing or erection of any free-standing solar photo-voltaic installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.
	The height of any free-standing solar photo-voltaic installation shall not exceed 2.5 metres at its highest point above ground level.
	The placing or erection of any free-standing solar photo-voltaic installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

Table 2: Industrial Buildings Solar PV Exempted Development Regulations

Industrial Buildings	
Description of Development	**Design Regulations**
The placing or erection on a roof of an industrial building, or on a roof of any ancillary buildings within the curtilage of an industrial building of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	The distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 2 metres in the case of a flat roof or 1.2 metres in any other case.
	The solar photo-voltaic panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.
	Development shall not be exempted development where the highest part of the solar photo-voltaic installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).
	Any ancillary equipment associated with solar photo-voltaic panels shall not be placed or erected on a wall or any roof that is not a flat roof.
	The height of any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall not exceed 1.6 metres above roof level.
	Any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
The placing or erection on a wall of an industrial building, or on a wall of any ancillary buildings within the curtilage of an industrial building of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	The total aperture area of any wall mounted solar photo-voltaic panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.
	The distance between the plane of the wall and the solar photo-voltaic panels shall not exceed 15cm.
	The solar photo-voltaic panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.

Industrial Buildings	
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
The placing or erection within the curtilage of an industrial building, of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	Any free-standing solar photo-voltaic installation shall not be placed or erected forward of the front wall of the industrial building.
	The total aperture area of any free-standing solar photo-voltaic panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
	The height of any free-standing solar photo-voltaic installation shall not exceed 2.5 metres at its highest point above ground level.
	The placing or erection of any free-standing solar photo-voltaic installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

Table 3: Business Premises / Light Industrial Buildings Solar PV Exempted Development Regulations

Business Premises / Light Industrial Buildings	
Description of Development	**Design Regulations**
The placing or erection on a roof of a business premises or light industrial building, or on a roof of any ancillary buildings within the curtilage of a business premises or light industrial building of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	The distance between the plane of the roof and the solar photo-voltaic panels shall not exceed: a. For a business premises, 1.2 metres in the case of a flat roof or 15cm in any other case. b. For a light industrial building, 2 metres in the case of a flat roof or 50cm in any other case.
	The solar photo-voltaic panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.

Business Premises / Light Industrial Buildings	
	Development shall not be exempted development where the highest part of the solar photo-voltaic installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).
	Any ancillary equipment associated with solar photo-voltaic panels shall not be placed or erected on a wall or any roof that is not a flat roof.
	The height of any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall not exceed 1.6 metres above roof level.
	Any ancillary equipment associated with solar photo-voltaic on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
The placing or erection within the curtilage of a business premises or light industrial building of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	Any free-standing solar photo-voltaic installation shall not be placed or erected forward of the front wall of the business premises or light industrial building.
	The total aperture area of any free-standing solar photo-voltaic panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
	The height of any free-standing solar photo-voltaic installation shall not exceed 2.5 metres at its highest point above ground level.
	The placing or erection of any free-standing solar photo-voltaic installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

Table 4: Apartment Buildings Solar PV Exempted Development Regulations

Apartment Buildings	
Description of Development	**Design Regulations**
The placing or erection on a roof of a building comprising apartments, or on a roof of any ancillary buildings within the curtilage of a building comprising apartments of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	The distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.
	The solar photo-voltaic panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.
	Any ancillary equipment associated with solar photo-voltaic panels shall not be placed or erected on a wall or any roof that is not a flat roof.
	The height of any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall not exceed 1.6 metres above roof level.
	Any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

Table 5: Services Buildings Solar PV Exempted Development Regulations

Service Buildings	
Description of Development	**Design Regulations**
The placing or erection on a roof of a services building, or on a roof of any ancillary buildings within the curtilage of a services building, of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	The distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.
	The solar photo-voltaic panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.
	Any ancillary equipment associated with solar photo-voltaic panels shall not be placed or erected on a wall or any roof that is not a flat roof.
	The height of any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall not exceed 1.6 metres above roof level.

Service Buildings	
	Any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
The placing or erection within the curtilage of a services building of a solar photo-voltaic installation.	Any free-standing solar photo-voltaic installation shall not be placed or erected forward of the front wall of the building or site.
	The total aperture area of any free-standing solar photo-voltaic panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
	The height of any free-standing solar photo-voltaic installation shall not exceed 2.5 metres at its highest point above ground level.
	The placing or erection of any free-standing solar photo-voltaic installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

Table 6: Agricultural Building / Holding Solar PV Exempted Development Regulations

Agricultural Building / Holding	
Description of Development	**Design Regulations**
The placing or erection on a roof of an agricultural structure, or on a roof of any ancillary buildings within the curtilage of an agricultural holding of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	The distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.
	The solar photo-voltaic panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.
	Development shall not be exempted development where the highest part of the solar photo-voltaic installation exceeds the highest part of any roof that is not a flat roof (excluding any chimney).

Agricultural Building / Holding	
	Any ancillary equipment associated with solar photo-voltaic collector panels shall not be placed or erected on a wall or any roof that is not a flat roof
	The height of any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall not exceed 1.6 metres above roof level.
	Any ancillary equipment associated with solar photo-voltaic panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
The placing or erection on a wall of an agricultural structure, or wall of any ancillary buildings within the curtilage of an agricultural holding of a solar photo-voltaic installation.	The total aperture area of any wall mounted solar photo-voltaic panels taken together with any other such existing wall mounted panels shall not exceed 75 square metres.
	The distance between the plane of the wall and the solar photo-voltaic panels shall not exceed 15cm.
	The solar photo-voltaic panels shall be a minimum of 50cm from the edge of the wall on which it is mounted.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.
The placing or erection within the curtilage of an agricultural holding, of a solar photo-voltaic installation.	Where such development is located within a solar safeguarding zone, the Planning Authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.
	Any free-standing solar photo-voltaic installation shall not be placed or erected forward of the front wall of the nearest agricultural structure, within the curtilage of the agricultural holding, to a public road.
	The total aperture area of any free-standing solar photo-voltaic panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.
	The height of any free-standing solar photo-voltaic installation shall not exceed 2.5 metres at its highest point above ground level.
	The placing or erection of any free-standing solar photo-voltaic installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
	No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic installation shall be attached to or exhibited on such installation.

Agricultural Building / Holding	
	Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

2.12.2 Households and Self-Consumption Projects

Using the *SEAI Single Point of Contact Renewable Energy* online tool can help inform you as to whether planning permission will be required based on some information about your proposed project. Your contractor will generally be aware of these design requirements; however, ultimately, the responsibility for compliance with planning legislation remains with the applicant, as the applicant is liable for planning violations. Please note that for planning purposes, when considering area restrictions ("shall not exceed 25 square metres" for example), you must include any existing solar PV installations on the site, as they are classed as the same technology.

2.12.3 Solar Safeguarding Zones

Solar Safeguarding Zones (SSZ) are areas designated that relate directly to the exempted development of solar installations. SSZs are buffers of 5 km around airports and airfields, and 3 km around helipads (both private and public, such as at hospitals). Within SSZs, the development of solar PV is more restricted, due to concerns about glare and glint from the reflective panels impacting aircraft. Houses are not impacted by these restrictions, but other kinds of structures are.

A map series was published alongside the regulations, along with an interactive map, which is available here.

2.12.4 Commercial and Large-Scale Projects

For commercial and larger-scale projects, planning permission is required. Commercial projects include any and all projects, including those where the primary purpose is not for the provision of electricity.

Planning permission is ordinarily sought from the relevant local Planning Authority; however, if the proposed project will generate 300 MW or more, it meets the criteria of a 'Strategic Infrastructure Development', which is applied for directly from An Bord Pleanála.

