



An  
Bord  
Pleanála

**Projects of Common Interest**  
**Manual of Permit Granting Process Procedures**

Article 9 of Regulation 347/2013 on  
Guidelines for Trans-European Energy Infrastructure



# Projects of Common Interest

## Manual of Permit Granting Process Procedures

Article 9 of Regulation 347/2013 on Guidelines for Trans-European Energy Infrastructure.



## **Disclaimer**

In accordance with Article 9.1 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 relevant authorities. It is intended that the Manual will provide transparency and assist with public participation in the PCI process. Project promoters are reminded that the onus is on them to ensure that all necessary permits are obtained and that projects are legally compliant.

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# **1. Introduction**

## **1.1 Regulation (EU) No.347/2013**

This Manual is prepared pursuant to Regulation (EU) No. 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure (the Regulation). The Regulation seeks to modernise and expand Europe's energy infrastructure and to interconnect networks across borders to meet the Union's core energy policy objectives of competitiveness, sustainability and security of supply. A link to the Regulation is available [here](#). The Manual will be reviewed and further updated in the light of experience.

### **Public Consultation on the Manual**

The Manual was first published on 15<sup>th</sup> May, 2014. A review of the Manual was initiated in 2016 including public consultation. All responses received were taken into consideration in the review and were made available on our website.

## **1.2 Regulation and Projects of Common Interest**

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 (PCIs). These projects are selected to achieve EU energy policy objectives of affordable, secure and sustainable energy.

PCIs may benefit from accelerated planning and permit granting, a single national authority for obtaining permits, 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.

To become a PCI a project must have a significant impact on the energy markets and market integration of at least two EU countries. They should also increase competition, energy security and integration of renewable energy sources.

The Regulation provides for a Union list of Projects of Common Interest. The 3<sup>rd</sup> Union list was published by the European Commission on 24<sup>th</sup> November, 2017. A link to the Union list is available [here](#).

It is important to note that PCIs on the Union List are not selected by the Competent Authority but rather by European Commission Regional Groups. Membership of the Regional Groups comprise the representatives from relevant ministries, national regulatory authorities and the gas and electricity transmission system operators and project promoters, the European Network for Transmission System Operators for electricity and gas, the Agency for the Co-operation of Energy Regulators (ACER) and the European Commission. Note that the decision making powers in the Regional Groups are restricted to Member States Ministries and the European Commission.

### 1.3 Competent Authority and Ireland

An Bord Pleanála was designated the Competent Authority on 4<sup>th</sup> December, 2013. As Competent Authority we are responsible for facilitating and co-ordinating the permit granting process for projects of common interest.

### 1.4 Manual of Procedures

Article 9 of the Regulation which deals with Transparency and Public Participation provides that each Member State or Competent Authority shall, where applicable in collaboration with other authorities concerned, publish a manual of procedures for the permit granting process applicable to Projects of Common Interest. The manual is to be updated as necessary and made available to the public. The manual is not legally binding. The manual is to at least include the information specified in Annex VI (1) of the Regulation. For ease of reference VI (1) is included below:

#### Annex VI(1)

The manual of procedures referred to in Article 9(1) shall at least specify:

- (a) the relevant law upon which decisions and opinions are based for the different types of relevant Projects of Common Interest, including environmental law;
- (b) the relevant decisions and opinions to be obtained;
- (c) the names and contact details of the Competent Authority, other authorities and major stakeholders concerned;
- (d) the work flow, outlining each stage in the process, including an indicative timeframe and a concise overview of the decision-making process;
- (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.

## **2.0 Organisation of the Permit Granting Process**

### **2.1 The Collaborative Scheme**

To implement the permit granting process the Irish State has chosen the 'Collaborative' scheme as the mechanism for issuing of the comprehensive decision. This provides that the comprehensive decision shall be co-ordinated by the Competent Authority. The Competent Authority shall, in consultation with the other authorities concerned, where applicable in accordance with national law, and without prejudice to time limits set in accordance with Article 10, 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 time limit, that authority shall inform the Competent Authority without delay and include a justification for the delay. Subsequently, the Competent Authority shall reset the time limit within which that individual decision shall be issued, whilst still complying with the overall time limits set in accordance with Article 10.

