



## Ireland



OVERVIEW OF THE POLICY FRAMEWORK

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#### TABLE OF CONTENTS

Overview		3
	Definitions	
	1.1. Renewable Energy Community definition	4
	1.2Alternative energy community definition	4
2.	Assessment of obstacles and potential and removal of unjustified barriers	6
3.	Enabling framework	6
4.	Access to financing and support	7
5.	Other provisions on energy communities	10
References		10

#### **DISCLAIMER**

The content of this document aims to establish an overview of the national legal developments in the context of the Clean Energy Package for the Member State mentioned above. The document includes only final legislation which was published before the end of March 2023. It does not include provisions that are not yet applicable under law (i.e., currently drafted or discussed).

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#### Overview

According to the Energy Communities Repository's research, Ireland has not published a specific law transposing the EU rules for renewable energy communities (RECs) or citizen energy communities (CECs) into national law. However, in 2021, the Department of Environment, Climate & Communications (DECC) included a specific mechanism for RECs in their Renewable Electricity Support Scheme (RESS), which aims to support renewable energy production in Ireland generally. Specifically, a percentage of capacity being auctioned off has been ringfenced for projects that qualify as community-led projects. Under this scheme, RECs only need to compete with each other, instead of with larger project developers.

In more detail, the RESS scheme provides support to renewable electricity projects in Ireland. With a primary focus on cost effectiveness, the RESS delivers a broader range of policy objectives, including:

- an Enabling Framework for Community Participation through the provision of pathways and supports for communities to participate in renewable energy projects;
- increasing technology diversity by broadening the renewable electricity technology mix;
- delivering an ambitious renewable electricity policy to 2030;
- increasing energy security, energy sustainability and ensuring the cost effectiveness of energy policy.<sup>2</sup>

As part of RESS support, DECC has also put in place other supportive measures, such as access to expertise, advice and development assistance to help finance early works. The Sustainable Energy Authority of Ireland (SEAI) has been given the responsibility for these supportive measures. It has set up an online information portal with complementary resources to support communities to develop their own projects.<sup>3</sup> This will help establish an online one-stop shop where RECs can get information on permitting, financing and other technical/legal questions that must be dealt with.

There have been 3 rounds of the RESS scheme so far and the results of the first two will be analysed below in the section on the support scheme.

#### 1. Definitions

The RESS support scheme in Ireland has incorporated specific supporting measures for RECs, including an Enabling Framework for Community Participation.<sup>4</sup> The terms and conditions for the first competition under the RESS scheme include a definition of RECs, which are eligible to participate in the RESS scheme. There is also a pre-dating the Clean Energy Package community energy concept, the Sustainable Energy Communities (SECs), which is a much broader concept than RECs.

<sup>&</sup>lt;sup>1</sup> Concrete information on the RESS scheme can be found in the official website of the Government of Ireland, available at: <a href="https://www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme/">https://www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme/</a>

<sup>&</sup>lt;sup>3</sup> The Community Enabling Framework is available at: <a href="https://www.seai.ie/community-energy/enabling-framework/">https://www.seai.ie/community-energy/enabling-framework/</a>

<sup>&</sup>lt;sup>4</sup> Description of the RESS scheme in the official website of the Government of Ireland https://www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme/



With regards to the dedicated authority to oversee, the Ministry (DECC), along with the Regulatory Authority (the Commission for Regulation of Utilities, or CRU), monitor the operation of the RESS scheme.

#### 1.1. Renewable Energy Community definition

The terms and conditions for the first competition under the RESS scheme has incorporated a definition for RECs. In more detail, a REC is defined as a legal entity:

- a) which, in accordance with applicable law, is based on open and voluntary participation, is autonomous, and is effectively controlled by shareholders or members that are located (in the case of small and medium enterprices (SMEs) or local authorities) or resident (in the case of natural persons) in the proximity of the RESS 1 Project that is owned and developed (or proposed to be owned and developed) by that legal entity;
- b) the shareholders or members of which are natural persons, SMEs, local authorities (including municipalities), not-for-profit organisations or local community organisations;
- c) for any shareholder or member (with the exception of "Sustainable Energy Communities" as registered with SEAI), that shareholder or member's participation does not constitute their primary commercial or professional activity;
- d) the primary purpose of which is to provide environmental, economic, societal or social community benefits for its shareholders or members or for the local areas where it operates, rather than financial profits;
- e) in respect of which, each shareholder or member is entitled to one vote, regardless of shareholding or membership interest; and
- f) which is, or which has at least one shareholder or member that is, registered as a "Sustainable Energy Community" with SEAI,

and all of the above criteria must be evidenced to the satisfaction of the Minister.<sup>5</sup>

