



Rialtas na hÉireann
Government of Ireland

Rulebook for Community Benefit Funds under RESS

May 2025

Prepared by the Department of the Environment, Climate and Communications
[gov.ie](https://www.gov.ie)

Table of Contents

Table of Contents.....	i
1 Introduction	3
1.1 Background	3
1.2 Application of this Rulebook.....	4
2 Overview of Roles	4
2.1 The Generator	5
2.2 The Fund Administrator	6
2.3 The Community	8
2.4 The Fund Committee	9
2.5 The Minister.....	11
2.6 SEAI	12
3 Establishing a CBF	14
3.1 Registration of the CBF	14
3.2 First year's monetary value of the Fund and first payment.....	14
3.3 Requirement to establish a Fund Committee	15
3.4 Fund Strategy	16
4 Distribution of CBF Funds	18
4.1 Allocation of the Funds	18
4.2 Direct Household Payments	18
4.3 Administration costs	21
4.4 Funding of local projects.....	22

4.4.1 Allocation of Funds.....	22
4.4.2 Application process	23
4.4.3 General Restrictions.....	26
4.4.4 State Aid Restrictions	27
4.4.5 Leveraging the Fund	28
4.4.6 Carry over of Funds and multi annual projects	29
5 Reporting	29
5.1 Reporting obligations	29
5.2 Calculation of following year's payment to the Fund	31
6 Enforcement and Non-Compliance	32
7 General Provisions.....	32
7.1 Provisions for small Funds.....	32
7.2 Compliance with Law.....	33
7.3 Appeals and Complaints.....	33
7.4 Publication and Data Protection.....	34
7.5 Cooperation.....	34
7.6 CBF and Compensation	35

1 Introduction

1.1 Background

The Renewable Electricity Support Scheme (RESS) is a key policy initiative to deliver on the Government's Climate Action Plan commitment to generate 80% of electricity using renewable sources by 2030. Support schemes like RESS, in place all over the world, are a way of ensuring that renewable energy technologies are incentivised to replace the use of fossil fuels in our economy. Projects supported by RESS are awarded a contract to sell electricity at a guaranteed price for the long term, typically a period of about fifteen years. This gives developers the certainty they need to build the project.

However, it is vitally important that communities across the country benefit in a tangible form in their local areas when they host the key infrastructure that is required to generate renewable electricity.

That is why the commitment was made to ensuring that all renewable electricity projects supported under RESS ("**RESS Projects**") would have to provide a Community Benefit Fund (hereafter "**CBF**", "**Fund**" or "**Funds**") for their local area. These Funds ensure that communities can support sustainable initiatives and decide themselves as to what worthy local causes warrant support. The fact that these funds predominantly benefit rural areas is crucially important in ensuring that those most impacted by our transition to a greener energy system receive the greatest benefit.

Not alone that, but the amount payable by RESS Projects into the Fund is mandated at a minimum of €2 per Megawatt hour of generation of the RESS Project. This means there are real and quantifiable funds being made available annually for the benefit of the local community.

This Rulebook sets out rules and guidelines with which Generators must comply in respect of their RESS projects and provides further clarification on the obligations set out in the RESS Terms and Conditions regarding Community Benefit Funds, as not all details could be included therein. This Rulebook does not seek to serve as practical guidance for local communities, its purpose is limited to establishing the rules governing the operation of the Community Benefit Funds.

1.2 Application of this Rulebook

- (1) All provisions in this rulebook shall be binding on Generators and their RESS Projects' Community Benefit Funds. Generators should be aware that any failure to comply, or to procure compliance with this Rulebook, may result in the Letter of Offer for its RESS Project being withdrawn by the Minister, in accordance with the Terms and Conditions.
- (2) In the case of any conflict or inconsistency between the RESS Terms and Conditions under which the project received its Letter of Offer and this Rulebook, the RESS Terms and Conditions will prevail.
- (3) Terms used but not defined in this Rulebook will have the meaning given to them in the Terms and Conditions.
- (4) This Rulebook shall be governed by and construed in accordance with the laws of Ireland and the Courts of Ireland shall have exclusive jurisdiction in relation to any matter arising under or in respect of this Rulebook.
- (5) The Minister reserves the right to update, correct or otherwise amend this Rulebook from time to time.
- (6) The Good Practice Principles Handbook (the "**GPPH**") for Community Benefit Funds under the Renewable Electricity Support Scheme published in 2021, will be considered to be superseded and replaced at the moment of the publication of this Rulebook, any references in any RESS Terms and Conditions to the GPPH shall be construed as references to this Rulebook, and this Rulebook will be applicable to all RESS Projects' Community Benefit Funds.

2 Overview of Roles

- (1) The key stakeholders in the Funds are the Generator, the Fund Administrator, the Community, the Fund Committee, the Minister and SEAI (the "Sustainable Energy Authority of Ireland"). We will specify their main responsibilities in this section, but further detail on their roles and responsibilities are outlined throughout this Rulebook as we provide rules and guidelines on how the Funds shall operate.

2.1 The Generator

(1) The Generator has ultimate responsibility for all administrative and governance matters relating to the Fund – its set-up, advertisement, administration, reporting and compliance, and ensuring that the Fund is fully compliant with the RESS Terms and Conditions under which the Project reached commercial operation and this Rulebook.

(2) The Generator's responsibilities include, but are not limited to, those outlined in the following list. However, the remainder of this Rulebook should be carefully examined to ensure full compliance.

- (a) Establishing and registering the Fund before the relevant Milestone.
- (b) Ensuring that at least one CBF funding round is conducted annually, or at the frequency set out in accordance with Section 4.4.2(9)(d) of this Rulebook.
- (c) Providing proof of funding to the Minister (or the designated body) at the time of registration and in the subsequent years in the form of a Self-Declaration statement or alternative documentation as deemed necessary by the Minister (or the designated body).
- (d) Contacting and advising households on their eligibility for household payments in relation to their entitlement according to Section 4.2 of this Rulebook and ensuring payments to those households are made.
- (e) Raising awareness of the Fund in the local community.
- (f) Appointing the Administrator.
- (g) Providing a contact name, email and phone number for all CBF queries as part of the SEAI CBF registration process, which will be publicly displayed on the Register.
- (h) Ensuring that the Fund opens an application process to fund initiatives within the Community immediately after its registration.
- (i) Reporting on Fund outcomes annually to the Minister or a nominated

state body.

