

Onshore Wind

Manual of Consenting Procedures



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Report prepared for SEAI by:

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Sustainable Energy Authority of Ireland

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

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Abbreviations

Abbreviation	Meaning of Abbreviation
A	Amps
AA	Appropriate Assessment
BCA	Building Control Authority
BCMS	Building Control Management System
CHP	Combined Heat and Power
CIÉ	Córas Iompair Éireann
COR	Certificate of Registration
CRU	Commission for Regulation of Utilities
DCCAE	Department of Communications, Climate Action and Environment
DSO	Distribution System Operator
DUoS	Distribution Use of System Agreement
EC	European Commission
ECP	Enduring Connection Policy
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
ELS	Export Limiting Scheme
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
GWh	Gigawatt hours
kVA	Kilo-volt-amperes
kW	Kilo Watt
LFL	Limited Felling Licence
LV	Low Voltage
m	Meters
MEC	Maximum Export Capacity
MIC	Maximum Import Capacity
MV	Medium Voltage
MW	Mega Watt
NC	New Connection (application form)
NIS	Natura Impact Statement
NPWS	National Parks and Wildlife
pSAC	proposed Special Area of Conservation
pSPA	proposed Special Protected Area
REFIT	Renewable Energy Feed-In Tariff
RESS	Renewable Energy Support Scheme
SAC	Special Area of Conservation
SEAI	Sustainable Energy Authority Ireland
SEM	Single Electricity Market
SI	Statutory Instrument
SID	Strategic Infrastructure Development
SPA	Special Protected Area
TSO	Transmission System Operator
TUoS	Transmission Use of System Agreement
V	Volts
WTG	Wind Turbine Generator

1 Introduction

1.1 Purpose of 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 onshore wind renewable 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 licenses and permits that may be required for your project at relevant stages of development.

This manual 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 onshore wind projects in Ireland. This manual provides guidance and assists users in identifying the applicable consents and licences that maybe required for the design and construction phase, operations and maintenance phase, and project end-of-life procedures for onshore wind projects. It is important to note that SEAI has no decision-making role within the consenting process itself but are available to provide guidance and support in navigating and understanding the consenting process.

1.2 Onshore Wind Project Stages

The life cycle of an onshore wind project has several phases. During the feasibility phase, initial assessments are carried out to determine the viability of the project. 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. Successful construction of the project is followed by commissioning where final tests are conducted to determine successful installation of the turbines.

Licences or permits may be required during the operation of the project to ensure continuous maintenance is permitted to be carried out. Finally, decommissioning of a project will also require licencing/permitting dependent on whether the project will be removed, extended, or replaced. The following sections of this manual will outline each phase of the life cycle and relevant permits, licences, regulatory requirements, and schemes relating to each. The [Irish Wind Energy Association's Life-cycle of an Onshore Wind Farm](#) guide is recommended as an accompanying document to this guide and highlights key considerations, stakeholders, and processes relevant to each stage.

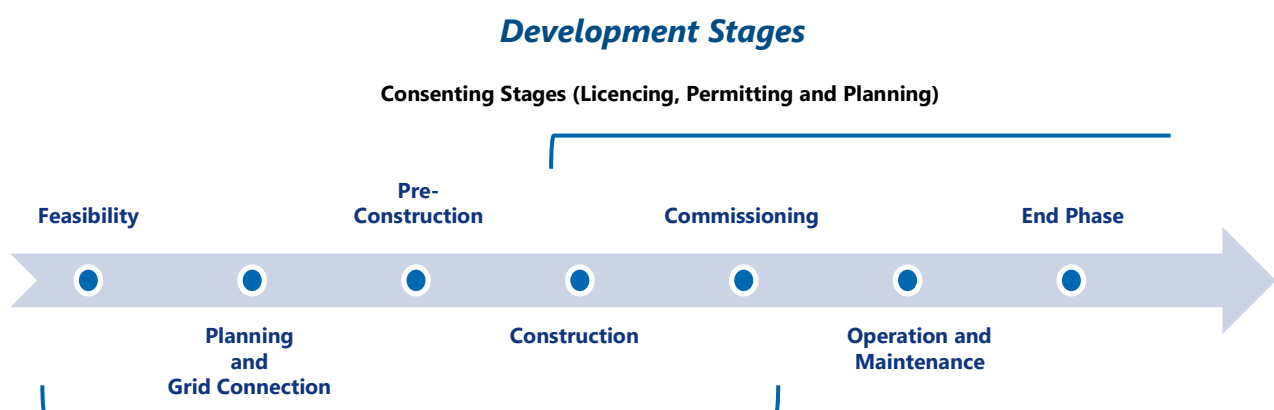


Figure 1-1 Onshore Wind Project - Development Stages

2 Design and Construction Stage

2.1 Site Selection and Feasibility

The feasibility of an onshore wind project is influenced by various factors such as the number of turbines proposed, technical issues relating to the physical nature of the site, the capacity of the distribution grid, landscape and heritage considerations, and the available wind resource.

The following steps should be considered when assessing feasibility of your project, however, depending on the type of project you're seeking to construct, feasibility considerations may differ:

- Wind resource, speed, direction, and turbulence 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 onshore wind projects in your area.

The outcome of feasibility assessments will aid in determining the necessary licences/permits for your project; therefore it is important to consider the specific assessment needs of your project to ensure preparation for the planning and permitting phases.

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

2.2 Constraints Identification

A constraints identification and mapping exercise is a useful way to identify and visually present constraints that may exist for a certain site. This can show existing infrastructure and features, such as pipelines and cables, sensitive areas, houses etc. This will allow a wind energy developer to visually see where specific constraints exist, rank them, and allow for better siting of project infrastructure.

2.3 Routes to Market for Sale of Electricity

There are a number of options when considering possible avenues for the sale of electricity generated which will need to be considered for an onshore wind project.

2.4 Clean Export Guarantee (CEG)

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. Further information can be found on the CRU website.

<https://www.cru.ie/consumer-information/microgeneration/>

2.4.1.1 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 50kW and 6MW, 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 maximize their involvement in the energy transition.

Further information can be found by clicking on the below link.

<https://www.gov.ie/en/publication/96110-small-scale-generation/>

Community projects are also supported through the SEAI Community Enabling Framework. Further details can be found by clicking on the below link.

<https://www.seai.ie/plan-your-energy-journey/for-your-community/enabling-framework>

2.4.1.2 Renewable Electricity Support Scheme

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

Further information on RESS process including the latest auctions and up to date information can be found by clicking on the below link.

