

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 does refer to and quote relevant legal provisions and is intended to assist project promoters, to provide information about public participation and to give transparency to the processes. 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) and will be reviewed and updated in light of experience. 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](#).

1.2 Regulation Aims

The Regulation identifies, for the period up to 2020 and beyond, a limited number of trans-European priority corridors and areas covering electricity and gas networks as well as oil and carbon dioxide transport infrastructure, for which European Union action is most warranted. In addition the Regulation establishes Projects of Common Interest (PCI) for these areas. It aims at implementing these priorities and associated PCI (amongst other matters) by:

- encouraging Member States to streamline permit granting procedures to significantly reduce their duration for PCI and increase public participation and acceptance for the implementation of such projects.

The Regulation provides for a Union list of Projects of Common Interest. A link to the Union list is available [here](#).

The first Union list includes the following projects which are relevant to Ireland.

Project Description	Union List Reference
Liquefied Natural Gas Regasification Terminal, County Kerry.	5.3
North-South Electricity Interconnector (part of "Cluster").	2.13
Hydroelectric Energy Storage Scheme at Glinsk, County Mayo. (part of "Cluster").	1.11
Greenwire Project wind farms and grid connection. (part of "Cluster").	1.9
Energy Bridge Wind Energy Project. (part of "Cluster").	1.9
Electricity Interconnection between La Martyre (France) and Great Island or Knockraha.	1.6
Bidirectional gas flows from Northern Ireland to Great Britain and Ireland and also from Ireland to United Kingdom (part of "Cluster").	5.1

1.3 Competent Authority and Ireland

The Regulation seeks to facilitate the permit granting process for PCI by requiring Member States to appoint a Competent Authority responsible for making the comprehensive decision and to ensure that the comprehensive decision is made within the time limits specified in the Regulation. An Bord Pleanála was designated the Competent Authority in the Irish State on 4th December, 2013.

1.4 An Bord Pleanála

An Bord Pleanála (the Board) was established in 1977 under the Local Government (Planning and Development) Act, 1976 and is responsible for the determination of appeals and certain other matters under the Planning and Development Acts, 2000 to 2013 and determination of applications for strategic infrastructure development including major road and railway cases. It is also responsible for dealing with proposals for the compulsory acquisition of land by local authorities and others under various enactments. The Board also has functions to determine appeals under Water and Air Pollution Acts and the Building Control Act.

2.0 Background to the Permit Granting Process

2.1 The Collaborative Scheme

To implement the permit granting process the Irish State has chosen the 'Collaborative' scheme as for 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 in the permit granting process for Projects of Common Interest is to collate and co-ordinate the issuing of all the consents and decisions required from all relevant authorities and to monitor compliance with time limits by the concerned authorities in accordance with the Collaborative Scheme. An Bord Pleanála also has a role under Article 5.6 in reporting, on an annual basis, on progress and, where relevant, on delays in the 23rd September, 2014.

implementation of Projects of Common Interest located on Ireland's territory with regard to the permit granting processes, 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 under the Regulation will not affect its impartial assessment of planning applications.

To emphasise this An Bord Pleanála will establish a PCI Unit to administer the PCI process separate from its Strategic Infrastructure or Planning Appeals Units. This Unit will be 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.

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 role as Competent Authority in the PCI process. Neither role will impinge on the other and the separate administrative unit will maintain 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 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 An Bord Pleanála as Competent Authority without delay and include a justification for the delay. This requirement to inform An Bord Pleanála (Competent Authority)¹ and include a justification should likewise not be seen as An Bord Pleanála (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 An Bord Pleanála (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.

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

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 or 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].

Permitting Authorities

- Collaborate with An Bord Pleanála (Competent Authority) 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 An Bord Pleanála (Competent Authority) in the setting of time limits for their decisions. [Article 10.4(b)].
- Inform An Bord Pleanála (Competent Authority) 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 An Bord Pleanála (Competent Authority) 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 An Bord Pleanála (Competent Authority). [Article 9.3].
- Ensure the completeness and adequate quality of the application file. [Article 10.5].
- 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 An Bord Pleanála (Competent Authority) 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 An Bord Pleanála (Competent Authority). [Article 5.4].