- (3) The Generator may delegate its responsibilities, including the ones listed above, to an Administrator. However, this does not excuse Generators from being responsible for ensuring these responsibilities are discharged.
- (4) It is in the Generators' best interests to work in collaboration with the communities that host their RESS Projects to increase public acceptance of renewable energy projects.

2.2 The Fund Administrator

- (1) The Generator may delegate their responsibilities under the RESS Terms and Conditions, under which their Project reached commercial operation, and this Rulebook to a Fund Administrator ("Administrator"). However, the Generator has ultimate responsibility for all administrative and governance matters and for ensuring the operation of the Fund remains fully compliant with the RESS Terms and Conditions applicable to the Project and this Rulebook. This Section 2.2 applies to circumstances where an Administrator is appointed by a Generator. If that is not the case, the Generator is expected to perform the role of Administrator as set out in this Section 2.2.
- (2) The Minister (or a designated body) will engage constructively with the Generator in the event of concerns regarding the Community Benefit Fund's compliance with the applicable RESS Terms and Conditions or the provisions of this Rulebook as established in Section 6.
- (3) This role may be assigned to a third party or to an individual or group of individuals within the Generator's organisation.
- (4) The Administrator should guide the Fund Committee, if applicable, in best practice of managing the Fund, should oversee its operation including its advertisement and should assist in the decision-making process in respect of applications for funding.
- (5) It is recommended that the Administrator should in all cases have the necessary skills and, specifically where this function is sourced externally, the Administrator should be a specialist Fund Administrator. Local

companies, SMEs (“**Small and Medium Enterprises**”) and other entities and individuals may be selected for this role by the Generator. For small Funds not exceeding the threshold referred to in Section 3.3, the Fund Administrator, either sourced internally or externally, should have the relevant skills but they are not required to be a specialist fund management provider.

- (6) Notwithstanding the above, the Administrator is expected to be sufficiently equipped and qualified to ensure the Fund adheres to the highest standards of governance in a manner that is fair, accountable and fully transparent.
- (7) The Administrator’s responsibilities include, but are not limited to, those outlined in the following list. However, the Generator may delegate, subject to Section 2.1(3) above, other functions to the Administrator or retain some of them as the Generator deems appropriate.
 - (a) Formal establishment of the Fund with an official address and banking/payment facility. The Fund should function wholly in compliance with all statutory and regulatory standards of financial reporting, conduct and accounting. The Fund should have a separate banking/payment facility so that Funds are clearly separated from project finances.
 - (b) Setting up the Fund Committee, if applicable.
 - (c) Establishing working contact with the SEAI and registering the new Fund with the SEAI.
 - (d) Supporting the local community in setting up its Fund Committee, if applicable.
 - (e) Ensuring guidance and training is provided to volunteer Fund Committee members, if applicable.
 - (f) Devising, agreeing, and guiding the developments of Funding strategy.
 - (g) Implementing the Funding strategy and decisions.

- (h) Developing the application process.
 - (i) Evaluation of applications.
 - (j) Agreeing terms of award and arranging payment.
 - (k) Communicating with all applicants, providing written feedback to unsuccessful applicants if requested.
 - (l) Monitoring and following up on the implementation of all awards successful in the open application process.
 - (m) Securing the impact assessment data from projects funded as requested by the Minister (or designated body).
 - (n) Ensuring good governance in administration of the Fund.
 - (o) Providing an annual report on activities and funding outcomes as required by the RESS Terms and Conditions and this Rulebook, as well as comprehensive financial reporting and analysis required for compliance assessment when requested by the Minister (or designated body).
- (8) In order to support the administration of Funds, SEAI will provide general guidance to assist this community engagement process. The Administrator may benefit from these resources to receive guidance and to assist and train the Fund Committee's volunteer members, if applicable.

2.3 The Community

- (1) The Community that lives close to the RESS Project is the beneficiary of the Community Benefit Fund. In this Rulebook, Community must be understood as the group of people and associations in the vicinity of the RESS Project.
- (2) The geographical delimitation of the Community shall be defined in the following terms.
 - (a) In relation to household payments under Section 4.2 of this Rulebook, the distances outlined in that Section.

- (b) Regarding projects eligible for funding under Section 4.4, the Community Benefit Fund may define the Area of Benefit taking into consideration the Fund's resources and the number of households located in the vicinity of the RESS Project. However, the Area of Benefit shall not extend beyond a radius of 25 kilometres from the RESS Project. This distance is measured from the base of the nearest turbine or the nearest solar panel to the nearest part of the main structure of the occupied residence, not considering outbuildings or other such structures. The location of the residence shall be identified in the An Post geo-directory.
- (3) If the Generator or, where applicable the Fund Committee, considers that an alternative definition of the Area of Benefit should apply to the RESS Project, the Generator shall seek a derogation from the Minister (or a designated body), providing evidence for such change.
- (4) The Community's responsibilities include, but are not limited to, those outlined in the following list.
 - (a) Nominating volunteers to sit on the Fund Committee
 - (b) Submitting applications for funding
 - (c) Supporting positive delivery of Funds
 - (d) Applying for household payments, where applicable, and providing any necessary information required to receive the payments.

2.4 The Fund Committee

- (1) The Fund Committee shall consist of a number of volunteer community representatives, the project Generator and the Administrator.
- (2) Projects within the limits set out in Section 3.3 are exempt from having to establish a Fund Committee but they may have one if the Generator deems it appropriate.
- (3) The Fund Committee shall have between 3 and 12 volunteers from the Community.

- (4) The selection of the Fund Committee members shall be publicly announced within the Community, and the Generator should be able to demonstrate that the process has been made public if requested. The Generator should be able to provide justification for the selection of each Fund Committee member over other candidates if requested to do so.
- (5) The Fund Committee's responsibilities include, but are not limited to, those outlined in the following list.
 - (a) Undertaking the assessment and evaluation of all funding applications in accordance with the RESS Terms and Conditions under which the project received its Letter of Offer and this Rulebook. Members shall review all applications and request any further information if required prior to Fund Committee meetings.
 - (b) Reviewing the achievements and outcomes/impact reported by award recipients in their monitoring impacts' reports provided by the Administrator and contributing into the annual reporting by the Generator or the Administrator to SEAI.
 - (c) Working with the Administrator, or with the Generator where the Generator retains this responsibility, in the preparation and agreement of a Fund Strategy which details the Fund plans and priorities, distribution mechanism, award sizes, award frequencies, and any other relevant aspects.
 - (d) Regularly reviewing how the Fund Strategy is working and the financial position of the Fund.
- (6) Community members sitting on the Fund Committee are not permitted to work for the Generator or the Fund Administrator in cases where their responsibilities include direct involvement with the relevant Community Benefit Fund. Any potential conflict of interest should be declared in line with Section 2.4(9) of this Rulebook.
- (7) Changes in the membership of the Fund Committee after the Fund has been registered shall be notified to the Minister (or a designated body) through the annual report process.

