



Planning Circular Letter
Circular PL 5/2017

3 August 2017

- To: Chief Executive of each County/City Council,
Cathaoirleach of each County/City Council,
Cathaoirleach of each County/City Council Strategic Policy Committee on Planning,
Director of Service for Planning of each County/City Council, and
An Bord Pleanála.
- CC: Senior Planners, City and County Councils

**Interim Guidelines for Planning Authorities on
Statutory Plans, Renewable Energy and Climate Change and
Wind Energy Development Guidelines 2006 – Update on Review**

As directed by the Minister for Housing, Planning and Local Government, Mr Eoghan Murphy, T.D., I refer to the Department's previous Circular letter PL 20-13 on the review of wind energy and renewable policies in development plans which issued on 20 December 2013 and wish to provide an update on the current position with regard to the advice contained therein.

Circular Letter PL 20-13 advised that local authorities should defer amending their existing Development Plan policies in relation to wind energy and renewable energy generally as part of either the normal cyclical six-yearly review or plan variation processes and should instead operate their existing development plan policies and objectives until the completion of a focused review of the Wind Energy Development Guidelines 2006. The content of Circular letter PL 20-13 continues to be the advice of the Department.

Development Plan Process

Local authority development plans are a critical part of translating overall national policy on energy, renewable energy and wind energy in a manner that supports the achievement of Ireland's international obligations relating to climate change and renewable energy, and taking account of

local circumstances. As provided for in section 10(2) (n) of the Planning and Development Act (2000), as amended, (the Act), development plans are required to include objectives to mitigate against climate change and reduce reliance on fossil fuels.

Therefore, members of local authorities are reminded of their statutory obligations under the planning code in this regard and that in making or varying development plans, they must address renewable energy related policies or objectives when considering the proper planning and sustainable development of the area.

Interim Guidelines on Statutory Plans, Renewable Energy and Climate Change

It is acknowledged that the review of the Wind Energy Development Guidelines 2006 has taken considerably longer to conclude than initially envisaged, including due to the undertaking of extensive public consultation exercises. However, considerable progress on the review has been made and a more detailed update on the review is set out below. The need to finalise the review is also reflected in Action 20 of the Government's recently published "National Mitigation Plan" on climate change. The measures to be implemented through this Plan will lay the foundations for transitioning Ireland to a low carbon, climate resilient and environmentally sustainable economy by 2050.

Recognising the elapse of time since the review of the 2006 Guidelines was commenced and the statutory obligations on planning authorities to conduct reviews of their development plans every six years with variations possible in the intervening period, it is considered that guidance is necessary to ensure that statutory plans place the highest degree of priority on practical steps that will assist in the delivery of development that will lead to the level of decarbonisation required.

Accordingly, the Minister is now issuing new Planning Guidelines entitled – "*Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change – July 2017*" (enclosed), which focus on administrative procedures which should be carried out by planning authorities in the context of any review or variation to a development plan that may arise in the interim.

In this connection, the Interim Guidelines identify specific national policies relating to renewable energy and wind energy to which planning authorities shall have regard in the adoption or variation of statutory development plans. The Interim Guidelines also contain specific planning policy requirements, pursuant to Section 28(1C) of the Planning and Development Act 2000, as amended, that, in making, reviewing, varying or amending a development plan or a local area plan with policies or objectives that relate to wind energy developments, the relevant planning authority shall:

- acknowledge and document national policy on renewable energy in the relevant development plan or local area plan;
- indicate how the plan will contribute to realising overall national targets on renewable energy (particularly in any proposal to introduce or vary a mandatory setback distance or distances for wind turbines).

The Interim Guidelines also confirm that it shall be a material consideration in the strategic environmental assessment of any statutory development plans if a new or varied mandatory setback distance proposal would create a significant limitation or constraint on renewable energy projects, including wind turbines, in the authority's administrative area.

The Interim Guidelines do not replace or amend the existing Wind Energy Development Guidelines 2006 but it is intended that the administrative provisions contained therein will be incorporated into the revisions to the 2006 Guidelines when finalised.

The Interim Guidelines enclosed are being issued under section 28 of the Act. Under this provision, planning authorities and An Bord Pleanála are required to have regard to the guidelines and to apply any specific planning policy requirements of the guidelines, in the performance of their functions.

Ministerial Directions regarding development plans

Where local authorities breach statutory requirements in the development plan process or fail to adopt policies that reflect the overall national policy position, the Minister has powers under section 31 of the Act, which allow him to direct a planning authority to amend a statutory development plan. Where a local authority includes provisions considered to be incompatible with established national policy on renewable energy development and the statutory Guidelines, including the Wind Energy

Development Guidelines (2006) or these Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), consideration will be given to the use of those powers to direct the local authority to remove the incompatible provisions.

Review of the Wind Energy Development Guidelines 2006 – Update

In light of the commitment under the Programme for a Partnership Government (May 2016) to conclude the review of the 2006 Guidelines, with a view to offering a better balance between the concerns of local communities and the need to invest in indigenous energy projects, an important milestone in the review of the 2006 Guidelines was announced on 13 June 2017. The then Minister for Housing, Planning, Community and Local Government, in conjunction with the Minister for Communications, Climate Action and Environment, outlined an emerging “preferred draft approach” being developed by their respective Departments to address the key aspects of the review of the 2006 Guidelines.

The key aspects of the preferred draft approach are:

- the application of a more stringent noise limit, consistent with World Health Organisation noise standards, in tandem with a new robust noise monitoring regime, to ensure compliance with noise standards;
- a visual amenity setback of 4 times the turbine height between a wind turbine and the nearest residential property, subject to a mandatory minimum distance of 500 metres between a wind turbine and the nearest residential property;
- the elimination of shadow flicker; and
- the introduction of new obligations in relation to engagement with local communities by wind farm developers along with the provision of community benefit measures.

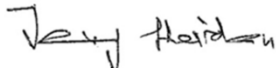
For further information on the announcement, please see attached *An Information Note: Review of the Wind Energy Development Guidelines 2006 - “Preferred Draft Approach”*. This is also available on the Departments website at the following link:

http://www.housing.gov.ie/sites/default/files/publications/files/wedg_review_information_note_-_preferred_draft_approach.docx

In line with requirements under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, a Strategic Environmental Assessment (SEA) will be carried out on the proposed revisions to the Guidelines, incorporating the preferred draft approach outlined above, prior to their adoption. The SEA process ensures that environmental considerations and public participation are fully integrated in the preparation of plans and programmes which provide a framework for development consent or planning permission.

The next stage of the focused review will be the commencement of scoping for strategic environmental assessment of the proposed revisions to the Guidelines with the relevant statutory environmental authorities. This will be followed in due course by the publication of detailed draft guidelines accompanied by relevant environmental reports for public consultation in Autumn 2017, with a view to concluding and publishing the final revised Guidelines in Q1 2018.

Any enquiries in relation to this Circular and the enclosed Guidelines may be emailed to planning@housing.gov.ie.



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Attachments:

- (i) Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change – July 2017.
- (ii) An Information Note: Review of the Wind Energy Development Guidelines 2006 - “Preferred Draft Approach”.