Under the first round of tenders, RESS 1, projects needed to be 51% owned by RECs.<sup>6</sup> However, in RESS 2, the threshold was raised to 100% REC ownership, in order to address and avoid potential abuse by commercial developers.<sup>7</sup>

#### 1.2. Alternative energy community definition

Ireland has developed already before the Clean Energy Package the concept of Sustainable Energy Communities (SECs). This is a much broader term than RECs and acknowledges much looser collaborative partnership approaches by local community actors on various local actions focused on energy efficiency and renewable energy. According to the terms and conditions for the first competition under the RESS scheme,

<sup>&</sup>lt;sup>7</sup> Terms and conditions for the second competition under the RESS scheme, RESS 2: October 2021, page 62, available at: <a href="https://www.gov.ie/pdf/?file=https://assets.gov.ie/202966/8696964e-fale-4879-9648-11c6eaa756da.pdf#page=null">https://www.gov.ie/pdf/?file=https://assets.gov.ie/202966/8696964e-fale-4879-9648-11c6eaa756da.pdf#page=null</a>



Sustainable Energy Community means a Sustainable Energy Community which is registered as such with the SEAI.<sup>8</sup>

More specifically, the Sustainable Energy Communities Handbook published by SEAI defines a SEC as a community that works together to develop a sustainable energy system. To do so, they aim to:

- be energy-efficient;
- use renewable energy;
- consider smart energy solutions.

A SEC can include a range of different energy users in the community such as homes, sports clubs, community centres, churches and businesses. In this way, an SEC connects sustainable energy, local economic development and public wellbeing.<sup>9</sup>

The Handbook highlights the benefits that are connected to becoming a SEC, including to:

- Achieve financial and energy savings;
- Enhance comfort and health from energy efficient buildings;
- Boost local employment;
- Support community development;
- Build capacity and access funding.

A SEC is able to access a range of supports from SEAI for energy projects. In addition, according to the handbook, SECs also contribute to national energy targets and reduce society's environmental impact and create an Energy Master Plan to become more energy efficient, use renewable energy and consider smart energy solutions. After such Plan, the SEC can become a member of SEAI's SEC Network, whereby the SEC can access mentoring and technical support.<sup>10</sup>

Moreover, a SEC usually contains some or all of the below characteristics:

- A mix of activities and sectors in the community;
- A geographically defined area or common field of interest;
- Strong stakeholder commitment;
- A defined organisational structure;
- A balance between energy-efficiency projects and development of renewable energy supply;
- A collaborative approach. 11

<sup>8</sup> Terms and conditions for the first competition under the RESS scheme, RESS 1: February 2020, page 21 <a href="https://www.gov.ie/pdf/?file=https://assets.gov.ie/77080/8e6e8cbf-2061-499c-9ce9-1710aa4300cf.pdf#page=null9">https://www.gov.ie/pdf/?file=https://assets.gov.ie/77080/8e6e8cbf-2061-499c-9ce9-1710aa4300cf.pdf#page=null9</a> Sustainable Energy Communities Handbook, published by SEAI in 2018, page 2, available at: <a href="https://www.seai.ie/publications/Sustainable%20Energy%20Communities%20Handbook.pdf">https://www.seai.ie/publications/Sustainable%20Energy%20Communities%20Handbook.pdf</a>
10 Ibid

<sup>&</sup>lt;sup>11</sup> Ibid page 3. More information can be found on the SEAI's 'Sustainable Energy Communities Handbook'.



# 2. Assessment of obstacles and potential and removal of unjustified barriers

Prior to the design of a dedicated mechanism for RECs under the RESS scheme, DECC hired consultants that undertook an assessment of different scenarios and policy options for supporting community energy. The assessment has not been published.