- (8) Members of the local community who become members of the Fund Committee may be familiar with or have a close association with those seeking support from it, so objectivity will be expected from them.
- (9) It is assumed that Fund Committee members will participate in accordance with the highest governance and reporting standards, as pertains to the Funds generally. A code of conduct and conflict of interest policy should be established and signed by all members of the Fund Committee. This may include a declaration of potential conflicts of interest by Fund Committee members and a rotation policy to ensure a 'fresh' input during the lifetime of the process.
- (10) A rotating Chairperson role for the Fund Committee is recommended.
- (11) The Fund Committee may agree to invite specific independent advisers to support or assist in its function. For example, a Fund Committee may decide it would like to consider different options about a community retrofitting programme, and they may seek external advice on how best to integrate that into the Funding strategy. Likewise, they may take counsel from community development organisations active in the area.
- (12) The Generator is not allowed to appoint any local or national public authority or body as the Fund Administrator according to Section 2.2(6) of this Rulebook. However, Fund Committees are permitted to seek advice from Local Authorities or other local or regional public bodies to devise their Fund Strategy. In any case, general restrictions and State Aid rules in Section 4.4.3 and Section 4.4.4 apply. Members of Local Authorities may be members of the Fund Committee in their capacity as private individuals.
- (13) Whilst the Fund Committee is the decision-making body of the Fund, the Generator is ultimately responsible for ensuring that the Fund is fully compliant with the RESS Terms and Conditions under which the RESS Project received its Letter of Offer operation and this Rulebook.

2.5 The Minister

- (1) The Minister's responsibilities include, but are not limited to, those outlined in the following list.

- (a) Designing the Community Benefits Fund under RESS policy.
 - (b) Assessing and deciding on any derogation requests submitted by Generators in accordance with the RESS Terms and Conditions and this Rulebook.
 - (c) Assessing any Fund or seeking any further information from the Generators as may be deemed necessary to ensure the compliance of all the Community Benefit Funds under RESS with the RESS Terms and Conditions and this Rulebook.
 - (d) Developing the RESS Terms and Conditions and this Rulebook in relation to the Community Benefit Funds under RESS, including the right to modify or amend the RESS Terms and Conditions and this Rulebook.
- (2) The Minister may nominate a designated body to delegate the above responsibilities as required.

2.6 SEAI

- (1) SEAI is the designated body in respect of the RESS Community Benefits, and any reference throughout this Rulebook to a “designated body” shall be understood to refer to SEAI, unless expressly stated otherwise.
- (2) SEAI’s responsibilities include, but are not limited to, those outlined in the following list.
- (a) Maintaining the CBF National Register for RESS Projects.
 - (b) Performing the role of the compliance assessment body in relation to the Fund’s annual reports. In this capacity, SEAI retains the powers to assess any Fund or seek any further information from the Generator as may be deemed necessary to carry out this function effectively. Compliance assessment should be understood through this Rulebook as implementing systematic processes and practices to evaluate CBFs’ adherence to RESS Terms and Conditions and the Rulebook, engaging with Fund Administrators and Generators as required to fulfil

that role and escalating to the Minister as necessary when the CBF have not taken sufficient steps to reach compliance and further actions are required.

- (c) Specifying the registration and reporting requirements that apply in respect of the SEAI CBF National Register (hereafter “**Register**”), including the authority to update, modify or amend such requirements from time to time.
 - (d) Reviewing the impact of the Funds to ensure they remain relevant and fit-for-purpose over the lifetime of the RESS Projects, creating a lasting and enduring legacy for Communities.
 - (e) Assessing any Fund or seeking further information from the Generator as may be deemed necessary to establish the Fund’s adherence to the RESS Terms and Conditions and this Rulebook.
 - (f) Providing support and guidance to Funds considering queries and feedback received, to the extent reasonably possible. This support may consist of advising on how best to engage citizens and communities, providing guidance on setting up and implementing funding strategies, and facilitating education and capacity-building in the community sector. The SEAI will assess what supports may be required to build the necessary skills to maximise the impact of the Funds. Nevertheless, SEAI’s guidance does not constitute legal counsel, and the legal responsibility for any actions taken by the Community Benefit Funds remains with the Community Benefit Funds and, ultimately, with the Generator, as set out in the RESS Terms and Conditions and this Rulebook.
- (3) SEAI will employ a general oversight approach to the management of the SEAI CBF National Register including registration, reporting and an administrative compliance assessment check against the relevant RESS Terms and Conditions and this Rulebook.
 - (4) SEAI will support the promotion of the CBF National register, which will include supporting the development and promotion of the Register itself as well as supporting the development of text and video case studies of

inspirational projects that have been delivered by CBFs.

3 Establishing a CBF

3.1 Registration of the CBF

- (1) As set out in the RESS Terms and Conditions, prior to the final Milestone Date for Milestone 6, RESS Projects are required to establish a Community Benefit Fund and register the RESS Project and the Community Benefit Fund with the RESS Community Benefit Funds National Register. RESS Projects that received a Letter of Offer under different RESS Terms and Conditions shall establish and register their CBF as required in their applicable Terms and Conditions.

