An Coimisiún Pleanála

Projects of Common Interest

Manual of Procedures for the Permit Granting Process

Article 9 of Regulation 2022/869
Guidelines for Trans-European Energy Infrastructure

January 2026

Projects of Common Interest Manual of Procedures for the Permit Granting Process.

Article 9 of Regulation (EU) 2022/869 on Guidelines for Trans-European Energy Infrastructure

Disclaimer

In accordance with sub-paragraph 1 of Article 9 of the Regulation, this Manual is not intended to be a legally binding document. The Manual is intended to assist project promoters, the public and other authorities concerned. It is intended that the Manual will provide transparency and assist with public participation in the permit granting process.

An Coimisiún Pleanála

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1. Introduction

1.1 Regulation (EU) No. 2022/869

This Manual is prepared pursuant to Regulation (EU) No. 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure (the Regulation).

The Regulation seeks to link the energy systems of EU countries with projects on the Union List benefiting from accelerated permitting procedures. Projects on the list are key infrastructure projects aimed at completing the European energy market in order to help the EU achieve its energy policy and climate objectives. The Manual will be reviewed and further updated, when necessary.

1.2 Regulation (EU) No. 2022/869

To improve integration of the European Union energy market the European Commission has drawn up a list of energy infrastructure projects known as Projects of Common Interest (PCI). These projects are selected to achieve EU energy policy objectives of affordable, secure and sustainable energy.

A Union List is established every two years. Projects on the Union List have been assessed by the Regional Groups referred to in the Regulation. All proposed projects are approved by the Member States to whose territory the projects relate and the List must be adopted by the European Commission.

Projects on the List may benefit from accelerated planning and permit granting, improved regulatory conditions, lower administrative costs due to streamlined environmental assessment processes, increased public participation via consultations, increased visibility to investors and access to financial support.

A new category of projects referred to as Projects of Mutual Interest (PMI) is defined in the Regulation. A first Union List of projects of common interest and projects of mutual interest will be established pursuant to the revised Regulation.

The following definitions may assist when reading this Manual.

Comprehensive Decision means the decision or set of decisions taken by a Member State authority or authorities not including courts or tribunals, that determines whether or not a project promoter is authorised to build the energy infrastructure to realise a project of common interest or a project of mutual interest by having the possibility to start, or procure and start, the necessary construction works (ready-to-build phase) without prejudice to any decision taken in the context of an administrative appeal procedure.

Project of Common Interest means a project necessary to implement the energy infrastructure priority corridors and areas set out in Annex I and which is on the Union list.

Project of Mutual Interest means a project promoted by the Union in co-operation with third countries pursuant to letters of support from the governments of the directly affected countries or other non-binding agreements, which falls under one of the energy infrastructure categories set out in point 1(a) or (f), point 3(a), or point 5(a) or (c) of Annex II, which contributes to the Union's 2030 targets for energy and climate and its 2050 climate neutrality objective and which is on the Union list.

It is important to note that projects for inclusion on the Union List are not selected by the National Competent Authority but rather by Regional Groups chaired by the Commission.

An Coimisiún Pleanála (NCA) will apply the same procedures to all projects on the Union list whether or not the project is a project of common interest (PCI) or a project of mutual interest (PMI). Project Promoters are asked to identify whether their project is a PCI or PMI when notifying us of the project under Article 10.

1.3 Ireland and National Competent Authority

An Coimisiún Pleanála was designated the National Competent Authority on 4th December, 2013.

As National Competent Authority we are responsible for facilitating and co-ordinating the permit granting process for projects on the Union list.

1.4 Manual of Procedures

Article 9 of the Regulation which deals with Transparency and Public Participation provides that each Member State or National Competent Authority shall, where applicable, in collaboration with other authorities concerned, publish an updated manual of procedures for the permit granting process applicable to projects on the Union list.

The Manual is intended to set out:

a. specifications of the relevant pieces of legislation upon which decisions and opinions are based for the various types of relevant projects of common interest, including environmental law;

b. the list of relevant decision and opinions to be obtained;

c. the names and contact details of the competent authority, other authorities concerned and major stakeholders concerned;

d. the work flow, outlining each stage in the process, including an indicative timeline and a concise overview of the decision-making process for the various types of relevant projects of comment interest;

e. information about the scope, structure and level of detail of documents to be submitted with the application for decisions, including a checklist;

f. the stages and means for the general public to participate in the process;

g. the manner in which the competent authority, other authorities concerned and the project promoter shall demonstrate that the opinions expressed in the public consultation were taken into account, for example by showing what amendments were done in the location and design of the project or by providing reasons why such opinions have not been taken into account;

h. to the extent possible, translations of its content in all languages of the neighbouring Member States to be realised in coordination with the relevant neighbouring Member States

2. Organisation of the Permit Granting Process

2.1 The Collaborative Scheme

To implement the permit granting process Ireland has chosen the 'Collaborative' scheme as the mechanism for issuing the comprehensive decision. This provides that the comprehensive decision shall be co-ordinated by the National Competent Authority.

The National Competent Authority shall, after consulting the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 10(1) and (2), establish on a case-by-case basis a reasonable time limit within which the individual decisions shall be issued. It shall monitor compliance with the time limits by the authorities concerned. If an individual decision by an authority concerned is not expected to be delivered within the set time limit, that authority must immediately inform An Coimisiún Pleanála (NCA) and provide reasons for the delay. Subsequently, An Coimisiún Pleanála (NCA) shall set another time limit within which that individual decision shall be issued, in compliance with the overall time limits set in Article 10(1) and (2).

2.2 Role of An Coimisiún Pleanála as National Competent Authority

An Coimisiún Pleanála's role as National Competent Authority is to co-ordinate the issuing of all the consents required from all authorities concerned and to monitor compliance with the time limits.

The National Competent Authority also has a role under Article 5 in reporting, on an annual basis, on progress and, where relevant, on delays in the implementation of projects on the Union list and, where relevant, on the reasons for such delays.

An Coimisiún Pleanála's statutory planning role in determining any appeal or application lodged with it continues to be one of independent assessor. Its duties as National Competent Authority under the Regulation will not affect its impartial assessment of planning appeals or applications. To emphasise this An Coimisiún Pleanála has established a PCI Unit to administer the PCI process separate from its Strategic Infrastructure and Planning Appeals Units. This PCI Unit is responsible for the co-ordination of the various consents, collaboration with the authorities concerned, and other National Competent Authorities, and updating the Manual of Permit Granting Process Procedures. In the interests of organisational efficiency some administrative staff may be common to the PCI Unit and other Units in An Coimisiún Pleanála. However, at no time will any staff member deal with both aspects of a project (Projects on the Union list and application/appeal).

An Coimisiún Pleanála's role under the Collaborative Scheme is such that An Coimisiún Pleanála as a consent granting body in its own right feeds into the permit granting process as do the other authorities concerned. With a project on the Union List which is also a Strategic Infrastructure project, it may assist in thinking of An Coimisiún Pleanála as having two roles: one role as a decision-making body in the planning sphere and another collating and co-ordinating role as National Competent Authority, which is an administrative process. Neither role will impinge on the other and the separate administrative unit maintains this division of function.

2.3 Role of Other Authorities Concerned

The independence and impartiality of all other authorities concerned in determining applications for consent which fall within their statutory remit is not compromised by their involvement in this process.

The Collaborative Scheme provides that where an individual authority does not expect to deliver a consent within the specified time limit, that authority must immediately notify the National Competent Authority providing reasons for the delay. This requirement to inform An Coimisiún Pleanála (National Competent Authority[1]) and provide reasons should likewise not be seen as the National Competent Authority having any role in the individual decision of another authority or as interference in the statutory decision-making role of other authorities within their statutory jurisdictional area. Such a monitoring role for the National Competent Authority extends only to the time limit element and co-ordination function and should be seen in the context of the schedule for the individual project which is to be drawn up in close co- operation with the other authorities concerned and the project promoter.

1. An Coimisiún Pleanála (Competent Authority) means An Coimisiún Pleanála acting in its role as Competent Authority under the Regulation.

2.4 Obligations and Requirements

The Regulation places obligations and requirements on An Coimisiún Pleanála as National Competent Authority, on permitting authorities in the process and on project promoters.

Listed below are some of the obligations and requirements arising.