<https://www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme/>

2.4.1.3 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. Further information can be found using the below link

<https://www.gov.ie/en/publication/a0d2e-renewable-electricity-corporate-power-purchase-agreements-roadmap/>

2.4.1.4 Merchant Market

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

2.5 Project Financing

Financing will need to be secured to develop an onshore wind project. Financing may be secured in stages; to fund the early stages of concept development, followed by the planning and assessment stages, and construction stage. There are various ways a renewable energy project can be funded, such as equity funding, grants, bank loans, or a combination. Typically, loans are required to be repaid prior to the end of the Renewable Electricity Support Scheme (RESS) fixed price, as this provides certainty for the lender, which helps to reduce the cost of borrowing through the reduced risk on investment. The European Union offers several funding mechanisms for onshore wind renewable energy projects, including the Renewable Energy Financing Mechanism (RENEWFM), Horizon Europe, Connecting Europe Facility (CEF), Modernisation Fund, and InvestEU Programme. These programs provide various forms of financial support, such as 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 below link.

https://cinea.ec.europa.eu/programmes/renewable-energy-financing-mechanism_en

2.6 Community Onshore Wind Projects

Community groups can come together to enter the wind 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 wind energy project has a defined structure, that will assist in ensuring a successful delivery of the project, and securing available government supports. Please consult resources published by the SEAI in relation to community wind energy projects for example '[Community Energy Resource Toolkit Onshore Wind](#)'.

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 Design Stage

When designing your project, it will be necessary to have regard to relevant guidance documents pertaining to wind development in Ireland. Such as;

- [Wind Energy Development Guidelines 2006](#), and;
- [Draft Revised Wind Energy Development Guidelines December 2019](#)

In order to inform the design process, it may be necessary to conduct certain surveys such as, geotechnical surveys, hydrogeological surveys and ecological surveys. Information gathered at this stage is vital to the design process and can influence the siting of turbines, the types of foundations to be used, access road construction or improvement works. The project requirements will determine grid connection requirements which, in consultation with the grid operator, may determine specific structural and design requirements, such as the need for additional substations. Grid connection requirements will need to be considered at an early stage to ensure your planning application covers all elements of your project. Design therefore occurs throughout the Planning Permission phases.

2.8 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

2.9 Community Engagement

It is important to consider the need for quality community engagement early in the planning process. Common concerns raised generally relate to noise and visual impacts, including other environmental impacts. It is recommended that these concerns are addressed early in the process as this can help to avoid negative community interaction at a later stage, as well as helping to 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.

2.10 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 EIA threshold criteria may still require other assessments of reports to be submitted to support your planning application, such as:

- Environmental Statement or Report
- Planning Report (which can sometimes be coupled with the Environmental Report)
- Appropriate Assessment (AA) Screening Report and / or a Natura Impact Statement (NIS) Report
- An Ecological Impact Assessment Report
- Archaeological Impact Assessment Report
- Shadow Flicker Assessment
- A Landscape and Visual Impact Assessment
- Site Specific Flood Risk Assessment Report
- Traffic Impact Assessment Report
- Construction and Environmental Management Plan (CEMP)

Consultation with the planning authority and project specific scoping with your technical advisors is highly recommended.

Please note that some wind turbine installations may be exempt from the requirement for planning permission. Further information on this can be found in section **2.12.1**.

Notwithstanding that smaller projects may be exempt from the requirement for planning permission it is important to carefully consider the location and siting of a wind turbine. 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 turbine regardless of its planning exemption status.

2.10.1 Environmental Baseline Surveys

Large scale projects such as onshore wind developments will require several assessments to be carried out to support their statutory permit applications. The requirement 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, 2 years of survey data may be required. Environmental assessments are generally carried out in tandem with the design process. The following sections give a summary of the environmental assessments likely to be required.

2.10.2 Environmental Impact Assessment (EIA) Report

2.10.2.1 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 that the EIA process is based on, 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.

An Environmental Impact Assessment is mandatory for wind energy developments that would equal or

exceed the following thresholds:

- Have more than 5 turbines, or
- Will have a total output greater than 5 MW.

In these circumstances, an EIAR must be submitted with the relevant planning application.

2.10.2.3 EIA Screening - Sub-threshold EIA

Proposed wind energy developments below the mandatory thresholds but which may be likely to have significant effects on the environment may also require an EIA and should therefore be screened for EIA to determine whether the project is likely to have a significant effect 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. Useful guidance can be found in the below document:

[Environmental Impact Assessment \(EIA\) Guidance for Consent Authorities regarding Sub-threshold Development Aug 2003.](#)

2.10.2.4 EIA 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 EIA Report'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 Environmental Report 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.

In the event that 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.

2.10.2.5 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 may be viewed such as Scoping Reports, the EIAR, maps and application documents. 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.

2.10.2.6 Consultation with Prescribed Bodies

Prior to the submission of a planning application for a SID scale onshore wind farm, 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.

2.10.2.7 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 make a determination, 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 (coach) 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 it will inform the applicant that the application 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 have prepared an 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 that is identified at Stage 2. It is only required wherever any impact arising at Stage 2 cannot be avoided.

2.10.3.4 Imperative Reasons of 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 processes 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 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 Water Framework Directive (WFD) Assessment

Since 2000, the Water Framework Directive (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 wind farm project may impact upon relevant water bodies will need to be carried out prior to the submission of a planning application and a WFD Report should also accompany the application.

2.12 Planning Permission

2.12.1 Planning Exempted Development

The Planning and Development Regulations 2001, as amended, allows for the development of certain onshore wind turbines, without the need to obtain planning permission from the Local Authority, however, this is subject to meeting certain criteria. **Table 2-1** to **Table 2-3** below, shows a summary of the exemption criteria from the Planning and Development Regulations 2001, as amended for the various exemption classes. The exemption criteria were correct at the time of writing. The Planning and Development Regulations are updated from time to time, so please ensure that you check the most up to date version of these Regulations.

Article 9 of 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 turbine(s) 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 on whether the proposed development would be considered as exempt under legislation, a request for a declaration under Section 5 of the Planning and Development Act 2000, as amended can be made to the Planning Authority. Relevant Planning Authorities will make a determination on the matter via the Section 5 process. Other relevant exemption considerations related to onshore wind development are set out in the tables below.

Table 2-1 Planning Exemption Regulations - Design Criteria of a Wind Turbine within the Curtilage of a House

Location - Within the Curtilage of a House	
Development Description	Design Criteria
The construction, erection or placing within the curtilage of a house of a wind turbine.	The turbine shall not be erected on or attached to the house or any building or other structure within its curtilage
	The total height of the turbine shall not exceed 13 m
	The rotor diameter shall not exceed 6 m
	The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 m
	The supporting tower shall be a distance of not less than the total structure height (including the blade of the turbine at the highest point of its arc) plus one metre from any party boundary
	Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, whichever is greater, as measured from the nearest neighbouring inhabited dwelling
	No more than one turbine shall be erected within the curtilage of a house
	No such structure shall be constructed, erected, or placed forward of the front wall of a house
	All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals
	All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals

Table 2-2: Planning Exemption Regulations - Design Criteria of a Wind Turbine within the Curtilage of an Industrial / Light Industrial or Business Premises

Location- Within the Curtilage of an Industrial / Light Industrial Building or Business Premises	
The construction, erection or placing within the curtilage of an industrial building or light industrial building, or business premises of a wind turbine.	The turbine shall not be erected on or attached to the premises or building or any other structure within the curtilage of the building or premises
	The total height of the turbine shall not exceed 20 m
	The rotor diameter shall not exceed 8 m
	The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 m
	The supporting tower shall be a distance of not less than the total structure height (including the blade of the turbine at the highest point of its arc) plus:
	(a) 5 m from any party boundary,
	(b) 5 m from any non-electrical overhead cables,
	(c) 20 m from any 38kV electricity distribution line,
	(d) 30 m from the centreline of any electricity transmission line of 110kV or more