### **2.2 Role of An Bord Pleanála as Competent Authority**

An Bord Pleanála's role as Competent Authority is, therefore, to collate and co-ordinate the issuing of all the consents required from all relevant authorities and to monitor compliance with time limits. The Competent Authority also has a role under Article 5.6 in reporting, on an annual basis, on progress and, where relevant, on delays in the implementation of Projects of Common Interest and on the reasons for such delays. An Bord Pleanála's statutory planning role in determining any application lodged with it continues to be one of independent assessor. Its duties as Competent Authority under the Regulation will not affect its impartial assessment of planning applications. To emphasise this An Bord Pleanála has established a PCI Unit to administer the PCI process separate from its Strategic Infrastructure and Planning Appeals Units. This Unit is responsible for the co-ordination of the various consents and collaboration with the consent-giving bodies, and other Competent Authorities, updating the Manual of Permit Granting Process Procedures, and issuing the comprehensive decision. In the interests of organisational efficiency some administrative staff may be common to these Units. However, at no time will any staff member deal with both aspects of a project (PCI and application/appeal).

An Bord Pleanála's role under the Collaborative Scheme is such that An Bord Pleanála as a consent granting body in its own right feeds into the PCI process as do the other authorities concerned. With a PCI project which is also a Strategic Infrastructure project, it may assist in thinking of An Bord Pleanála as having two roles: one role as a decision making body in the planning sphere and another collating and co-ordinating role as Competent Authority in the PCI process, 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 Permitting Authorities

The independence and impartiality of all concerned authorities in determining applications for consent which fall within their statutory remit is not compromised by their involvement in the PCI process. The Collaborative Scheme provides that where an individual authority is expected not to deliver a decision on consent within the specified time limit, that authority must so notify the Competent Authority without delay and include a justification for the delay. This requirement to inform An Bord Pleanála (Competent Authority)<sup>1</sup> and include a justification should likewise not be seen as the 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 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 and the project promoter.

## 2.4 Obligations and Requirements

The Regulation places obligations and requirements on An Bord Pleanála as Competent Authority, on permitting authorities in the process and on project promoters. Listed below are some of the obligations and requirements arising.

### An Bord Pleanála as Competent Authority

- Establish on a case-by-case basis, a detailed scheme for the permit granting process. This is to be done in consultation with the project promoter and with the other authorities. [Article 10.4(b)].
- Monitor compliance with time limits. [Article 8.3(c)].
- Reset individual time limits, where the original time limits are not met. [Article 8.3].
- Modify or approve the public participation concept submitted by the project promoter. [Article 9.3].
- Submit an annual report to the respective Group on progress and delays in the implementation of PCI with regard to the permit granting processes. [Article 5.6].
- Liaise closely with Competent Authorities in other Member States, and prepare joint schedules endeavouring to align timetables. [Article 10.4(b)].
- Update Manual of Procedures as necessary. [Article 9.1].

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<sup>1</sup> An Bord Pleanála (Competent Authority) means An Bord Pleanála acting in its role as Competent Authority under the Regulation.

## Permitting Authorities

- Collaborate with the PCI Unit in coming to an assessment of 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 10.1(a)].
- Collaborate with the PCI Unit in the setting of time limits for their decisions. [Article 10.4(b)].
- Inform the PCI Unit where a decision is not expected to be met and provide a justification for the delay. [Article 8.3(c)].
- Inform and copy its decision to the PCI Unit at the same time as notifying the project promoter of the decision. [Article 8.3(c)].

## Project Promoters

- Draw up an implementation plan for the Project. [Article 5.1].
- Provide a reasonably detailed outline of the project when the PCI process is being initiated. [Article 10.1(a)].
- Have regard to the principles underlying public participation in the process. [Annex VI(3)].
- Draw up and submit a concept for public participation to the PCI Unit. [Article 9.3].
- Ensure the completeness and adequate quality of the application file. [Article 10.5].
- 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 the PCI Unit. [Article 9.4].
- Ensure that all required information is made available promptly to the relevant authorities to ensure that the time limits set can be met. [Article 10.5].
- Establish, maintain and update a project website. [Article 9.7].
- Co-operate fully with the PCI Unit to meet deadlines and comply with the detailed schedule for the permit granting process. [Article 10.5].

- Submit an annual report for the project to the PCI Unit. [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 Competent Authority to public participation processes arising from the PCI 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)

[http://ec.europa.eu/environment/eia/pdf/PCI\\_guidance.pdf](http://ec.europa.eu/environment/eia/pdf/PCI_guidance.pdf)

- Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects

<http://ec.europa.eu/environment/eia/pdf/Transboundry%20EIA%20Guide.pdf>

Project promoters should also be aware that public participation will generally be required as part of the processes for various consents. Project promoters might consider the appointment of a local co-ordinator or supervisor who can streamline the entire public participation process.