## 3. Enabling framework

With regards to the provisions of tools to access finance, the Community Enabling Framework developed by SEAI provides grants for early, mid and late-stage development including project design and planning, grid connection, submission costs and advice for project financing. <sup>12</sup> It is also possible to get funding from Community Benefit Funds established by commercial project developers under the RESS scheme. <sup>13</sup> Projects are required to demonstrate that the costs they reclaim have really been incurred.

Furthermore, according to Ireland's National Energy and Climate Plan (NECP), the Better Energy Communities (BEC) Scheme provides funding for community groups to improve the efficiency and the sustainability of energy use in their local areas. The aim of the scheme is to support projects at a community level, specifically seeking to test innovative and pioneering partnerships for delivery between the public and private sectors, residential and non-residential sectors, and commercial and not-for-profit organisations. The scheme is part of the national retrofit programme which provides funding to upgrade Ireland's building stock and facilities to high standards of energy efficiency, thereby reducing fossil fuel use, running costs and greenhouse gas emissions. <sup>14</sup>

With regards to access to information on community support under the RESS scheme, such information is available on the website of SEAI. The Community Enabling Framework itself provides advice and mentoring support to communities, both through providing access to mentors and specialist expert advisors. It also contains a Community Energy Resource Toolkit. This is aimed at providing practical guidance modules across a number of different areas (including technology options, business planning, project development stages, setting up an organisation/governance strategy) to support project development and delivery of a project. It contains modules on onshore wind, solar PV, planning processes, and grid connections.<sup>15</sup>

Specifically as far as grid connections is concerned, SEAI has published a grid connection report as part of the Community Energy Resource Toolkit of the Community Enabling Framework with useful information for energy

<sup>&</sup>lt;sup>12</sup> More information on the 4 steps that need to be followed for a community to have access to this framework are available here: <a href="https://www.seai.ie/community-energy/enabling-framework/">https://www.seai.ie/community-energy/enabling-framework/</a>.

<sup>&</sup>lt;sup>13</sup> The Community Benefit Fund will be analysed below.

<sup>&</sup>lt;sup>14</sup> Ireland's National Energy and Climate Plan 2021-2030, page 133, available at: https://www.gov.ie/pdf/?file=https://assets.gov.ie/94442/f3e50986-9fde-4d34-aa35-319af3bfac0c.pdf#page=null

<sup>15</sup> All relevant information can be found here: https://www.seai.ie/community-energy/enabling-framework/



communities touching upon the grid connection feasibility, the connection application process, the connection method and costs etc.<sup>16</sup>

## 4. Access to financing and support

As already mentioned above, Ireland has developed a Renewable Electricity Support Scheme (RESS), which aims to support renewable energy production. Specifically, a percentage of capacity being auctioned off has been ringfenced for projects that qualify as community-led projects. In more detail, with regards to available information on such support measures, SEAI has designed the Community Enabling Framework analysed above to provide RECs with information on how to participate in the Community Preference Category under RESS. It also provides advice, information resources, financial support and mentoring to communities. <sup>17</sup>

As far as eligibility for direct price support is concerned, under the dedicated mechanism for RECs under RESS, REC projects are eligible for a 2-way Feed-in Premium. Under the RESS, qualifying REC projects are entitled to participate in a separate REC-only tender process, separate from larger commercial projects.

More specifically, in its NECP, the Government stated that the RESS scheme should ensure an appropriate enterprise/community mix to achieve an efficiently delivery of the national renewable electricity target.  $^{18}$  In 2021, a special 'Community Preference Category' was created for RECs under RESS.  $^{100}$ % owned REC projects between 0.5 MW and 5 MW that are community-led can qualify to participate in a ringfenced tender for community projects. The projects must be  $^{100}$ % owned either by way of direct ownership of the project's assets or by direct ownership of the shares in the Generator. Furthermore,  $^{100}$ % of the profits, dividends and surpluses derived from the project must be returned to the REC.  $^{19}$ 

Community projects that qualify under the Community Preference Category are also not required to submit a Bid Bond or Performance Security. Furthermore, they do not need to have planning permission to apply for a grid connection (although it is necessary before a grid connection can be issued).