An Coimisiún Pleanála as National Competent Authority

a. Establish on a case-by-case basis, a detailed schedule for the permit granting process. This is to be done in consultation with the project promoter and with the other authorities. [Article 10.6(b)].

b. Monitor compliance with time limits. [Article 8.3(c)].

c. Reset individual time limits, where the original time limits are not met. [Article 8.3(c)].

d. Modify or approve the public participation concept submitted by the project promoter. [Article 9.3]

e. Submit to the Agency and relevant Group information on the progress and, where relevant, on delays in the implementation of projects on the Union list with regard to the permit granting processes. [Article 5.5].

f. Publish an updated Manual of Procedures. [Article 9.1].

Other Authorities Concerned

a. Collaborate with An Coimisiún Pleanála (NCA) in relation to the reasonably detailed outline of the project submitted by the project promoter for the purpose of acknowledging the notification and establishing the start of the permit granting process. [Article 10.3].

b. Collaborate with An Coimisiún Pleanála (NCA) in determining the scope of reports and documents and the level of detail of information to be submitted by the project promoter as part of the application file. [Article 10.6(a)].

c. Collaborate with An Coimisiún Pleanála (NCA) in drawing up a detailed schedule for the permit granting process. [Article 10.6(b)].

d. Inform An Coimisiún Pleanála (NCA) where a decision is not expected to be delivered within the set time limit and provide reasons for the delay. [Article 8.3(c)].

e. Inform and copy its decision to An Coimisiún Pleanála (NCA) at the same time as notifying the project promoter of the decision.

Project Promoters

a. Draw up an implementation plan for the project. [Article 5.1].

b. Provide a reasonably detailed outline of the project when the permit granting process is being initiated. [Article 10.3].

c. Draw up and submit a concept for public participation to An Coimisiún Pleanála (NCA). [Article 9.3].

d. Ensure the application file is complete and adequate. [Article 10.7].

e. Prepare a report summarising the results of activities related to the participation of the public and submit the report together with the application file to An Coimisiún Pleanála (NCA). [Article 9.4].

f. Publish on the project website a report explaining how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project, or by providing reasons why such opinions have not been taken into account. [Article 9.4].

g. Co-operate fully with the NCA in order to comply with the time limits. [Article 10.7].

h. Establish and regularly update a dedicated project website. [Article 9.7].

i. Submit an annual report for the project to An Coimisiún Pleanála (NCA). [Article 5.4].

3. Public Participation

3.1 General

The Aarhus Convention establishes a number of rights of the public in relation to the environment.

Such rights include:

- the right to access environmental information that is held by public authorities,
- the right to participate in environmental decision-making, and
- the right of access to justice.

The rights contained in the Convention underlie the approach of the National Competent Authority to public participation processes arising from the Regulation.

Project promoters will be encouraged to interact with the public at the earliest possible stage including before the permit granting process commences. Project promoters are directed to the sections concerning public consultation in the following European Commission documents:

- Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs)
- Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects

Project promoters should also be aware that public participation will generally be required as part of the processes for various consents. If engaging in early public consultation the project promoter need not inform the National Competent Authority but should include details of this in the public participation concept. Article 9.3 of the Regulation provides that the National Competent Authority shall take into consideration any form of public participation and consultation that took place before the start of the permit granting process.

3.2 The Means of Public Participation

Irish consenting regimes generally make provision for public consultation through relevant legislative provisions that requires applicants, or the consenting authority, to notify the public or specified bodies of the proposed project.

Applicants are usually required to give notice of a proposed project application in local and/or national newspapers for a specified period usually when an application is submitted. Planning authorities publish weekly lists of cases.

In general, the public may participate in consent processes in the following ways:

- Submissions/observations at application stage.
- Submissions/observations at appeal stage.
- Comments on an environmental impact assessment report.
- Comments on a Natura impact statement.
- Participation in any oral hearing.
- Judicial review of decision.

3.3 Public Participation and Article 9 of Regulation 2022/869

Article 9 provides that, without prejudice to environmental law and any requirements under the Aarhus Convention, the Espoo Convention and relevant EU law, all parties involved in the permit granting process shall follow the principles for public participation set out in point (3) Annex V1.

Those principles are listed below:

a. the stakeholders affected by a project of common interest, including relevant national, regional and local authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage, in an inclusive manner, when potential concerns by the public can still be taken into account and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter, [note this is not considered relevant in the Irish context].

b. national competent authorities shall ensure that public consultation procedures for projects of common interest are grouped together where possible including public consultations already required under national law. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation;

c. comments and objections shall be admissible only from the beginning of the public consultation until the expiry of the deadline;

d. the project promoters shall ensure that consultations take place during a period that allows for open and inclusive public participation.

3.4 The Pre-Application Procedure, Public Participation and Concept for Public Participation

As the National Competent Authority, we will request project promoters to inform and consult with the general public at the earliest possible opportunity and this may include prior to the project promoter formally notifying the National Competent Authority about the project under Article 10.3 of the Regulation.

As National Competent Authority, we draw the attention of project promoters to the provisions of Article 9(3) of the Regulation which provides that the National Competent Authority shall take into consideration any form of public participation and consultation that took place before the start of the permit granting process in arriving at any decision in relation to the public participation concept.

For cross-border projects involving two or more Member States, the public consultations in each of the Member States should take place within a period of no more than two months from the date on which the first consultation started.

For projects which are likely to have a significant transboundary impact in any neighbouring Member State, to which the EIA Directive and the Espoo Convention are applicable, the relevant information shall be made available to the NCA of the neighbouring Member State concerned.

The project promoter has an indicative period of 3 months from the start of the permit granting process to submit a concept for public participation to the National Competent Authority. As National Competent Authority we must either modify or approve the concept within 3 months. The modification or approval will be done following consultation with other relevant authorities.

The project promoter should note that if it intends to make any significant changes to an approved concept for public participation, it must inform us, as the National Competent Authority. In such cases, we may request modifications to the concept.

The project promoter must carry out at least one public consultation before submitting the final and complete application file to us. That public consultation shall inform the stakeholders about the project at an early stage and shall help to identify the most suitable location, trajectory or technology, including, where relevant, in view of adequate climate adaptation considerations for the project, all impacts relevant under European Union and national law, and the relevant issues to be addressed in the application file.

The project promoter shall publish on the project website a report explaining how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project, or by providing reasons why such opinions have not been taken into account. The project promoter should also prepare a report summarising the results of activities that took place before the start of the permit granting process. Both of these reports must be submitted with the application file. The comprehensive decision will take due account of the reports of those reports.

3.5 Public Participation Before Submission of the Application File

Annex VI (5) of the Regulation sets out the context of the public consultation.

These details are:

a. publish in electronic and, where relevant, printed form, an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the description, purpose and preliminary timetable of the development steps of the project, the national grid development plan, alterative routes considered, types and characteristics of the potential impact, including of cross-border or transboundary nature, and possible mitigation measures, such information leaflet is to be published prior to the start of the consultation and to list the web addresses of the website of the project of common interest referred to in Article 9(7), the transparency platform referred to in Article 23 and the manual of procedures referred to in point (1) of Annex VI;

b. publish the information on the consultation on the website of the project of common interest referred to in Article 9(7), on the bulletin boards of the offices of local administrations, and, at least, in one or, if applicable, two local media outlets;

c. invite, in written or electronic form, the relevant affected stakeholders, associations, organisations and groups to dedicated meetings, during which concerns shall be discussed.

As National Competent Authority during the pre-application procedure stage we will expect the project promoter to provide details of having complied with the foregoing.

3.6 Grouping of Public Consultation Procedures

Annex VI to the Regulation provides for grouping of public consultation procedures for projects of common interest where possible.

In an Irish context, public consultation on specific projects has tended to take place geographically i.e. where the public in a region or area in proximity to the project is facilitated by information sessions or by an oral hearing being held in a proximate location.

In preparing a public participation concept we, as National Competent Authority, encourage project promoters to consider not just geographical grouping but also, for instance, grouping on a relevant issues basis so that the public may be engaged in issues that cut across various applications that relate to the same project. We understand that the Collaborative Scheme and the multiplicity of consents and timelines may result in this being difficult to achieve on an issues basis. However, public consultation might address the multiplicity of consents required and the environmental impacts involved. For instance, the issue of traffic generation might be a grouped issue where the traffic implications of the development construction, operation, maintenance, road closures, traffic diversions, road improvements and compulsory acquisition of land for road widening, cross-border road connections etc. might all be discussed at one location even though one or more applications to different consenting authorities may be involved.

