

An Bille um Pleanáil agus Forbairt (Tuirbíní Gaoithe), 2026
Planning and Development (Wind Turbines) Bill 2026

Mar a tionscnaíodh

As initiated

[No. 109 of 2026]

AN BILLE UM PLEANÁIL AGUS FORBAIRT (TUIRBÍNÍ GAOITHE), 2026
PLANNING AND DEVELOPMENT (WIND TURBINES) BILL 2026

Mar a tionscnaíodh

As initiated

CONTENTS

Section

1. Definitions
2. Location of wind turbines
3. Minimum distance of wind turbines from dwellings
4. Noise and shadow flickers
5. Appropriate authority in respect of an application for planning permission for a wind turbine development
6. Recycling of turbines
7. Transitional provisions
8. Offences
9. Breaches of statutory duty and saver for existing laws
10. Construction of new dwellings
11. Short title and commencement

Planning and Development Act 2000 (No. 30)

AN BILLE UM PLEANÁIL AGUS FORBAIRT (TUIRBÍNÍ GAOITHE), 2026
PLANNING AND DEVELOPMENT (WIND TURBINES) BILL 2026

Bill

entitled

An Act to make further provision for the regulation of wind turbines; to implement specific restrictions in relation thereto in the interests of local communities and occupiers of dwellings located in the vicinity of such turbines; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definitions

1. (1) In this Act—

"Act of 2000" means the Planning and Development Act 2000;

"development" has the same meaning as it has in the Act of 2000;

"development plan" has the same meaning as it has in the Act of 2000;

"dwelling" means any building or part of a building used as a dwelling and any out office, yard, garden or other land appurtenant to it or usually enjoyed with it;

"local authority" has the same meaning as it has in the Act of 2000;

"operative date" means the day on which this Act comes into operation;

"wind turbine" means equipment, with a height of not less than 15 metres, for the harnessing of wind power for energy production;

"wind turbine development" means any development which consists of or includes the placement of wind turbines.

(2) For the purposes of this Act—

(a) the height of a wind turbine is measured from the ground to the highest point which is reached by a part of a blade of the turbine when it is in operation, and

(b) the distance between a wind turbine and a dwelling is the shortest distance between the base of that turbine and the part of a dwelling nearest to that base.

Location of wind turbines

2. (1) Planning permission for a wind turbine development may only be granted in respect of a location if that grant of permission is in accordance with what is specified in the

development plan which is applicable in relation to that location.

(2) In respect of any wind turbine development, compliance with *sections 4* and *5* shall be a condition of any permission granted under any enactment for any such development.

Minimum distance of wind turbines from dwellings

3. A wind turbine whose height exceeds 25 metres shall not be erected within a distance of ten times the height of that turbine from any dwelling.

Noise and shadow flickers

4. An applicant for permission to construct a wind turbine and the operator of that turbine shall ensure that—

(a) the noise from the turbine does not exceed the noise limits specified in the World Health Organisation Guidelines for Community Noise (1999), and

(b) the location of the turbine is such that any shadow flicker from the turbine is not cast over a dwelling or part of a dwelling.

Appropriate authority in respect of an application for planning permission for a wind turbine development

5. (1) Subject to *subsection (2)*, notwithstanding section 37A of the Act of 2000 or any other enactment, planning permission for a wind turbine development may only be granted by—

(a) a local authority, or

(b) An Bord Pleanála on appeal from a decision of a local authority.

(2) *Subsection (1)* shall not apply in any case where the application for permission is required, by section 291 of the Act of 2000, to be made to An Bord Pleanála.

Recycling of turbines

6. The operator of a wind turbine shall arrange for the recycling of that turbine upon its decommissioning.

Transitional provisions

7. In respect of any wind turbine erected prior to the operative date—

(a) *sections 4* and *5(1)(b)* shall apply from the date which falls 12 months after the operative date, and

(b) *section 5(1)(a)* shall apply from the date which falls three months after the operative date.

Offences

8. (1) A person who contravenes *section 4* shall be guilty of an offence, and shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding

12 months or to both.

(2) A person who contravenes *section 5* shall be guilty of an offence, and shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding six months or to both.

(3) If, after a person is convicted of an offence under this Act, he or she fails to cease the contravention to which that conviction relates, the person shall be guilty of a further offence on each day or part of a day during which that failure continues and shall be liable on summary conviction to a class A fine for each such further offence.

(4) Where an offence under this Act is committed by a body corporate, and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Breaches of statutory duty and saver for existing laws

9. (1) For the avoidance of doubt, nothing in this Act shall exempt any person from any civil or criminal liability which, apart from this Act, would arise in relation to a wind turbine under any other enactment or any rule of law.

(2) Without prejudice to any other remedy available to a person in respect of a contravention of this Act, any such contravention is actionable, at the suit of a person affected by that contravention, as a breach of statutory duty.

Construction of new dwellings

10. (1) Nothing in this Act shall prevent, or affect the lawfulness or validity of—

(a) the construction of any dwelling in any location, or

(b) the grant of any planning permission for the construction of any dwelling in any location.

(2) Notwithstanding *subsection (1)*, where—

(a) on or after the operative date, the construction of a dwelling (in this subsection referred to as "the new dwelling") commences, and

(b) the location of the new dwelling, in relation to a wind turbine (in this subsection referred to as "the old turbine") erected prior to the commencement of the construction of that dwelling, is such that, had that dwelling existed at its location before that turbine was erected, there would (but for this subsection) have been a contravention of this Act,

then, for the purpose of determining whether or not there has been a contravention of this Act in respect of the old turbine, the new dwelling shall be disregarded.

Short title and commencement

11. (1) This Act may be cited as the Planning and Development (Wind Turbines) Act 2026.

(2) This Act shall come into operation one month after the day of its passing.

An Bille um Pleanáil agus Forbairt (Tuirbíní Gaoithe), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú breise maidir le tuirbíní gaoithe a rialáil; do chur i ngníomh srianta sonracha i ndáil leis an gcéanna ar mhaithe le pobail áitiúla agus le háititheoirí teaghaisí atá suite i gcomharsanacht tuirbíní den sórt sin; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Teachtaí Peadar Tóibín agus Pól Laighléis a thug isteach,

11 *Samhain,* 2026

Planning and Development (Wind Turbines) Bill 2026

BILL

(as initiated)

entitled

An Act to make further provision for the regulation of wind turbines; to implement specific restrictions in relation thereto in the interests of local communities and occupiers of dwellings located in the vicinity of such turbines; and to provide for related matters.

Introduced by Deputies Peadar Tóibín and Paul Lawless,

11*th November,* 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
Teil: 046 942 3100
r-phost: publications@opw.ie
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD, KILMAINHAM,
DUBLIN, D08 XAO6.
Tel: 046 942 3100
Email: publications@opw.ie
or through any bookseller.

€1.27

9 781399 343411