Location- Within the Curtilage of an Industrial / Light Industrial Building or Business Premises

The turbine shall not be located within 5 kilometres of the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting

Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest party boundary

Not more than one turbine shall be erected within the curtilage of the premises or building

All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals

No sign, advertisement, or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine

The turbine shall not be located within an Architectural Conservation Area

Table 2-3: Planning Exemption Regulations - Design Criteria of a Wind Turbine within the Curtilage of an Agricultural Holding

Development Description	Design Regulations
The construction, erection or placing within an agricultural holding of wind turbine.	The turbine shall not be erected on or attached to a building or other structure
	The total height of the turbine shall not exceed 20 m
	The rotor diameter shall not exceed 8 m
	The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 m
	The supporting tower shall be a distance of not less than:
	(a) one and a half times the total structure height (including the blade of the turbine at the highest point of its arc) plus 1 metre from any party boundary
	(b) The total structure height (including the blade of the turbine at the highest point of its arc) plus:
	i. 5 m from any non-electrical overhead cables,
	ii. 20 m from any 38kV electricity distribution line,
	iii. 30 m from the centreline of any electricity transmission line of 110kV or more
	The turbine shall not be located within:
	(a) 100 m of an existing wind turbine.
	(b) 5 km of the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting
	Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest habitable house.
	Not more than one turbine shall be erected within the agricultural holding
	All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals
	No sign, advertisement, or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine.

2.12.2 The Planning Process

If your project is not exempted development, then you will need to apply for Planning Permission from the relevant Local Authority or An Bord Pleanála (please see **Table 2-4**). The process of applying for planning permission is outlined briefly below. Further information in relation to the planning process for onshore wind 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 onshore wind development in Ireland. Further information on Planning considerations can be found in the SEAI document [Community Toolkit - Planning Process](#).

2.12.2.1 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 dependent 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

2.12.2.2 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.

2.12.2.3 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.

2.12.2.4 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.

2.12.2.5 Decision of the Planning Authority

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

2.12.2.6 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.

2.12.2.7 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 onshore wind project. There are various types of categories of agreements depending on your project type and scale. Please see **Table 2-4** below to identify which network operator is responsible for connection and use of system agreements.

Table 2-4: Planning and Grid Connection Classifications

Scale Band/Category of Onshore Wind Project, Relevant Planning Authority and Network Operator				
Project Type	Band	Scale	Status / Relevant Planning Authority	Network Operator
Domestic / non-domestic self-consumer	Micro-Generation	0 kVA – 6 kVA single phase	Exempted Development (if compliant with specific regs – see section)	ESB (Low to medium voltage)
	Micro-Generation	0 kVA – 11 kVA three phase	Exempted Development (if compliant with specific regs – see section)	
	Mini-Generation	7 kVA – 17 kVA three phase	Local Authority	
	Mini-Generation	12 kVA – 50 kVA three phase	Local Authority	
	Small Scale	50 kVA – 200 kVA	Local Authority	
Community	ECP Cat C	0.5 MW – 5 MW	Local Authority	EirGrid (High voltage)
Commercial	ECP Cat B	6kW/11 KW – 500 KW	Local Authority	
	ECP Cat A	>0.5 MW – 10 MW	Local Authority	
	ECP Cat A	>10 MW – 40 MW	Local Authority	
	ECP Cat A	>40 MW – 100 MW	Local Authority	
	ECP Cat A	>100 MW or >50 WTG	An Bord Pleanála (Strategic Infrastructure Development)	

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 Lifecycle 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.

A full timeline and example schedule can be found in the [ESB guide on Pre- and Post-Energisation Requirements for Wind Farms](#). Further details on Pre and post Energisation commissioning can be found in **Section 2.8.16** and **2.8.17** of this document.

2.13.2 Distribution Use of System (DUoS) Agreement

For connections directly to the Distribution System (low to medium voltage connections only), a Distribution Use of System Agreement (DUoS) is required to access 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 the Electricity Regulation Act 1999, and Section 34 of the Electricity Regulation Act 1999). Following on from the connection application, an initial payment is required.

It is recommended by the ESB to begin liaising prior to submitting a planning application as it may be determined that additional works or structures are needed which may result in additional consenting and planning requirements.

For further information on the application process, preparations needed, and necessary fees see the ESB [Guide to the Process for Connection of Demand Customers to the Distribution System](#).

2.13.3 Transmission Use of System (TUoS) Agreement

For connections directly to Transmission System (high voltage connections only), a Transmission Use of System Agreement (TUoS) is required. This is a mandatory agreement that is required to obtain access to 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.

An application can only be made after planning permission has been granted. However, it is recommended to begin liaising with the TSO (EirGrid) while in the pre-planning stage as there may be specific requirements that result and require planning and consenting approval.

This agreement must be in place before a supplier or generator can participate in the Single Electricity Market (SEM).

For guidance documents and application forms please see [EirGrid: Connection and Use of System Agreements](#).

2.13.4 Domestic / Non-Domestic Self-Consumer

A self-consumer is defined by the Maximum Export Capacity (MEC) not exceeding the Maximum Input Capacity (MIC) of a generator. In other words, the electricity generated is primarily consumed by the owner and the excess electricity is then shared with the national grid.

This project type is not only beneficial for individual owners by keeping electricity bills low and reducing the carbon footprint, but it also aids in improving demand management on the surrounding grid.

2.13.4.1 Micro-Generation Connection

Micro-Generation defines any source of electrical generation up to 6 kVA with a single-phase connection or up to 11 kVA with a three-phase connection.

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 ESB document: [Conditions Governing Connection and Operation of Micro-generation](#)

2.13.4.2 Mini-Generation Connection

Mini-Generation grid connections are for small scale electricity generation primarily for self-consumption and is 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 ESB document: [Conditions Governing Connection and Operation of Mini-generation](#)

2.13.4.3 Small Scale Generation Connection

Small Scale Generation, much like mini- and micro-generation, is primarily for the purposes of self-consumption. However, it also includes differing generation types: Synchronous and Inverter-connected generation. (The maximum single-phase connection is 72amps ($\approx 17\text{kVA}$)) The Installed Generator Capacity must be less or equal to the MIC, in the following range:

- Inverter connected Installed Capacity greater than (72amps) $\approx 50\text{kVA}$ 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 ESB document: [Conditions Governing Connection and Operation of Small-Scale Generation \(50 kW – 200 kW\)](#)

2.13.4.4 Community-Led Projects

Community groups can come together to enter the wind energy market, alongside commercial entities. A key difference to note between community projects versus commercial ventures relates to an upper limit of 5 MW for capacity placed on community-led projects, which effectively caps the project to 1 or 2 wind turbines, depending on the rated generation capacity.

2.13.4.5 ECP Cat 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 the 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 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.