Furthermore, Ireland's RESS Scheme includes the establishment of a Community Benefit Fund, which must be set up by a Generator whereby it contributes €2 per MWh to such fund for the benefit of the community. There is a Good Practice Principles Handbook that lays out a range of principles and guidance for Generators in order to ensure the successful operation and delivery of Community Benefit Funds, including the need to ensure community participation in fund decision-making via the establishment of a local committee, which should encourage successful dispersal of funds.<sup>20</sup>

Moreover, there are additional rules for administration and distribution of funds including:

<sup>&</sup>lt;sup>16</sup> Available here: https://www.seai.ie/publications/Community-Toolkit-Grid-Connection.pdf

<sup>&</sup>lt;sup>17</sup> Community Enabling Framework, SEAI, Available at: <a href="https://www.seai.ie/community-energy/enabling-framework/">https://www.seai.ie/community-energy/enabling-framework/</a>

<sup>&</sup>lt;sup>18</sup> Ireland's National Energy and Climate Plan 2021-2030, page 63, available at:

 $<sup>\</sup>underline{https://www.gov.ie/pdf/?file=https://assets.gov.ie/94442/f3e50986-9fde-4d34-aa35-319af3bfac0c.pdf\#page=nulled to the following of the foll$ 

<sup>&</sup>lt;sup>19</sup> Terms and conditions for the first competition under the RESS scheme, RESS 1: February 2020, page 47 <a href="https://www.gov.ie/pdf/?file=https://assets.gov.ie/77080/8e6e8cbf-2061-499c-9ce9-1710aa4300cf.pdf#page=null">https://www.gov.ie/pdf/?file=https://assets.gov.ie/77080/8e6e8cbf-2061-499c-9ce9-1710aa4300cf.pdf#page=null</a>
<sup>20</sup> Ibid 59-62



- a) In the context of Onshore Wind RESS 2 Projects, a minimum of €1,000 shall be paid to each household located within a distance of a 1 kilometre radius from the Onshore Wind RESS 2 Project. The 1 kilometre distance specified is measured from the base of the nearest turbine of the RESS 2 Project to the nearest part of the structure of the household, the location of which is identified in the postal geo-directory;
- b) a minimum of 40% of the funds shall be paid to not-for-profit community enterprises whose primary focus or aim is the promotion of initiatives towards the delivery of the UN Sustainable Development Goals, in particular Goals 4, 7, 11 and 13, including education, energy efficiency, sustainable energy and climate action initiatives:
- c) a maximum of 10% of the funds may be spent on administration. This is to ensure successful outcomes and good governance of the Community Benefit Fund. The Generator may supplement this spend on administration from its own funds should it be deemed necessary to do so; and
- d) the balance of the funds shall be spent on: (i) initiatives successful in the annual application process, as proposed by clubs and societies and similar not-for-profit entities; and (ii) in respect of Onshore Wind RESS 2 Projects, on "near neighbour payments" for households located outside a distance of 1 kilometre from the RESS 2 Project but within a distance of 2 kilometres from such RESS 2 Project. The distance specified is from the base of the nearest turbine to the nearest part of the structure of the occupied residence, the location of which is identified in the postal geo-directory.<sup>21</sup>

For its Offshore Competition under the Renewable Support Scheme (ORESS 1), DECC has set up a Community Benefit Fund so that local coastal communities benefit from offshore renewables development. DECC is currently consulting on Rules and Guidance to include in ORESS 1.