The EU document on Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects suggests bilateral or multi-national agreements in relation to the holding of transboundary public consultation including public hearings. Project promoters and other authorities concerned might consider the feasibility of such an approach at an early stage.

3.7 The Public Participation Concept

Annex VI Article 9.3 of Regulation 2022/869 provides that a project promoter shall, within an indicative period of three months of the start of the permit granting process draw up and submit a concept for public participation to the National Competent Authority.

Within three months of receipt of the concept and taking into consideration any form of public participation and consultation that took place before the start of the permit granting process, to the extent that such public participation and consultation has fulfilled the requirements of Article 9 the National Competent Authority shall request modifications or approve the concept. As National Competent Authority we will seek the opinion of other relevant authorities concerned on the concept.

Given the extremely tight timeframe of 3 months for the modification or approval of a public participation concept, we will circulate the concept to the relevant authorities with a comment period generally of 3 to 4 weeks. We do not envisage any scope for an extension of this time period given the requirements of the Regulation. All authorities concerned should, therefore, set up any internal processes necessary to meet the given timeline.

Annex VI (4) of the Regulation provides details of what the concept shall at least include. These details are:

a. the stakeholders concerned and addressed;

b. the measures envisaged, including proposed general locations and dates of dedicated meetings;

c. the timeline;

d. the human resources allocated to various tasks.

The National Competent Authority draws the attention of the project promoters to the requirements of the General Data Protection Regulation and citizens' fundamental right to privacy in relation to any material published in a public participation concept. Generally, the National Competent Authority intends, where it has modified or approved a public participation concept for a specific project, to require the project promoter to publish the modified or approved public participation concept on the project website as a further means of enhancing transparency and public participation.

Where the project promoter intends to make significant changes to an approved concept for public participation, the project promoter shall inform An Coimisiún Pleanála (NCA). In those cases, we may request modifications.

3.8 The Project Website and Public Participation

The project promoter must set up and regularly update a dedicated project website with relevant information about the project.

The information does not have to contain any information regarded as commercially sensitive. The website must be linked to the Energy Commission website and the transparency platform. The website must meet the requirement specified in point (6) of Annex VI to the Regulation.

The information is:

a. the date when the project website was last updated;

b. translations of its content in all languages of the Member States concerned by the project or on which the project has a significant cross-border impact;

c. the information leaflet updated with the latest data on the project;

d. a non-technical and regularly updated summary reflecting the current status of the project, including geographic information, and clearly indicating, in case of updates, changes to previous versions;

e. the implementation plan updated with the latest data on the project;

f. the funds allocated and disbursed by the European Union for the project;

g. the project and public consultation planning, clearly indicating dates and locations for public consultations and hearings and the envisaged subject matters relevant for those hearings;

h. contact details in view of obtaining additional information or documents;

i. contact details in view of conveying comments and objections during public consultations.

Project Promoters should also publish relevant information by other means where appropriate.

3.9 Public Participation

As the National Competent Authority under the Collaborative Scheme the role of An Coimisiún Pleanála is principally to co-ordinate the different consents from the authorities.

Public participation within the individual consent granting processes operated by other authorities in the Republic of Ireland, therefore, remains within the competence of these authorities at this statutory permit granting stage.

3.9.1 Public Participation and An Coimisiún Pleanála

A Guide to Public Participation in Strategic Infrastructure Development is available **here**.

3.9.2 Public Participation and Foreshore Applications

Information relating to public participation in relation to foreshore applications may be found **here**.

3.9.3 Public Participation and the EPA

Information relating to EPA statutory public participation in the licensing and permitting process may be found **here**.

4. The Permit Granting Process

The permit granting process consists of two procedures: (a) the pre-application procedure and (b) the statutory permit granting procedure.

Any valid studies conducted and permits or authorisations issued for a given project on the Union list before the project entered the permit granting process will be taken into consideration in the permit, granting process by An Coimisiún Pleanála (NCA) and no duplicate studies and permits or authorisations shall be required.

4.1 Project Notification

For the purpose of establishing the start of the permit granting process, the project promoter must notify the project to the National Competent Authority of each Member State.

The project promoter should notify us by sending an email or letter addressed to our offices in Dublin. The notification should include a reasonably detailed outline of the project. As National Competent Authority we have not introduced a formal application form for this written notification. During the 3-month period available to acknowledge or reject the notification we will contact all the other authorities concerned for their assessment on whether or not the project is sufficiently mature to enter the permit granting process. It is, therefore, essential that the project promoter gives details of the permits and authorisations that will be required at this stage. In the event that any required permit or authorisation is not identified, this may lead to delays in the process. Note that this 3-month period is not counted in the indicative period of 2 years for the pre-application procedure. Consideration of whether a project is “mature” means, in practice, whether the project is likely to be sufficiently advanced to be able to submit an application for the permits or authorisations required for construction of the project within one to two years of the written notification.

As the National Competent Authority, we encourage project promoters to contact all authorities concerned before formally notifying us of the project. We suggest that the project promoter should prior to contacting us:

- Commence all necessary pre-application processes with the other authorities concerned.
- Have established contact with all relevant authorities (and include contact details when notifying us).
- Have briefed all authorities concerned about the project.
- Have supplied sufficient plans and documentation to the authorities to describe the nature and extent of the project.
- Have made the authorities concerned generally aware of the potential timescales including the intended project notification to us.

Additionally, it is recommended that the public be made aware at the earliest possible stage about the project including possible consideration of alternatives. Project promoters should be aware that at least one public consultation shall be carried out before the project promoter submits the final and complete application. The public consultation shall inform the stakeholders about the project at an early stage and shall help to identify the most suitable location, trajectory or technology, including, where relevant, in view of adequate climate adaptation considerations for the project, all impacts relevant under Union and national law, and the relevant issues to be addressed in the application file. The public consultation shall comply with the minimum requirements set out in point (5) of Annex VI. Without prejudice to the procedural and transparency rules in Member States, the project promoter shall publish on the dedicated website a report explain how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project, or by providing reasons why such opinions have not been taken into account.

The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of the permit granting process. The project promoter shall submit the reports together with the application file to the national competent authority. The comprehensive decision shall take due account of the results of these reports.

In this regard the following should be considered:

- Notices in local newspapers with a link to the project website irrespective of how incomplete the available information might be.
- Contact with local county councillors and Dáil representatives.
- Contact with any local residents' association.
- Contact with any local Chamber of Commerce.

Following notification of the project from the project promoters, we have 3 months to acknowledge or reject the notification (on behalf of the authorities concerned). As part of the notification the project promoter is required to submit a reasonably detailed outline of the project to the National Competent Authority. The National Competent Authority will expect that the project promoter details the nature and extent of the project and lists all the separate permits and authorisations that, in the opinion of the project promoter, are required to enable the comprehensive decision to issue.

A reasonably detailed outline of the project is interpreted as providing sufficient details to inform all authorities whose consent is required of the nature and extent of the project having regard to their statutory responsibilities. Details provided should enable the authorities to understand the scope of the project and be broadly satisfied that the project promoter understands all likely considerations, issues, constraints, public participation, technical and environmental reports required, and the level of detail of plans and drawings and technical specifications to be lodged.

Any such report, plan or specification accompanying the notification need not be complete at this stage of the process. However, the level of detail supplied must be sufficient to assure a relevant authority that the complexity and detail required is fully understood by the project promoter. Where any such detail supplied is not complete a timescale for completion should be given and this timescale should be linked to a timescale for submission of any application to the relevant authority. Information on required documentation necessary to enter into pre-application discussions with An Coimisiún Pleanála (Strategic Infrastructure Division), Department of Housing, Local Government and Heritage (Foreshore License), Commission for Regulation of Utilities (CRU) and EPA are available on their websites.

The permit granting process starts on the date of signature of the acknowledgement of the notification by the National Competent Authority. The Regulation provides 3 months for this notification stage. Project promoters will be aware that under the Collaborative Scheme the role of the National Competent Authority is a co-ordinating role. Accordingly, if any authority concerned informs us that it does not consider, having regard to its area of competence, that the project is sufficiently mature to enter the process we as the National Competent Authority will reject the notification. This is irrespective of any other (or all other) authorities concerned informing us that they consider the project as being sufficiently mature to enter

the process. In taking this course of action, project promoters should be aware that we as National Competent Authority under the Collaborative Scheme have no authority to overrule any authority concerned in relation to its own area of expertise. Whenever we reject a notification we will do so in writing including on behalf of the other authorities concerned and will provide a reason(s) for the rejection.