Recommended Reading for Community-Led Projects is:

[ESB: Generator Application Process FAQs](#)

2.13.4.6 Commercial Projects

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

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 **Table 2-4** for further details in this respect).

2.13.4.7 ECP Cat 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 (MEC¹ >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 > 500kW (0.5 MW) which is €2,000. Successful applicants will be prioritised by 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.

Recommended Reading for ECP Cat A Projects is:

[ESB: Generator Application Process FAQs](#)

2.13.4.8 ECP Cat 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;

¹ 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.

- DS3² system services trial projects - up to 500kW; and
- Auto producers³.

Applicants who have an existing application which has been received complete (along with the appropriate application fee) by the Systems Operators, will be processed throughout the calendar year. These applicants will be prioritised by when the existing application was received complete. 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 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.

Recommended Reading for ECP Category B Projects is:

[ESB: Generator Application Process FAQs](#)

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 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

Specialist contractors will need to be appointed to conduct the delivery of the development. There are two broad categories of contracting options:

1. Turnkey contracting, which sees a single company overseeing all turbine, electrical and civil engineering works, or separate contracting, where individual aspects are contracted out to specific companies. Typically, where a wind farm development follows the turnkey route, the wind turbine provider will lead, and
2. Sub-contract the electrical and civil engineering works to companies that would be deemed appropriate for the installation of their equipment.

Maintenance contracts are also usually agreed at this point, where required.

² 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.

³ 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.

In some cases, it will be the Developer's responsibility to ensure the correct permits and licences are in place to allow the contractor to undertake their work. In other cases, it will be the Contractor's responsibility to ensure the relevant permits and licences are in place to undertake their work packages. This needs to be made clear and set out in contracts to ensure there is no oversight.

2.14.2 Planning Permission Amendments and Conditions

Prior to construction commencing, some conditions of the Planning Permission for the project, applied by the Local Authority or An Bord Pleanála must be sufficiently discharged, or complied with. This may include the submission of additional details, such as, specifications, designs or documents. Failure to discharge planning conditions as specified by condition of a planning permission may result in enforcement action. Due to the requirement of requiring planning permission and a grid connection offer to successfully enter an RESS auction, followed by securing funding, which can all take an extended period of time, there is a possibility that an amendment may be required to the consented development agreed with the Planning Authority, as the design may have alterations or technological improvements.

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)⁴.

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 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).⁵

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](#).

⁴ S.I. No. 459/2022 – Electricity Regulation Act 1999 (Section 16 (3A)) Order 2022

⁵ S.I. No. 460/2022 – Electricity Regulation Act 1999 (Section 14 (1A)) Order 2022

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 Licence to Generate is:

[Guidance Notes: Applying for a Licence to Generate Electricity.](#)

2.14.5 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 use⁶), it is applied for through the CRU, (Section 14(1)(b), (c) or (d) of Electricity Regulation Act 1999, as amended).

The [CRU Supply Licence Application Form](#) is required to ensure financial and business planning requirements have been met and that electricity will be supplied to final customers.

Recommended Reading in relation to Licence to Supply is:

[Guidance Notes for Supply Licence](#)

[CRU – Electricity Supply](#)

2.14.6 Licence for Archaeological Excavation

An excavation licence consent is required before digging at a heritage site can commence. Section 26 of the National Monuments Act 1930 (as amended) requires that excavations for archaeological purposes must be carried out by archaeologists acting under an excavation licence. An Excavation Licence will likely be accompanied by an Excavation Risk Assessment process as construction regulations require contractors to guard against the dangers from a fall or dislodgement of material in an excavation. The Safety, Health and Welfare at Work Act 2005 requires a risk assessment to be performed by contractors before undertaking excavation work.

An excavation licence can only be held by appropriately experienced and competent Archaeologists who “*are competent in archaeological excavation techniques, and conversant with Irish archaeology*”.

The National Monuments Service handles licencing and applications and applications should be sent to: nationalmonuments@housing.gov.ie. Further guidance is available at [NMS: Licence for Archaeological Excavation](#).

2.14.7 Detection Device Consent

The use of metal detection devices is not permitted without consent on archaeological sites or to search for archaeological objects. The National Monuments Service grants detection devices consents and a request for such consents must be submitted to: nationalmonuments@housing.gov.ie. Further guidance is available at [NMS: Detection Device Consent](#).

2.14.8 Consent / Notification of Work at or in Relation to a Monument

Where works may occur at or near a national monument, consent must be granted prior by the Minister for Housing, Local Government and Heritage. Consents of this nature must be requested through the National Monuments Service at: nationalmonuments@housing.gov.ie. Further guidance and forms are available at [NMS: Ministerial Consent – National Monuments](#).

⁶ 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)

2.14.9 Tree Licencing

2.14.9.1 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 mix thereof to be planted on “*bare plantable lands*” elsewhere via an Afforestation Licence (please see **Section 2.14.9.2** 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:
 - it does not form part of a decorative avenue or ring of trees;
 - its volume does not exceed 3m³;
 - the removal of trees for use on the farm does not exceed 15m³ in any period of 12 months.

It should be noted that the three above exemptions do not apply in all circumstance, for example when trees are more than 150 years old or are close to certain protected structures, monuments, archaeological sites, 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 detail 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.forests@agriculture.gov.ie.

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

Where a developer intends to construct a wind farm within a forest, or partially within a forest, or that will affect a forest environmentally or that will require tree felling, it is extremely important that the developer consults the [Forestry Division](#) at the earliest possible stage of the project. This may help to develop a collaborative approach that will ensure that all forestry issues are identified and mitigated at the earliest opportunity. All those involved in tree felling must ensure that a felling licence has been issued before any felling is carried out, unless they are satisfied that the felling is exempt from securing a Felling Licence. It is the responsibility of the landowner and or the person felling the tree to ensure that an exemption applies. 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 felling licences are granted. However, it should be noted that under the Forestry Act, 1946, the validity of a 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.

For onshore wind projects, there are 2 main types of Felling Licences that may be required:

- **An Infrastructure Felling Licence:** To cover trees that are permanently removed from the site to make way for the turbine bases access roads, buildings, safe cable installation or maintenance etc;
- **A Turbulence Felling Licence:** Turbulence felling is deemed to be felling in the vicinity of turbines for the purpose of avoiding air turbulence that can be created by the forest canopy. It is carried out to increase the efficiency of the wind turbine by reducing turbulence in the airflow, and to reduce vibrations through the turbine blades, thereby lowering stress on the turbine components. Turbulence felling may be allowed in certain cases, at the discretion of the Minister and subject to replanting requirements. If turbulence felling is necessary, it should be kept to the absolute minimum required.

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

[DAFM: Forestry Standards Manual](#)
[Teagasc: Legal requirements for afforestation](#)

2.14.9.2 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.forests@agriculture.gov.ie.

Please see the below sections on the specific examples of licencing works and 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](#)

2.14.9.3 Replanting Requirement

For turbulence felling, a 'Limited Felling Licence' (LFL) is required. In these instances, the requirement will be for replanting on a hectare for hectare basis plus an additional 10% to allow for the increase in soil carbon emissions at afforestation and the loss of potential carbon sequestration due to the proposed method of forest management.