In addition, according to SEAI, projects between 6kW and 50kW receive a 'Clean Export Premium' (CEP) tariff per kWh exported, for a period of 15 years, from the electricity supplier. The Clean Export Premium (CEP) was €0.135/kWh in 2022. Any difference between the CEP tariff and wholesale electricity prices will be supported by the Public Service Obligation (PSO) levy. Exported volumes of electricity eligible for the Clean Export Premium (CEP) tariff will be capped at 80% of generation capacity – to incentivise self-consumption.<sup>22</sup>

With regards to the results of the auctions, the Final Auction Results of the RESS 1 have been published on 10 September 2020.<sup>23</sup> RESS 1 was the first Renewable Electricity Support Scheme by the Government of Ireland and used a competitive auction process to determine which generators receive support. For projects that are successful in the RESS 1 Auction, this support typically applies for approximately 15 years. Action Number 28 of Ireland's Climate Action Plan 2019 that addresses the design and implementation of RESS<sup>24</sup> calls on the need to increase the volumes and frequencies of RESS auctions to deliver on the 70% renewable electricity

<sup>&</sup>lt;sup>21</sup> Terms and conditions for the second competition under the RESS scheme, RESS 2: October 2021, page 63-64, available at: <a href="https://www.gov.ie/pdf/?file=https://assets.gov.ie/202966/8696964e-fale-4879-9648-11c6eaa756da.pdf#page=null">https://www.gov.ie/pdf/?file=https://assets.gov.ie/202966/8696964e-fale-4879-9648-11c6eaa756da.pdf#page=null</a>

<sup>&</sup>lt;sup>22</sup> More information can be found in the Official website of SEAI, available at: <a href="https://www.seai.ie/news-and-media/micro-generation-">https://www.seai.ie/news-and-media/micro-generation-</a>

 $<sup>\</sup>frac{support/\#:\sim:text=Projects\%20between\%206kW\%20and\%2050kW,current\%20average\%20wholesale\%20electricity\\ \%20price$ 

<sup>&</sup>lt;sup>23</sup> More information can be found here: <a href="https://www.eirgridgroup.com/site-files/library/EirGrid/207158-EirGrid-Renewable-Energy-Scheme-LR5.pdf">https://www.eirgridgroup.com/site-files/library/EirGrid/207158-EirGrid-Renewable-Energy-Scheme-LR5.pdf</a>

<sup>&</sup>lt;sup>24</sup> The Climate Action Plan 2019 is available here: <a href="https://www.gov.ie/en/publication/ccb2e0-the-climate-action-plan-2019/">https://www.gov.ie/en/publication/ccb2e0-the-climate-action-plan-2019/</a>



target by 2030, ensuring an appropriate community/enterprise mix to achieve an efficient delivery of renewables.

The RESS 1 Auction ran as per the RESS 1 Auction Timetable<sup>25</sup> following the Auction Submission Closing Date on the 28 July 2020. A total of 114 projects applied to participate in the RESS 1 qualification process. The Final Qualification Results as approved by the Minister for Communications, Climate Action and Environment qualified 109 projects (including eight Community Projects) to participate in the RESS 1 Auction.<sup>26</sup>

RESS 2 is the second competition under the Renewable Electricity Support Scheme by the Government of Ireland and used a competitive auction process to determine which generators receive support. For projects that are successful in the RESS 2 Auction, this support typically applies for approximately 15 years.<sup>27</sup> A total of 153 projects applied to participate in the RESS 2 qualification process. The Final Qualification Results, as approved by the Minister for the Environment, Climate and Communications, qualified 130 projects (including 15 Community Projects) to participate in the RESS 2 Auction. 2,748 GWh of the 3,772 GWh bids submitted were successful in the auction. This equates to approximately 414 MW of onshore wind and 1,534 MW of solar.<sup>28</sup> Action Number 106 of Ireland's Climate Action Plan 2021 calls on the need to ensure communities benefit from renewable energy projects in RESS through benefit funds and ownership.<sup>29</sup> RESS 2 includes a strong pipeline of community projects, with 10 communities being supported to produce their own power and share in the ownership of Ireland's energy revolution.<sup>30</sup>

Moving forward, the key design principles from RESS 1 and RESS 2 have been maintained for RESS 3. The government is in the process of approving the proposed elements of the RESS scheme. The obligatory Community Benefit Fund (CBF) scheme established in RESS 1 is expected to be maintained in RESS 3. The CBF will generate a significant volume of capital for communities living in close proximity to renewable projects each year for the duration of the support scheme.

