

DÁIL ÉIREANN

AN COMHCHOISTE UM THITHÍOCHT, RIALTAS ÁITIÚIL AGUS OIDHREACHT

JOINT COMMITTEE ON HOUSING, LOCAL GOVERNMENT AND HERITAGE

Déardaoin, 29 Meán Fómhair 2022

Thursday, 29 September 2022

Tháinig an Comhchoiste le chéile ag 9.30 a.m.

The Joint Committee met at 9.30 a.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Thomas Gould,	Victor Boyhan,
Emer Higgins,	Rebecca Moynihan,
Eoin Ó Broin.	Mary Seery Kearney.

Teachta / Deputy Steven Matthews sa Chathaoir / in the Chair.

Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022, Planning and Development (Solar Safeguarding Zone) Regulations 2022: Discussion

Chairman: Good morning everybody and welcome to the meeting of the Joint Oireachtas Committee on Housing, Local Government and Heritage. Today we will be considering the Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022 and the Planning and Development (Solar Safeguarding Zone) Regulations 2022. I welcome the Minister of State, Deputy Peter Burke, and his officials. We look forward to scrutinising the exemptions to the planning regulations on solar installations.

Members are all aware of the requirements relating to privilege. I will act to ensure that those requirements are complied with. I invite the Minister of State to make his opening remarks.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Peter Burke): I thank the Chairman and members. It is good to be back before the committee this week with another very important reforming intervention. The two sets of regulations consist of the Planning and Development Act 2000 (Exempted Development)(No. 3) Regulations 2022 and the Planning and Development (Solar Safeguarding Zone) Regulations 2022, both of which concern planning exemptions for solar installations. The two sets of planning regulations I am presenting to the committee today stem from commitments in the climate action plan and the programme for Government to review the solar panel planning exemptions set out in the principal regulations. Further to these commitments, my Department, in consultation with the Department of Environment, Climate and Communications, has undertaken such a review. The focus of the review was on microgeneration and primarily on facilitating the generation of electricity for self-consumption as a supplement to the microgeneration support scheme launched by the Department of Environment, Climate and Communications earlier this year.

The first set of draft regulations I have laid before the Oireachtas is the Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022. These amend the pre-existing solar panel planning exemptions set out in Schedule 2 to the principal regulations in respect of houses, industrial buildings, light industrial buildings and business premises and agricultural structures, and also extend the exemptions to apartments, educational buildings, health centres or hospitals, recreational or sports facilities, places of worship, community facilities or centres and certain sites operated by statutory undertakers. In general, the regulations propose the removal of the rooftop square-metre-based limits that currently apply, namely, 12 sq. m for houses and 50 sq. m for other buildings, in the principal regulations and to instead allow full coverage, subject to conditions requiring the installation to be a minimum distance from the edge of the roof as well as restrictions in certain areas. However, in light of the potential threat to aviation safety arising from increased solar development, 43 solar safeguarding zones have been identified, in consultation with the Irish Aviation Authority, IAA, within which an increased 300 sq. m rooftop limit will now apply to all classes of development other than houses. It will be open to anyone seeking to avail of a larger rooftop solar installation within a solar safeguarding zone than the 300 sq. m limitation to apply for planning permission.

The second set of draft regulations that I have laid before the Oireachtas, the Planning and Development (Solar Safeguarding Zone) Regulations 2022, are the supplementary supporting regulations that set out the 43 solar safeguarding zones, which are required to address aviation safety concerns in respect of glint and glare impacts from solar panels. The solar safeguarding

zones are outlined both on maps and by reference to townlands in county councils and local electoral divisions in city councils. A rooftop limit will apply in solar safeguarding zones which extend outwards in a radial manner 5 km from airports and 3 km from smaller aerodromes, certain military barracks and emergency helipads. Following publication of the final regulations, my Department intends to make the solar safeguarding zones available for viewing on my Department's planning website, *myplan.ie*, which will provide interactive maps with greater detail on boundary delineation in relation to these zones. Under the provisions of the Planning and Development Act 2000, the approval of the Oireachtas is required before any exempted development regulations are signed into law. Hence, the presentation of these regulations to the committee today.