3.2 First year's monetary value of the Fund and first payment

- (1) Under the RESS Terms and Conditions, the direct annual monetary contribution by the Generator into the Fund is fixed at a minimum of €2/MWh of Loss-Adjusted Metered Quantity.
- (2) Concurrently with the RESS Project's declaration of Commercial Operation, the Generator shall ensure that the CBF is operational and take the necessary steps to facilitate that within a year from that date the following actions have been completed. RESS Projects that received a Letter of Offer under different RESS Terms and Conditions shall comply with the requirements set out in their applicable Terms and Conditions.
- (3) An agreement should have been reached with eligible households in relation to mandatory payments under Section 4.2 and that those payments have been made.
- (4) The application process for local projects has been opened and the applications for funding have been reviewed, assessed and awarded in accordance with the principles set out in the applicable RESS Terms and Conditions and this Rulebook.
- (5) To fulfil the above, the Generator shall finance the Community Benefit Fund

with a first payment calculated according to the deemed energy production of the RESS Project, as determined by its assigned capacity factor under the RESS Terms and Conditions under which the RESS Project received its Letter of Offer. The formula to be used is the following:

Amount in Euro = 2 x [RESS Contracted Capacity of the Project in MW] x 8760 x [Capacity Factor as defined in the RESS Terms and Conditions under which the RESS Project received its Letter of Offer, for the specific technology of the RESS Project]

As an **example**, an onshore wind RESS Project with a Contracted Capacity of 50 MW, with a capacity factor of 35% according to the RESS Terms and Conditions, would have a first year's monetary contribution of €306,600, as a result of applying the formula above with these figures:

$$€2 \times 50 \times 8760 \times 0.35 = €306,600$$

- (6) At the end of the first year following declaration of Commercial Operation, an adjustment calculation will be carried to assess the difference between the actual Loss-Adjusted Metered Quantity energy production during the year and the first payment calculated according to the method above. Such difference necessary to balance the account will be added or deducted to the calculation of the second year's payment.
- (7) Generators may make advance payments to the Fund before the RESS Project has reached commercial operation. In that case, a written notice to the Minister (or a nominated body) is required.

3.3 Requirement to establish a Fund Committee

- (1) The Generator shall establish a Fund Committee to oversee the RESS Project's Community Benefit Fund where the annual monetary contribution calculated based on the deemed energy production exceeds the amount of €50,000 using the formula included in Section 3.2(5).
- (2) The Generator shall comply with all the requirements and restrictions in relation to the Fund Committee set out in Section 2.4 of this Rulebook, with special consideration to the requirement that the selection of the Fund Committee members shall be a public process.

- (3) If a Generator with a RESS Project exceeding the threshold set out in Section 3.3(1) considers that exceptional circumstances apply which warrant the absence of a Fund Committee, such Generator shall seek a derogation from the Minister (or nominated body).
- (4) Whilst appointments should be made by the Generator or the Administrator, it is recommended that the process is undertaken in consultation with independent community organisations to give some impartial insight to the process.
- (5) The Generator or Administrator should aim to achieve geographic balance of representation from communities within the expected 'Area of Benefit' for the Fund and every effort should be made to ensure those communities closest are represented in the first instance.
- (6) The Generator or the Administrator should also attempt to achieve a Fund Committee representing as broad a cross section of the local community as possible.
- (7) The Fund Committee should agree the preferred maximum duration to serve on the Fund Committee. Rotation is highly recommended especially in larger Funds.

3.4 Fund Strategy

- (1) It is good practice for the new Fund Committee, if applicable, or the Generator and Administrator where the Community Benefit Fund does not have a Fund Committee, to determine a funding strategy or community action plan for the Fund. This means identifying the best ways to maximise the impact of the Fund for the local community and to devise strategic plans towards that end. Establishing a number of essential strategic objectives so as to maximise the benefit of the Fund is the priority at the outset.
- (2) Notwithstanding the above, while it is recommended that all Funds develop a Fund Strategy, only those Funds exceeding the annual threshold specified in Section 3.3 are required to have a written Fund Strategy in place. These Funds must submit their Fund Strategy documents to the Minister (or designated body) upon request, as required.

- (3) The Fund Committee should work as soon as is reasonably possible towards the development of the funding strategy for the long-term, and ideally a working draft should be in place in time for the opening of the first application process. It will likely evolve over time, but a starting point is essential to ensure a solid basis for the advertisement for and evaluation of applications.
- (4) SEAI may provide support to Fund Committees, or the Generator and Administrators, if applicable, about how to best devise a funding strategy.
- (5) In determining a funding strategy for the Fund, the Fund Committee should first research existing local or county development strategies for the purposes of alignment. Engagement with Local Authorities and local development companies and other community development organisations including Sustainable Energy Communities (SECs), with an Energy Master Plan already in development or completed, should be a prerequisite during this research.
- (6) The Fund Committee or the Administrator can also invite proposals from the local community for ideas about strategic direction. The Fund Committee or the Administrator can consider all proposals with a view to prioritising focus areas for the most imminent dispersal of awards, but with a view to ensuring a cogent long-term funding strategy evolves. It should have broad objectives with examples of the types of activity that can be considered rather than being too specific. Funding strategies or community action plans should remain flexible and be able to adapt to changing needs and priorities of the community over the lifetime of the Fund.
- (7) It is advised that Fund Committees should engage with interested stakeholders on a regular basis (at least twice per year) for ideas and best practice in disbursement of awards. Whilst the Fund Committee will already have members well experienced in community development circles, ongoing engagement with their own organisations and others will be invaluable. Ultimately the goal should be to continually evolve the funding strategy so that no double funding or duplication occurs, and awards are spread fairly across local communities.

4 Distribution of CBF Funds

4.1 Allocation of the Funds

- (1) The direct annual monetary contribution by the Generator into the Fund is fixed at a minimum of €2/MWh of Loss-Adjusted Metered Quantity under the RESS Terms and Conditions.
- (2) This minimum annual contribution to the Fund remains the same through the full period of time that the RESS Project is obliged to maintain a CBF according to the RESS Terms and Conditions under which the RESS Project received a Letter of Offer, and it is not mandated in the RESS Terms and Conditions or this Rulebook to be linked to any inflation index.
- (3) The Funds shall be allocated considering the requirements included in the following sections.

4.2 Direct Household Payments

- (1) Central to the commitments in RESS to enable communities to benefit from the development of renewable wind farms is the recognition that those living in closest proximity are most impacted by them. These payments are not deemed to be a payment for any inconveniences during the construction phase. Any negotiations in that regard remains a matter between the Generator and the Community.
- (2) The provisions in relation to direct payments to eligible households only apply to Wind or Wind Hybrid projects. Households in the vicinity of Solar PV projects are not eligible.
- (3) Direct payments to eligible households are not intended to consume a substantial percentage of the Fund. The fundamental intention of the Fund is that the wider community benefits from the RESS Project's existence.
- (4) An eligible household in the context of this Section refers to the owner or tenant who had the property as his/her primary residence at the time the RESS project achieved commercial operation, including proposed homes within the relevant distances on sites which have full planning permission for

a residential property before the project achieved commercial operation.

