
Conditional Planning Exemptions

Reference for planning exemptions and restrictions for small scale renewable technologies and CHP structures

Those intending to install a technology that is mentioned in the exemptions are advised to get a written declaration from their local authority which will provide assurance that their particular development is covered by the exemptions. This is of particular relevance to wind turbines which are high visibility.

The cost of such a declaration (Section 5 Declaration) is approximately €80 and it must be provided by the local authority within the statutory timelines set out in Section 5 of the Planning and Development Act 2000.

There have been instances of people assuming they were exempt which have ended with the local authority requesting that installations be removed.

The designation of an area changes over time and the building of a house may have been approved 20 years ago but the house may now be in an area of special designation.

Restrictions on exemptions as per SI 600 of 2001

SI 600 of 2001

Article 9.(1) outlines conditions for which the exemptions set out in SI 83 of 2007 and SI 235 of 2008 (detailed for each technology below) do not apply. They include if the development would:

Interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed;

Consist of or comprise the excavation, alteration or demolition of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed;

Be in an area to which a special amenity area order relates.

Summary of exemptions set out in SI 83 of 2007 and SI 235 of 2008

Technology/ Application	Summary
-------------------------	---------

Heat pump in an industrial setting	<p>Exemptions apply to ground source or air source heat pumps.</p> <p>The level of the ground must not be altered by more than 1m above or below the level of the adjoining ground.</p> <p>The total area of any air source HP must not exceed 15 sq. m.</p> <p>An air source heat pump must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.</p> <p>Noise levels at the nearest party boundary must not exceed 43 db(A).</p>
Heat pump in a light industrial or business setting	<p>Exemptions apply to ground source or air source heat pumps.</p> <p>The level of the ground must not be altered by more than 1m above or below the level of the adjoining ground.</p> <p>The total area of any air source HP must not exceed 10 sq. m.</p> <p>No structure must be placed to the front of a building.</p> <p>An air source heat pump must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.</p> <p>Noise levels at the nearest party boundary must not exceed 43 db(A).</p>
Heat pump in an agricultural setting	<p>Exemptions apply to ground source or air source heat pumps.</p> <p>The level of the ground must not be altered by more than 1m above or below the level of the adjoining ground.</p> <p>The total area of any air source HP must not exceed 10 sq. m.</p> <p>An air source heat pump must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.</p> <p>Noise levels at the nearest party boundary must not exceed 43 db(A).</p>
Heat pump in a domestic setting	<p>Exemptions apply to ground source or air source heat pumps.</p> <p>The level of the ground must not be altered by more than 1m above or below the level of the adjoining ground.</p> <p>The total area of any air source HP or combination of two heat pumps must not exceed 2.5 sq. m.</p> <p>The heat pump must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.</p> <p>Noise levels at the nearest party boundary must not exceed 43 db(A).</p> <p>No structure must be placed to the front of a building.</p>
Wind turbine in a domestic setting	<p>Turbine must not be attached to a building.</p> <p>One turbine per house and it can not be sited in front of the building.</p> <p>Total height must not exceed 13m.</p> <p>Rotor diameter must not exceed 6m.</p>

Wind turbine in an agricultural setting

3m minimum clearance between ground and lowest point of blades.

Turbine mast must be the total maximum height of the assembly including turbine and blades plus one metre from the nearest party boundary.

Noise levels must not exceed 43db(A) or 5 db(A) above background noise at the nearest inhabited neighbouring dwelling.

No advertising can be placed on the turbine and the turbine must be matt finished.

The blades must not interfere with telecoms signals.

Turbine must not be attached to a building.

One only turbine per site.

Total height must not exceed 20m.

Rotor diameter must not exceed 8m.

3m minimum clearance required between ground and lowest point of blades.

Turbine mast must be one and a half times the total maximum height of the assembly (including turbine and blades) plus 1m from the nearest party boundary or non-electrical overhead lines.