Such a co-ordinating role should prove useful particularly in relation to the grouping together of public consultation procedures as detailed in (3)(a) of Annex VI to the Regulation. If engaging in early public consultation the project promoter need not inform the Competent Authority but may include details of this in the public participation concept. Article 9.3 of the Regulation provides that the Competent Authority shall take into consideration any form of public participation and consultation that took place before the start of the permit granting process when considering the concept.

### 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 or licence. Applicants are usually required to give notice of a proposed project or licence application in local and/or national newspapers for a specified period usually before an application is submitted. Planning authorities and other consenting authorities publish weekly lists of decided 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 an oral hearing.
- Judicial review of decision.

### 3.3 Public Participation and Article 9 of Regulation 347/2013

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

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, 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.
- (b) Competent authorities shall ensure that public consultation procedures for Projects of Common Interest are grouped together where possible. 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 from the beginning of the public consultation until the expiry of the deadline only.

An Bord Pleanála as Competent Authority for Projects of Common Interest shall operate by these principles.

### **3.4 The Pre-Application Procedure and Public Participation**

The project promoter has an indicative period of 3 months from the start of the permit granting process to submit a public participation concept to the Competent Authority. As 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, as appropriate to the project.

To give effect to the public participation principle that the general public, stakeholders and landowners should be extensively informed as Competent Authority we will request project promoters to inform and consult with the general public at the earliest possible opportunity which may include prior to the project promoter formally notifying the Competent Authority about the project under Article 10(1)(a) of the Regulation. As Competent Authority, we draw the attention of project promoters to the provisions of Article 9(3) of the Regulation which provides that the 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.

### **3.5 Public Participation Before Submission of the Application File**

Annex VI (5) of the Regulation sets out what, at least, the relevant parties shall provide. These details are:

- (a) publish an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the purpose and preliminary timetable of the project, the national grid development plan, alternative routes considered, expected impacts, including of cross-border nature, and possible mitigation measures, which shall be published prior to the start of the consultation; the information leaflet shall furthermore list the web addresses of the transparency platform referred to in Article 18 and of the manual of procedures;

- (b) inform all stakeholders affected about the project through the website referred to in Article 9(7) of the Regulation and other appropriate information means;
- (c) invite in written form relevant affected stakeholders to dedicated meetings, during which concerns shall be discussed.

As 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 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.

An introductory step to this might be the provision of information on the project website by the grouping of issues.

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 consenting authorities should consider the feasibility of such an approach at an early stage.

### **3.7 The Public Participation Concept**

Article 9.3 of Regulation 347/2013 provides that a project promoter shall, within an indicative period of three months of the start of the permit granting process under

Article 10(1)(a), draw up and submit a concept for public participation to the Competent Authority. Within three months of receipt of the concept the Competent Authority shall request modifications or approve the concept. As 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 the 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 relevant authorities 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 the respective tasks.

The Competent Authority draws the attention of the project promoters to the requirements of the Data Protection Acts 1988 and 2003 and citizens' fundamental right to privacy in relation to any material published in a public participation concept.

Generally, the 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.

In addition, the Competent Authority generally considers that all submissions received as part of the public consultation process should be published on the project website unless the submitter has provided reasonable reasons for our consideration, as Competent Authority, for wishing that their submission be received in confidence. Project promoters should be aware of their responsibilities under the Data Protection Acts 1988 and 2003 in relation to personal information such as addresses and contact details.

### **3.8 The Project Website and Public Participation**

Annex VI (6) of the Regulation sets out the information that projects websites shall make available as a minimum. The information is:

- (a) the information leaflet referred to in 8.4(a) above;
- (b) a non-technical and regularly updated summary of no more than 50 pages reflecting the current status of the project and clearly indicating, in case of updates, changes to previous versions; promoters of PCIs are free to make additional information available on their websites. However, the information leaflet and the current status summary documents must be stand-alone documents which provide a complete and not misleading view of the project and its current status;
- (c) 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;
- (d) contact details in view of obtaining the full set of application documents;
- (e) contact details in view of convening comments and objections during public consultations.

As Competent Authority, we will expect that the website is maintained by the project promoter concerned and that all changes to the website content are documented for verification purposes.

### **3.9 The Statutory Permit Granting Procedure and Public Participation**

As the Competent Authority under the Collaborative Scheme the role of An Bord Pleanála is principally to co-ordinate the different consents from the authorities. The comprehensive decision means the decision or set of decisions not including courts or tribunals that determines whether or not a project promoter is to be granted authorisation to realise a project.