I commend the two sets of draft regulations to the committee. If the regulations are approved, the Government will be removing obstacles for the roll-out of solar energy development nationwide, enabling individuals, communities, businesses and farms to play their part in creating a future fuelled by renewable energy and acting against climate change. They will further help people and businesses to reduce their energy bills and increase Ireland's energy security, which is of vital importance given the current international situation. If, further to today's presentation to the committee, these draft regulations are subsequently approved by positive resolution of both Houses of the Oireachtas as required under the Planning Act, they will come into force as soon as they are signed. If approved by the Oireachtas, it would be the intention to sign the regulations into law at the earliest opportunity. I thank members for their attention.

Chairman: I thank the Minister of State for bringing these regulations to us. They form a very important part of our climate action plan, as he mentioned, and a step towards decarbonisation. I also acknowledge the work of his officials and the negotiation by the IAA to increase the square metres in the zones that were designated for glint and glare. It is a real improvement because it helps schools, farms, factories etc. in those areas. We know solar works really well in this country and the important part it can play. Microgeneration is what we are dealing with mostly today. It is a secure source of energy on people's roofs where the energy is being used at source and at production, which is the best way to use electricity. The measures brought here today remove an unnecessary complexity in trying to put solar panels on roofs, where up to this point it was necessary to go for planning permission, with the costs and hassle involved with that. We remove that if we agree these regulations. That is a very important step and a step toward the decarbonisation of energy in this country, which we need to do quickly, rapidly and at scale.

Some very good research was done recently by MaREI Research Centre for Energy, Climate and Marine in Cork which showed the overall capacity we have on rooftops across Ireland to produce solar electricity and how that will have a positive impact on the security of supply and save people money. These regulations are a very important step and I am glad to see them come before the committee today.

Deputy Eoin Ó Broin: I thank the Minister of State and his officials. I fully concur with the Chair's remarks. Some of us have been asking for these for almost two full Dáil terms, so it is great to see them come finally to fruition. I have just four technical questions. Sinn Féin will support the speedy passage of the regulations. As much to put it on the record as anything, will the Minister of State explain the rationale behind the two limits of 3 km and 5 km, that is, why they were chosen and what they are based on? Second, for absolute clarity for anyone listening in, will the Minister of State explain the expansion to the 300 sq. m limit? The third is about the timeline. The Minister of State said at the end that he would like to see this signed as quickly as

possible. If we are able to get this through the Dáil and Seanad in the next week or two, are we looking at the signature and passage by the end of October? I think people would like to know.

The fourth is not specifically related to the regulations but it is something I would like to raise. One challenge even with microgeneration through wind is the inability of our system to incorporate what are often called direct lines. For example, Belfast City Airport has a very significant number of solar panels, and because it can run direct lines from the structure where the solar panels are into other aspects of its complex, it has an incredibly high level of renewable energy resources. We do not have that capacity at the moment. For example, a complex of community and school buildings could, as a consequence of this good measure, have solar in a particular location but may not have the capacity to run excess generation to another building rather than into the grid. Is that something that can be resolved? Is it something officials in the Department and their counterparts in the Department of Environment, Climate and Communications are looking at? It would ensure the maximum benefit of new solar for any particular kind of campus base solar that emerges out of this.

Again, I welcome and fully support the proposition before us today.

Deputy Peter Burke: There is a significant amount of negotiation through the consultation process with the Irish Aviation Authority and other safety actors. It was decided at that juncture that we would have ten 5 km buffer zones and around 33 3 km buffer zones. The 5 km ones were around major airports and aerodromes and obviously the smaller ones were around emergency helipads, barracks and some emergency military sites around the country. Some are in remote locations. The landmass in respect of the country is less than 2% because many overlap. There were significant negotiations in the original draft. It was 60 sq. m. We got it increased to 300 sq. m. That was through negotiation around issues such as glint and glare and issues for landing and taking off that the safety authorities had raised as significant concerns to them. It did take significant work to get past that hurdle. It does make it exempt now for every house in the country and there is an increased limit for the commercial sector, which is very welcome.

