

S.I. No. 83/2007 — Planning and Development Regulations 2007.

S.I. No. 83 of 2007 .

PLANNING AND DEVELOPMENT REGULATIONS 2007.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 6th March, 2007.

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 4(2) of the Planning and Development Act 2000 (No. 30 of 2000) hereby makes the following Regulations:

Citation and commencement.

1. (1) These Regulations may be cited as the Planning and Development Regulations 2007.

(2) These Regulations and the Planning and Development Regulations 2001 to 2006 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2007.

Amendment of Schedule 2.

2. Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (S.I. 600 of 2001) is hereby amended by the substitution of the following for Class 2:

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CLASS 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure. The capacity of an oil storage tank shall not exceed 3,500 litres.

- (b) The construction, erection or placing within the curtilage of a house of a wind turbine.
1. The turbine shall not be erected on or attached to the house or any building or other structure within its curtilage.
 2. The total height of the turbine shall not exceed 13 metres.
 3. The rotor diameter shall not exceed 6 metres.
 4. The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 metres.
 5. The supporting tower shall be a distance of not less than the total structure height (including the blade of the turbine at the highest point of its arc) plus one metre from any party boundary.
 6. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, whichever is greater, as measured from the nearest neighbouring inhabited dwelling.
 7. No more than one turbine shall be erected within the curtilage of a house.
 8. No such structure shall be constructed, erected or placed forward of the front wall of a house.
 9. All turbine components shall have a matt, non-reflective finish and the blade

shall be made of material that does not deflect telecommunication signals.

10. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine.

(c) The installation or erection of a solar panel on, or within the curtilage of a house, or any buildings within the curtilage of a house.

1. The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 12 square metres or 50% of the total roof area, whichever is the lesser. 2. The distance between the plane of the wall or a pitched roof and the panel shall not exceed 15 centimetres. 3. The distance between the plane of a flat roof and the panel shall not exceed 50 centimetres. 4. The solar panel shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted. 5. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level. 6. A free-standing solar array shall not be placed on or forward of the front wall of a house. 7. The erection of any free standing solar array shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.

(d) The installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) or an air source heat pump.

1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground. 2. The total area of such a heat pump, taken together with any other such pump previously erected,

shall not exceed 2.5 square metres.3. The heat pump shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted.4. No such structure shall be erected on, or forward of, the front wall or roof of the house.

5. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, whichever is greater, as measured from the nearest neighbouring inhabited dwelling.

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GIVEN under my Official Seal,

28 February 2007

DICK ROCHE

Minister for the Environment, Heritage and Local Government

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to amend Class 2, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to provide for exemptions in respect of micro-renewable technologies.