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 Bord Pleanála**

A Guide to Public Participation in Strategic Infrastructure Development is available [here](#).

#### **3.9.2 Public Participation and the EPA**

Information relating to EPA statutory public participation in the licencing and permitting process may be found at the following links:

[Industrial Emissions Licencing](#)



## [Integrated Pollution Control Licencing](#)

## [Waste Licencing](#)

### **3.9.3 Public Participation and Foreshore Applications**

The Department of Housing, Planning, Community and Local Government (DHPCLG) places a high priority on public participation during the assessment of foreshore applications.

Information relating to DHPCLG public participation in relation to foreshore applications may be found [here](#).

## **4. The Permit Granting Process: Article 10**

The permit granting process consists of two procedures: (a) the pre-application procedure and (b) the statutory permit granting procedure. Note that the permit granting process starts on the date of signature of the acknowledgement of the notification by the Competent Authority. The Regulation provides 3 months for this notification stage.

### **4.1 Notification Stage**

For the purpose of establishing the start of the permit granting process, the project promoter must notify the project to the Competent Authority. As 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 relevant authorities 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 consents that will be required at this stage. In the event that any required consent is not identified, this may lead to delays in the PCI process. Note that this 3-month period is not counted in the indicative period of 2 years for the pre-application procedure.

As the Competent Authority we encourage project promoters to contact all relevant authorities 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 relevant authorities.
- Have established contact with all relevant authorities (and include contact details when notifying us).
- Have briefed all relevant authorities 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 generally aware of the potential timescales including intended PCI notification.

Additionally, it is recommended that the public be made aware at the earliest possible stage about the project including possible consideration of alternatives. Public involvement will enable the public to be better able to participate in and inform the process. In this regard the following should be considered:

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

Following notification of the project from the project promoters, the Competent Authority has 3 months to acknowledge or reject the notification (on behalf of the relevant authorities). As part of the notification the project promoter is required to submit a reasonably detailed outline of the project to the Competent Authority. The Competent Authority will expect that the project promoter details the nature and extent of the project and lists all the separate consents 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 Bord Pleanála (Strategic Infrastructure Division), Department of Housing, Planning, Community and Local Government (Foreshore Licence), Commission for Regulation of Utilities (CRU) and EPA are available on their websites.

The pre-application procedure commences when the Competent Authority gives an acknowledgement of the notification submitted by the project promoter under Article 10.1(a). Project promoters will be aware that under the Collaborative Scheme the role of the Competent Authority is a collating and co-ordinating role. Accordingly, if any relevant authority informs us that it does not consider, having regard to its area of competence, that the project is sufficiently mature to enter the process the Competent Authority will inform the project promoter that the project is not significantly mature enough to enter the process. This is irrespective of any other (or all other) relevant authorities 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 Competent Authority under the Collaborative Scheme have no authority to overrule any relevant authority in relation to its own area of expertise.

## **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 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 by a maximum of 9 months (for both the Pre-Application Procedure and the Statutory Permit Granting Procedure combined).

All environmental reports required to be prepared by the project promoter should be prepared in the pre-application stage. Following acknowledgement by the Competent Authority of the notification of the start of the permit granting process under Article 10.1(a) of the Regulation, the Competent Authority will identify the scope of material and level of detail of information to be submitted. This will be done in close co-operation with the other authorities concerned and, generally, on the basis of a proposal of the project promoter.

The Competent Authority is willing to meet with a project promoter to discuss and clarify any aspect of the PCI process during the pre-application procedure phase. The Competent Authority will normally 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 Competent Authority and when the pre-application procedure is concluded the records of all the meetings will be made available to the public by placing them on the Competent Authority website.

Project promoters should also be aware that the Competent Authority will make all documentation received as part of the PCI process available to the public by placing it on its website 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 Competent Authority reports.
- Public Participation Concept.
- Reports received from any other authority involved in the process.
- Draft Application File.
- Requests and responses to Missing Information.

#### **4.2.1 Information Required**

It is important to note that under Article 10.4 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 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 Checklist**

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

- Schedule of permits/consents required to realise the project.
- Letter confirming that the project promoter has included details of all permits/consents that are required to realise the project in the Schedule.
- Provision of contact details for each of the relevant consenting authorities.
- Document detailing all the information and plans and particulars that are required for each separate application for consent required to issue the comprehensive decision.
- 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 consent required.
- Contact details for the project promoter.