The effect on the forest estate should be kept to a minimum and to retain healthy and permanent forest, the Forest Service requires the establishment of an area that will provide the same wood production and 'climate change benefit' over the long-term plus an additional 10% to allow for the increase in soil carbon emissions at afforestation and the loss of potential carbon sequestration due to the proposed method of forest management. To this end, as standard, the requirement will be for replanting on a hectare for hectare basis for the footprint of the turbines and the other infrastructure developments.

Where turbulence felling is necessary, replanting with slow growing species may be made a condition of the LFL. The approach may allow premature clear-fell with replanting using slow growing species; lodgepole pine or another suitable species should be used, with clear-fell again once the forestry crop is 10 m high. The height of 10 m is a guideline as the required height is ultimately selected on the basis of turbine manufacturers' specifications and associated loss of turbine efficiency related factors.

Please note: *Where it is intended to fulfil the replanting condition of a LFL by planting an area other than the area felled under the licence, Section 41(1)(a)(i) of the Forestry Act, 1946, stipulates that the licensee must own the alternative site at the date of the grant of the licence.*

2.14.10 Activities Requiring Consent (ARCs) including Natural Heritage Areas (NHAs)

Activities Requiring Consent (ARCs) are specific activities which have the potential to damage European Sites i.e. Natura 2000 Sites. While ARCs are not prohibited activities, consent must be granted by the Minister for Housing, Local Government and Heritage or by another relevant public authority prior to works commencing. A list of 39 ARC's has been published ranging from ploughing and harrowing, to clearing vegetation or landfilling. This prior consent requirement ensures that the Minister (or the relevant competent authority) carries out the necessary environmental assessment to determine if the activity can take place and if any conditions should be attached to any consent given.

Prior to designating a new site as an SAC or SPA, information on the ARC(s) (if any) attached to the site will be communicated to the landowner (and where known, the relevant occupier or user of the land)) in the form of a 'site pack' along with a public notification. SACs and SPAs are afforded protection from the time of public notification of the intention to designate the site.

For Natural Heritage Areas (NHAs), certain works will require consent. Permission to carry out works on an NHA is required (under Regulation 19 of the Wildlife Act 2000, as amended). The works which require the consent of the Minister are found at Schedule 2 of the statutory instrument (SI) designating the relevant NHA.

For further information, guidance, and application forms, please see: [NPWS Activities Requiring Consent](#).

2.14.11 Derogation Licence – Protected Habitats and Species

Derogation licences are licences to disturb or interfere with protected plant and animal species. If a protected species is suspected to occur in an area to be developed, a derogation licence may be required. Within limited circumstances derogation licences permit holders to disturb or interfere with protected plant and animal species. Several 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 are present in Ireland and its waters is set out in **Table 2-5**.

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 2-5: Annex IV Species

Annex IV Species	
Animals	Plants
All bat species	Killarney Fern

Annex IV Species

Otter	Slender Naiad
Natterjack Toad	Marsh Saxifrage
Kerry Slug	
Dolphins and Porpoises	
Whales	
Marine Turtles	

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

Presently, there are 9 confirmed resident bat species in Ireland. All bats are listed in 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 of inhabiting 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 authority⁷.

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

2.14.11.2 Derogation Licence to Disturb Annex IV Species or their Breeding or Resting Places

The list of Annex IV species which occur in Ireland and its waters are set out in **Table 2-5** above. If any Annex IV species is suspected / found to occur in an area to be developed, a Derogation Licence may be required. A derogation licence to disturb Annex IV species or their breeding or resting places may be required by the granting authority, NPWS, under European Commission (Birds and Natural Habitats) Regulations 2011-2021. For example, otters are listed on Annex IV of the EU Habitats Directive. The Irish law that implements this directive gives strict protection to individual otters and their breeding and resting places.

Even when planning permission is given, the wildlife legislation applies. Works which would capture or kill them, damage, or destroy their breeding or resting places, 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 licence can be approved.

2.14.12 Licence to Photograph or Film a Protected Wild Animal or Bird

In general, a licence is not required for photography / filming of protected wild animals or birds if there will be no risk of disturbance to the breeding place of any animal, a nest containing eggs or unflown young of any bird. However, if you intend to photograph a protected wild animal or bird on or near the breeding place of such an animal or bird, you should apply for this licence.

For a person to take or make photographic, video, or other pictures of a protected wild animal of a species specified in the licence, on or near the breeding place of such an animal, a licence may be issued by the Minister (Under Section 23 (6)(b) of the Wildlife Act 2000, as amended).

For a person to take or make photographic records, video, or other pictures of a protected bird of a species

⁷ NPWS, under EC (Birds and Natural Habitats) Regulations 2011-2021.

specified in the licence, or a wild bird of a species specified in the licence on or near a nest containing eggs or unflown young, a Licence to do so may be issued by the Minister (Section 22 (9)(f) of the Wildlife Act, 2000, as amended).

Licensing is managed by the NPWS and applications must be sent to: wildlifelicence@npws.gov.ie. Further guidance and application forms can be found at [NPWS: Licence to Photograph or Film a Protected Wild Animal or Bird](#).

Animal species protected under the Wildlife Act 2000, as amended are listed in **Table 2-6** below.

Table 2-6: Current list of protected animal species in Ireland

Mammals			Amphibians	Reptiles	Fish	Invertebrates
All Bat Species	Otter	All Seal species	Natterjack Toad	Common Lizard	Basking Shark	Freshwater crayfish
Badger	Pine Marten	All Whale species	Common Frog	Leatherback turtle		Freshwater pearl mussel
All Deer Species	Red Squirrel	All Dolphin species	Common Newt			Kerry slug
All Hare Species	Pygmy Shrew	All Porpoise species				
Hedgehog	Stoat					

2.14.13 Capture / Kill Protected Wild Animals for Education or Scientific Purposes Licence

A Capture/Kill Protected Wild Animals for Education or Scientific Purposes Licence is required for all survey and monitoring of all protected species, *even where animals will not be handled* (under Section 23 and Section 34 of the Wildlife Act 2000, as amended).

Although the application form/licence refers to 'capture or killing of protected wild animals', licences are required to investigate sites where protected species are found. Due to the various protected species' status as threatened and or in poor condition, it is only in exceptional cases that handling, or movement of animals is licenced. Licences will only be granted if the licenced activity will result in no significant adverse impact on the conservation of the species. For example, if the freshwater pearl mussel is suspected to occur in an aquatic habitat impacted by a proposed onshore wind farm development, this licence would be required to potentially translocate this species to an appropriate location. The decision for granting the licence will be made by the wildlife licence unit through the NPWS.

Licensing is managed by the NPWS and applications must be sent to: wildlifelicence@npws.gov.ie. Further guidance and application forms can be found at [NPWS: Capture/Kill Protected Wild Animals for Educational or Scientific Purposes](#).

2.14.14 White-Clawed Crayfish Licence

For streams, rivers, and lakes where white-clawed crayfish are known to be present, if there is potential for the area to be impacted by a proposed development or project, a White-Clawed Crayfish Licence to Permit Survey, Capture, Temporary Confinement or Translocation will be required to survey and or remove this species to an appropriate location.