Deputy Eoin Ó Broin: By way of clarification, that then means that within that 5 km or 3 km zones, building owners can still apply for planning permission up to 300 sq. m and obviously then they can be considered by the planning authorities.

Deputy Peter Burke: Absolutely. There are also a number of significant ones beside airports but they went through the planning phase. They can get due diligence and greater certainty in terms of the application process and the robustness that gives. When it comes exempt development, it is necessary to be a bit more careful in what is done.

On the timeline, I expect to sign the regulations next week, all going well. There is a little bit of work to be done on the maps but it is not very significant. We are almost there but we must make sure everything is ready for the website. It is hoped they will be signed next week.

On the last question, the microgen working group is dealing with that issue so I will raise it with it. I do not have a specific response under my jurisdiction but I will talk it about that.

Deputy Eoin Ó Broin: Perhaps it can send a note to the committee on that at whatever stage it can as we would all be interested in any information it has on that.

Senator Mary Seery Kearney: I thank the Minister of State. This is fantastic. I do not have a question but, rather, concur with everything the Chair has said. There are a number of community groups in Dublin South-Central that are trying to become as energy self-sufficient

as possible. It is particularly pertinent at the moment. This is not the Minister of State's area but he might be able to exert some influence. A microgeneration support scheme for panels for businesses, public organisations and community groups was launched recently. That allows for a certain amount of solar panels and production of energy. I have had feedback that it does not go far enough and more is needed. It is important we do that. With the absence of a cap on the roof space that can be used, it is important we keep that under review. I absolutely support this. It is fantastic. I thank the Minister of State for all his hard work and engagement.

Senator Rebecca Moynihan: We are very supportive of this and I pay tribute to the Chair and the Green Party for its motion and Private Members' Bill on this this time last year, I think. What is the position on this in architectural conservation areas with protected structures and buildings? I understand that at the moment panels can be put on the back of some buildings but not necessarily on the front. Has special provision been made on this specifically?

Deputy Peter Burke: There is a condition in the statutory instrument that, once they do not materially affect the character of the building, they are exempt. For clarity, these are for the roofs of the buildings. They will not be at the back of them. They are for the roof.

Senator Rebecca Moynihan: I meant roof sides. As far as I know, the front side of pitched roofs cannot be done whereas the back can be. I do not mean the actual building.

Deputy Peter Burke: I expect it will be once it does not materially affect the building. I do not see any issue.

Chairman: Senator Moynihan, is that satisfactory?

Senator Rebecca Moynihan: Yes, thanks Chairman.

Chairman: I call Deputy Higgins to join us now and to speak, please.

Deputy Emer Higgins: I thank the Chairman. As I am just coming into the House, I am unsure if I am allowed to speak at this point.

Chairman: Once a committee member is within the curtilage of the building, that is okay. Will I continue with Deputy Gould and return to the Deputy later?

Deputy Emer Higgins: I just have a very quick question. I know it might not be the Minister of State's area but could he possibly apply some pressure to see if the grants scheme could be rolled out to support enterprise groups and community enterprises, which I believe are excluded currently? The likes of ACE Enterprise Park in Clondalkin is not covered under those regulations and perhaps he could exert some influence on that, please.

Deputy Peter Burke: I am not actually aware that they are excluded but I will double-check that and get back to the Deputy on that issue.

Deputy Emer Higgins: That is much appreciated.

Chairman: The reason-----

Deputy Peter Burke: I understand that the second phase of the scheme commenced on 22 September 2022, so I expect that they are covered but we will revert back to the Deputy to check as to the extension of the scheme.

Chairman: Public organisations, businesses and community buildings are covered?

Deputy Peter Burke: Yes.

Chairman: We can check into that. I do not believe that they would be excluded.

Deputy Peter Burke: We will get back to Deputy Higgins on that point.

Chairman: I thank the Minister of State. I call now on Deputy Gould.

Deputy Thomas Gould: We support what is coming forward here today and I believe that this is the second meeting of this committee where we are agreeing with the Minister of State. Last week, we discussed maternity and sick leave for councillors.