3.0 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 but may refer to or quote relevant legal provisions. The manual is to at least include the information specified in Annex VI.I 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.

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.

4.1 Notification Stage

For the purpose of establishing the start of the permit granting process, the project promoter must notify the project to An Bord Pleanála (Competent Authority). During the 3 month period available to acknowledge or reject the notification, An Bord Pleanála (Competent Authority) 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 project.

Following notification of the project from the project promoters, An Bord Pleanála (Competent Authority) has 3 months to acknowledge or reject the notification (on behalf of the relevant authorities). As part of the notification of the commencement of the permit granting process, the project promoter is required to submit a reasonably detailed outline of the project to An Bord Pleanála (Competent Authority). As part of the reasonably detailed outline of the project, An Bord Pleanála (Competent Authority) will expect that the project promoter details the extent of the project and lists all the consents that, in the opinion of the project promoter, are required. The pre-application procedure commences when An Bord Pleanála (Competent

Authority) gives an acknowledgement of the notification submitted by the project promoter under Article 10.1(a).

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 An Bord Pleanála (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 procedures combined).

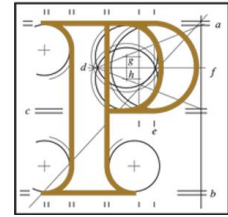
All environmental reports required to be prepared by the project promoter should be prepared in the pre-application stage. Following acknowledgement by An Bord Pleanála (Competent Authority) of the notification of the start of the permit granting process under Article 10.1(a) of the Regulation, An Bord Pleanála (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, where appropriate, on the basis of a proposal of the project promoter.

An Bord Pleanála, as Competent Authority will also 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 that may be applicable to the project. 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:

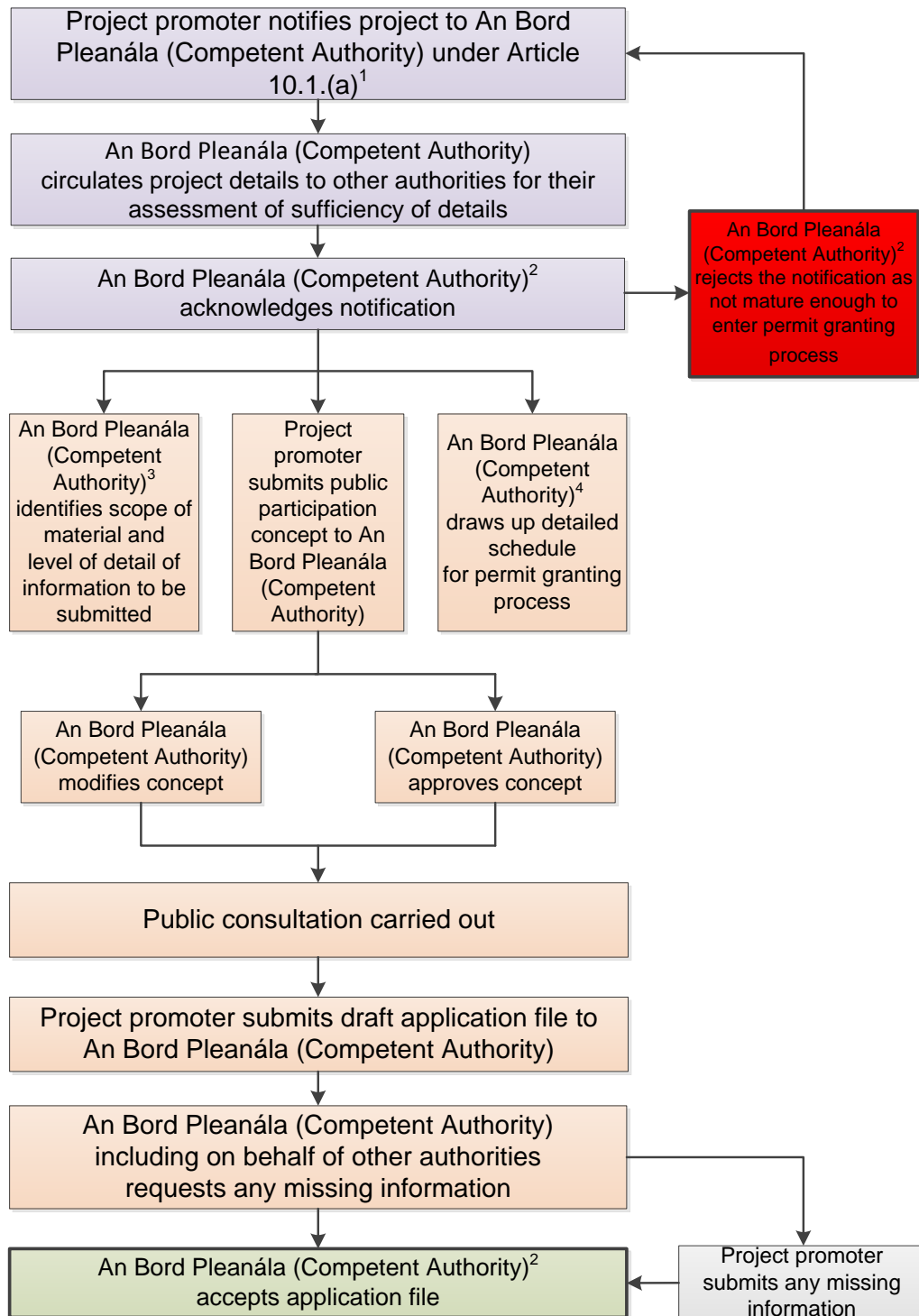
- (a) the decisions and opinions to be obtained;
- (b) the authorities, stakeholders, and the public likely to be concerned;
- (c) the individual stages of the procedure and their duration;
- (d) major milestones to be accomplished and their deadlines in view of the comprehensive decision to be taken;
- (e) the resources planned by the authorities and possible additional resource needs.