### **4.2.3 Draft Application File**

The Competent Authority is willing to meet with a project promoter in advance of the formal submission of the draft application file to clarify any outstanding procedural matters.

The draft application file submitted to the Competent Authority should contain all the draft applications that will be submitted to the various relevant authorities. 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 relevant authorities. There is no fee payable to the Competent Authority in respect of a Project of Common Interest.

The draft application file should be submitted as one hard copy and several electronic copies. 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 concerned authorities involved. 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 hard copies (should they be required) should be given in the covering letter.

On receipt of the documentation, the Competent Authority will circulate an electronic copy of the entire draft application file to each of the relevant authorities. Note that the 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 relevant authorities having regard to their statutory responsibilities.

It will be a matter for each relevant authority to examine the documentation received and respond to the Competent Authority and advise the Competent Authority as to whether or not there is any missing information. Missing information in this context should be understood by reference to article 10.4(c) of the Regulation.

Where there is no missing information, the Competent Authority will so inform the prospective applicant 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 prospective applicant to address the matters raised and supply the missing information. No time limit will be placed on this by us. Prospective applicants should however be aware of the overall time limits involved and be aware that the 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 prospective applicant, that information will be circulated for assessment to the relevant authorities. Other authorities concerned may be given a copy for information only. The supply of the missing information should follow the same format as regards hard and soft copies 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 prospective applicant 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.

For the avoidance of doubt 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.

#### 4.2.4 Detailed Schedule for the Permit Granting Process

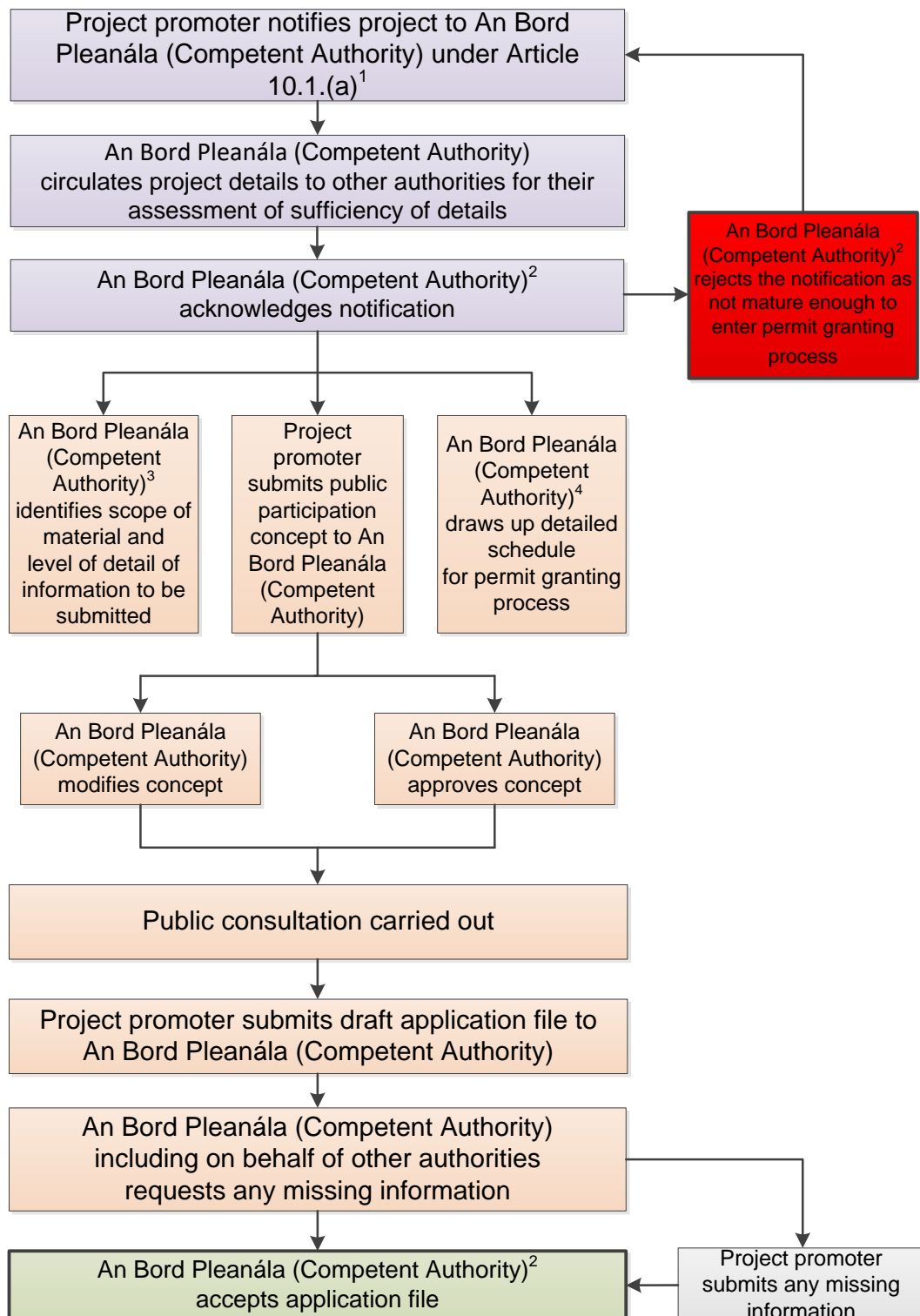
The Competent Authority will draw up a detailed schedule for the permit granting process. The schedule will be drawn up in close co-operation with the project promoter and other authorities concerned. It should be noted that this Schedule will need to include any appeal processes contained within the 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.