Sometimes people are looking at politicians and only see the adversarial way, especially when one looked at the budget this week and the disagreements but there are many things on which we can agree and on which we can work together constructively. This is an area where it has probably taken us too long to get to where we are, but we are here now. It is a positive move that we all support and want to see implemented. We support the regulations the Minister of State is bringing forward.

I will raise a few issues. Recently I spoke with a 72-year-old woman who has a two-bedroomed terraced house. When she took the grants for the solar and retrofitting, the cost was still coming out at €59,000. In the whole area of the installation of solar panels we are seeing that the grant for these panels, I believe, is being reduced now to €2,400 from €3,000. Can the Minister of State clarify that point for me, please?

The average cost for the installation of solar panels was €7,000. Now, with the increased capacity that people can now put on their roofs, one will obviously see the cost increase. This will not be affordable for many people. On one side we are increasing the capacity, which is a good thing and something we all support. On the other side then, it will be outside the ability of many people to install these solar panels. Is there something we can do or that the Government is looking at to see how we can bridge that gap?

Deputy Peter Burke: The first thing I will say is that anything that does not necessitate a planning application will make it cheaper to deliver on the roofs or tops of buildings. If one takes the commercial sector, in the majority of areas 98% of the country potentially can have such panels fitted as big as they may want on their roofs without a planning application, up to 300 sq. m. That is a very significant step. Households right across the country do not have to engage in the planning process. There was a very draconian limit in place prior to that. Again, this is going to be a very positive step.

On the grants and support question, these are obviously not planning matters and are under the control of the Minister, Deputy Eamon Ryan. We will raise those issues of affordability with him. We know that there is a very significant effort being made to try to transform our economy into a net zero carbon economy. This is a long journey we are embarking upon and it is going to take significant capital funding to unlock many of those communities. Where I am from, in very rural areas like Longford and Westmeath, one sees so many challenges in trying to get on a more sustainable footing for households. We will certainly raise those issues with the Minister but I must focus on the planning exemptions in trying to make it easier and cost-effective in planning terms so that there are no impediments to deliver these panels on their households or businesses in the areas under my responsibility.

Deputy Thomas Gould: I accept the point the Minister of State is making. He is dealing

with planning today but it is important that he goes to the Minister. This is something that we want to move forward with and it is important.

Another issue which may not be of concern but which I wish to raise is that if I engage someone to install a gas boiler, they have to be certified to install it. We are talking now about putting much bigger solar panels on people's roofs. Are there regulations around the people who install solar panels? I know that this is a side issue but we are looking now at much bigger solar panels being put on people's roofs and we must be sure of the safety of them into the future. I am not looking for a direct answer here but we want to ensure that this is done correctly.

Deputy Peter Burke: There is a registration process with the Sustainable Energy Authority of Ireland, SEAI, for contractors and with the Commission for Regulation of Utilities. There are safeguards there to watch over the process to ensure these works are done correctly. It is very important that operators are registered and that work is carried out effectively. The SEAI is obviously driven to do that.

Deputy Thomas Gould: Does the Minister of State believe that the SEAI will look at the regulations, considering the increase in size of the panels and the number of panels that will be mounted? Is this something that needs to be looked at? I am not looking to delay anything now but we are changing the rules here and it is just that I think that we need the-----

Deputy Peter Burke: The robust part of what we do in government now where one is trying to change things, which would really open your eyes, is that exemptions like these go through a strong process in respect of appropriate assessment and strategic environmental assessment. One thing about that is when you are assessing changes to exempt development, you have to look at both the positive and negative impacts. A change like this has so many positive impacts that they also have to go through robust assessment of the effects they may have on the environment and on the wider society at large. That, in itself, was a large body of work. I am confident that those exemptions have been assessed already as it has taken so long to get through this process, between negotiating with the various different safeguarding actors who have responsibility for glint and glare and for our aerodromes, as well as going through the SEAI process, to ensure that everything is right. I would be very happy that any considerations on the additional scale of the solar panels on roofs has been fully mitigated by the robustness of the process to get to the stage.