This stage of the process also includes public consultation and participation to be carried out by the project promoter (and relevant parties, if appropriate). Project promoters should note that Article 9(3) of the Regulation provides that An Bord Pleanála (Competent Authority) should take into consideration any form of public participation and consultation that took place before the start of the permit granting process in considering the public participation concept.

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 An Bord Pleanála (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.

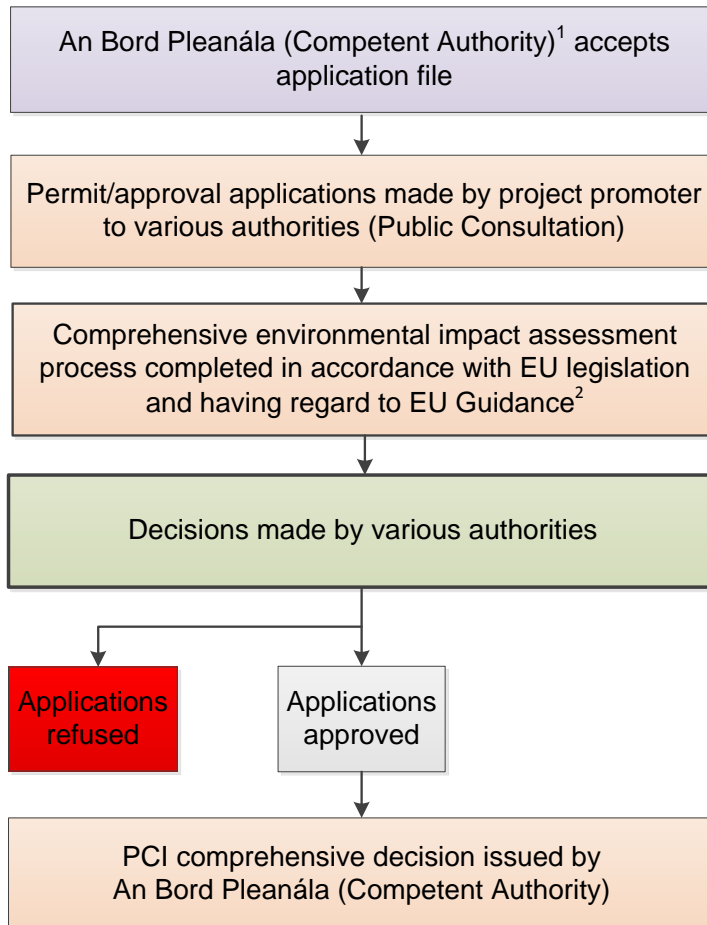
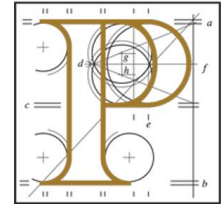
Each authority shall consider those elements of a PCI project that relate to its functions while An Bord Pleanála will consider those aspects (e.g. planning) as relate to its functions. Where any other authority responsible for issuing consent required as part of the comprehensive decision refuses approval for the consent or where An Bord Pleanála decides to refuse planning permission/approval this will result in An Bord Pleanála (Competent Authority) not issuing the comprehensive decision.