The Competent Authority envisages that it will meet with the project promoter in relation to the Schedule. Contact with the other authorities concerned is likely to be by way of phone and/or email. This is considered to be the most efficient way of dealing with Schedule finalisation due to physical location and relevant staff attendance constraints.

A flowchart for the pre-application procedure is attached.

## Projects of Common Interest Permit Granting Process The Pre-Application Procedure Overview





1. Notification includes reasonably detailed outline of the project.
2. An Bord Pleanála (Competent Authority) acts on behalf of the other authorities concerned.
3. An Bord Pleanála (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.
4. An Bord Pleanála (Competent Authority) acts in close co-operation with the project promoter and other authorities concerned.

**Notes:**

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 347/2013 for minimum requirements.

### 4.3 The Statutory Permit Granting Procedure

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 one year and six months. While the combined duration of the two procedures should not exceed a period of 3 years and 6 months, the Regulation does provide that where the 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 shall consider those consent applications required for a PCI project that relate 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.

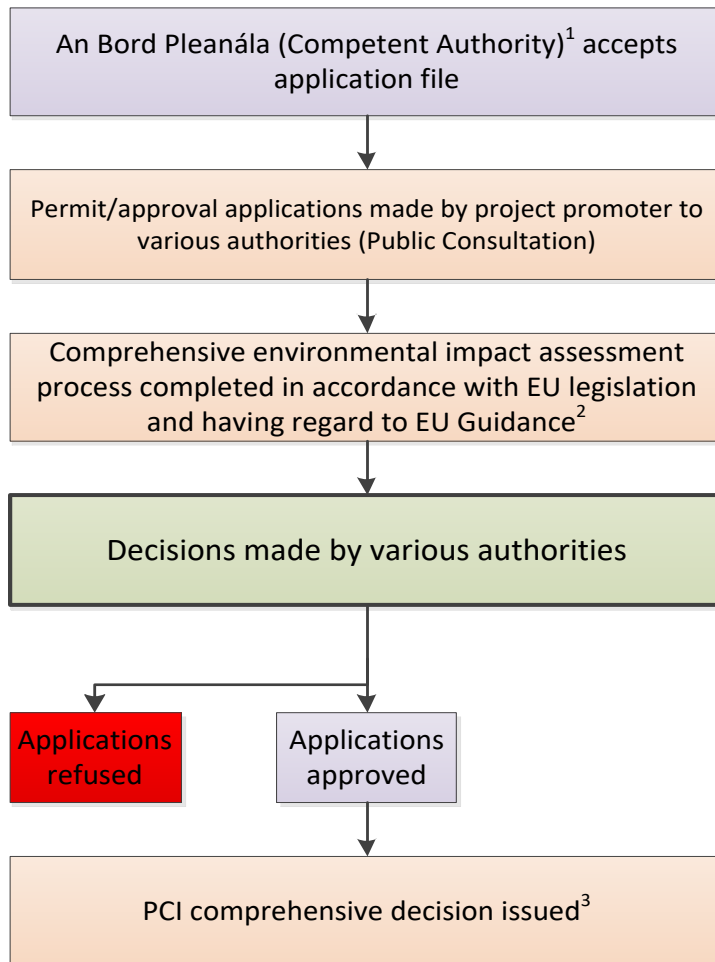
In assessing any application made the authorities will have full jurisdiction and regard to all planning, environmental, human health and safety and other relevant matters and obligations that would normally form part of their statutory responsibility and assessment of projects. This will include those arising from the provisions of the Environmental Impact Assessment, Habitats (and Birds), and Water Framework Directives. The Competent Authority will also have regard to provisions of Article 8(5) and 10(4) 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, in July 2013. A link to the document is available [here](#).