2.12.5 The Planning Process

The process of applying for planning permission is outlined briefly below. Further information in relation to the planning process for solar PV energy projects can be found on the SEAI website. When applying for planning for your project, particular regard will need to be given to existing local and national policy, plans and guidelines concerning solar PV energy development in Ireland.

Further information on Planning considerations can be found in the SEAI document *Community Toolkit - Planning Process*.

2.12.5.1 Pre-Application Consultation meetings

In advance of making your planning application, you will need to have a pre-application consultation meeting with the Planning Authority. This will give you the opportunity to introduce your project and put forward key information and details about your project, and seek the Planning Authority's guidance or opinions on certain matters. Indeed, there may be a need for a series of meetings, depending on the complexity of your project.

These meetings will allow you to steer your project and ensure you include sufficient details in your planning application to assist the Planning Authority in assessing your application.

Meetings may include:

- Overall concept and design, consultation to date, etc.
- EIAR Screening, EIAR Methodology and Scoping, if applicable
- Any other issue where clarity or guidance is required
- The required content of the planning pack
- The appropriate scale for various drawings

2.12.5.2 Planning Application

In order to make a valid planning application, you will likely require the services of a professional team of experts to guide you, particularly with the more complex projects. The planning application pack that is submitted as part of the application must contain the following documents at a minimum:

- Completed Planning Application Form and all associated appendices
- The Planning Application Fee
- A copy of the Site Notice and the Newspaper Notice
- All required drawing, plans, particulars and information. This may include survey reports, technical reports, including any environmental reports and assessments as advised by your professional advisors, and the Planning Authority.

2.12.5.3 Public Consultation

As part of the assessment process, all applications and supporting documentation will be made available for public scrutiny both in soft copy and in hard copy. The public will have a specified period of time from the date of publication of the planning application notice to make a submission or observation in relation to the development and the documentation provided by the applicant to the Planning Authority.

2.12.5.4 Request for Additional Information

Where the Planning Authority considers the application or the EIAR to be inadequate in identifying or describing significant effects on the environment arising from the proposed development, it must require the applicant to submit further information within a specified period to ensure the completeness and quality of the EIAR and to facilitate the reaching of a reasoned conclusion of the significant effects on the environment of the proposed development. If deemed necessary by the Planning Authority, the applicant can also be required to provide a Clarification of Additional/Further Information.

2.12.5.5 Decision of the Planning Authority

The Planning Authority may grant or refuse a planning application, with or without conditions. Conditions may include agreeing on certain details post consent, such as Construction Environmental Management Plans (CEMPs), method statements for particular works, noise limits or restrictions on the timeframe permissible for construction works, for example.

2.12.5.6 Oral Hearing

Wherever the consideration of a planning application concerns An Bord Pleanála, the Board can decide to hold an oral hearing with or without someone requesting it. The Board normally decides to hold an oral hearing wherever it believes that doing so would be helpful to understand a particularly complex case. Oral hearings can also be held where the Board considers there to be significant national, regional or local issues involved.

An oral hearing is a public meeting to allow relevant issues in a case to be discussed and examined in an open forum. Anyone can attend, but only participants who are taking part in the case can be involved in the discussion. Oral hearings are sometimes held to help a Planning Inspector to gather more information on a

planning case from relevant participants.

2.12.5.7 Judicial Review

A judicial review is a mechanism whereby a person can challenge decisions made by public bodies in the exercise of their duties. A judicial review is made through the High Court. A judicial review is not concerned with the merits of a particular decision but rather the lawfulness of how a decision was made. The aim of a judicial review is to ensure that public functions are carried out fairly.

In practical terms what this can mean for a project promoter is that it may be used by the applicant to challenge a decision such as the refusal of planning consent if there were sufficient grounds to do so arising. A judicial review can also be taken against the grant of permission by a third party. Wherever a judicial review arises, it may lead to delays and project uncertainty until the judicial review process has concluded. Judicial review risks will need to be considered in any consents planning for a project.

Further information on the judicial review process can be found at:
https://www.citizensinformation.ie/en/government-in-ireland/how-government-works/standards-and-accountability/judicial-review-public-decisions/

2.13 Grid Connection

To connect your project to the national electricity grid you will require a connection agreement with either EirGrid or the ESB Networks. This is based on the capacity of the solar PV project. There are various types of categories of agreements depending on your project type and scale.

Further information on grid connections can be found at the below links and sections:

- EirGrid Connection Process
- EirGrid Grid Connection Application
- ESB Networks Connection Process
- ESB Networks Generator Connections

2.13.1 Grid Connection Engineering and Commissioning Requirements

In order to ensure that your project is designed, constructed and commissioned in accordance with the relevant network operator's requirements it is recommended that consultation begins in the feasibility and design phase. This will ensure any requirements can be brought forward into the design and all necessary elements, such as additional substations that may be required are included in the design submitted for planning.

Preparation for connection and commissioning commences early in the project Lifecyle and concurrently with other activities, therefore this will need to be factored into your Project Plan and scheduling. Data will need to be requested from the network operator and studies carried out to support your application at least 18 months in advance of energisation.

2.13.2 Distribution Use of System (DUoS) Agreement

To obtain access to a distribution system and transport electricity to and/or from the generation plant through the distribution system an application must be made to ESB networks (Section 14(1)(b), (c), (d) or (h) of Electricity Regulation Act 1999, and Section 34 of Electricity Regulation Act 1999). Following on from the connection application, an initial payment is required. A DUoS charge is a fee that ESB Networks charges your Electricity Supplier for use of the Electricity Distribution System. Details of Charges for Connection to the Distribution System, approved by CER, are available on the ESB Networks Website.

For further Information on the process for connection of demand customers to the distribution system please refer to: https://www.esbnetworks.ie/docs/default-source/publications/guide-to-the-process-for-

connection-of-demand-customers-to-the-distribution-system.pdf?sfvrsn=9b4433f0_4

2.13.3 Transmission Use of System (TUoS) Agreement

This is a mandatory agreement that is required to obtain access to Transmission Use of System (TUoS) and transport electricity to and/or from the generation plant through the transmission system. This is regulated under Section 14(1)(b), (c), (d) or (h) of the Electricity Regulation Act 1999, and Section 34 of the Electricity Regulation Act 1999, as amended.

Suppliers and generators seeking to use the Transmission System will be required, prior to using the Transmission System, to enter into a Transmission Use of System Agreement (TUoS) with EirGrid Group. This agreement must be in place before a supplier or generator can participate in the Single Electricity Market (SEM)

2.13.4 EirGrid Grid Connection Offer

Projects with a total export capacity of under 40 MW at a single location should initially apply to ESB Networks for a Distribution Connection. Projects with over 40 MW total export capacity at a single location should initially apply to EirGrid for a Transmission Connection.

When submitting a new application to EirGrid as Transmission System Operator (TSO), the application must be accompanied by all supporting documentation as requested, including two signed copies of the EirGrid standard confidentiality agreement and the first instalment of €7,000 (inclusive of VAT) of the application fee. The total application fee is dependent on the size of the plant (taking into account the MEC[2] and MIC[3] values) and whether shallow connections work are involved in dealing with the required capacity.

For application forms for an EirGrid Enduring Connection Policy (ECP) and details of the application process, consult the EirGrid website, and any queries can be directed to OPMO@eirgrid.com.

2.13.5 Community-Led Projects

Community groups can come together to enter the solar energy market, alongside commercial entities The process for getting a project constructed is similar to a commercial venture, in terms of ensuring an appropriate site is selected and moving forward to navigate the planning system.

Governance of a community solar energy project has a defined structure that will assist in ensuring a successful delivery of the project and securing available government support. Please consult resources published by the SEAI in relation to community Solar PV energy projects.