- (5) The distances specified in this Section are those measured from the base of the nearest turbine to the nearest part of the main structure of the occupied residence, not considering outbuildings or other such structures. The location of the residence shall be identified in the An Post geo-directory.
- (6) The payment to the eligible household shall be made to one nominated adult resident within the household. In a shared rental situation, the tenants should nominate one from among them.
- (7) Household payments provisions do not preclude the capacity of Generators to agree additional independent arrangements with near households as appropriate. Such arrangements are wholly separate and independent from the Fund.
- (8) Under the RESS Terms and Conditions, the payment to all households within 1 km of a turbine is set out as a mandated fixed annual payment of €1,000 and shall be paid by the end of the first year of commercial operation, and on anniversaries thereafter but can be paid earlier within the first year of commercial operation should the Generator be in a position to do so.
- (9) As set out in the RESS Terms and Conditions, households located further than 1 km from the RESS Project but within a distance of 2 km from such RESS Project shall receive an annual payment of an amount lower than €1,000 but higher than €500. The amount of this payment shall be calculated using the following formula, and rounded to the nearest euro:

$$\text{Amount in Euro} = 1500 - (0.5 \times [\text{Distance in metres}])$$

The calculation of this amount and the data used to determine it should be available to the recipient of the payment.

- (10) The total amounts allocated to direct payments to households shall be limited to 50% of the total annual contributions from the Community Benefit Fund. The payments to each household shall be reduced proportionally by the same percentage as the overall reduction in the percentage of the Fund allocated to Household Payments to ensure equitable distribution within the

available budget. However, this provision does not preclude the Generator from providing additional funds to the amounts contributed to the Community Benefit Fund to supplement these payments up to the initial mandatory amounts a set in Sections 4.2.(11) and 4.2.(12).

For example, if a Fund should allocate €60,000 to household payments according to the rules outlined above, but the total annual Fund contribution is €100,000, then the Fund would not be permitted to allocate more than €50,000 (50% of €100,000) to household payments. The amount calculated according to the rules above (€60,000) would be €10,000 more than the maximum permitted (€50,000).

Therefore, a reduction of €10,000, or 16.67%, would be required to ensure compliance with the 50% maximum spend on household payments.

The reduction of the payments to all beneficiaries shall be reduced by the same proportion, in this case, 16.67%. In this way, a household who would have received €1,000 had the 50% limit not been exceeded, would receive €833.70 after taking into account the limitation in the overall spending in direct household payments.

- (11) The application of common sense is desirable in the finalisation of the two lists of household payments. For example, if in a cluster of four houses in a row, the last one would be technically excluded, or, if there was a particularly small number of households eligible to receive Direct Household Payments the Generator may wish to consider the designation of an expanded area. In those cases, the Generator shall seek a derogation from the Minister (or nominated body) to extend the geographical limitation of the mandatory household payments.
- (12) Resident households who are landowners in receipt of lease payments connected to the RESS Project are not assumed to be near households, but those who may be in receipt of easement agreements connected to the RESS Project are assumed to be.
- (13) In a situation where there are no households eligible to receive Direct Household Payments (either within the 1km or the 2km radius from the

nearest wind turbine), those funds are assumed to be assigned for the other specified categories of the Fund, excluding administration costs.

- (14) All household payments are subject to income tax as applicable in accordance with existing tax law and may impact social welfare thresholds.
- (15) There is no obligation for eligible households to accept Fund payments.
- (16) Payments should be offered but if not accepted within a reasonable timeframe set out by the Fund Administrator, any liability will cease thereafter and cannot be accumulated or paid out retrospectively. However, it is assumed that such eligible households are entitled to a change of mind for future payments over the lifetime of the Fund. Payments not accepted will return into the overall Fund and become available for redistribution.
- (17) Generators shall indicate the total value of household payments to the Fund Committee, if applicable, and the total amount shall be published in the CBF National Register. However, in order to ensure financial privacy for near households, the identities of the individual near household beneficiaries should not be disclosed. This provision does not preclude the Minister (or nominated body) from requesting information on the identities of beneficiaries of household payments for the purposes of dispute resolutions.

4.3 Administration costs

- (1) The Administration function is significant. To this end, up to 10% of the value of the Fund over the entire period in which the RESS Project is required to maintain the Community Benefit Fund may be used to cover administration costs.
- (2) Notwithstanding the above, for the first year following the establishment of the Community Benefit Fund, a maximum of 20% of the annual Community Benefit Fund contribution may be spent on administration, subject to a maximum of 10% over the entire period in which the RESS Project is required to maintain the Community Benefit Fund.
- (3) If a Generator with a RESS Project exceeding the threshold specified above considers that there are exceptional circumstances warranting the application of a higher allowance for administration costs during the first year

of the Fund's operation, such Generator shall seek a derogation from the Minister (or nominated body).

- (4) No additional charges can be levied e.g. no charges for applications are permitted.
- (5) The Generator may supplement from their own resources the cost of Administration.
- (6) The Generator may decide whether to arrange the Fund administration directly 'in-house', or to outsource the role to a third-party administrator service to undertake the functions of the Fund independently. In either case, the maximum amount of funds, as a proportion of the annual CBF contributions allowed to cover for administration costs, remains the same.

4.4 Funding of local projects

4.4.1 Allocation of Funds

- (1) The RESS Terms and Conditions require a minimum of 40% of Funds to initiatives where the primary focus is the promotion of the delivery of the UN Sustainable Development Goals ("**SDGs**") successful in an open application process, as proposed by enterprises, clubs and societies, and similar not-for-profit community enterprises.
- (2) Fulsome delivery of the SDGs will enable a fundamental change to a greener, more inclusive economy and more resilient communities. To those ends, the Generator, or the Fund Committee, if applicable, should place a particular emphasis on Goals 4, 7, 11 and 13 - Quality Education, Affordable and Clean Energy, Sustainable Cities and Communities and Climate Action. These goals have particular resonance for renewable electricity projects and the communities that host them. However, projects are eligible for funding if they promote at least one of the United Nations SDGs.
- (3) The Generator, or the Fund Committee, if applicable, shall identify which of the SDGs is applicable to each application for funding. Although a broad interpretation in the identification of a specific project to a particular SDG may be allowed, the Fund should be able to justify its decision in case it is requested to do so by the Minister (or designated body).