Project promoters should be aware that once the statutory permit granting procedure begins, the role of the Competent Authority will be mainly of monitoring of time lines. The 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 Competent Authority updated of any changes or delays in the project so that monitoring will be effective.

In general, we do not envisage meetings with project promoters at this stage of the process.

A flowchart for the statutory permit granting procedure is attached.

## Projects of Common Interest Permit Granting Process The Statutory Permit Granting Procedure Overview



**1. An Bord Pleanála (Competent Authority) acts on behalf of other authorities concerned. Application file to be accompanied by report prepared by project promoter summarising results of public participation activities.**

**2. Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs) published by the European Commission, Environment and Energy, in July 2013.**

**3. Due account of the results of the Article 9.4 Report taken in the comprehensive decision.**

#### **4.4 PCI and An Bord Pleanála Strategic Infrastructure Interface**

Where a PCI 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 Bord Pleanála to ascertain if the proposed development is deemed to be strategic infrastructure.

The PCI 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 Bord Pleanála at these meetings.

As meetings under the two processes will be run separately, An Bord Pleanála (Competent Authority) will endeavour to schedule its separate meetings in such a manner as to facilitate project promoters in terms of time and travel.

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

- [Strategic Infrastructure Act Information – Flowchart](#)
- [Strategic Infrastructure Fees: Guide to Fees Payable](#)
- [A Guide to Public Participation](#)
- [Guidelines for Planning Authorities](#)
- [7<sup>th</sup> Schedule Strategic Infrastructure Development, Guidelines for Applicants.](#)
- [Electricity Transmission Guidelines](#)
- [Strategic Infrastructure Development Application Form](#)

Further information on An Bord Pleanála and Strategic Infrastructure is available on [www.pleanala.ie](http://www.pleanala.ie)

#### **4.5 The Comprehensive Decision**

Where a project requires a permission/approval from An Bord Pleanála under the Planning and Development Act 2000, as amended, An Bord 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 (such as An Bord Pleanála, the Environmental Protection Agency or the Health and Safety Authority) necessary for the overall implementation of the project. The Regulation provides at Article 9.4 that due account of the results of the report prepared by the project promoter summarising the results of activities related to the participation of the public shall be taken in the comprehensive decision.

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 Relevant Permit Granting Legislation**

### **5.1 Spatial Planning**

The most likely spatial planning permit application route for Projects of Common Interest is that planning applications will be lodged with An Bord Pleanála under the provisions introduced by the Planning and Development (Strategic Infrastructure) Act 2006.

One of the first steps for any project promoter is to approach An Bord 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 Bord 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 2018.

An unofficial administrative consolidation ([revisedacts.lawreform.ie/revacts/intro](http://revisedacts.lawreform.ie/revacts/intro)) of these Regulations has been prepared for ease of reference by users but has no legal status.

## **5.2 Environmental Impact Assessment**

- Spatial Planning – Planning and Development Act 2000 (as amended) and the 2001 Planning Regulations (as amended).
- Industrial Emissions Directive Licence – 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 Licence – Waste Management Act, as amended by the European Communities (Environmental Impact Assessment) Waste Regulations 2013 (S.I. No. 505 of 2013).
- Foreshore licence/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 European Communities (Environmental Impact Assessment) Gas Regulations 2012 (S.I. No. 403 of 2012).

## **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).
- 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 licence – 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 Licence – Waste Management Act, as amended by the European Communities (Environmental Impact Assessment) Waste Regulations 2013 (S.I. No. 505 of 2013).
- Foreshore licence/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 Licences**

The CRU licences natural gas activities under section 16 of the Gas (Interim) (Regulation) Act 2002. This includes distribution and transmissions systems; underground storage facilities and LNG (liquefied natural gas) facilities. The CRU also grants licences for the shipping and supply of natural gas.

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



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 licence. Potential applicants for a natural gas licence should contact the CRU directly to discuss the specific requirements for the licence 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 sea bed 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 foreshore licence may be required in the case of gas pipeline that crosses the foreshore. This is issued by the Minister for Housing, Planning, Community and Local Government under the Foreshore Act 1933 (as amended).