SEAI's Community Enabling Framework is located here. The toolkit provides helpful advice in navigating the process as a community group. Community-led projects have an upper limit of 6 Megawatts (MW) if participating in the Small-Scale Renewable Energy Support Scheme (SRESS).

2.13.6 Commercial Projects

Commercial projects are generally larger in scale and/or energy production than Domestic or Community projects. Commercial projects are primarily developed through private enterprise or energy companies for profit-geared energy production (not self-consumption). They often involve the installation of multiple solar PV panels.

Given the usual scale of commercial projects, they tend to fall under the Cat A or B connection requirement. However, it is always important to verify based on the scale of the project (Please see sections below for

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[2] The Maximum Export Capacity (MEC) is the maximum capacity that you can export to the Electricity Distribution System. MIC and MEC are measured in kilo Volt Amperes (kVA). 1kVA is roughly equivalent to 1 kW in most circumstances.

[3] The Maximum Import Capacity (MIC) is the upper limit on the total electrical demand you can place on the network system.

further details in this respect).

2.13.7 Micro-Generation Connection

Micro-generation refers to any source of electrical generation with a capacity of up to 6 kVA for single-phase connections or up to 11 kVA for three-phase connections.

Micro-Generation installations are defined as follows:

- Only ***one customer*** is involved;
- Only ***one installation*** is involved; and
- Where multiple customers on the same housing scheme are involved, in planned [green field] multiple installations such as new housing schemes, where it is planned to have Micro-Generation or installed where there is a penetration level expected to reach 40% of the capacity in kVA of the existing MV/LV substation that supplies the estate or scheme.

To apply to install and connect a micro-generator, you must complete Form NC6 Microgeneration Notification. Submission to ESB Networks can be made by post (address on form) or email: networkservicesbureau@esb.ie. Further information can be found on ESB Networks: Connect a Micro-Generator.

Importantly, for micro-generation, you must follow the steps as outlined in the ESB document:

- Conditions Governing Connection and Operation of Micro-generation

2.13.8 Mini-Generation Connection

Mini-Generation grid connections are for small-scale electricity generation primarily for self-consumption and are defined as a source of inverter-connected electrical energy and all associated equipment, in the following ranges:

- Greater than 25 A up to and including 72 A 1 at low voltage [230 V], when the DSO network connection is single-phase; and
- Greater than 16 A up to and including 72 A at low voltage [230 V/400 V], when the DSO network connection is three-phase.

Where multiple generating sources [of the same or varied technologies] are on the same site and share access to the same Distribution System Operator (DSO) network connection point, the aggregate rating shall not exceed:

- 72 A single-phase at low voltage, when the DSO network connection is single-phase; and
- 72 A per phase at low voltage, when the DSO network connection is three-phase.

To apply to install and connect a mini-generator, you must complete Form NC7 Minigeneration Notification. Submission to ESB Networks can be made by post (address on form) or email: dsominigeneration@esb.ie Further information can be found on ESB Networks: Connecting Mini Generation.

Importantly, for mini generation, you must follow the steps as outlined in the ESB document:

- Conditions Governing Connection and Operation of Mini-generation

2.13.9 Small-Scale Generation Connection

Small-scale generation, similar to mini- and micro-generation, is primarily used for self-consumption purposes. However, it also includes differing generation types: Synchronous and Inverter-connected generation. (The maximum single-phase connection is 72 amps (≈17kVA)) The Installed Generator Capacity

must be less than or equal to the MIC, in the following range:

- Inverter connected Installed Capacity greater than (72amps) ≈50kVA up to 200kVA three-phase;
- Synchronous Installed Capacity greater than 6kVA up to 200kVA

To apply to install a Small Scale generator, you must complete either Form NC8 Small Scale Generation Application for inverter connected generation, or Form NC5 Embedded Generation Facilities for synchronous connected generation and submit to ESB Networks by post (address on form) or email: dsosmallscalegeneration@esb.ie.

Further information can be found on ESB Networks: Connecting Small Scale Generation.

Importantly, for small-scale generation, you must follow the steps as outlined in the ESB document:

- Conditions Governing Connection and Operation of Small-Scale Generation (50 kW – 200 kW)

2.13.10 ECP Category A

The Enduring Connection Policy (ECP) process for grid connection applications is the current pathway for generators, storage, and other system services technology projects to connect to the electricity system.

ECP Category A is for generation, storage, and other system services technology projects (MEC[4] >0.5 MW). Applications for this grid connection offer will occur in batches, with application windows occurring annually.

An application fee applies for projects with MEC > 500 kW (0.5 MW), which is €2,000. Successful applicants will be prioritised by the largest renewable energy generation (first 25), then by planning permission grant date. Each batch application may set its own generation priorities.

A New Generator Connection Application (NC5) should be used where an applicant has identified their specific generator manufacturer detail and would like their technical study processed using the specified data provided by the applicant. NC5A is a shortened version of this form and may be used where the specific generator manufacturer detail is unknown at the time of application. Therefore, the technical study is completed using assumed data, and the applicant is required to provide their specific data a year in advance of energisation. Fully completed application forms can be sent via email with all relevant documentation to DSOGenerators@esb.ie.

2.13.11 ECP Category B

Enduring Connection Policy (ECP) Category B is open to the following projects:

- Small projects i.e., MEC greater than 6kW/11kW and less than or equal to 500kW.
- DS3[5] system services trial projects - up to 500kW; and
- Auto producers[6].

Applicants who have an existing application which has been received complete (along with the appropriate

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[4] The Maximum Export Capacity (MEC) is the maximum capacity that you can export to the Electricity Distribution System. MIC and MEC are measured in kilo Volt Amperes (kVA). 1kVA is roughly equivalent to 1 kW in most circumstances.

5 Delivering a Secure, Sustainable (electricity) System. The DS3 programme aims to ensure the secure and safe operation of the electricity system with increasing amounts of variable non-synchronous generation, such as wind and solar. To achieve this aim, the TSO needs to obtain specific DS3 system services from generators and market participants.

[6] A person who has entered into a Connection Agreement with the DSO or TSO and generates and consumes electricity in a Single Premises, or on whose behalf another person generates electricity in the Single Premises, essentially for the first person's own consumption in that Single Premises.

application fee) by the Systems Operators will be processed throughout the calendar year. These applicants will be prioritised based on when the existing application was received in its entirety. Where any relevant details pertaining to their project have changed, the existing applicants must submit a new application form under ECP-2.1 for the same site location (grid coordinates) and technology type. The applicants may apply to reduce their MEC.

A New Generator Connection Application (NC5) should be used where an applicant has identified their specific generator manufacturer detail and would like their technical study processed using the specified data provided by the applicant.

NC5A is a shortened version of this form and may be used where the specific generator manufacturer detail is unknown at the time of application. Therefore, the technical study is completed using assumed data, and the applicant is required to provide their specific data a year in advance of energisation.

Fully completed application forms can be sent via email with all relevant documentation to: DSOGenerators@esb.ie.

2.13.12 ECP Category C

Enduring Connection Policy (ECP) Category C is open to the following projects:

- Community-Led Projects where MEC greater than 0.5 MW and less than or equal to 5 MW; and
- Community-Led Projects meeting the 100% community-owned status, as outlined in the ECP-2 Clarification Note (CRU/21/069).

Category C (Community-led) applicants must be 100% community-owned and can apply on an ongoing basis throughout the calendar year. Once the application fee deposit has been paid and the applications have been accepted, the Distribution System Operator (DSO) (ESB Networks) will conduct a detailed study and confirm the connection method and connection cost. This will be issued as a 'connection assessment'.

Community-led renewable energy projects will also not need planning permission prior to applying for a grid connection. Planning permission will, however, be required before a grid connection offer is issued.