Where a project does not require any environmental assessment, we may decide that the pre-application procedure is not required. When a project promoter is notifying us of a project, they may indicate if they consider that their project might fall into this category.

The date of signature of the acknowledgement of the notification by us marks the start of the permit granting process. Where two or more Member States are concerned, the date of the acceptance of the last notification marks the start.

Figure 1. Project Notification

4.2 The Pre-Application Procedure

The pre-application procedure covers the period between the start of the permit granting process and the acceptance of the submitted application file by the National Competent Authority.

This period is to take place within an indicative period of 2 years. Article 10.2 of the Regulation does provide for an extension of the time period. Any extension of the combined duration of the two procedures (the pre-application procedure and the statutory permit granting procedure) shall not exceed 9 months other than in exceptional circumstances.

No later than 6 months after the notification of the project, An Coimisiún Pleanála (NCA) will determine in close co-operation with the authorities concerned the scope of the reports and documents and the level of detail of information to be submitted. This determination will be done on the basis of the checklist given in this Manual. We consider it appropriate that generally this phase of the process will commence on the basis of a proposal by the project promoter.

The NCA will also draw up, in close co-operation with the project promoter and authorities concerned a detailed schedule for the permit granting process. This schedule will have taken into account the results of the scope of the reports/ documents/detail of information determined as required to be submitted as part of the application file.

On receipt of the Draft application file, the NCA will request, on behalf of the authorities concerned, the project promoter to submit any missing information. Within 3 months of the submission of the missing information, the NCA will accept for examination the application on a digital platform. This will mark the start of the statutory permit granting procedure. Any request for additional information will only be made where this is justified by new circumstances.

The project promoter shall ensure the application file is complete and seek our opinion on the matter as early as possible during the permit granting process.

All environmental reports including the climate adaptation documentation required to be prepared by the project promoter should be prepared in the pre-application stage.

As the National Competent Authority are willing to meet with a project promoter to discuss and clarify any aspect of the permit granting process during the pre-application procedure phase. The National Competent Authority will generally be represented at meetings by administrative staff. No Board members will attend these meetings. For the avoidance of doubt it should be understood that the merits or otherwise of a project will not be discussed at these meetings. A record of the meeting will be taken by the National Competent Authority and when the permit granting process is completed the records of all the meetings will be made available to the public by placing them on our website.

Project promoters should also be aware we will make all documentation received as part of the process available to the public at the end of the process. Such documentation will include:

- Notification from the project promoter.
- Acknowledgement of the notification.
- Records of all meetings.
- All internal National Competent Authority reports.
- Concept for Public Participation.
- Reports received from any authority concerned.
- Draft Application File.
- Requests and responses to Missing Information.

4.2.1 Information Required

It is important to note that under Article 10.6 of the Regulation the identification of the scope of material and level of detail of information may be done on the basis of a proposal by the project promoter. As National Competent Authority we will generally proceed by seeking such a proposal. The project is essentially in the ownership of the project promoter and the details of the project will be expertly known to the project promoter. Therefore, the project promoter is best placed to know what detailed information is required for all the concerned authorities. The project promoter should, therefore, submit a proposal which may be done by submitting the documentation (though not necessarily complete) or by submitting a schedule of the documents it is intended to submit with the relevant consent applications. Any schedule of documents should at a minimum include a table of contents of various technical reports (where applicable) including for example an EIAR or NIS should they apply. Any plans or drawings necessary to identify the site, scope and extent of the project should be exact enough to enable the relevant authorities to examine the context of the site in terms of its layout and relationship to adjacent, nearby or other relevant sites.

Where a linear project is involved, the route should be shown as closely as possible with any potential variation identified including any ancillary service or access areas.

Where any land is not in the ownership or under the control of the project promoter, details of the legal interests intended should be given without necessarily naming or identifying the existing owners in order to establish sufficient interest to make an application under the different legislative consent processes required. No commercially sensitive or personal information should be submitted unless accompanied by the express consent of persons involved.

4.2.2 Detailed Schedule for the Permit Granting Process

The National Competent Authority will draw up a detailed schedule for the permit granting process. The schedule will be drawn up in close co-operation with the project promoter and other authorities concerned. It should be noted that this schedule will need to include any appeal processes contained within the different authority consent granting procedures. This might include for example any appeal against a decision made by a Building Control Authority allowable under the Building Control Acts.

It would not, however, include legal challenges. Annex VI(2) of the Regulation sets out the guidelines for the schedule. These Guidelines which are the minimum required are:

a. the decisions and opinions to be obtained;

b. the authorities, stakeholders, and the public likely to be concerned;

c. the individual stages of the procedure and their duration;

d. major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken;

e. the resources planned by the authorities and possible additional resource needs.

We may meet with the project promoter in relation to the Schedule.

4.2.3 Checklist

The following is a checklist of documents generally to be submitted as part of the application file for the comprehensive decision.

- Schedule of permits/authorisations required to build the energy infrastructure by having the possibility to start, or procure and start, the necessary construction works (ready-to-build phase).
- Statement confirming that the project promoter has included details of all permits/authorisations that are required.
- Provision of contact details for each of the authorities concerned.
- Document detailing all the information and plans and particulars that are required for each separate application for consent required for the comprehensive decision. This should include details of the environmental assessments.
- Details of any documents such as reports or surveys that are incomplete together with an estimated timeline for completion.
- A schedule of the intended dates for lodgement of all the relevant applications for permits/authorisations concerned.
- Contact details for the project promoter.
- Address of the dedicated project website.

4.2.4 Draft Application File

The draft application file submitted to the National Competent Authority should contain all the draft applications that will be submitted to the authorities concerned. These draft applications should be as complete as possible. Any omissions or uncompleted reports, surveys or assessments should be identified in a covering letter and within the body of the report, survey or assessment so as to facilitate examination. Any fee or deposit required to be lodged with any of the applications should also be stated for examination purposes though the fee or deposit itself should not be included. Such fees are payable directly to the authorities concerned. There is no fee payable to the National Competent Authority in respect of a project on the Union list in relation to the permit granting process.

The draft application file should be submitted in electronic format. The project promoter will be informed of the exact number of electronic copies required on a case-by-case basis dependent upon the number of other authorities concerned. The draft application file should also clearly label/indicate which parts are relevant to which authorities. Some documentation, an EIAR for example, may be common to several authorities and these should be identified. A contact name for further copies (should they be required) should be given in the covering letter.

On receipt of the documentation, the National Competent Authority will circulate an electronic copy of the entire draft application file to each of the other authorities concerned. Note that the National Competent Authority itself will not undertake any examination or assessment of the draft application file nor will we check that all stated documentation is included. This will be done by the authorities concerned having regard to their statutory responsibilities.

It will be a matter for each authority concerned to examine the documentation received and respond to the National Competent Authority and advise the National Competent Authority as to whether or not there is any missing information. Missing information in this context should be understood by reference to article 10.6(c) of the Regulation.

Where there is no missing information, the National Competent Authority will so inform the project promoter and state that the draft application file is being accepted as the application file with effect from the date of the letter issued by us. This will bring the pre-application procedure to an end.

Where there is missing information identified, it becomes a matter for the project promoter to address the matters raised and supply the missing information. No time limit will be placed on this by us. Project promoters should however be aware of the overall time limits involved and be aware that the National Competent Authority may have to invoke the provisions of Article 10.2 of the Regulation and extend the time limit. Any time extension that might be invoked will be assessed on a case-by-case basis.

When the missing information is supplied by the project promoter, that information will be circulated for assessment to the other authorities concerned. Some of the authorities concerned may be given a copy for information only. The supply of the missing information should follow the same format as for the original submission of the draft application file.

For clarity, where an issue of Missing Information arises and the Missing Information is supplied the project promoter will be invited to submit one copy of all documentation comprising the documentation submitted as the original draft application file and the missing information and this will be acknowledged as comprising the application file.

Given that there may be a passage of time since the original draft application file was submitted any changes or amendments if not material in nature may be accepted if accompanied by a covering letter detailing the changes.