Turbine mast must be the total maximum height of the assembly including turbine and blades plus 20m from the nearest 38kV electricity distribution line.

Turbine mast must be the total maximum height of the assembly including turbine and blades plus 30m from the centreline of the nearest transmission line i.e. 110kV plus.

The turbine must not be within 100m of an existing turbine.

Noise levels must not exceed 43db(A) at the nearest inhabited dwelling.

No advertising can be placed on the turbine and the turbine must be matt finished.

The blades must not interfere with telecoms signals.

Consent must be sought from the Irish Aviation Authority if the turbine is to be within 5km of an airport.

Wind turbine in an industrial or business setting

Turbine must not be attached to a building.

One only turbine per site.

Total height must not exceed 20m.

Rotor diameter must not exceed 8m.

3m minimum clearance required between ground and lowest point of blades.

Turbine mast must be the total maximum height of the assembly including turbine and blades plus 5m from the nearest party boundary or non-electrical overhead lines.

Turbine mast must be the total maximum height of the assembly including turbine and blades plus 20m from the nearest 38kV electricity distribution line.

Turbine mast must be the total maximum height of the assembly including turbine and blades plus 30m from the centreline of the nearest transmission line i.e. 110kV plus.

Noise levels must not exceed 43db(A) or 5 db(A) above background noise at the nearest inhabited neighbouring dwelling.

No advertising can be placed on the turbine and the turbine must be matt finished.

The blades must not interfere with telecoms signals.

Consent must be sought from the Irish Aviation Authority if the turbine is to be within 5km of an airport.

The area must not be within an Architectural Conservation Area.

**Solar Thermal or PV panel
in a domestic setting**

Total panel area must not exceed 12 sq. m or 50% of the total roof area including existing panels.

The distance between the plane of the wall or pitched roof and the panel must not be more than 15cm.

The distance between the plane of a flat roof and the panel must not exceed 50cm.

The panel must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.

A free standing array's height must not exceed 2m above ground level.

The erection of a free standing array must not reduce the area of private space to the rear or side of the house to less than 25 sq. m.

**Solar Thermal within a light
industrial or business
setting**

Can not be erected on a wall.

Total panel area must not exceed 50 sq. m or 50% of the total roof area including existing panels.

The distance between the plane of the pitched roof and the panel must not exceed 50cm in a light industrial building and 15cm in a business premises.

The distance between the plane of a flat roof and a panel must not exceed 2m in a light industrial setting and 1m in a business premises.

The panel must be a minimum of 50cm from the edge of the roof on which it is mounted or 2m on a flat roof.

Any associated equipment or storage must be within the roof space of the building.

A free standing array's height must not exceed 2m above ground level.

The total aperture area of a free standing array must not exceed 25 sq. m.

No advertising can be placed on the panel and a free standing panel must not be placed to the front of the premises.

Solar Thermal or PV within an industrial setting

Distance between the plane of the wall or pitched roof and the panel must not exceed 1m.

The distance between the plane of a flat roof and the panel must not exceed 2m.

The panel must be a minimum of 50cm from the edge of the wall or roof on which it is mounted.

The total aperture area must not exceed 50 sq. m.

Any associated equipment or storage must be within the roof space of the building.

A free standing array's height must not exceed 2m above ground level.

No advertising can be placed on the panel.

Solar Thermal or PV within an agricultural setting

Total panel area must not exceed 50 sq. m or 50% of the total roof area including existing panels.

Distance between the plane of the wall and the panel must not exceed 15cm.

The distance between the plane of a pitched roof and the panel must not exceed 50cm.

The distance between the plane of a flat roof and the panel must not exceed 2m.

The panel must be a minimum of 50cm from the edge of the wall or roof on which it is mounted or 2m if on a flat roof.

The total aperture area of a free standing array must not exceed 25 sq. m.

Any associated equipment or storage must be within the roof space of the building.

A free standing array's height must not exceed 2m above ground level.

No advertising can be placed on the panel.