A New Generator Connection Application (NC5) should be used where an applicant has identified their specific generator manufacturer detail and would like their technical study processed using the specified data provided by the applicant.

NC5A is a shortened version of this form and may be used where the specific generator manufacturer detail is unknown at the time of application. Therefore, the technical study is completed using assumed data, and the applicant is required to provide their specific data a year in advance of energisation.

Community-led projects must include a Declaration Form with their application.

Fully completed application forms can be sent via email with all relevant documentation to DSOGenerators@esb.ie.

2.13.1 Licence to Supply

A Licence to Supply is a mandatory licence for anyone wishing to supply electricity to final customers (a final customer is defined as a customer purchasing electricity for their own use[7]), it is applied for through the Commission for Regulation of Utilities (CRU), (Section 14(1)(b), (c) or (d) of Electricity Regulation Act 1999, as

[7] *Article 2(3) of the Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market in electricity (recast)*

amended).

The CRU grants, revokes, and enforces these licences. The current fee for the licence to supply is €254 and can be applied for through the CRU application form. An Electricity Supply Licence will be valid for 15 years.

For further information and details on supporting documentation, please refer to the CRU Electricity Supply website: https://www.cru.ie/regulations-policy/licences/electricity-supply/

2.13.2 Licence to Generate

For generators with an installed capacity of ≤1 MW, no authorisation is required, and construction is authorised under S.I. No. 460 (2022).[8]

For generators with an installed capacity between 1 MW and 10 MW, a Notification of Intention to Construct or Reconstruct, and/or to Generate Electricity, from a Generation Station not exceeding 10 MW is required. This is the same form as the Authorisation to Construct.

For generators with a greater installed capacity, a Licence to Generate Application Form is required. There are separate application forms for capacity <40 MW and >40 MW.

Before applying for a licence, all new applicants or those with novel or complex applications should schedule a pre-submission meeting with the CRU. To contact the CRU for a pre-submission meeting, use licensing@cru.ie.

Importantly, there are dual application forms for <40 MW and >40 MW applications where an Authorisation to Construct and a Licence to Generate can be applied for together.

2.13.3 Wayleave Consent: Section 48 to Lay Electric Cables

Wayleave Consent: Section 48 refers to the power to lay electric cables (Section 48 of Electricity Regulation Act 1999, as amended) is granted to: lay electric cables across or under any street, road, railway or tramway, and the right to break up any street, road, railway, or tramway for that purpose. This licence is separate from other agreements, such as the Road Opening Licence.

The Section 48 wayleave consent is applied for through the CRU, see Section 48 Application Form. At present, there is no application fee. It should be noted that letters of consent from the landowners, in addition to a copy of their connection offer, are required as part of the application. If the land that is affected is a tramway or railway, consent will also be required from CIÉ. A photocopy of the route map is also required to be submitted along with the application.

Applications should be submitted at least two months prior to when the applicant intends to use the consent. The CRU will acknowledge only fully completed applications within 10 working days of receiving them. Once the CRU acknowledge an initial application, the CRU will review it, and a contact will be made if the CRU requires clarification or additional information. For further information or queries related to section 48 please contact the CRU at: consentapplication@cru.ie.

Recommended Reading on Section 48 Applications is:

- Guidance Note on Section 48 and Section 49 Applications

2.13.4 Wayleave Consent: Section 49 to Lay Electric Cables

Wayleave Consent: Section 49 refers to the power to lay electric lines (Section 49 of the Electricity Regulation Act 1999, as amended), which is granted to lay lines across or under any land not being a street, road,

[8] *S.I. No. 460/2022 – Electricity Regulation Act 1999 (Section 14 (1A)) Order 2022*

railway, or tramway.

The Section 48 wayleave consent is applied for through the Commission for Regulation of Utilities (CRU), see section 49 application form. At present, there is no application fee.

Should the electric lines be required to go through private land, a yearly agreement has to be reached between the asset owner and the landowner for the duration of the project. It should be noted that letters of consent from the landowners, in addition to a copy of their connection offer, are required as part of the application. A photocopy of the route map is also required to be submitted along with the application.

Applications should be submitted at least two months prior to when the applicant intends to use the consent. The CRU will acknowledge only fully completed applications within 10 working days of receiving them. Once the CRU acknowledge an initial application, the CRU will review it, and a contact will be made if the CRU requires clarification or additional information.

For further information or queries related to Section 49, please contact the CRU at: consentapplication@cru.ie.

2.14 Pre-Construction Phase

In preparation for construction, some permits may need to be obtained in advance of works, or there may be conditions of a permit, such as planning permission, that must be complied with in advance of construction works commencing. This section includes those permits potentially required in advance of construction commencing, depending on the specifics of your project. Some of the permits listed in this section may, in reality, only be obtained during the construction phase, in advance of a specific activity to be undertaken by the contractor, and some permits or licences will need to be obtained prior to the commencement of construction works. This will depend on how the works are scheduled for your project. A project *Permits, Licence Consents and Notifications Register* is a useful way of scheduling and tracking your permit requirements.

2.14.1 Appointment of Construction Contracts

Pre-construction, contractors will need to be appointed to carry out the delivery of the development. There are two broad categories of contracting options:

1. Turnkey contracting, which sees a single company handling all PV solar panels and civil engineering works; or
2. Separate contracting, where individual aspects are contracted out to specific companies.

Typically, where a solar PV development follows the turnkey route, the solar PV panel provider will lead and subcontract various aspects to companies that would be deemed appropriate for the installation of the equipment.

Maintenance contracts are also typically agreed upon at this point, as necessary.

2.14.2 Planning Permission Amendment and Conditions

As the planning phases may take place over an extended period of time, there is a possibility that an amendment may be required to the consented development agreed with the Local Authority, due to alterations or technological improvements.

Pre-construction, some conditions within the planning permission applied by the Local Authority or An Bord Pleanála must be sufficiently discharged, where required (formal applications process where requested details are required). This may include the likes of providing more specific details of design or similar details. Failure to discharge planning conditions as specified by the conditions of a planning permission may result in an enforcement action.

2.14.3 Authorisation to Construct

Permission to construct a generator must also (in most cases) be granted by the Commission for the Regulation of Utilities (CRU).

For generators with an installed capacity of ≤1 MW, no authorisation is required, and construction is authorised under S.I. No. 459 (2022)[9].

For generators with an installed capacity between 1 MW and 10 MW, a Notification of Intention to Construct or Reconstruct, and/or to Generate Electricity, from a Generation Station not exceeding 10 MW is required.

For generators with a greater installed capacity, an Authorisation to Construct or Reconstruct a Generation Station is required. There are separate application forms for capacity <40 MW and >40 MW.

Before applying for a licence, all new applicants or applicants with novel or complex applications should apply for a pre-submission meeting with the CRU. To contact the CRU for a pre-submission meeting, use licensing@cru.ie.

Importantly, there are dual application forms for <40 MW and >40 MW applications where an Authorisation to Construct and a Licence to Generate can be applied for together.

Recommended Reading in relation to Authorisation to Construct is:

- Guidance Notes: Applying for an Authorisation to Construct or Reconstruct a Generating Station.

2.14.4 Commencement Notice/7-Day Notice

In accordance with the Building Control Regulations, you are obliged to submit a *Commencement Notice* or a *7-Day Notice Application Form* with a *Seven Day Statutory Declaration* prior to commencement of the development to the Building Control Section of the Local Planning Authority, giving notice of the intention to start work.

The Building Control Authority must receive a Commencement Notice not less than 14 days and not more than 28 days before you wish to commence.

Additional documentation may be required to be submitted with the completed Commencement Notice, and this should be completed online on the National BCMS (Building Control Management System). An online system (BCMS) for lodging commencement notices and 7-Day Notices, as well as complying with various new requirements, is available at www.localgov.ie.