4.4.2 Application process

- (1) The selection of applications shall be made through a public application process, in which successful initiatives will be awarded funds. CBFs shall have an annual application process, except for cases under the exemption provided in Section 4.4.2(9)(d). The allocation of Funds to successful initiatives will be approved by the Fund Committee, if applicable, or the Generator.
- (2) The applications process must be open, fair, and transparent.
- (3) As part of the application and grant process, applicants are required to agree to the publication of the information related to their initiative, such as the name of the group, club or enterprise beneficiary of the fund, the name and brief description of the initiative and the amount granted.
- (4) The Fund is open to individuals and not-for-profit groups such as community and voluntary groups, charities, social enterprises and clubs and societies. All applicants that are entities should ensure they are appropriately constituted. It is recommended that, in general, entities are favoured over individuals to maximise the impact of the Funds in the Communities. Individuals can be encouraged to engage with others in their community and form a group application where appropriate and applicable. Individual applications should, however, be given due consideration as they may offer clear long-term positive impact on the wider Community.
- (5) The Generator and/or the Administrator shall be able to provide further information on successful and unsuccessful projects that applied for funding annually, if requested by the Minister (or designated body), as part of the annual reporting process, as well as any other information to demonstrate that the process followed the guidelines set out in the RESS Terms and Conditions under which the project reached commercial operation and this Rulebook.
- (6) Each Fund must distribute its awards in line with the RESS Terms and Conditions under which the project reached commercial operation. The Generator and Administrator should give guidance to the Fund Committee as to the approximate value and percentage available for each of the four

categories of Fund distribution. There are no additional conditions on minimum or maximum amounts to be spent in each category beyond what has been set out in the RESS Terms and Conditions under which the project reached commercial operation and this Rulebook.

- (7) When assessing the applications received from the public and before granting funds to any initiative, the Fund Committee, if applicable, or the Generator or Fund Administrator, shall consider whether the project to be awarded meets the following criteria (a – c) and must be able to provide justification if requested by the Minister (or nominated body).
 - (a) The initiative represents value for money for the Community as a whole.
 - (b) The Community will receive an acceptable benefit from the funds awarded.
 - (c) The extent to which the initiative will deliver on the UN SDG(s) that it intends to promote, and the achievement of the goals set out in the Fund Strategy.
- (8) Each application received by the Fund will be evaluated according to the criteria set by the Fund Committee, if applicable, or the Generator and the Administrator. Those criteria may be given weightings in accordance with their importance for the local community or proximity to the RESS Project. Some examples of criteria that could be followed are as follows:
 - (a) Location of the Project within the hinterland of the RESS Project or provision of services to the area from a Service Centre.
 - (b) Evaluation of data on the need and potential impact of this proposal on the people and communities who live within the surrounding area.
 - (c) Feasibility of the proposal including timelines and costs.
 - (d) Assessment of thematic objectives and aims of the Fund as set out in its strategy.
 - (e) Contribution of the proposal to sustainability and social inclusion in the

area

- (f) It is recommended that extra weighting should be given to proposals that include energy efficiency, sustainable energy and climate action initiatives.
 - (g) Longevity of benefits or legacy impact of the initiative.
- (9) Community Benefit Funds shall consider the following requirements in paragraphs (a) to (e) below during the application process. However, the following list is not intended to include all legal requirements that Funds may need to satisfy. The Funds shall be able to provide documentation in relation to the below requirements, or any other legal requirements, if required by the Minister (or nominated body).
- (a) The Funds shall request applicants to provide necessary supporting documentation with their application to ensure compliance with all relevant legislation and payment to the successful initiatives, such as proof of applicant group banking details, group constitution confirming not-for-profit status and a statement that no directors or trustees are remunerated.
 - (b) In relation to the procurement of goods or services, the CBFs shall request that applicants provide quotations in accordance with routine good practice principles. The Fund must be able to provide this documentation in relation to awarded initiatives if required by the Minister (or nominated body).
 - (c) For initiatives involving structural or construction works, good practice shall again inform the process. The Fund should, for instance, request evidence of landowner permissions, planning permissions or exemptions to support such applications. For expenditure in excess of €10,000 in any twelve-month period, tax clearance should be available for both the applicant and service provider.
 - (d) Community Benefit Funds below the threshold set out in Section 3.3(1) of this Rulebook may have an application process opened at intervals between two and five years. Community Benefit Funds above

the threshold set out in Section 3.3(1) are required to seek a derogation from the Minister (or designated body) to benefit from this provision.

- (e) The Funds shall require applicants to submit a self-declaration confirming that applicants are not in breach of State Aid regulations, in accordance with Section 4.4.4 of this Rulebook, taking into consideration the cumulative value of all grants received from different institutions.
- (f) Canvassing or lobbying should result in automatic disqualification of an application. Any Fund Committee member on the receiving end of such activity should bring it to the attention of the wider Fund Committee for consideration and decision.

4.4.3 General Restrictions

- (1) Community Benefit Funds must not fund initiatives meeting any of the following criteria.
 - (a) Applications that promote religious or political activities.
 - (b) The direct replacement of statutory funding. The Funds are not permitted to support statutory or other accountable bodies, such as national or local authorities, unless they can provide evidence that the project is community-led, open, accessible and for the benefit of the community, and is not a statutory responsibility.
 - (c) Retrospective funding of any local projects completed before the RESS Project has achieved commercial operation.
 - (d) Activities which do not directly benefit the local community or align with the funding strategy.
 - (e) The Fund shall not be used as security by any party against credit, loans or borrowings. The Fund is precluded from entering into any borrowing arrangements (as borrower, lender or otherwise) at any time whatsoever.