In assessing any application made An Bord Pleanála (and where relevant other authorities in assessing applications made to them) will have full regard to all planning, environmental, human health 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 and Aarhus Convention. An Bord Pleanála 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](#).

A flowchart for the statutory permit granting procedure is attached.

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

An Bord Pleanála



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.

4.4 PCI and 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 these 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](#)
- [7th Schedule Strategic Infrastructure Development, Guidelines for Applicants.](#)
- [Strategic Infrastructure Development Application Form](#)

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

4.5 Issuing of 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 as presently done. It is envisaged that the other authorities concerned will also continue to issue their decisions as presently done.

The comprehensive decision will issue after the authorities concerned including An Bord Pleanála have issued grants/approvals. In such circumstances, the comprehensive decision will take the form of a document issued by An Bord

Pleanála (Competent Authority) which will detail all the necessary permits granted/approved which were obtained in order to realise the project.

5. Public Participation: The Regulation

5.1 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 those principles.

5.2 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 An Bord Pleanála (Competent Authority). An Bord Pleanála (Competent Authority) must either modify or approve the concept within 3 months.

The modification or approval will be done following consultation with the other relevant authorities, as considered appropriate.

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

5.3 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.

An Bord Pleanála (Competent Authority), during the pre-application procedure stage will expect the project promoter to provide details of having complied with the foregoing.

5.4 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 An Bord Pleanála (Competent Authority). Within three months of receipt of the concept An Bord Pleanála (Competent Authority) shall request modifications or approve the concept. An Bord Pleanála (Competent Authority) will seek the opinion of other relevant authorities concerned on the concept.

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.

An Bord Pleanála (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 concerning identifiable stakeholders published in a public participation concept.

Generally, An Bord Pleanála (Competent Authority) intends, where it has approved a public participation concept for a specific project, to require the project promoter to publish the approved public participation concept on the project website as a further means of enhancing transparency and public participation.

In addition, An Bord Pleanála (Competent Authority) 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 the consideration of An Bord Pleanála, 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.

5.5 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.

An Bord Pleanála (Competent Authority) will expect that the website is maintained by the project promoter concerned and that all changes to the website content are documented so that An Bord Pleanála (Competent Authority) can trace what information was made available to the general public at specific times.

5.6 The Statutory Permit Granting Procedure and Public Participation

As the Competent Authority under the Collaborative Scheme, the role of An Bord Pleanála is mainly to co-ordinate the issuing of the comprehensive decision and to ensure that it is made within the period set out in the Regulation. The comprehensive decision being 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 build the energy infrastructure 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. Insofar as a project comes before An Bord Pleanála as a planning application, An Bord Pleanála will follow its own public participation procedures.

5.6.1 Public Participation and An Bord Pleanála

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

5.6.2 Public Participation and the EPA

Information relating to EPA statutory public participation in the licensing and permitting process may be found [here](#).

5.6.3 Public Participation and Foreshore Applications

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

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

6. Relevant Permit Granting Legislation

6.1 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.