The fees related to a 7-day notice are outlined in the table below.

Table 7: Breakdown of the current rate of fees for a 7-day Notice Application

Submission of a 7 Day Notice in Respect of:	Current Rate of Fees
a) Work in connection with the construction or extension of a building	€250, or €5.80 for each square metre of floor area being provided, whichever is the greater
(b) Work in connection with -	
(i) the material alteration of the interior of a building	€250, or €5.80 for each square metre of relevant floor area, whichever is the greater

[9] *S.I. No. 459/2022 – Electricity Regulation Act 1999 (Section 16 (3A)) Order 2022*

Submission of a 7 Day Notice in Respect of:	Current Rate of Fees
(ii) the material alteration of the external surfaces of a building	€250
(iii) a combination of (i) and (ii) above	€250, or €5.80 for each square metre of relevant floor area, whichever is the greater
(c) A building in which a material change of use takes place	€250, or €5.80 for each square metre of relevant floor area, whichever is the greater
(d) Works or a building, where the building concerned will be used as an agricultural building	€130, or €1.60 for each square metre in excess of 300 square metres of -
	(i) gross floor area being provided,
	Or
	(ii) relevant floor area
	As the case may be, whichever is the greater

2.14.5 Licences, Permits and Certificates

The following are suggested-only licences, permits, and/or certificates that may be generally required at the commencement of a solar PV energy installation's construction.

These may be subject to change by approved guidance and legislation when it comes into force during the project's pre-construction commencement phase.

2.14.5.1 Road Opening/Closing Licence

For any works in a public area, including digging up a public road, footpath, or grass verge, an Application for a T2-T3 Road Opening Licence is required. Works could relate to:

- Water/Sewer Connections;
- Lowering of footpaths;
- Footpath reconstruction; and
- Pipelaying.

Applications for Road Opening Licences can be applied for through MapRoad Licencing, the national system for the management and processing of roadworks applications. To apply for access to the MapRoad Licencing system, a Registration Form must first be submitted to the Road Management Office.

If works relate to more than 1 road/street or involve a length >200m or are complex by involving rail crossings, bridges, or sites of engineering difficulty, an accompanying T1 Notification of Intent to Perform Large or Complex Road Works is required.

At times, a temporary road closure is needed in conjunction with a road opening licence, or for other works. To comply with statutory requirements, an Application for a Temporary Road Closure should be submitted in advance to the relevant Local Authority. Local Authorities vary in the amount of advanced time an application should be submitted prior to works commencing. Check with the relevant authority to ensure the application is submitted within the required timeframe.

In conjunction with the above licences, the following licences should also be applied for where works take place on or near public roads or pathways: a Hoarding/Scaffolding Licence and a Signage Licence. A

hoarding/scaffolding licence is required to facilitate building works and to ensure safety for the public. Completed application forms must be submitted to the relevant Local Authority. A Signage licence is also required to authorise the use of advertisement signs/structures on public roads (also known as Directional Signs). Completed application forms must be submitted for assessment.

It will be necessary to check with the relevant Local Authority what the current fees are for the different permit applications.

Recommended Reading in relation to Road Opening/Closing Licences is:

- MapRoad Licencing User Tutorials
- MapRoad Licencing FAQs

2.14.5.2 Section 50 Licence for the Construction, Replacement or Alteration of Bridges and Culverts

A Section 50 licence is required when applying for consent to replace or alter a bridge or culvert is applied for through the Office of Public Works (OPW).

Section 50 of the Arterial Drainage Act, 1945 requires that:

> *'No local authority, no railway company, canal company or other similar body, and no industrial concern shall construct any new bridge or alter, reconstruct, or restore any existing bridge over any watercourse without the consent of the Commissioners or otherwise than in accordance with plans previously approved of by the Commissioners. '*

The Office of Public Works is responsible for the implementation of the regulations in the Arterial Drainage Act, 1945, including Section 50.

Please refer to the OPW Guide to Applying for Consent under Section 50 of the Arterial Drainage Act, 1945 for further information on the requirements and considerations for making the application.

Recommended Reading in relation to Section 50 Licences is:

- Consent Requirements – Construction/Alteration of Watercourse Infrastructure

2.14.5.3 Section 254 Licence (Items on Public Roads)

A Section 254 Licence applies to all appliances, cables, signs, street furniture or other items on public roads. You will need to apply to the relevant Local Planning Authority to place on, under, over or along a public road various items or equipment, including the following, which may be relevant to a Solar PV project:

- A fence, scaffold or hoarding,
- A cable, wire or pipeline,
- Overground electronic communications infrastructure and any associated physical infrastructure, such as a telephone pole or cabinet, or
- Any other appliance, apparatus or structure specified in regulations made by the Minister for Housing, Planning and Local Government or by an Act of the Oireachtas that requires a licence.

To apply for a Licence, you will need to complete the application form and submit that form to the Planning Authority along with:

- A Site Location Map - 1:2,500 scale;
- A Site Layout Plan showing location of proposed appliance(s)/apparatus(s)/structure(s);
- Drawing(s) to scale of proposed appliance(s)/apparatus(s)/structure(s);

- The appropriate licence fee;
- Copy of Insurance Confirmation indemnifying the relevant County Council against claims arising out of any accidents to persons or property;
- Written legal consent of the landowner; and
- A copy of the site notice.

2.14.5.4 Certificate of Registration

A Certificate of Registration (COR) is required for waste activities set out in Part II of the Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821/2007), as amended. An application must be submitted to the relevant Local Authority. If an AA is required, submissions must also be made with the EPA.

The EPA has literature and guidance on waste disposal and licencing requirements. It is also required to provide guidance on determining the need for permitting and information can be requested via the following email address: licensing@epa.ie.

Recommended Reading in relation to CORs is:

- EPA: Certificate of Registration (COR)

2.14.5.5 Waste Disposal Licence/Permit

Waste disposal and recovery activities in Ireland require authorisation in accordance with the Waste Management Act 1996, as amended. A Waste Licence is a single licence which deals with emissions from an activity and the environmental management of the facility. Waste licences are issued through the Environmental Protection Agency (EPA). It is also required to provide guidance on determining the need for permitting and information can be requested via email: licensing@epa.ie.

Recommended Reading in relation to Waste Disposal Licence / Permit is:

- EPA - Determining who needs a waste licence
- EPA – How to apply for a licence

2.14.5.6 Fire Safety Certificate

A Fire Safety Certificate is required when the applicant proposes a new building, a new building extension, material alterations to an existing building or a change of use of an existing building. The application is made through the Building Control Authority (BCA) in the local City or County Council. If the building or works comply with the requirements of Part B of the Second Schedule of the Building Regulations 1997, the BCA will issue a Fire Safety Certificate.

A Fire Safety Certificate application should be made by a Fire Safety Consultant, Architect or Engineer who is familiar with the Building Regulations and the procedure for applying for a Fire Safety Certificate. The fees for the application vary based on the type of application required (normal, 7-day notice or regularisation application).

A valid Fire Safety Certificate application must include:

- A completed application form;
- Relevant fire safety drawings in duplicate;
- A fire safety report in duplicate;
- Site location maps in duplicate; and
- The appropriate fee.

Please refer to Part II of the Building Control Regulations for further information and exemptions.

2.14.5.7 Disability Access Certificate

To determine if your project requires a Disability Access Certificate, please refer to the Building Control (Amendment) Regulations 2018 Article 20D, Part 4.

It is best practice to apply for your Disability Access Certificate at the same time you are applying for your Fire Safety Certificate. If both applications are prepared at the same time by the same person, the drawings can be co-ordinated prior to submission. A Disability Access Certificate application should be made by an appropriate consultant, architect or engineer who is familiar with the Building Regulations and the procedure for applying for a disability access certificate.