PV within a light industrial or business setting

Total panel area must not exceed 50 sq. m or 50% of the total roof area including existing panels.

The distance between the plane of the wall and the panel must not exceed 15cm.

The distance between the plane of a pitched roof and the panel must not exceed 50cm in the case of a light industrial building and 15cm in a business setting.

The distance between the plane of a flat roof and the panel must not exceed 2m in the case of a light industrial building and 1m in the case of a business premises.

The panel must be a minimum of 50cm from the edge of the roof or pitched roof on which it is mounted or 2m on a flat roof.

Any associated equipment or storage must be within the roof space of the building.

A free standing array's height must not exceed 2m above ground level.

The total aperture area of a free standing array must not exceed 25 sq. m.

No advertising can be placed on the panel and a free standing panel must not be placed to the front of the premises.

CHP enclosing structure in industrial setting

Gross floor area not to exceed 500 sq. m and height and length must not exceed 10m and 50m respectively.

Must not be within 10m of public road or 200 metres of the nearest inhabited dwelling e.g. house, school, church, hospital unless written consent is available.

Structure must not exceed 8m if within 100m of a public road.

Maximum of 2 flues which must be below 20m in height and a maximum of 1m in diameter.

Noise levels must not exceed 43 db(A) at the nearest party boundary.

One only such structure exempt per premises and the structure can not enclose anything else.

CHP enclosing structure in light industrial or commercial setting

Gross floor area not to exceed 300 sq. m and height and length must not exceed 8m and 40m respectively.

Must not be within 10m of public road or 200 metres of the nearest inhabited dwelling e.g. house, school, church, hospital unless written consent is available.

Structure must not exceed 8m if within 100m of a public road.

Maximum of 2 flues which must be below 16m in height and a maximum of 1m in diameter.

Noise levels must not exceed 43 db(A) at the nearest party boundary.

One only such structure exempt per premises and the structure can not enclose anything else.

CHP enclosing structure in agricultural setting

Gross floor area not to exceed 300 sq. m and height and length must not exceed 8m and 40m respectively.

Must not be within 10m of public road or 100 metres of the nearest inhabited dwelling e.g. house, school, church, hospital unless written consent is available.

Structure must not exceed 8m if within 100m of a public road.

Maximum of 2 flues which must be below 16m in height and a maximum of 1m in diameter.

Noise levels must not exceed 43 db(A) at the nearest party boundary.

One only such structure exempt per premises and the structure can not enclose anything else.

Biomass Boiler in industrial, light industrial or business setting

Exemptions apply to boiler house, flues and storage of fuel.

The gross floor area of the boiler house must not exceed 20 sq. m.

The maximum allowable storage capacity for fuel store must not exceed 75 cubic metres.

The maximum exempt height for the storage is 3m.

The maximum exempt height for any flue, 2 are allowable, is 16m above ground level and the maximum diameter of same is 1m.

Only one such structure is allowable per premises.

The boiler house must not be within 10m of a public road or 100 metres from the nearest inhabited building such as a school, church, hospital etc. unless the written consent of the occupant is given.

Noise levels must not exceed 43 db(A) at the nearest party boundary.

The fuel must not be derived from animal waste or from wood containing dangerous substances.

Biomass Boiler in an agricultural setting

Exemptions apply to boiler house, flues and storage of fuel.

The gross floor area of the boiler house must not exceed 20 sq. m.

The maximum allowable storage capacity for fuel store must not exceed 75 cubic metres.

The maximum exempt height for the storage is 3m.

The maximum exempt height for any flue, 2 are allowable, is 20m above ground level and the maximum diameter of same is 1m.

Only one such structure is allowable per premises.

The boiler house must not be within 10m of a public road or 100 metres from the nearest inhabited building such as a school, church, hospital etc. unless the written consent of the occupant is given.

Noise levels must not exceed 43 db(A) at the nearest party boundary.

The fuel must not be derived from wood containing dangerous substances.