It is accepted that applications made subsequently to the relevant authorities may contain updated information or completed reports, surveys and assessments which have been previously identified.

Workflows for project notification, pre-application procedure and statutory permit granting procedure are included in this Manual.

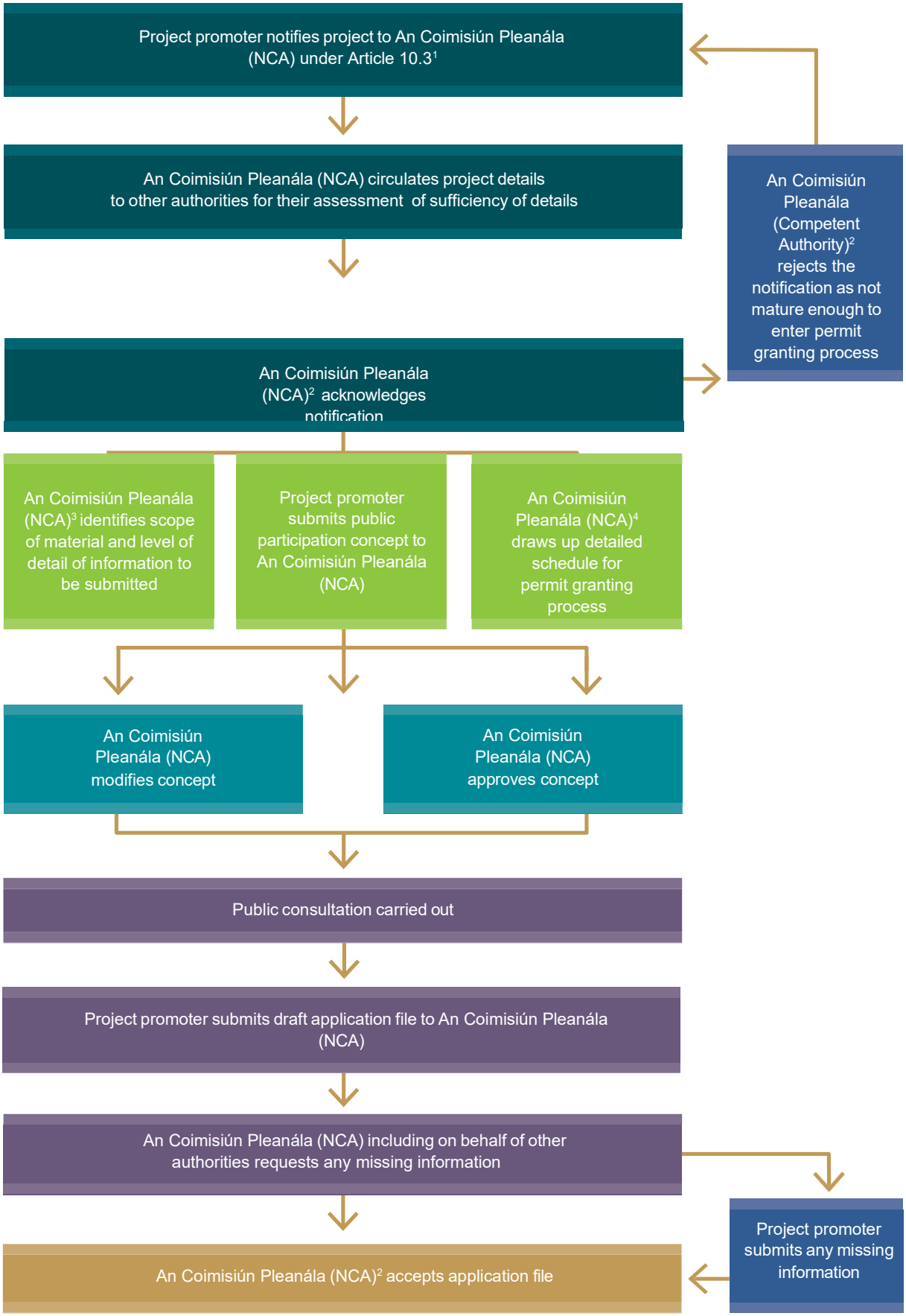


Figure 2. The Pre-Application Procedure

Notes:

1. Notification includes a reasonably detailed outline of the project.
2. An Coimisiún Pleanála (National Competent Authority) acts on behalf of the other authorities concerned. Three month time limit.
3. An Coimisiún Pleanála (National Competent Authority) acts in close co-operation with the other authorities concerned and, where appropriate, on the basis of a proposal by the project promoter. Six month time limit.
4. An Coimisiún Pleanála (National Competent Authority) acts in close co-operation with the project promoter and other authorities concerned.
5. The Project Promoter submits reports under Article 9.4 with the application file This procedure includes the preparation of any environmental reports to be prepared by the project promoter.

A concept for public participation is submitted within an indicative period of 3 months from the start of the permit granting process.

Before submission of application file public consultation to be carried out:

refer to Annex VI (5) of Regulation 2022/869 for minimum requirements.

4.3 The Statutory Permit Granting Procedure and Application File

The application file will be accepted for examination in written form or by uploading to a digital platform. We will detail the preferred route for each project application file but our preference will be to use a digital platform.

The statutory permit granting procedure covers the period from the date of acceptance of the submitted application file until the comprehensive decision is taken. Article 10.1(b) of the Regulation provides that the period shall not exceed 18 months. While the combined duration of the two procedures should not exceed a period of 42 months, the Regulation does provide that where the National Competent Authority considers that one or both of the two procedures (pre-application procedure and statutory permit granting procedure) will not be completed before the set time limits, it may decide before their expiry and on a case by case basis, to extend one or both of these time limits by a maximum of 9 months for both procedures combined.

Each separate authority concerned shall consider those consent applications required for a project that relates to its statutory functions. Where any authority responsible for issuing consent required as part of the comprehensive decision refuses approval for the consent this will result in the comprehensive decision not issuing.

In assessing any application made the authorities will have full jurisdiction and regard to all planning, environmental, human health and safety and other relevant matters and obligations that would normally form part of their statutory responsibility and assessment of projects. This will include those arising from the provisions of the Environmental Impact Assessment, Habitats (and Birds), and Water Framework Directives. The National Competent Authority will also have regard to provisions of the Regulation and endeavour, where possible, to provide for joint procedures with other Member States in regard to the assessment of environmental impacts. The attention of project promoters is drawn to the guidance document

“Streamlining environmental procedures for energy infrastructure Projects of Common Interest (PCIs)” published by the European Commission, Environment and Energy.

Project promoters should be aware that once the statutory permit granting procedure begins, the role of the National Competent Authority will be mainly of monitoring of timelines. The National Competent Authority will liaise with relevant

authorities to seek progress updates and to establish whether deadlines are likely to be achieved. To facilitate this process project promoters are requested to keep the National Competent Authority updated of any changes or delays in the project so that monitoring will be effective.

A flowchart for the statutory permit granting procedure is attached.