In the Republic of Ireland, one of the first steps for any project promoter is to approach An Bord Pleanála 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. If deemed not to be Strategic Infrastructure the planning application must be lodged to the local planning authority.

Details of the relevant planning legislation for the Republic of Ireland is available on the DoECLG website [here](#).

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

6.2 Gas Infrastructure Licenses

The CER licenses natural gas infrastructure 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 CER 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 CER 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 CER issuing a license. Information on shipping and supply licenses are available [here](#).

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 CER for a transmission or distribution license. No such licenses have been issued to any party other than Bord Gais Eireann to date. Potential applicants for an infrastructure license should contact the CER directly to discuss the specific requirements for the license sought.

6.3 Gas Pipeline Consents

Section 39A of the 1978 Gas Act, as amended, states that a person, including Bord Gais Eireann (BGE) shall not without the consent of the CER, construct a pipeline, other than an upstream pipeline, on, over or under the surface of the land or of any

sea bed that is situate in the territorial seas of the State. The CER has issued an exemption to Bord Gais Eireann from the requirement to obtain a pipeline consent for pipelines with an operating pressure below 4 bar. Any PCI which involves the construction of a pipeline will require a Section 39A pipeline consent. If a pipeline or associated facility traverses third party lands, the CER may also issue a compulsory acquisition order under Section 32A of the Gas Act, as amended.

Section 40A of the Gas Act 1976, as amended by section 12(1)(b) of the Gas (Interim) (Regulation) Act 2002 provides that the Minister for Communications, Energy and Natural Resources is responsible for issuing a consent to construct and operate an upstream gas pipeline. Under section 26(1A)(b) of the Gas Act 1976 (as amended by section 23(1)(d) of the Gas (Interim) (Regulation) Act 2002, the Minister is responsible for issuing a certificate of bona fides 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 the Environment, Community and Local Government under the Foreshore Acts 1933 – 2005.

6.4 Gas Pipelines (Downstream)

CER is responsible for issuing a consent to construct and develop 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 statement 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 CER, 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 the Environment, Community and Local Government under the Foreshore Acts 1933 – 2005.

6.5 Gas Pipelines (Upstream)

The Minister for Communications, Energy and Natural Resources is responsible for the issuing of consents to construct and operate an upstream gas pipeline. The relevant legislation governing these consents is section 40A of the Gas Act 1976, as amended by section 12(1)(b) of the Gas (Interim) (Regulation) Act 2002.

In addition, it is the Minister's responsibility to issue a certificate of bona fides in respect of an application to construct an upstream pipeline. This is required under

section 26(1A)(b) of the Gas Act 1976, as amended by section 23(1)(d) of the Gas (Interim) (Regulation) Act 2002.

6.6 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 CER documents for application for generator construction and generation licensing are available [here](#).

Currently, EirGrid plc is the only person licensed 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 CER directly to discuss the issue.

6.7 Electricity Interconnector and Generating Stations

Section 16(1) of the Electricity Regulation Act 1999, as amended by section 8 of the Energy (Miscellaneous Provisions) Act 2006 provides that CER issue a consent in respect of the construction or reconstruction of a generating station or interconnector, subject to certain criteria, as set out under section 18 of the 1999 Act.

Links to the above legislation are as follows:

[Gas Act 1976](#)

[Gas \(Interim\) \(Regulation\) Act 2002](#)

[Foreshore Acts 1933 – 2005](#)

The Commission for Energy Regulation (CER) is the Republic of Ireland's independent energy regulator covering a wide range of economic and safety functions. Links to information concerning CER'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 licensing and permitting is available [here](#).

Responsibility for foreshore leasing / licensing functions rests with the Minister for the Environment, 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 the Environment, Community and Local Government.

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

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

7. Major Stakeholders

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

Project promoters should seek to identify the major stakeholders involved by contacting the Department of Communication, Energy and Natural Resources, the local planning authority (or authorities) concerned, any prescribed bodies as set out in legislation and by identifying any relevant local and community interest groups that might be affected in the relevant areas. An Bord Pleanála, as Competent Authority, will give advice at the pre-application stage (following consultation with the other relevant authorities as considered appropriate) about stakeholders. The actual names and contact details will be a matter for the project promoters to ascertain. As part of the process of modifying or approving the public participation concept, An Bord Pleanála (Competent Authority) will expect that the major stakeholders will have been identified.