Licensing is managed by the NPWS and applications must be sent to: wildlifelicence@npws.gov.ie. Further guidance specific to crayfish and application forms can be found at: [NPWS: Capture/Kill Protected Wild Animals for Educational or Scientific Purposes](#).

2.14.15 Licence to Take or Interfere with Protected Plant Species for Scientific, Educational, or Other Such Purposes (Flora (Protection) Order)

As per the Flora (Protection) Order (2022), If any protected plant species is known/found/noted to be present in an area that is proposed to be developed, a licence to interfere with these species is required Under Section 21 of the Wildlife Act 2000, as amended. Under Section 21, it is an offence for a person to cut, pick, uproot or otherwise take, purchase, sell or be in possession of any plant whether whole or part, of a species mentioned in the Order, or wilfully to alter, damage, destroy or interfere with the habitat of such a species, except under licence of the Minister, and then, strictly for scientific, educational, or other such purposes.

A licence to take or interfere with protected plant species for scientific, educational, or other such purposes can be applied for through the granting authority, NPWS. In the absence of any viable alternative, licences are granted where no significant damage will be caused to the conservation status of the species and where the adverse impact on the local population of species is kept to a minimum. Applications will only be considered if a licence is required for scientific, educational, or other such purposes.

Licensing is managed by the NPWS and applications must be sent to: wildlifelicence@npws.gov.ie. Further guidance and the application form can be found at [NPWS: Licence to Take or Interfere with Protected Plant Species for Scientific, Educational, or Other Such Purposes](#).

2.14.16 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 licensing 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](#)

2.15 Construction Phase

2.15.1 Outline of Construction

Construction works are likely to commence by setting up site compounds and establishing equipment and material set down areas, waste management infrastructure, site offices and welfare facilities. Further geotechnical site investigation may also need to be undertaken at this point. For such projects there is likely to be a requirement for the construction of new site access roads and/or, upgrades to existing public roads to accommodate heavy construction traffic and to transport large equipment and loads. Once safe access has been established to the sites the contractors will begin with site preparation works; clearing, levelling and preparing the ground for the installation of the wind turbine foundations and crane pads, which are used for stability during the turbine assembly. Once the concrete foundations have been completed and cured, the wind turbines and electrical infrastructure can then be brought to site. The turbines will be transported to site in sections, assembled and lifted into position. Thereafter, electrical cables and equipment needed for the wind turbine and substation are usually installed.

Off-site grid connection works are generally carried out at the same time as the on-site wind farm works. These can typically include upgrades to existing ESB Networks or EirGrid substations, or even the construction of a new substation. All the other works are scheduled to be completed at the same time the grid connection works are completed, ready to be energised for pre-commissioning and final commissioning. 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 grid requirements. This can include community liaison officers, ecologists, archaeologists, ornithologists, hydrologists, 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.

Due to the complex nature of an onshore wind farm project, there will be a requirement for many differing permits during the construction phase. Maintaining compliance with permits granted to the project is very important. The following sections outline the permits, licences, and compliance requirements, which may be applicable to your project.

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 during construction. These may include specific conditions on working hours, or other conditions in relation to noise from construction, dust generation, wheel washing, etc. These conditions must be strictly adhered to, as if a project is found to be in breach of conditions, the relevant Local Authority may initiate enforcement proceedings.

The relevant Local Authority may deploy site Inspectors to ensure compliance with planning conditions, and other site matters under which the Local Authority has jurisdiction. Please note in this specific respect that it is not uncommon for onshore wind farms to straddle more than one Local Authority.

2.15.3 Construction Environmental Management Plan (CEMP)

As part of the application the Developer may have submitted an outline CEMP. The CEMP should include all the mitigation and management measures identified during the environmental assessment or EIA process that are necessary to prevent or mitigate environmental impacts during the construction phase. The CEMP should be implemented, and performance monitored throughout the construction process, and updated as necessary. As specialist constructors will likely be used, they may have very well-developed CEMPs, however, it is important that all mitigation and management measure identified in the Environmental Assessment

Report or the EIAR, including relevant planning conditions are included in final CEMP for construction. The final CEMP for the construction phase may need to be submitted to the Local Authority in advance of construction.

2.15.4 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 to other agreements such as the Road Opening Licence (**Section 2.15.6**).

The Section 48 wayleave consent is applied for through the CRU, by submitting a [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 copy of the route map is also required to be submitted along with the application.

Applications should be submitted at least 2 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, contact will be made if the CRU requires clarifications 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](#)

2.15.5 Wayleave Consent: Section 49 to Lay Electric Cables

Wayleave Consent: Section 49 refers to the power to lay electric lines (Section 49 of Electricity Regulation Act 1999, as amended), this is granted to lay lines across or under any land not being a street, road, railway, or tramway. The Section 49 wayleave consent is applied for through the CRU by submitting a [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 2 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, contact will be made if the CRU requires clarifications or additional information. For further information or queries related to section 49 please contact the CRU at: consentapplication@cru.ie.

Recommended Reading on Section 49 Applications is:

[Guidance Note on Section 48 and Section 49 Applications](#)

2.15.6 Road Opening / Closing Licence

For any works in a public area, to dig 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 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, (e.g., 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](#)

2.15.7 Abnormal Loads Permit (Permit for Specialised Vehicles)

A 'Special Permit' is required for any haulage vehicles which are either: Wide, Long or Heavy and travelling on the roads within the relevant Local Authority administrative area. These vehicles may be required when transporting larger components by road.

There are two types of permits depending on the location and sizing, both can also be required. An Abnormal Load Permit is required for any vehicle that exceeds the maximum height, length, width, and weight as permitted in [S.I. No. 5/2003 Road Traffic \(Construction and Use of Vehicles Regulations\)](#). For full specifications on exceeded maximums, see the [RSA Guidelines on Maximum Weights and Dimensions of Mechanically Propelled Vehicles and Trailers, Including Manoeuvrability Criteria](#). Applications must be made directly to the relevant Local Authority of the development and where vehicles will be passing through. The permit can have a maximum validity of 12 months or can be time/occasion limited upon granting by the Local Authority.

If transport not exceeding 27.4m in length and 4.3m in width takes place on major 'inter-urban' routes or to Cork, Rosslare or Ringaskiddy Ports, an additional Permit for Specialised Vehicles is required. This is issued by An Garda Síochána. Further information can be found in the [Garda Guidelines for Operators \(Movement of Abnormal Loads\)](#).

It is important to check both with the relevant Local Authority on the application process and with An Garda Síochána.

2.15.8 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](#)

2.15.9 Section 254 Licence (Items on Public Roads)

You will need to apply to the relevant Local Authority to place on, under, over or along a public road the following items or equipment:

- A town or landscape map for indicating directions or places;
- A fence, scaffold or hoarding;
- An advertisement structure;
- A cable, wire or pipeline;
- Over ground electronic communications infrastructure and any associated physical infrastructure such as A telephone pole or cabinet;
- A telephone kiosk or pedestal; and
- 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 to the planning authority along with:
 - A Site Location Map – 1:2500 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
 - Copy of site notice.