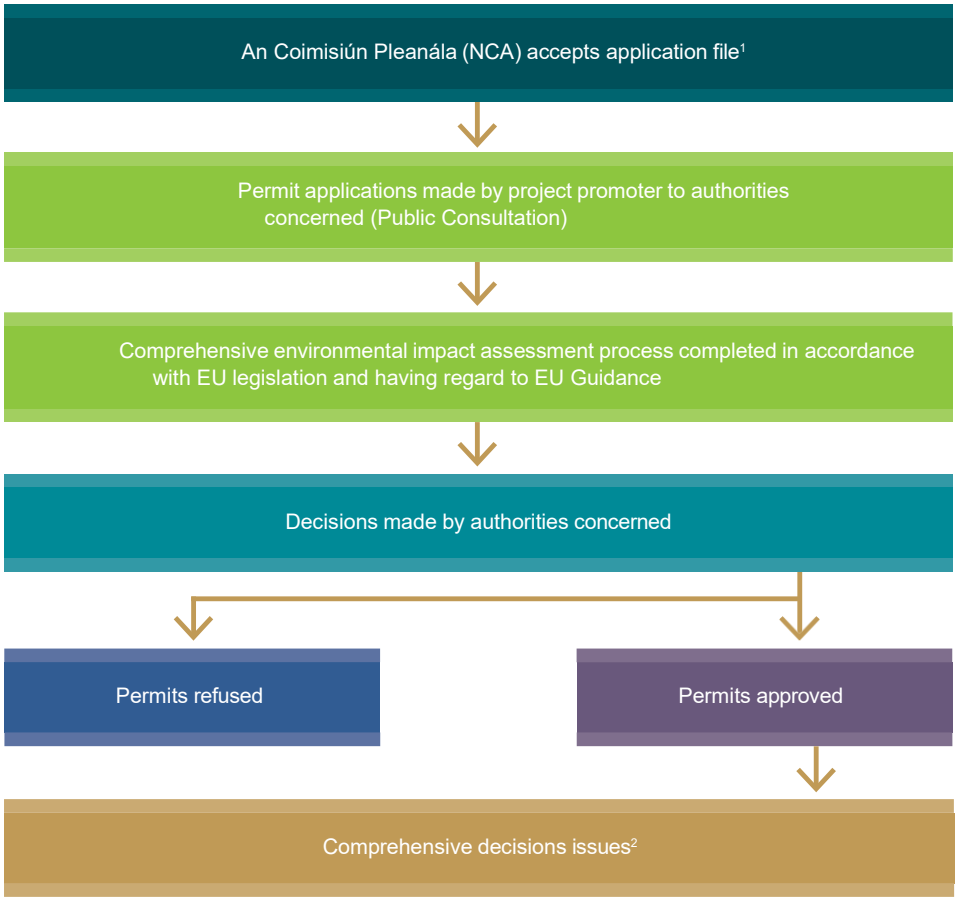


Figure 3. The Statutory Permit Granting Procedure

Notes:

1. An Coimisiún Pleanála (National Competent Authority) acts on behalf of other authorities concerned. Application file to be accompanied by reports prepared by the project promoter explaining how the opinions expressed in the public consultations were taken into account and summarising the results of public participation activites.
2. Due account of the results of the Article 9.4 reports taken in the comprehensive decision.

4.4 An Coimisiún Pleanála Strategic Infrastructure Interface

Where a project on the Union list is also a type of development specified in the Seventh Schedule to the Planning and Development Act 2000, as amended, or development coming within the ambit of section 182A or section 182C of the Act the project promoter must enter into separate pre- application consultations with An Coimisiún Pleanála to ascertain if the proposed development is deemed to be strategic infrastructure.

The Regulation pre-application procedure and the strategic infrastructure development pre-application consultations will run on a separate basis. Project promoters should be aware that the strategic infrastructure development process requires that a record is kept of meetings and these records are made available to the public at the end of the process. Project promoters should be aware of this before placing any material that they regard as commercially sensitive before An Coimisiún Pleanála at these meetings.

The following public documents are relevant to an understanding of the Strategic Infrastructure Development process and to understanding public participation in that process.

Infrastructure SID
Strategic Infrastructure Development Guide | An Coimisiún Pleanála (pleanala.ie)

Making a SID (7th Schedule) Application
7th Schedule SID: Applicant Guidelines | An Coimisiún Pleanála (pleanala.ie)

Fees: Strategic Infrastructure Developments (SID) | An Coimisiún Pleanála (pleanala.ie)

Guidance Note on Providing Spatial Data on Strategic Infrastructure Developments (pleanala.ie)

Planning Authorities
7th Schedule SID: Planning Authority Guidelines | An Coimisiún Pleanála (pleanala.ie)

Prospective Applicants
7th Schedule SID (Applicant): Pre-Application Consultations (Stage 1) | An An Coimisiún Pleanála Pleanála (pleanala.ie)

Fees: Strategic Infrastructure Developments (SID) | An Coimisiún Pleanála (pleanala.ie)

Planning Authorities
7th Schedule SID (Planning Authority): Pre-Application Consultations - section 37B | An Coimisiún Pleanála (pleanala.ie)

Members of the Public
SID: Pre-application consultations | An Coimisiún Pleanála (pleanala.ie)

Further information on An Coimisiún Pleanála and Strategic Infrastructure is available on www.pleanala.ie

4.5 The Comprehensive Decision

Where a project requires a permission/approval from An Coimisiún Pleanála under the Planning and Development Act 2000, as amended, An Coimisiún Pleanála will issue a signed/sealed order of the Board. Any other authorities concerned will also issue their decisions.

The comprehensive decision is the decision or set of decisions given by the various authorities (e.g. An Coimisiún Pleanála, Commission for Regulation of Utilities) necessary for the project. The Regulation provides at Article 9.4 that due account shall be taken in the comprehensive decision of the results of the reports prepared by the project promoter explaining how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project, or by providing reasons why such opinions have not been taken into account summarising the results of activities related to the participation of the public.

If any relevant authority refuses an approval then the comprehensive decision is not issued irrespective of the decision of other authorities to grant permission/approval.

5. Principal Permit Granting Legislation

5.1 Spatial Planning

The most likely spatial planning permit application route for projects on the Union list is that planning applications will be lodged with An Coimisiún Pleanála under the provisions introduced by the Planning and Development Act 2000, as amended.

One of the first steps for any project promoter is to approach An Coimisiún Pleanála (SID) with details of the project for a determination of whether or not the project will be deemed to be a strategic infrastructure project. If the project is deemed to be a strategic infrastructure project, the planning application must be lodged with An Coimisiún Pleanála (SID). If deemed not to be Strategic Infrastructure the planning application must be lodged with the local planning authority. The Planning and Development Act 2000, as amended, forms the foundation for spatial planning in Ireland. The Act combines a wide range of matters including:

- The process of applying for and obtaining planning permission.
- Environmental Impact Assessment (and environmental impact assessment report).
- Appropriate Assessment (and Natura impact statement).

There have been a number of changes to this Act since 2000 and these changes are most easily obtainable in the unofficial consolidation drawn up by the Law Reform Commission.The principal regulations underpinning the Planning and Development Act are the Planning and Development Regulations 2001 (S.I. No. 600 of 2001). A number
of Regulations amending the 2001 Regulations have been made, which, taken together, are collectively cited as the Planning and Development Regulations 2001 to 2023.An unofficial administrative consolidation (revisedacts.lawreform.ie/revacts/intro) of these Regulations has been prepared for ease of reference by users. *Note that at the time of writing a Planning and Development Bill is under consideration.*

Regard should be had to the Climate Action Plan 2023 prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.2 Spatial Planning

- Spatial Planning – Planning and Development Act 2000 (as amended) and the 2001 Planning Regulations (as amended).
- Industrial Emissions Directive License – EPA Act as amended by the European Communities (Environmental Impact Assessment) Integrated Pollution Prevention and Control Regulations 2012 (S.I. No. 782 of 2012).
- Waste License – Waste Management Act, as amended by the European Communities (Environmental Impact Assessment) Waste Regulations 2013 (S.I. No. 505 of 2013).
- Foreshore license/lease – Foreshore Act 1933 (as amended by the European Communities (Foreshore) Regulations 2009 (S.I. No. 404 of 2009); the European Union (Environmental Impact Assessment) (Foreshore) Regulations 2012 (S.I. No. 433 of 2012) and the European Union (Environmental Impact Assessment) (Foreshore) Regulations 2014 (S.I. No. 544 of 2012).
- Gas infrastructure permitting: Gas Act 1976 as amended by the European Communities (Environmental Impact Assessment) Regulations 1989 S.I. No. 349 of 1989 and the European Communities (Environmental Impact Assessment) Gas Regulations 2012 (S.I. No. 403 of 2012) and the European Union (Gas Act 1976) (Environmental Impact Assessment) Regulations 2021 (S.I. No. 174 of 2021).

5.3 Appropriate Assessment

The requirements relating to Appropriate Assessment stem from Article 6 of the Habitats Directive (92/43/EEC).

With the introduction of the Birds Directive in 1979 and the Habitats Directive in 1992 came the obligation to establish the Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the European Union. In Ireland, the Natura 2000 network of European sites comprises Special Areas of Conservation (SACs, including candidate SACs), and Special Protection Areas (SPAs, including proposed SPAs). SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is selected correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

The Birds and Habitats Directives set out various procedures and obligations in relation to nature conservation management in Member States in general, and of the Natura 2000 sites and their habitats and species in particular. A key protection mechanism is the requirement to consider the possible nature conservation implications of any plan or project on the Natura 2000 site network before any decision is made to allow that plan or project to proceed. Each plan or project, when being considered for approval at any stage, must take into consideration the possible effects it may have in combination with other plans and projects when going through the process known as Appropriate Assessment.