Deputy Thomas Gould: My next question is that when the Minister of State is talking to the Minister, he might note that in England and Wales, they are installing solar panels on 800,000 social housing units, which is about 17% and just less than 20% of the social housing there. With the new regulations being brought forward by the Minister of State, it would make a very significant difference to us if we were to do something similar to that here with our social housing stock. This difference would in the first instance be for those who live in social housing and the positive benefits this would have for them. Also, this would assist in trying to hit our carbon targets. It is very much the way we need to go. I know that this issue is not in the Minister of State's remit here today but I believe it is important. The Minister of State is bringing forward positive recommendations here and I assume that the other Minister, Deputy Eamon Ryan, would be in full support of that idea where he needs to match that with work on social housing. I ask that the Minister of State takes this idea to the Minister.

My final point is that we support this. It is positive and has taken a long time to come but we will move forward now.

Chairman: I thank Deputy Gould for that contribution. I believe that concludes matters but I will make some concluding marks of my own to the Minister of State.

Following on from the point made by Deputy Gould on the roll-out of solar panels, the announcement of the solar panels for schools is a very strong measure. It makes a great deal of sense to help schools cope with electricity costs as well. They will also then have that feed-in tariff opportunity when the schools are not in operation. We also saw the figures for the roll-out of the energy retrofits for social housing, with those figures increasing and paid for out of the carbon tax.

The grants system works very well. The size of the system that somebody should put in their house should be based on the consumption within that house because I believe that is the best model one can have. One generates electricity and one uses it as close to source as possible. The figures from the MaREI research showed that a 2.5 kW system will pay back for itself within seven years. With the grant, with that sort of payback time, and with the increasing cost of electricity, that grant system makes a great deal of sense. This is being shown because there is such a very significant subscription to it out there and many of those companies are scaling up. That will also bring down the price and we will see them across most rooftops in Ireland, which is only right because solar works very well here. The exemptions we have brought in are another positive move in that transition to a future of renewable and decarbonised energy.

Deputy Thomas Gould: I have a point for the Chairman. I was in the private sector before I came here and I know that when you are installing anything like energy-efficient lighting, you must recoup the cost in three years. Many businesses and people would think that seven years is too long. That is just from a business point of view. The reason for this is that the technology will be outdated in seven years and you will need to go again. If we are looking at incentivising people to install new technologies such as solar panels, from my experience I believe we should be looking at getting the money back within a three or four-year window and for the technology to continue working for a few years after that because, if it needs to be replaced at that point, you are not really making money. I just wanted to give the Chairman a bit of insight on that.

Chairman: My experience is that solar panels have a life expectancy of 20 to 25 years along with the inverters. The difficulty that might arise is with battery systems, but batteries are not required in all installations. It depends on the make-up of the household and when power is used. People need to consider that carefully. A payback period of seven years for something with a 25-year life expectancy is quite good and electricity costs are only going to go one way.

Deputy Thomas Gould: That is fair enough.

Chairman: We can continue this debate somewhere else. I am going to let the Minister of State go now. We have had the opportunity to consider the draft regulations. I thank the Minister of State for his attendance. We look forward to seeing the statutory instrument signed as soon as possible.

Messages to Dáil and Seanad

Chairman: In accordance with Standing Order 101, the following message will be sent to the Dáil:

The Joint Committee on Housing, Local Government and Heritage has completed its

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consideration of the following Orders in draft:

Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022

Planning and Development (Solar Safeguarding Zone) Regulations 2022

Under Standing Order 100(2), the message is deemed to be the report of the committee.

In accordance with Standing Order 75, the following message will be sent to the Seanad:

The Joint Committee on Housing, Local Government and Heritage has completed its consideration of the following Orders in draft:

Planning and Development Act 2000 (Exempted Development) (No. 3) Regulations 2022

Planning and Development (Solar Safeguarding Zone) Regulations 2022

Under Standing Order 77(2), the message is deemed to be the report of the committee.

The joint committee adjourned at 10.02 a.m. until 3 p.m. on Tuesday, 4 October 2022.