A valid Disability Access Certificate application must include:

- A completed application form;
- Relevant fire safety drawings in duplicate;
- A disability access report in duplicate;
- Site location maps in duplicate; and
- Providing the application is lodged at the same time as the Fire Safety Certificate application a €500 fee applies, otherwise it's currently €800 per building.

To determine if your project may be exempt from the necessity of obtaining a Disability Access Certificate please refer to the Manual for the Reuse of Existing Buildings.

2.14.5.8 Tree Licensing

2.14.5.8.1 Felling Licence

As part of site works, the felling of trees for site clearance, cable installation, access, or maintenance, a Felling Licence may be required. This is administered by the Forest Service, which operates under the Department of Agriculture, Food and the Marine (DAFM).

Where a project involves a large area of forestry and or felling of several trees, this often triggers the requirement for replacement trees of suitable species or a mix thereof to be planted on "*bare plantable lands"* elsewhere via an Afforestation Licence; please see **Section 2.14.5.8.2** for further information.

A valid licence must be obtained before any felling commences unless such works fall under exempted categories.

Exemptions from securing a Felling Licence apply to the following common scenarios:

- A tree in an urban area, provided it is not under a protection order;
- A tree within 30m of a building, but excluding any building built after the trees were planted;
- A tree less than 5 years of age that came about through natural regeneration and removed from a field as part of the normal maintenance of agricultural land - but not where the tree is standing in a hedgerow;
- A tree uprooted in a nursery for transplantation;
- A tree of the willow or poplar species planted and maintained solely for fuel under a short rotation coppice;
- A tree outside a forest within 10m of a public road and which, in the opinion of the owner is dangerous to persons using the public road because of its age or condition;

- A tree outside a forest of the hawthorn or blackthorn species;
- A tree outside a forest in a hedgerow and felled for the purposes of its trimming, provided that the tree does not exceed 20cms in diameter when measured 1.3m from the ground;
- A tree outside a forest, the removal of which is specified in a grant of planning permission;
- A tree outside a forest on an agricultural holding removed by the owner for use on that holding, provided:
    1. It does not form part of a decorative avenue or ring of trees;
    2. Its volume does not exceed $3m^3$;
    3. The removal of trees for use on the farm does not exceed $15m^3$ in any period of 12 months.

It should be noted that the three above exemptions do not apply in all circumstances, for example, when trees are more than 150 years old or are close to certain protected structures, monuments, archaeological sites, or specific environmentally sensitive areas. If you live in an urban area, you may need to contact the Local Authority to see if there is a Tree Preservation Order (TPO) on the tree. TPOs may apply to other significant or important trees, so it is important to check. For further details on these exemptions, please refer to: Tree Felling Guidance Ireland.

Certain bodies are exempted from the requirement for a felling licence, these include but are not limited to:

- Bord Gáis (Section 27, Gas Act, 1976);
- Aer Rianta (Section 46, Air Navigation and Transport (Amendment) Act, 1998);
- CIÉ or any other railway undertaking (Section 49, Transport (Railway Infrastructure) Act, 2001);
- CIÉ (Section 15, Transport (Dublin Light Rail) Act, 1996);
- Any telephone/mobile network operator (Section 58, Communications Regulation Act, 2002);
- The ESB (Section 45, Electricity Regulation Act, 1999);
- National Parks and Wildlife Service (NPWS) (Section 72, Wildlife (Amendment) Act, 2000);
- Minister for Defence (Section 7, Defence (Amendment) Act, 1987); and
- Inland Fisheries Act (Section 59, Inland Fisheries Act, 2010).

At present, each licence application costs €20. A tree felling licence, once granted, is valid for a period of 10 years and can be extended up to 5 further years. Applications should be sent alongside accompanying maps to by email to: felling.forestservice@agriculture.gov.ie.

Please see the sections below on the specific examples of licensing works and how to apply. Further guidance, application templates, and information can be found at DAFM Tree Felling Licences.

The required felling licences should be applied for as early as possible. This will minimise delays by giving the Forest Service timely notice of the full felling requirements. It also lessens the risk of commitments being made by the developer before the licences are granted. However, it should be noted that under the Forestry Act, 1946, the validity of an LFL is currently limited to 2 years. As soon as planning permission is granted for the development by the Local Authority or An Bord Pleanála, a copy of the full planning permission should be submitted to support the felling licence application(s).

Licences must be secured before felling can take place. It should be noted that it can take up to 12 months to secure the necessary approvals from the Forest Service. The Forestry Division's Tree felling and management website contains the most up-to-date information, including the felling licence application form and guidance notes.

Teagasc also has additional useful information on the legal requirements for felling as well as guidance and sample applications.

Recommended Reading in relation to Felling Licences and associated requirements is:

- Teagasc: Legal requirements for afforestation
- DAFM: Forestry Standards Manual

2.14.5.8.2 Afforestation Licence

An Afforestation Licence "*provides the permission to plant all or part of the areas specified, and the areas planted meet scheme requirements*". This is necessary for all afforestation projects where the area involved is greater than 0.1 hectares (or approximately 0.25 acres). Afforestation is defined in the Forestry Act 2014 as, "*the conversion of land to a forest with a minimum area of 0.1 hectares and tree crown cover of more than 20 per cent of the total area, or the potential to achieve this cover at maturity*". Forest land is defined as land under trees with a minimum area of 0.1 hectare and tree crown cover of more than 20% of the total area (or the potential to achieve this cover at maturity).

This licence is necessary when a developer seeks to replant trees which were felled during a site development. As part of a Felling Licence application, afforestation plans can also be set out and therefore requests for both licences can be made together. For the proposed afforestation of alternative lands, approval must be obtained before the associated felling licence can be granted. Proposed alternative land, which must be suitable land that has never been the subject of an afforestation in the past, should be submitted for afforestation approval as early as possible, ideally at the same time as the Felling Licence application is submitted.

All afforestation projects (whether availing of a grant or not) must obtain prior written approval from the Department of Agriculture, Food, and the Marine (DAFM) termed 'Technical Approval'. A Technical Approval confirms that the proposed forest detailed in the application complies with the silvicultural (control of the growth, quality and needs of the forest, of particular importance for timber production) and environmental requirements. This approval provides permission to plant all, or part of the areas specified in the application. Grant-aided projects require a supplementary 'Financial approval' in conjunction with technical approval. This financial approval must be obtained before work can commence.

Afforestation Applications should be sent alongside accompanying maps to the Forestry Division of the DAFM by email to: felling.forestservice@agriculture.gov.ie.

Please refer to the sections below for specific examples of licensing works and instructions on how to apply. Further guidance, application templates, and information can be found at DAFM Tree Felling Licences.

Recommended Reading in relation to Afforestation Licences can be found at: Teagasc: Felling and Reforestation Policy

2.14.5.9 Derogation Licence

A derogation licence may be required when removing vegetation in preparation for tree felling. Derogation licences are licences to disturb or interfere with protected plant and animal species. A number of plant and animal species are legally protected in Ireland. Some of these species are included in a system of Strict Protection pursuant to the requirements of Articles 12, 13 and 16 of the Habitats Directive (92/43/EEC) and are sometimes referred to as Annex IV species. The list of Annex IV species which occur in Ireland and its waters is set out in **Table 8.** The European Commission Guidance document[10] on the strict protection of

[10] *European Commission Guidance document. Available online at: https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive_en [accessed August 2023].*

animal species of Community interest under the Habitats Directive 92/43/EEC (October 2021) should also be consulted for further information.

The National Parks and Wildlife Service (NPWS) is the responsible body for administering Annex IV protection for Ireland. Applications must be submitted directly to the NPWS and require an accompanying Ecologist's Report. Application Forms for Derogation Licences can be found at NPWS: Application for Derogation Licence and should be submitted to: wildlifelicence@npws.gov.ie.