4.4.4 State Aid Restrictions

- (1) RESS is approved by the European Commission on the basis that support does not breach State Aid rules. Under EU Competition law, State Aid refers to public assistance provided to "undertakings" which may distort competition.
- (2) Therefore, the Funds within RESS are subject to particular rules. The European Court of Justice described "undertaking" to mean any person (natural or legal) "engaged in an economic activity". If CBFs award funds to "undertakings", the aggregated funding received should not, over a three-year period, from all public sources, exceed €300,000, or the updated amount applicable at any given time in accordance with State Aid rules.
- (3) If it should, it would need to be designed to fit within the "General Block Exemption Regulation" or the Department would have to notify the European Commission in a separate State Aid application.
- (4) According to the Department of Enterprise, Trade and Employment, "Whether an undertaking is a charity, a commercial business or a social enterprise – and irrespective of the undertaking's income – aid to that organisation will be a state aid if it meets the [five State aid test questions](#)." All five criteria must be met before there is a contravention of State Aid rules.
- (5) Not all groups/entities are community benefit organisations i.e. corporate/commercial businesses are for profit and do not constitute a community benefit, however a commercial/private company working in collaboration with a community benefit organisation (registered non-profit such as a charity, social enterprise, association, club, CLG or similar) could, in partnership, create community benefit. If CBF funding is provided to undertakings, the total level of State funding received from all sources should not exceed the relevant de minimis threshold indicated in Section 4.4.4(2). If these levels are likely to be exceeded, the Minister will consider progressing clearance for aid in line with relevant block exemption regulations. Generators and Fund Administrators must ensure they each have a comprehensive understanding of State Aid rules and obligations. Professional training and advice should be secured, if necessary.

- (6) The Fund Administrator must be in a position to advise and instruct the CBF Committee on State Aid in all matters of consideration of CBF funding applications and decisions. Additional training should be made available for the CBF Committee, if necessary.
- (7) It is expected that the Funds, for the most part, will not be funding undertakings. Most funding award applicants will not be offering goods or services on the market. Most applicants will be economically inactive and will include, for example athletics clubs, musical societies, social exclusion charities and SECs.

4.4.5 Leveraging the Fund

- (1) For maximum impact, it is recommended that the Fund Committee actively explores leveraging, blending and aggregation opportunities for the Fund. There are a variety of measures that the Fund may support that may also be eligible for funding from alternative sources. For instance, community retrofit programmes being supported by the Fund may seek to leverage supports from the SEAI's Community Grant Programme.
- (2) This blending or aggregation of funding supports creates considerable scaling up potential that is highly desirable both in the enhancement of community well-being and in the pursuit of national climate targets.
- (3) Another form of blending is encouraged - perhaps one funding source may support e.g. a feasibility study into the development of a short walking trail looping a local hilltop and the Fund may contribute towards its realisation. Such leveraging or blending can help to create the maximum impact for local communities and ensure the broadest range of experience or expertise being utilised.
- (4) Another very desirable initiative could concern capacity building supports such as energy training being undertaken on a partnership basis with other local supports and networks.
- (5) A more ambitious form of aggregation is also available for Community Benefit Funds consideration. Funds of projects located in the same geographic area may be able to come together to initiate an initiative with an even broader reach, bringing significant economies of scale – the

community retrofit programme may be a much larger initiative if two Funds can agree to work in collaboration.

4.4.6 Carry over of Funds and multi annual projects

- (1) We expect that Fund support to larger projects can be facilitated through a multi-annual agreement. In this case, an award agreement is issued to the group for an overall sum, which is then paid in set instalments on an annual basis. In all such cases the Fund Committee will need to ensure satisfactory and appropriate governance is in place e.g. supporting documentation, evidence of formal permissions in place and evidence of the project maturing year on year.
- (2) In keeping with the opportunity provided to enter into multi-annual award agreements, there is also the opportunity to carry forward funds from year to year towards the realisation of substantive, strategic projects, by decision of the Fund Committee. Proposals to carry forward funds must be notified in writing to SEAI. SEAI will consider such proposals and may make recommendations on a case-by-case basis but will be open to being supportive of such big-ticket initiatives.
- (3) In addition, the Minister supports the concept of fund retention beyond the lifetime of RESS (typically 15 years). Should Fund Committees wish to retain some of the money to extend the legacy of the Fund, SEAI should again be notified in writing.
- (4) In the event of surplus monies or insufficient appropriate funding requests unallocated monies can roll over to the next year's funding round following notification to SEAI. All such funds should be held in the Fund's dedicated bank account. The Fund Committee should research and assess the reasons for the failure of sufficient or appropriate projects to come forward (and should include same in the CBF's annual reporting to SEAI).

5 Reporting

5.1 Reporting obligations

- (1) It is a primary objective of the Minister and SEAI to ensure transparency of

Funds to the community and to the wider public and therefore the highest standards of governance and reporting are expected.

- (2) In accordance with the RESS Terms and Conditions, the Generator must submit an annual report to SEAI on the conduct and activities of the Fund over the preceding year accurately reflecting the activity of the Fund during the previous year.
- (3) The annual report shall detail the level of contributions, a breakdown of outgoings, information on successful and unsuccessful applicants, disbursement of funds, and any funds to be carried forward. It should include one or a number of signed testimonials from projects that were supported by the Funds as requested by SEAI or at the Fund's discretion, that might be used as case studies for the SEAI Register. It should also provide copies of promotional and/or media material and case studies published by the Fund in reaching out to the local community. The report shall also include the Community members serving in the Fund Committee, any changes in the membership of the Fund Committee, and it shall include details of how the selection of the Fund Committee members was made in relation to Section 2.4(4) of this Rulebook. Personal information will not be made public.
- (4) Annual reports will be made publicly available via the SEAI's Register, including the entities beneficiaries of the public application process, the total amount allocated to household payments and administrative costs.
- (5) It is also important to the sustainability mission of the Fund for the annual report to document the success or otherwise of the Fund by way of impact data - photos, stories, impact results etc. The objective is to create a record of the impacts of the Fund within the community over the lifetime of the RESS Project. Such a record will serve as a marker for ongoing research and analysis as the Fund evolves over time. In this way, the annual report will serve as a forum for discussions on the progress and future development of the Fund as part of the broader RESS initiative. It will also serve to share best practice amongst communities in regard to funding strategies and spending decisions.
- (6) As well as being published by the SEAI on the Register, the Generator should publicise the annual report on its own corporate website and that of

the RESS Project itself, if there is one.

- (7) The role of SEAI is primarily oversight and compliance with regard to Fund reporting and it may initiate compliance checks as appropriate. SEAI retains the powers to assess any Fund or seek any further information from the Generator as may be deemed necessary to carry out its role effectively.
- (8) Generators are required to report on impacts of the Funds. It is therefore recommended that Fund Committees, if applicable, or Generators and Fund Administrators, should attempt to carry out social and economic impact assessments to ascertain the impact of the distribution of the funds on local economies and societal well-being. It should be a condition of funding award that the recipient would undertake to report on the funded project or activity.