2.15.10 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](#)

2.15.11 Water Abstraction Registration

To abstract is to remove or divert water from a lake, river, stream, spring, groundwater well, borehole or estuary. By law, if you abstract 25 m³ (25,000 litres) of water or more per day, you must register this abstraction with the EPA (e.g., used for dust suppression). Although not a licence (which is under development), failure to register can incur a Class A fine (a fine not exceeding €5,000).

The development of a register of water abstractions is a requirement of EU law under the Water Framework Directive (2000/60/EC). New abstractions must be registered within one month of the start of the abstraction. If you reported your water abstraction to a public authority (such as your Local Authority) in the past, you must also register your water abstraction with the EPA.

Temporary abstraction of 25 m³ (25,000 litres) of water or more per day must be registered, unless the abstraction is a one-off occurrence with a duration no more than 24 hours that is not going to be repeated at any regular or irregular interval. For all other temporary abstractions, a point of abstraction must be identified, and the maximum abstraction should be used when registering. When a one-off temporary abstraction ceases, it should be de-registered. This will be required for water abstraction to feed an industrial process or to dewater a groundwater body to facilitate a deep excavation during construction.

Queries can be sent to the EPA at: edenabstractionsupport@epa.ie. Further information on abstraction and how to register can be found at: [EPA: Water Abstraction Regulations](#).

2.15.12 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 \(COR\)](#)

2.15.13 Fire Safety Certificate

A Fire Safety Certificate is required where 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 National Building Control and Market Surveillance Office's (NBCO) [Building Control Management System \(BCMS\)](#). If the building or works complies with the requirements of Part B of the Second Schedule of the Building Regulations 1997, the NBCO 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. Additional documentation may be required to be submitted with the completed Commencement Notice / 7 Day Notice; and this should be completed on-line on the [National Building Control Management System \(BCMS\)](#). The online BCMS also contains detailed information about specific exemptions, requirements, and outlines the steps of the application process.

2.15.14 Disability Access Certificate

A Disability Access Certificate is required in specific types of development set out in [Building Control \(Amendment\) Regulations \(S.I. No. 526/2018\)](#) Article 20D, Part 4. Regarding an onshore wind farm development, there may be specific instances where accompanying structures, such as a converter station, require this certificate.

It is best practice to apply for your Disability Access Certificate at the same time you are applying for your Fire Safety Certificate (see **Section 2.15.13**). 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. The application is made through the National Building Control and Market Surveillance Office's (NBCO) [Building Control Management System \(BCMS\)](#).

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
- Provided the application is lodged at the same time as the Disability Access 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](#).

2.15.15 Commencement Notice / 7-Day Notice

In accordance with the Building Control Regulations, it is required to submit notice before commencing construction of a building to ensure compliance with building regulations.

A Commencement Notice with Compliance Documentation is required where works require a Fire Safety Certificate (which must be granted before this). A Commencement Notice must be received by the Building Control Authority not less than 14 days and not more than 28 days before you wish to commence.

A 7-Day Notice allows work to commence before a valid Fire Safety Certificate is granted. However, an application must have already been submitted.

A Commencement Notice or a 7-Day Notice Application Form with a Seven Day Statutory Declaration prior to commencement of the development to Building Control Section of the Local Authority, giving notice of the intention to start work.

Additional documentation may be required to be submitted with the completed Commencement Notice / 7 Day Notice; and this should be completed on-line on the [National Building Control Management System \(BCMS\)](#). The online BCMS also contains detailed information about specific exemptions, requirements, and outlines the steps of the application process.

It is recommended, although not required, to ensure that any additional relevant licencing is secured in advance of a Commencement Notice / 7 Day Notice. The fees relating to a 7-day notice are set out in **Table 2-7**.

Table 2-7: Breakdown of the current rates and fees for a 7-day notice application

Submission of a 7 Day Notice in Respect of:	
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
(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 on 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

2.15.16 Commissioning

Following the installation the wind turbines and related infrastructure, an onshore wind farm must then be commissioned. This takes place on all installations regardless of size. Commissioning involves undertaking 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.

A project will need to understand the commissioning process and incorporate this into their project plan at the start of construction. Commissioning activities may be carried out concurrently with construction activities, therefore, it is necessary to be in contact with the relevant System Operator (either ESBN or EirGrid depending on the scale of the project) at an early stage. Advance notifications are required to be issued by project owners in preparation for commissioning. Therefore, it is important to have a commissioning schedule that reflects the requirements set out by the systems operator. Commissioning may be divided up into pre-energisation commissioning, and post-energising commissioning each with different tasks and objectives.

After the grid connection and wind farm substation are commissioned and energized, each wind turbine typically takes approximately a week to commission, with it being possible subject to resourcing for multiple turbines to be commissioned simultaneously. At this point, the wind farm must conduct grid code compliance testing with the grid system operator. This testing ensures the project adheres to the system

operator's rules. In turn, this ensures that the electrical transmission and distribution systems can continue to operate in a smooth, secure, and reliable manner.

The windfarm will then undergo an extended period of testing before being handed over to the operations team. Further information on commissioning can be found by clicking on the links below.

[ESB guide on Pre- and Post-Energisation Requirements for Wind Farms](#)

Recommended Reading in relation to Pre-Energisation Commissioning is:

[ESB and EirGrid: TSO and DSO Testing Protocol for Wind Farm Power Station's](#)

[ESB Customer Guide: Pre- and Post-Energisation Requirements for DSO Wind and Solar PV Generators](#)

[EirGrid: Grid Code Compliance and Testing](#)

[EirGrid: Market Readiness Certificate – Specification of Requirements](#)

[EirGrid: Operational Notification Procedure – Information Note](#)

3 Operations, Maintenance and End Phase

3.1.1 Recurring Licences

The operation and maintenance phase of the onshore windfarm (once constructed) will involve the monitoring of the performance of the turbines themselves along with all the component infrastructure to ensure correct and efficient functioning of the site. This will include regular maintenance and repair activities to ensure the safe operation of the site.

Some licences and consents may not have a duration that covers the entire lifespan of an onshore wind farm project, and so may require further attention from the Owner / Operator. This may be as a result of the legislative basis for the consents, or as a change of legal circumstance, or an environmental change over time.

3.1.2 Road Opening / Closing Licence

During the operation and maintenance of an onshore windfarm a temporary road closure is needed in conjunction with a road opening licence, or for other works.

Please refer to **Section 2.15.6** for further information about Road Opening/ Closing Licences.

3.1.3 Abnormal Loads Permit (Permit for Specialised Vehicles)

A 'Special Permit' is required for any haulage vehicles which are either: Wide, Long or Heavy and travelling on the roads within the relevant County Council administrative area. These vehicles may be required when transporting larger components by road following for maintenance purposes. Completed application forms must be submitted 7 days prior to commencement of the journey. Please refer to **Section 2.15.7** for further information in this respect.