## **5.8 Gas Pipelines (Downstream)**

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, 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 foreshore licence may be required in the case of gas pipeline that crosses the foreshore. This is issued by the Minister for Housing, Planning, Community and Local Government under the Foreshore Act 1933 (as amended).

## **5.9 Electricity Generation and Transmission**

PCI projects which involve generation of electricity will require a licence 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 licencing are available [here](#).

Currently, EirGrid plc is the only person licenced to construct or operate electricity transmission lines in Ireland. PCI projects which involve construction or operation of transmission lines, other than EirGrid, will need to contact CRU directly to discuss the issue.

## **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 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 licencing and permitting is available [here](#).

Responsibility for foreshore leasing / licencing functions rests with the Minister for Housing, Planning, Community and Local Government. 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 lease or licence under the Foreshore Act 1933 from the Minister for Housing, Planning, Community and Local Government.

Information on electricity generation and transmission licencing is available [here](#).

Information on pipeline consent and other gas infrastructure licencing is available [here](#).

## **5.11 Industrial Emissions and Integrated Pollution Control Licencing**

European Communities (Birds and Natural Habitats) Regulations 2011 S.I. No. 477 of 2011

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 Licencing Legislation**

European Communities (Birds and Natural Habitats) (Amendment) Regulations 2015 S.I. No. 355 of 2015

Environmental Protection Agency (Industrial Emissions) (Licencing) Regulations 2013 S.I. 137 of 2013

European Union (Industrial Emissions) Regulations 2013 S.I. 138 of 2013

Environmental Protection Agency (Licencing 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 IPC Licencing**

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

Before a licence 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 licence holder carries on in connection with the activity are controlled by this licence.

### **5.11.3 Integrated Pollution Control (IPC) Licencing**

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

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

### **5.12 Activities Requiring Consent and the Habitats Directive**

In order to protect European sites (SACs), the consent of the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs 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 licenced by or subject to the permission of another public authority.

## **6. Major Stakeholders**

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

A major stakeholder for a PCI project will be the local authority for the area in which the project is situated. For linear projects (e.g. electricity lines) there are likely to 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 Bord 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.

A list of the local authorities and their contact details are included in Appendix I.

A list of bodies prescribed for consultation under the Planning and Development Acts and Regulations and their contact details are also included in Appendix I.

A list of other authorities and their contact details are included in section 8.2 of the Manual.

## **7. Detail of Documents for Applications**

### **7.1 Information Required**

Each consenting authority will require specific information to be submitted with an application for consent of a project. There are some information requirements that 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 PCI requires environmental impact assessment the appropriate information in the form of an environmental impact assessment report 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 Bord Pleanála (SID) are set out in Appendix II.

Details relating to the Environmental Protection Agency requirements for permit or licence 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, Planning, Community and Local Government requirements in relation to foreshore consent are set out in Appendix II.

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

The 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. Please refer to Appendix II: Checklist.

## **8. Contact Details**

## 8.1 Competent Authority: An Bord Pleanála

The contact point for in An Bord Pleanála (Competent Authority) is Sorcha Skelly, Executive Officer, [s.skelly@pleanala.ie](mailto:s.skelly@pleanala.ie)

When unavailable, queries may be directed to:

An Bord Pleanála,  
Projects of Common Interest Unit,  
64 Marlborough Street,  
Dublin 1.

Phone 01 8588100 or Lo-call 1890 275 175

International Phone +353 (0)1 8588100

Email: [bord@pleanala.ie](mailto:bord@pleanala.ie)



## 8.2 Other Authorities

Organisation	Name	Email Address	Contact Details
Department of Communications, Climate Action and Environment.	Caoimhin Smith  or Róisín Garland	<a href="mailto:Caoimhin.smith@dcenr.ie">Caoimhin.smith@dcenr.ie</a>  <a href="mailto:roisin.garland@dcenr.ie">roisin.garland@dcenr.ie</a>	29/31 Adelaide Road, Dublin 2. +353 (0) 1 6782000  +353 (0) 1 6782948  +353 (0) 1 6782278
Commission for Regulation of Utilities.	Reception	<a href="mailto:info@cru.ie">info@cru.ie</a>	The Exchange, Belgard Square North, Tallaght, Dublin 24. +353 (0) 1 4000800
National Parks & Wildlife Service.	David Lyons	<a href="mailto:manager.dau@ahg.gov.ie">manager.dau@ahg.gov.ie</a>	Custom House, Druid Lane, Flood Street, Galway, Ireland  +353 (0) 76 100 2610
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