However, the Community projects preference category is expected to be removed from RESS 3. Support for communities for the development of renewable projects will now transition to the non-competitive Small-Scale Generation Scheme (SSGS), which is due to be launched later in 2023. In more detail, there was a consultation on the Small-Scale Generation Support Scheme (SSG) opened from the Department of the Environment, Climate and Communications on 3 August 2022. According to information extracted from the Government's website, the first phase of the SRESS will involve grant supports for Renewables Self-Consumers for solar installations up to 1MW, for an interim period up to the end of 2025. These grant supports are now available under the amended Non-Domestic Solar PV Scheme, which facilitates both micro- and small-scale generation applicants.

<sup>&</sup>lt;sup>25</sup> The RESS 1 Auction Timetable can be found here: <a href="https://www.eirgridgroup.com/site-files/library/EirGrid/RESS-1-Auction-Timetable-(R1AT)-V4.0.pdf">https://www.eirgridgroup.com/site-files/library/EirGrid/RESS-1-Auction-Timetable-(R1AT)-V4.0.pdf</a>

<sup>&</sup>lt;sup>26</sup> Renewable Electricity Support Scheme 1, RESS 1 Final Auction Results, 10 September 2020, page 2, available at: <a href="https://www.eirgridgroup.com/site-files/library/EirGrid/207158-EirGrid-Renewable-Energy-Scheme-LR5.pdf">https://www.eirgridgroup.com/site-files/library/EirGrid/207158-EirGrid-Renewable-Energy-Scheme-LR5.pdf</a>

<sup>&</sup>lt;sup>27</sup> Renewable Electricity Support Scheme 2, RESS 2 Final Auction Results, 15 June 2022, page 4, available at: <a href="https://www.eirgridgroup.com/site-files/library/EirGrid/RESS-2-Final-Auction-Results-(R2FAR).pdf">https://www.eirgridgroup.com/site-files/library/EirGrid/RESS-2-Final-Auction-Results-(R2FAR).pdf</a>

<sup>&</sup>lt;sup>28</sup> More information on the RESS 2 can be found here: <a href="https://www.gov.ie/en/publication/7f0bb-renewable-electricity-support-scheme-2-ress-2/">https://www.gov.ie/en/publication/7f0bb-renewable-electricity-support-scheme-2-ress-2/</a>

<sup>&</sup>lt;sup>29</sup> The Climate Action Plan 2021 is available at: https://www.gov.ie/en/publication/6223e-climate-action-plan-2021/

<sup>&</sup>lt;sup>30</sup> Renewable Electricity Support Scheme 2, RESS 2 Final Auction Results, 15 June 2022, page 4, available at: <a href="https://www.eirgridgroup.com/site-files/library/EirGrid/RESS-2-Final-Auction-Results-(R2FAR).pdf">https://www.eirgridgroup.com/site-files/library/EirGrid/RESS-2-Final-Auction-Results-(R2FAR).pdf</a>

<sup>&</sup>lt;sup>31</sup> More information can be found here: <a href="https://www.gov.ie/en/consultation/353f2-consultation-on-a-small-scale-generation-support-scheme-ssg-in-ireland/">https://www.gov.ie/en/consultation/353f2-consultation-on-a-small-scale-generation-support-scheme-ssg-in-ireland/</a>



Small-Scale Generation is defined as renewable electricity generation technologies with an electricity output greater than 50kW, but smaller than typical commercial generators.<sup>32</sup>

With regards to future RESS Auctions, Ireland has published a Renewable Electricity Support Scheme Schedule of Future Auctions, <sup>33</sup>

## 5. Other provisions on energy communities

In its National Energy and Climate Plan, the Government communicated an ambition to increase the number of Sustainable Energy Communities to 1,500 by 2030. Ireland's objective is also to support up to 10% community renewable electricity projects by 2030.<sup>34</sup>

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<sup>32</sup> ibid

<sup>&</sup>lt;sup>33</sup> Available at: https://www.gov.ie/en/publication/8b63a-renewable-electricity-support-scheme-schedule-of-future-auctions/

<sup>&</sup>lt;sup>34</sup> Ireland's National Energy and Climate Plan 2021-2030, page 93, available at: https://www.gov.ie/pdf/?file=https://assets.gov.ie/94442/f3e50986-9fde-4d34-aa35-319af3bfac0c.pdf#page=null



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