Recommended Reading in relation to Derogation Licences is:

- Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland
- Guidance on the Strict Protection of Animal Species
- Notifiable Actions for Listed Habitats and Species

Table 8: Annex IV Species

Annex IV Species	
Animals	**Plants**
All bat species	Killarney Fern
Otter	Slender Naiad
Natterjack Toad	Marsh Saxifrage
Kerry Slug	
Dolphins and Porpoises	
Whales	
Marine Turtles	

2.14.5.10 Licence To Interfere with or Destroy the Breeding Places of Any Wild Animals

If you are intending to develop in an area to be known for breeding places of any wild animals, a licence 'To Interfere with or Destroy the Breeding Places of Any Wild Animals' may be required to proceed. A licence may be required from the granting authority, National Parks and Wildlife Service (NPWS) (Section 23 (5) (d) of the Wildlife Act 1976 as amended), the legislation states that any person who wilfully interferes with or destroys the breeding place or resting place of any protected wild animal, shall be guilty of an offence.

See https://www.npws.ie/licences-disturb-or-interfere-protected-plant-and-animal-species for further information.

2.14.5.11 Derogation Licence to Disturb Bats or their Breeding or Resting Places

At present, there are nine confirmed resident bat species in Ireland. All bats are listed on Annex IV of the EU Habitats Directive. Under the Irish law that implements this directive, both the bats themselves and their roosts are protected; as such, it is an offence to disturb or interfere with them without an appropriate licence. If any bat species is suspected to inhabit a structure (e.g., trees, bat boxes, buildings, stone bridges etc.) in any area proposed for development, a derogation licence to disturb bats, their breeding or resting places may be required by the granting authority[11].

Even when planning permission is granted, the wildlife legislation applies. **Works which would capture or kill them, damage or destroy their roosts or disturb them at important parts of their life cycle cannot take place without obtaining a *second derogation licence*.** This licence is issued when planning permission is given under Regulation 54 of the Regulations, and strict criteria must be met before such a

[11] *National Parks and Wildlife Service (NPWS), under EC (Birds and Natural Habitats) Regulations 2011-2021.*

licence can be approved. 'Bat Mitigation Guidelines for Ireland'[12] should also be referred to when carrying out works which may disturb them.

2.15 Construction Phase

2.15.1 Outline of Construction

For smaller solar PV installations, micro and mini-generating systems batteries can be used to guarantee supply during weather-related electrical outages. Batteries are connected to inverters and connect to the circuit of the building, and the electricity meter (where applicable for feeding to the national grid). A licenced electrical engineer should handle the installation of a battery system.

Once construction is ready to commence, site clearance is the first stage. If required, preparing the site for construction, access roads will be put in place, allowing construction vehicles to access the site.

Throughout the construction stage, the project is monitored by various specialists to ensure it is constructed safely, correctly and in compliance with the planning conditions and design requirements. This can include community liaison officers, ecologists, archaeologists, etc., alongside construction monitoring carried out by various engineers to ensure the project is constructed in accordance with the relevant specifications and standards, approved design and contracts.

Battery storage units are often supplied in containers that are situated in the prepared site – the containers usually with lithium batteries are simply put in place on a concrete platform, and the substation is constructed and connected to the grid.

Depending on the scale and complexity of the solar PV energy project, various permits may be required during the construction phase. Maintaining compliance with the permits granted to the project is crucial.

2.15.2 Planning Permission Conditions

Upon a grant of planning permission, there will almost certainly be planning conditions imposed by the Planning Authority, which may cover a range of matters.

There will likely be conditions that cover matters during construction, such as working hours, which specify the acceptable window of time when construction may take place, or other conditions in relation to noise from construction, dust generated, wheel washing, etc. These conditions must be strictly adhered to, as if a project is found to be in breach of conditions, a Local Authority may initiate enforcement proceedings.

The Planning Authority may deploy Site Inspectors to ensure compliance with planning conditions and other site matters within its jurisdiction.

2.15.3 Commissioning

Following the construction of a solar PV energy facility, it must then be commissioned. This process applies to all installations, regardless of size; however, for large and commercial projects, it is generally a more formal procedure.

Commissioning involves a series of electrical testing, mechanical testing, performance evaluations and corrections reporting. The purpose is to ensure the equipment has been correctly installed and will operate safely and efficiently.

Provided a project passes the commissioning stage, it will then enter its operational stage and begin to collect heat for consumption or sale.

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[12] *NPWS Bat Mitigation Guidelines for Ireland. Available online at: https://www.npws.ie/sites/default/files/publications/pdf/IWM134.pdf*

3 Operating & Maintenance Phase

3.1 Recurring Licences

Some licences and consents may not have a duration that covers the entire lifespan of a solar PV project, and may require further attention from the owner/operator. This may be because of the legislative basis for the consents, or as a change of legal circumstance, or an environmental change over time.

Depending on the placement of the project, the following licences and or additional licences may or may not be required for the safe operation and maintenance of the site. It is the responsibility of the owner/operator of the solar PV site to keep up to date/abreast of the relevant necessary licences.

3.1.1 Tree Felling Licence(s)

During the operation of a solar PV energy installation, it may be necessary to fell trees to ensure an unimpeded light source for the safe and optimal operation of the solar panels.

Please refer to **Section 2.14.5.8** for further information about licence to fell trees.

3.1.2 Derogation Licence

Over the course of the operation, there may be a need to interfere with a protected species if they happen to be interrupting the safe and efficient operation of the solar PV installation. As such, a Derogation Licence would be required.

Please refer to **Section 2.14.5.9** for further information.

3.1.2.1 Licence To Interfere with or Destroy the Breeding Places of Any Wild Animals

During the operation and maintenance of a solar PV energy installation, it may be necessary to carry out works which may interfere with or destroy the breeding places of any wild animals.

Please refer to **Section 2.14.5.10** for further information.

3.1.2.2 Derogation Licence to Disturb Bats or their Breeding or Resting Places

During the operation and maintenance of solar PV installations, it may be necessary to carry out works which may damage, destroy or disturb breeding or resting places of bat species.

Please refer to **Section 2.14.5.11** for further information about derogation licences for bat species.

3.1.3 Disability Access Certificate (potentially required for the converter station)

To determine if your project requires a Disability Access Certificate, please refer to the Building Control (Amendment) Regulations 2018 Article 20D, Part 4.

It is best practice to apply for your Disability Access Certificate at the same time you are applying for your Fire Safety Certificate. If both applications are prepared at the same time by the same person, the drawings can be coordinated prior to submission. A Disability Access Certificate application should be made by an appropriate consultant, architect or engineer who is familiar with the Building Regulations and the procedure for applying for a Disability Access Certificate.

- A valid Disability Access Certificate application must include:
- A completed application form;
- Relevant fire safety drawings in duplicate;
- A disability access report in duplicate;
- Site location maps in duplicate; and

- Providing the application is lodged at the same time as the Disability Access Certificate application a €500 fee applies, otherwise it is currently €800 per building.

To determine if your project may be exempt from the necessity of obtaining a DAC please refer to the Manual for the Reuse of Existing Buildings.

3.1.3.1 Wayleave Consent: Section 48 to Lay Electric Cables

During the operation and maintenance of a solar PV energy installation, it may be necessary to reapply for a Section 48 wayleave consent.

Please refer to **Section 2.13.3** for further information.

3.1.3.2 Wayleave Consent: Section 49 to Lay Electric Cables

During the operation and maintenance of a solar PV energy installation, it may be necessary to reapply for a Section 49 wayleave consent.

Please refer to **Section 2.13.4** for further information.

4 End Phase

4.1 Decommissioning

Decommissioning refers to the cessation of energy production and the dismantling and removal of associated equipment and infrastructure.