5.2 Calculation of following year's payment to the Fund

- (1) At the start of a new year cycle, the Generator shall report the actual Loss-Adjusted Metered Quantity energy production during the previous year. This amount of energy production shall be reconciled with the estimate calculated at the start of the previous year and the balance shall be paid into the Fund or deducted, as applicable, together with the estimate for the following year, calculated according to the deemed energy production of the RESS Project, as determined by its assigned capacity factor under the RESS Terms and Conditions. The formula to be used is the following:

Amount in Euro = 2 x [RESS Contracted Capacity of the Project in MW] x
8760 x [Capacity Factor as defined in the RESS Terms and Conditions
under which the RESS Project received its Letter of Offer operation,
for the specific technology of the RESS Project]

- (2) The same reconciliation shall be made on each anniversary of the RESS Project's commercial operation, commencing upon commercial operation, as set out in Section 3.2 of this Rulebook, and over the entire period in which the RESS Project is required to maintain the Community Benefit Fund in accordance with the RESS Terms and Conditions under which the Project reached commercial operation.

6 Enforcement and Non-Compliance

- (1) As noted in Section 2.6, SEAI is the designated body in respect of general compliance assessment of RESS CBFs with the RESS Terms and Conditions and this Rulebook. SEAI may request any further information from Fund Administrators or Generators as it deems necessary to carry out its role effectively, and Fund Administrators and Generators must promptly provide such information as may be requested by SEAI.
- (2) If SEAI becomes aware of any potential non-compliance in respect of a CBF, it will engage in discussions with the relevant Fund Administrator to establish the facts in relation to the potential non-compliance. As part of such discussions, SEAI and the Fund Administrator will aim to agree a plan of action to correct any non-compliance or to clarify the facts in relation to any potential non-compliance. If a plan of action cannot be agreed, the plan of action does not remedy the non-compliance or the facts in relation to any potential non-compliance cannot be clarified then SEAI will notify the Minister. The Minister may then engage in discussions with the Generator to resolve the matter. Generators are reminded that any failure to comply (or to procure compliance) with this Rulebook may result in the Letter of Offer for its RESS Project being withdrawn by the Minister, in accordance with RESS the Terms and Conditions.

7 General Provisions

7.1 Provisions for small Funds

- (1) Provisions in this Sections shall only apply to Funds under the threshold set out in Section 3.3 (thereafter “Small Funds”). Funds shall seek a derogation from the Minister (or nominated body) to apply any provisions set out in this Section.
- (2) A number of Small Funds may combine their resources for the administration of a number of Funds in close geographic areas, communities may benefit from a skilled Administrator leading on a number of Funds, thereby reducing duplicated effort and via the sharing of ideas with other communities.

- (3) Similarly, Fund Committees may themselves seek to reduce the administrative burden in consultation with developers and their communities by agreeing to identify and fund only a limited number of projects per funding round, whilst remaining in compliance with the RESS Terms and Conditions under which the RESS Project received its Letter of Offer operation and this Rulebook.
- (4) The pooling of payments over a two-year period may also be useful to allow for the build-up of a reasonable sum for dispersal - funding rounds would occur every two years rather than annually in this case.

7.2 Compliance with Law

- (1) Generators and Fund Administrators must comply with all applicable laws in carrying out their obligations under this Rulebook.

7.3 Appeals and Complaints

- (1) The Fund Administrator and Generator must establish and publish a comprehensive appeals and complaints policy which complies with best practice, and which can effectively and efficiently resolve appeals and complaints in relation to the CBF.
- (2) The Fund Administrator and Generator must use all reasonable endeavours to effectively and efficiently resolve any appeals or disputes related to the administration of the CBF. Where it deems necessary for such purpose, the Fund Administrator and Generator may refer an appeal or dispute to an independent expert for a final and binding determination on the matter.
- (3) The Fund Administrator and Generator must ensure that all CBF appeals and complaints are dealt with courteously and professionally, are handled in a timely and discrete manner and are duly recorded.
- (4) In instances where the provisions mentioned in the above paragraphs have been exhausted without reaching a resolution, the complainant may submit a complaint to SEAI as the designated body. In order to avail of this right, the complaint must satisfy the following conditions:
 - (a) The complainant must have exhausted the provisions mentioned in

the above paragraphs in this Section 7.3, and must, if requested, be able to provide evidence of having engaged with the CBF or the Generator, or of having made a genuine attempt to do so, without success; and

- (b) for the complaint to be processed, it must include reference to a substantive non-compliance in relation to the RESS Terms and Conditions or the mandatory rules in this Rulebook. No further action will be taken in the case of complaints relating to suggested or optional guidelines contained in this Rulebook not having been followed by the CBF or the Generator. In those instances, feedback may be provided to the CBF, Fund Administrator or the Generator.

Once the complaint has been received and SEAI is satisfied that the pre-conditions at (a) and (b) above have been met, the complainant shall receive confirmation that the complaint will be processed by SEAI. SEAI will then engage with the relevant Fund Administrator or Generator as outlined in section 6 above.

7.4 Publication and Data Protection

- (1) The Fund Administrator must ensure that any data subjects whose personal data it processes in administering the Community Benefit Fund:
 - (a) are made aware that SEAI and/or the Minister may process certain personal data in accordance with this Rulebook and/or the Terms and Conditions; and
 - (b) are notified that the processing of such personal data will be carried out in compliance with the privacy statements of SEAI or the Minister (as applicable), providing links to the current privacy statements of SEAI and the Minister.

7.5 Cooperation

- (1) Generators and Fund Administrators must act in good faith and cooperate with the Minister and SEAI in connection with the operation of the CBF and any matters in relation to this Rulebook.

- (2) Generators and Fund Administrators must provide prompt and detailed responses (with supporting documentation, where appropriate) to any queries raised by the Minister or SEAI in connection with the CBF.

7.6 CBF and Compensation

- (1) The CBF is not to be considered as compensation or mitigation whatsoever. Rather, the CBF is intended to enable the local community, as a neighbour to the development, to share in the benefits of onshore renewable energy generation and to use those funds for the enhancement of the area.