3.1.4 Tree Felling Licence(s)

During operation and maintenance, it may become necessary to engage in tree felling activity on the site of an onshore wind farm as trees mature and potentially encroach or obstruct the wind quality or the turbines. Please refer to **Section 2.14.9.1** for further information.

3.1.5 Ecological Consents, Notifiable Actions / Consents / Derogations Licences

If you are intending to develop on or in an area where wildlife could be impacted, consents may be required. Such consents may be in the form of notifiable actions or licences. Further permission may then be required in exceptional cases (e.g., species is threatened or in poor condition), when handling, or movement of the protected species is necessary. Please see **Section 2.14.11** for recommended reading and subsequent sections for the full breakdown and detail on the various activities that constitute a notifiable action for listed habitats and species.

3.1.6 Derogation Licence

Over the course of operation and maintenance of an onshore wind farm, there may be a need to interfere with a protected species, if they happen to be interrupting safe and efficient operation of the wind turbine installation. As such, a Derogation Licence would be required. Please refer to **Section 2.14.11** for further information.

3.1.6.1 Licence to Photograph or Film a Protected Wild Animal or Bird

During operation and maintenance of an onshore windfarm, it may become necessary to continue surveys or monitoring for protected species in the vicinity of the installation. Please refer to **Section 2.14.12** for further information about licences to photograph or film a protected wild animal or bird.

3.1.6.2 Capture/Kill Protected Wild Animals for Education or Scientific Purposes Licence

During the operation and maintenance of an onshore windfarm, a Capture/Kill Protected Wild Animals for Education or Scientific Purposes Licence is required for all survey and monitoring of all protected species, even where animals will not be handled (under Section 23 and Section 34 of the Wildlife Act 2000, as amended). Licences are required to investigate sites where protected species are found. Licences will only be granted if the licenced activity will result in no significant adverse impact on the conservation of the species. Please refer to **Section 2.14.13** for further information.

3.1.6.3 Licence to Take or Interfere with Protected Plant Species for Scientific, Educational, or Other Such Purposes (Flora (Protection) Order)

Over the course of the operation and maintenance of an onshore windfarm it may be necessary to take or interfere with protected plant species (relocation / surveys etc.). As per the Flora (Protection) Order (2022), if any protected plant species is known / found / noted to be present in an area that is proposed to be developed, a licence to interfere with these species is required Under Section 21 of the Wildlife Act 2000, as amended. Licences are granted where no significant damage will be caused to the conservation status of the species and where the adverse impact on the local population of species is kept to a minimum. Please refer to **Section 2.14.15** for further information.

3.1.6.4 Removal of Invasive Alien Species

During the operation and maintenance of an onshore windfarm, it may become necessary to remove invasive species if they are discovered during routine maintenance or surveys, thus requiring an associated licence. Please refer to **Section 2.14.16** for further information on the safe removal of invasive alien species.

3.2 End Phase

3.2.1 Decommissioning

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

3.2.1.1 Planning Considerations

At the decommissioning stage of the project it will be necessary to consider whether planning is required to facilitate the decommissioning works. This will depend on the planning status of the project and conditions imposed in the planning permission for the development. Further information is contained in the sections below.

3.2.1.2 Previously Exempted Development

Wind turbine installations in place that did not require planning permission for construction, having been classed as exempted development likely do not require planning permission for decommissioning. There is no evidence that the decommissioning and removal of exempted development onshore wind turbine installations requires planning permission, provided these are the only works that take 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.

3.2.1.3 Previously Consented Development

Typically, projects that have been constructed following the procurement of planning permission, 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 further 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:

"This permission shall operate for a period of 25 years from the date of this order. A further permission will be required to operate beyond this date. Prior to the final date for the operation, the turbine and all structures shall be removed, and the site restored to its original condition in accordance with the final Rehabilitation Plan to be submitted for the written agreement of the Planning Authority prior to commencement of reinstatement and in accordance with the requirements of the IPPC license on site."

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

3.2.1.4 Licences

The decommissioning phase of a project may require reapplication for licences applied for during the pre-construction phase along with additional licences – these licences will be subject to the conditions laid out under planning. Licences which may apply such as abnormal load or road closures if the site is to be fully decommissioned – these licences will be subject to the conditions laid out under planning.

3.2.1.5 Notice to Close and Application to Terminate Connection Agreement

Notice of intention to stop / change electricity generation is a mandatory requirement as part of 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 greater than 50 MW installed capacity, the date must be at least 3 years after the deemed complete application date. For further information on the steps required for a valid notice to close and application to termination connection agreement please refer to the [EirGrid Group Plant Closure Process](#).

3.2.1.6 Extension

Renewable energy technology, as with any other infrastructure, has a lifetime which has been determined to be the maximum allowable period of operation for the equipment. This is generally advised by the manufacturer of the equipment, however, a lifetime may also be determined through planning permission, by condition. It is recommended to operate onshore wind energy infrastructure and equipment according to the manufacturer's instructions to maintain safe operations. After the expiration of this period, it is recommended that the equipment be decommissioned, replaced, or upgraded. In these circumstances, the installed equipment may be deemed suitable for continued service beyond the assigned lifetime.

3.2.1.7 Planning

Regarding smaller installations that did not require planning permission, as they are classed as exempted development, there will likely be no statutory operational lifespan from a planning perspective. It is the responsibility of the Owner / Operator to ensure the safe operation of a wind turbine installation, following best practices and suitable health and safety considerations, having due regard to the equipment manufacturers advise on equipment lifespan.

Regarding development that required planning permission previously, the lifespan of an installation may be set by other bodies, such as the consenting Local Authority, which may specify through planning permission conditions, a lifespan of an installation. In the example condition shown in **Section 3.2.1.3**, it is specified that further planning consent is required for continued operation beyond the prescribed 25-year lifespan. In the eventuality that it has not been addressed by condition, it is up to the Owner / Operator to determine the lifespan of the installation ultimately, however, it is recommended to have due regard to the manufacturer's instructions and industry health and safety standards; although, it is highly unlikely for such a condition to be

absent.

3.2.1.7.1 Licences

As the project will just be operating for a determined period that is outside of the original scale, the same licences as would be needed for operation and maintenance purposes would be needed at this stage. For further information in relation to potential licences that may be required please refer to **Section 3.1.1**.

3.2.1.8 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 an onshore wind installation, re-powering would likely see the turbines upgraded for ones that are more efficient or have a larger capacity per unit of equipment, allowing for more energy to be produced using the same area. This may also necessitate the upgrading of associated ancillary equipment such as transformers or inverters.

3.2.1.8.1 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 Online Finder Tool guidance as well as this guide.

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 requires 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', etc..

Useful information regarding re-powering considerations can be found in a document commissioned by Wind Energy Ireland.

<https://windenergyireland.com/images/files/final-repowering-ireland-report-june-2024.pdf>

3.2.1.8.2 Licences

Except for certain certificates that will likely not require renewal (e.g., disability access certificate, unless the floor plan of the building changes), it is likely that the remaining licences will require renewal or reapplication due to legislation updates. It is recommended that you consult with the various granting authorities regarding re-powering of your project and seek advice as to whether renewal/reapplication is required.

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