The main legislative requirements are to be found in Part XAB of the Planning and Development Act 2000 (as amended) and in articles 236 to 254 of the Planning and Development Regulations 2001 (as amended). Regard should also be had to the European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

5.4 Water

The Water Framework Directive (WFD) has been transposed into Irish law by means of the following main Regulations.

These Regulations cover governance, the shape of the WFD characterisation, monitoring and status assessment programmes in terms of assigning responsibilities for the monitoring of different water categories, determining the quality elements and undertaking the characterisation and classification assessments.

- European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003) as amended.
- European Union (Drinking Water) Regulations 2014 (S.I. No. 122 of 2014).
- European Communities Environmental Objective (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009).
- European Communities Environmental Objectives (Groundwater) Regulations 2010 (S.I. No. 9 of 2010) (as amended).
- European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 (S.I. No. 610 of 2010), as amended.
- European Communities (Technical Specifications for the Chemical Analysis and Monitoring of Water Status) Regulations, 2011 (S.I. No. 489 of 2011).
- European Union (Water Policy) Regulations 2014 (S.I. No. 350 of 2014.
- The European Union (Industrial Emissions) Regulations 2013 (S.I. No. 138 of 2013) is also relevant.

In relation to Environmental Impact Assessment:

- Spatial Planning – Planning and Development Act 2000 (as amended) and the 2001 Planning Regulations (as amended).
- Industrial Emissions Directive license – EPA Act as amended by the European Communities (Environmental Impact Assessment) Integrated Pollution Prevention and Control Regulations 2012 (S.I. No. 782 of 2012).
- Waste License – Waste Management Act, as amended by the European Communities (Environmental Impact Assessment) Waste Regulations 2013 (S.I. No. 505 of 2013).
- Foreshore license/lease – Foreshore Act 1933 (as amended by the European Communities (Foreshore) Regulations 2009 (S.I. No. 404 of 2009); the European Union (Environmental Impact Assessment) (Foreshore) Regulations 2012 (S.I. No. 433 of 2012) and the European Union (Environmental Impact Assessment) (Foreshore) Regulations 2014 (S.I. No. 544 of 2012).
- Gas infrastructure permitting: Gas Act 1976 (as amended by European Communities (Environmental Impact Assessment) Regulations 1989 S.I. No. 349 of 1989 and European Communities (Environmental Impact Assessment) Gas Regulations 2012 (S.I. No. 403 of 2012).

Details of the relevant planning legislation for Ireland is available **here**.

Details of the legislation (national and European Union) relating to energy projects are available **here**.

5.5 Substitute Consent

Substitute Consent is a form of retrospective permission to be availed of only in exceptional circumstances and where the development requires an environmental impact assessment, a determination in relation to whether an environmental impact assessment is required, or an Appropriate Assessment was or is required.

5.6 Natural Gas Licenses

The CRU licenses natural gas activities under section 16 of the Gas (Interim) (Regulation) Act 2002.

This includes distribution and transmissions systems; storage facilities and LNG (liquefied natural gas) facilities.The CRU also grants licenses for the shipping and supply of natural gas.

As provided for in section 16.1 of the Gas (Interim) (Regulation) Act, depending on the license sought, the CRU may set the terms and conditions to be attached to each license. In general, applicants need to meet a number of legal, technical, safety and regulatory conditions prior to the CRU issuing a license.

The gas transmission and distribution functions are not monopolies under Irish law and it is, therefore, open to owners of gas infrastructure to apply to the CRU for a transmission or distribution license. Potential applicants for a natural gas license should contact the CRU directly to discuss the specific requirements for the license sought.

5.7 Gas Pipeline Consents

Section 39A of the 1976 Gas Act, as amended, states that a person, shall not without the consent of the CRU, construct a pipeline, other than an upstream pipeline, on, over or under the surface of the land or of any seabed that is situated in the territorial seas of the State.

Any PCI which involves the construction of a pipeline will require section 39A pipeline consent. If a pipeline or associated facility traverses third party lands, the CRU may also issue a compulsory acquisition order under section 32A of the Gas Act, as amended.

In addition, a maritime area consent or a foreshore license may be required in the case of gas pipeline that crosses the foreshore.

5.8 Gas Pipelines (Downstream)

The CRU is responsible for issuing consent to construct and operate a downstream gas pipeline, under section 39A of Gas Act 1976 (as amended by section 12 of Gas (Interim) (Regulation) Act 2002, subject to certain criteria, as set out under section 12(3) and 12(4) of the Gas (Interim) (Regulation) Act 2002.

Section 40A of Gas Act 1976, as amended by section 12(1) of the Gas (Interim) (Regulation) Act 2002 and the European Union (Gas Act 1976) (Environmental Impact Assessment) Regulations 2021 (S.I. No. 174 of 2021) provides that an environmental impact assessment report must be submitted with any application to construct a downstream pipeline.

Under section 26(1A) of the Gas Act 1976, as inserted by section 23(1) of the Gas (Interim) (Regulation) Act 2002, any application to construct a downstream gas pipeline must be accompanied by a certificate of bona fides, issued by the CRU, in respect of the applicant.

In addition, a maritime area consent or a foreshore license may be required in the case of gas pipeline that crosses the foreshore.

5.9 Electricity Generation and Transmission

Union list projects which involve generation of electricity will require a license to generate electricity and an authorisation to construct a generating station, under sections 14 and 16 of the Electricity Regulation Act 1999.

Relevant CRU documents for application for generator construction and generation licensing are available **here**.

5.10 Electricity Interconnector and Generating Stations

Under the amended section 16 of the Electricity Act 1999 (3) (b) subject to section 17, the CRU may grant or may refuse to grant to any person an authorisation to construct a generating station or an interconnector and where the CRU grants such an authorisation, that authorisation shall be subject to such terms and conditions as may be specified in the authorisation.

Furthermore, under section 16A, the CRU may, with the consent of the Minister, secure the construction of an interconnector or interconnectors by one or more of the following means:

a. a competitive tender;

b. an authorisation granted to a person without a prior competitive tender where the person demonstrates, to the satisfaction of the CRU, that the granting of an authorisation, subject to such conditions as the CRU deems necessary and appropriate, is in the long-term interests of final customers; or

c. requesting the transmission system operator to provide for the construction of an interconnector in its development plan.

Links to the above legislation are as follows:

- Electricity Regulation Act, 1999
- Foreshore Acts 1933 – 2005
- Gas Act 1976
- Gas (Interim) (Regulation) Act 2002

The Commission for Regulation of Utilities (CRU) is Ireland's independent energy regulator covering a wide range of economic and safety functions. Links to information concerning CRU's regulatory role are available concerning electricity generation and gas [upstream (offshore and onshore) petroleum exploration and extraction safety regulations].

The Health and Safety Authority is the National Competent Authority for the control of major accident hazards (COMAH). This may be relevant to some energy infrastructure projects e.g. oil and gas storage facilities or energy infrastructure developments in the vicinity of existing COMAH establishments. Information can be found **here**.

Information on environmental licensing and permitting is available **here**.

The foreshore comprises the area from the high-water mark out to 12 nautical miles. With some exceptions, the foreshore is State-owned. A person who wishes to carry out a development on the foreshore must, therefore, obtain either a MAC or a license under the Foreshore Act 1933.

Information on electricity generation and transmission licensing is available here.

Information on pipeline consent and other gas infrastructure licensing is available here.

5.11 Industrial Emissions and Integrated Pollution Control Licensing

An industrial emissions directive activity means a process, development or operation specified in legislation insofar as the process, development or operation specified is carried on in an installation connected or associated with another activity that is an industrial emissions directive activity and carried out in an installation.