4.1.1 Planning Considerations

When it comes time for decommissioning of a solar PV energy installation, consents required depend on whether or not planning permission was required in the first place, and on the construction of the project. Before embarking on the decommissioning of a solar PV installation, please check all relevant planning permission documents from previous applications.

4.1.2 Previously Exempted Development

For many smaller-scale projects, such as a home solar PV energy installation, when installed, they would have been exempt from development (especially after 2022), meaning that planning permission was not required. There is no evidence that the decommissioning and removal of exempted development solar PV installations requires planning permission, provided these are the only works taking place. If there are any concerns regarding whether planning permission is required, you may contact your Local Authority and request a Section 5 Declaration, in which it will be determined if your works are exempt from planning permission or not.

4.1.3 Previously Consented Development

Typically, projects that have been constructed following the procurement of a planning consent, from either the Local Authority or An Bord Pleanála, will deal with decommissioning by condition. This means that within the conditions attached to the planning permission, it will directly set out how to carry out decommissioning and restoration of the site to its original condition. This is typically ordered after a set period of operation, and thus, the decommissioning of the installation does not require consent, as it has been provided for under the original application. If, however, you wish to conduct works not specified within the condition, planning consent will be required for those works. A sample of what a condition might look like in relation to decommissioning is shown below:

> *"Within 6 months of the cessation of energy generation, or a period of 30 years and 6 months following completion of construction, whichever is the sooner, all foundations/anchors, access roads and infrastructure associated with the solar farm shall be dismantled and removed from the site and the site restored to its original condition, unless planning permission has been granted for the retention of the solar farm for a further period, prior to the expiration pf the 30-year period."*

Please note that there may be other conditions specified regarding the end of a project's lifespan, so please review relevant permissions carefully.

4.1.4 Licences

The decommissioning phase of a project may require reapplication for licences applied for during the pre-construction phase, along with additional licences. Please refer to **Section 0**.

4.1.4.1 Notice to Close and Application to Terminate Connection Agreement

Notice of intention to stop/change electricity generation is a mandatory requirement as part of the grid connection agreement.

The requested termination date must be in line with Grid Code requirements. For generators less than 50 MW, the date must be at least 2 years after the deemed complete application date. For generators with an installed capacity greater than 50 MW, the date must be at least three years after the deemed complete application date.

For further information on the steps required for a valid notice to close and application to termination of the connection agreement, please refer to the EirGrid Group Plant Closure Process.

4.1.4.2 Removal of Invasive Alien Species

Under the EC Birds and Natural Habitats Regulations 2001 SI 477 of 2011, it is an offence to release or allow to disperse or escape, to breed, propagate, import, transport, sell or advertise species listed on Schedule 3 of the regulations without a Licence. The regulations that deal specifically with the scheduled list of species are:

- Regulation 49: Prohibition of introduction and dispersal of certain listed species; and,
- Regulation 50: Makes it an offence to or to intend to import, buy, sell, breed, transport and distribute listed animal or plant species or vector material; and
- Regulation 74: Which sets out transitional provisions related to the commencement of Regulations 49 and 50;
- The following activities are expressly prohibited:
- Dumping invasive species cuttings in the countryside;
- Planting or otherwise causing to grow in the wild (hence the landowner should be careful not to cause further spread);
- Disposing of invasive species at a landfill site without first informing the landfill site that the waste contains invasive species material (this action requires an appropriate licence); and,
- Moving soil which contains specific invasive species in the Republic of Ireland unless under a licence from NPWS.

At any stage of a project, where invasive alien plant species are encountered, a licence for the removal/movement of invasive species from the site is required. A request for licencing must be sent to: wildlifelicence@npws.gov.ie. If herbicides or pesticides have been used, the contaminated materials may be classed as a hazardous waste or non-hazardous waste and will be required to be appropriately disposed of at an appropriately licenced facility, check with the relevant Local Authority on available facilities.

When submitting your application for a licence, it should include:

- Detailed methods of removal, transportation and treatment of the species;
- Information on the bio-security measures;
- Management plan; and
- Timeframe for carrying out the work.

Recommended Reading regarding the Removal of Invasive Alien Species is:

- National Biodiversity Data Centre: Invasive Alien Species in Ireland
- NPWS: EU Regulation on Invasive Alien Species

4.2 Lifespan Extension

Generally, manufacturers of solar PV equipment will specify an operational lifespan for the equipment. This means the period after which the manufacturer recommends it be decommissioned or replaced. Sometimes the lifespan of an installation may be set by another body, such as the consenting Local Authority, which may specify, through planning permission, a lifespan for an installation. Unless specified by a statutory body, it is ultimately up to the owner to determine the lifespan of the installation. However, it is recommended to have due regard to the manufacturer's instructions.

4.2.1 Planning

For smaller-scale projects, including those that were exempt from development and those that required planning permission at installation, there will likely not be any specific conditions in relation to the lifespan of the installation. Exempted development installations are only limited by the lifespan of the technology itself. The installation may remain in place for as long as the property owner wishes. For installations that required planning permission for construction, there may be a condition attached in relation to the lifespan of the installation. If there is, this must be complied with; however, if not, the property owner may leave the installation in place according to their own wishes.

Regarding larger-scale projects, it is more likely that lifespan extension will be dealt with by condition, meaning that within the conditions attached to the original planning permission, it will directly set out how to carry out a lifespan extension. Typically, this will specify that further planning consent is required. If there is no specific condition, you may not require planning permission. If you have any doubts whether planning permission is required, you may contact your Local Authority and request a Section 5 Declaration, in which it will be determined if your works are exempt from planning permission or not.

4.2.2 Licences

As project extension entails the use of the equipment for a slightly longer period of time, the licences would fall under the operation and maintenance remit. For further information on operation and maintenance licences, please refer back to **Section 3** of this document.

4.3 Re-Powering

Re-powering means retrofitting and upgrading existing renewable energy installations with better equipment and technology to improve the efficiency of the installation while also allowing for an extended lifespan (given the newer infrastructure installed). For solar PV, repowering would likely see the panels used upgraded for ones that are more efficient ones, allowing for more energy to be captured using the same area. This may also necessitate the upgrading of associated ancillary equipment.

4.3.1 Planning

For smaller-scale projects, specifically those that were classed as exempted development previously, planning permission is likely not required for re-powering. This is conditional on meeting the design regulations set out in **Section 2.12.1.** From a planning perspective, it is best to approach considering it like a new project, and so it would be useful to utilise the *SEAI Single Point of Contact Renewable Energy* online tool for guidance, in addition to complying with the regulations.

For projects that previously required planning permission, including larger-scale installations, planning permission may be required.

The original planning permission may contain a condition specifying that any further works on the site require further planning permission to be obtained. If there is no such condition, you may still require further planning permission, as the works required may be substantial. It is recommended that you consult with the Local Authority regarding re-powering and potentially seek a Section 5 Declaration. It is likely that permission will be required, as re-powering may be classed as 'land use intensification'.

4.3.2 Licences

With the exception of the certificates that will not be required for renewal (e.g., Disability Access Certificate) it is likely that the remaining licences will require renewal or reapplication. It is recommended that you consult with the various granting authorities regarding the re-powering of your project and seek advice as to whether renewal/reapplication is required.

5 Other Useful Resources

SEAI Solar PV Grant: https://www.seai.ie/grants/home-energy-grants/solar-water-heating-grant/

SEAI A Homeowner's Guide to Solar PV for Hot Water: https://www.seai.ie/publications/Homeowners-Guide-To-Solar-PV.pdf

European Solar PV Industry Federation: https://solarheateurope.eu/welcome-to-solar-heat-europe/

Energy Saving Trust (Note: UK Source): https://energysavingtrust.org.uk/advice/solar-water-heating/

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