

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

Meabhrán Míniúcháin
Explanatory Memorandum

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EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to make further provision for the regulation of wind turbines, in relation to the location, operation and recycling of wind turbines and provisions of planning and development law in relation to such turbines. The Bill seeks to safeguard the interests of local communities and occupiers of dwellings located in the vicinity of wind turbines.

Provisions of the Bill

Section 1 provides for the short title and commencement of the Bill.

Section 2 defines key terms used in the Bill.

Section 3 ensures that planning permission for a wind turbine development can only be granted in respect of a location if that is in accordance with what is specified in the development plan for that location. It also ensures that compliance with *sections 4* and 5 of the Bill will be a condition of any permission granted for a wind turbine development.

Section 4 requires that a wind turbine whose height exceeds 25 metres must not be erected within a distance of ten times the height of that turbine from any dwelling.

Section 5 places a specified restriction on the noise output from wind turbines and prevents a wind turbine being placed in a position where it would cast a shadow flicker over a dwelling or part of a dwelling.

Section 6 provides that planning permission for a wind turbine development can only be granted by a local authority, or by An Bord Pleanála on appeal from a decision of a local authority (except in cases where section 291 of the Planning and Development Act 2000 requires that the application for permission be made to An Bord Pleanála).

Section 7 requires the operator of a wind turbine to arrange for it to be recycled upon its decommissioning.

Section 8 allows time, in respect of any wind turbine erected before the coming into operation of the Bill, to achieve compliance with *sections 4* and 5.

Section 9 provides that a contravention of *section 4* or 5 is an offence and prescribes penalties for contraventions of those sections, including a special provision for continuing contraventions.

Section 10 makes clear that nothing in the Bill exempts any person from any liability which, apart from the Bill, would arise in relation to a wind turbine under any other enactment or any rule of law. It also provides expressly for a right of action for breach of statutory duty, in respect of a contravention of the Bill, for any person affected by that contravention, without prejudice to any other remedy available to a person in respect of such a contravention.

Section 11 makes clear that the Bill does not prevent, or affect the lawfulness or validity of, the construction of any dwelling in any location or the grant of any planning permission for the construction of any dwelling in any location. However, where the construction of a new dwelling begins on or after the day on which the Bill comes into operation, the existence of that new dwelling will not cause the presence or operation of a turbine which was already there prior to the commencement of the new dwelling's construction to be in contravention of the Bill.

Peadar Tóibín, TD, Paul Lawless, TD,

Samhain, 2026.