5.11.1 Industrial Emissions Licensing Legislation

- European Communities (Birds and Natural Habitats) Regulations 2011 S.I. No. 477 of 2011
- European Communities (Birds and Natural Habitats) (Amendment) Regulations 2015 S.I. No. 355 of 2015
- Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 S.I. 137 of 2013
- European Union (Industrial Emissions) Regulations 2013 S.I. 138 of 2013
- Environmental Protection Agency (Licensing Fees) Regulations 2013 S.I. No. 284 of 2013
- European Union (Waste Incineration Plans and Waste Co-Incineration Plants) Regulations 2013 S.I. No. 148 of 2013
- European Union (Large Combustion Plants) Regulations 2012 S.I. No. 566 of 2012
- EU (Environmental Impact Assessment) (IPPC) Regulations 2012 S.I No. 282 of 2012
- EU (Environmental Impact Assessment) (IPPC) (No. 2) Regulations 2012 S.I. No. 457 of 2012
- European Union (Installations and Activities using Organic Solvents) Regulations 2012 S.I. No. 565 of 2012.
- Industrial Emissions Directive 2010/75/EU

5.11.2 Aim of Industrial Emission Licensing

IPC licenses aim to prevent or reduce emissions to air, water and land, reduce waste and use energy/resources efficiently. An IPC License is a single integrated license which covers all emissions from the facility and its environmental management. The legislative requirements for applying for an IPC license are largely set out in the EPA (Integrated Pollution Control) (Licensing) Regulations, 2013 (S.I. No. 283 of 2013) as amended and EPA Act.

Before a license is granted, a project promoter must satisfy the Environmental Protection Agency that emissions from the activity do not cause a significant adverse environmental impact.

All related operations that the license holder carries on in connection with the activity are controlled by this license.

5.11.3 Integrated Pollution Control (IPC) Licensing

The EPA has been licensing certain activities since 1994. IPC licensing is governed by the Environmental Protection Agency Act 1992, as amended.

Detailed procedures concerning the IPC licensing process are set out in the EPA Act 1992, as amended, and the associated licensing regulations.

5.12 The Habitats Directive

In order to protect European sites (SACs), Ministerial consent is required for certain activities, known as Activities Requiring Consent (ARCs), which have the potential to damage or interfere with the ecology of marine sites.

The activities requiring consent relating to these SACs are:

- Blasting, drilling, dredging or otherwise removing or disturbing fossils, rock, minerals, mud, sand, gravel or other sediment.
- Undertaking scientific research involving the collection and removal of biological material.

Whilst these activities may be permissible in certain circumstances, it is a requirement under the Regulations to obtain the consent of the Minister before any works commence. The carrying out of these activities without the required consent is an offence. In practice, such consent should be sought initially from the National Parks and Wildlife Service. However, there is no requirement to obtain the consent of the Minister if the activity is licensed by or subject to the permission of another public authority.

5.13 Maritime Planning Applications and Offshore Renewable Energy (ORE) Projects

The Maritime Area Planning Act as transposed into the Planning and Development Act 2000, as amended, provides a mechanism for legacy ORE projects that have entered the foreshore process to transition to the new consenting regime and this is set out in a transitional protocol.

Under the transitional protocol existing projects in the foreshore system will receive priority treatment in progression through the maritime area planning process.

Prior to applying for planning permission, all projects in the marine area will be required to obtain a maritime area consent (MAC) which is effectively a financial and high-level assessment of the project and replaces the foreshore lease element of the existing legislation. The assessment and issuing of MACs will be overseen by the Maritime Area Regulatory Authority (MARA).

An applicant is required to enter into pre-application consultations with An Coimisiún Pleanála as required under section 287 of the Planning and Development Act 2000, as amended, prior to making an application for permission under section 291 of the Act.

6. Major Stakeholders

The major stakeholders will vary depending on the individual project (electricity, oil, gas etc.) and on the specific location(s) involved.

A major stakeholder for a project on the Union list will be the local authority for the area in which the project is situated. For linear projects (e.g. electricity lines) there is likely be more than one local authority involved.

Other major stakeholders will include bodies prescribed under various legislation. Generally speaking, these prescribed bodies will have the right to be consulted about the project when an application is lodged. Depending on the project and its location, the views of a number of these bodies will be critical to the project outcome. Such bodies should be consulted in advance of project details being finalised. For example, where a project might have a significant effect on a European site (SAC or SPA) the National Parks and Wildlife Service (NPWS) should be consulted at the earliest possible stage before any location or route is selected.

In terms of spatial planning where a project is deemed to be strategic infrastructure development, An Coimisiún Pleanála (SID) will give the prospective applicant a list of the prescribed bodies that must be consulted at the closure of the pre-application stage of consultations.

Other major stakeholders will be residents' groups. The local authority for the area in which the project is intended to be located will usually be able to supply the name and contact details of local residents' groups.

Refer to Appendix 1 for contact details.

7. Detail of Documents for Applications

7.1 Information Required

Each authority concerned will require specific information to be submitted with an application for consent of a project.

Some information requirements are common to all applications, even where legislative requirements may vary. The information necessary for any application to be considered it likely to include:

- A description of the project and its purpose, including plans, drawings and sections necessary to show details of its design and appearance.
- The location of the project, with a map or maps detailing the proposed site.
- A flood risk plan, where necessary.

Where applicable, information (including a plan or plans) about:

- any sites or features of nature conservation e.g. sites of geological/landscape importance;
- habitats of protected species, important habitats or other diversity features, with sufficient detail to enable the consenting authority to carry out an Appropriate Assessment under the Habitats Directive; and
- water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or water bodies likely to be caused by the proposed development.

Where a project requires environmental impact assessment the appropriate information in the form of an environmental impact assessment report must be provided.

Where a project requires Appropriate Assessment, a Natura Impact Statement (NIS) must be provided.

7.2 Checklist

The details required to make an application for a proposed development which has been deemed strategic infrastructure development by An Coimisiún Pleanála (SID) are set out in Appendix II.

Details relating to the Environmental Protection Agency requirements for permit or license applications are set out in Appendix II.

Details relating to the Health and Safety Authority requirements in relation to the planning process are set out in Appendix II.

Details relating to the Department of Housing, Local Government and Heritage requirements in relation to foreshore consent are set out in Appendix II.

Details relating to CRU requirements for permit or license applications are set out in Appendix II.

The National Competent Authority will identify, in close co-operation with the other authorities concerned, and where appropriate on the basis of a proposal by the project promoter, the scope of material and level of detail of information to be submitted by the project promoter, as part of the application file, to apply for the comprehensive decision.

8. Contact Details

National Competent Authority: An Coimisiún Pleanála

The contact point for An Coimisiún Pleanála (National Competent Authority) is as follows:

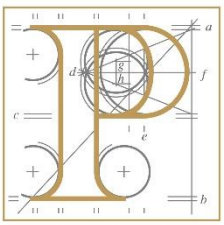
Muiriosa Cassells
Email: M.Cassells@pleanala.ie

Karen Byrne
Email: K.Byrne@pleanala.ie

When unavailable, queries may be directed to:
An Coimisiún Pleanála
PCI Unit,
64 Marlborough Street,
Dublin 1.
Phone 01 8588100 or Lo-call 1890 275 175

8.1 Other Authorities Concerned

Organisation	Email Address	Contact Details
Department of the Environment, Climate and Communications.	Gas PCIs Philip.connolly@DECC.gov.ie Electricity PCIs Paul.corcoran@DECC.gov.ie Bernard.nolan@DECC.gov.ie	29/31 Adelaide Road, Dublin 2, D02 X285 +353 (0) 1 6782000 +353 (0) 1 6783135
Commission for Regulation of Utilities.	info@cru.ie	The Grain House, The Exchange, Belgard Square North, Tallaght, Dublin 24, D24 PXW0 +353 (0) 1 4000800
National Parks & Wildlife Service.	manager.dau@housing.gov.ie	90 King Street North, Dublin 7, D07 N7CV +353 (0)1 888 2000
An Coimisiún Pleanála (Strategic Infrastructure Development.)	SIDS@pleanala.ie	64 Marlborough Street, Dublin 1, D01 V902 +353 (0) 1 8588100
Department of Housing, Local Government and Heritage.	Yvonne.Doris@housing.gov.ie	Foreshore Unit Department of Housing, Local Government and Heritage,Newtown Road, Wexford, Y35 AP90 +353 (0) 53 9117342
Environmental Protection Agency.	eiaplanning@epa.ie	EPA Headquarters P.O. Box 3000, Johnstown Castle Estate, County Wexford Y35W821 +353 (53) 916 0600
Health and Safety Authority.	comah@hsa.ie	Metropolitan Building, James Joyce Street, Dublin 1, D01 K0Y8 +353 (0) 1 6147000



An
Coimisiún
Pleanála

64 Sráid Maoilbhríde,
Baile Átha Cliath 1
64 Marlborough Street,
Dublin 1

Glao Áitiúil/Lo-call
1890 275 175

T (01) 858 8100
F (01) 872 2684