A link to bodies prescribed for consultation under the Planning and Development Acts and Regulations is available [here](#) and [here](#).

A link to the local authorities is available [here](#).

The major stakeholder details will be expanded as the Manual is updated.

8. Detail of Documents for Applications

The details required to make an application for a proposed development which has been deemed strategic infrastructure development are set out here (Link to 5.3 making an Application 7th Schedule SID Guidelines for Applicant on Board's website).

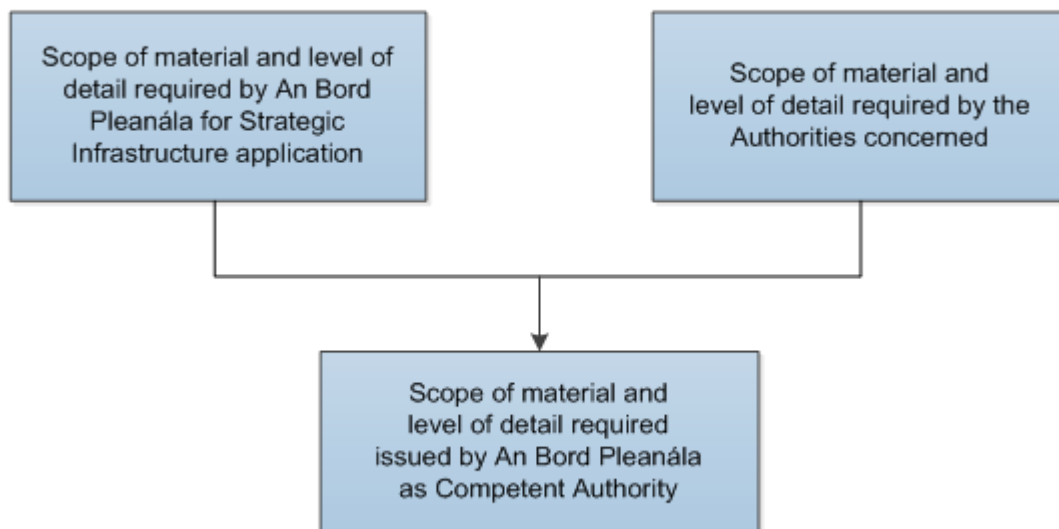
Details relating to the Environmental Protection Agency requirements for permit or licence applications may be found [here](#).

Details relating to the Health and Safety Authority requirements in relation to the planning process may be found [here](#).

Details relating to the Department of Environment, Community and Local Government requirements in relation to foreshore consent may be found [here](#).

A detailed checklist is not available in this version of the Manual. However, An Bord Pleanála, as Competent Authority, will identify the scope of material and level of detail of information to be submitted to itself in relation to a planning application and (following close co-operation with the other authorities concerned and, where appropriate, on the basis of a proposal by the project promoter) the scope and level of detail to be provided to the other authorities.

PCI Process



Checklists may generally be obtained by consulting the relevant websites of the authorities concerned.

9. Amendments to Permits

Section 146B of the Planning and Development Act 2000, as amended provides for the person who is carrying out or intending to carry out a strategic infrastructure development to request An Bord Pleanála to alter the terms of the development the subject of the planning permission, approval or other consent granted under the Act. It is not clear if the PCI process provides for this alteration process as no such mechanism is defined in the Regulation. An Bord Pleanála (Competent Authority) intends to seek clarification on this.

10. Contact Details

10.1 Competent Authority: An Bord Pleanála

The contact point for in An Bord Pleanála (Competent Authority) is Diarmuid Collins, Senior Administrative Officer, d.collins@pleanala.ie

When unavailable, queries may be directed to:

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

Phone 01 8588100 or Lo-call 1890 275 175

International Phone +353 (0)1 8588100

Email: bord@pleanala.ie

10.2 Other Authorities*

Organisation	Name	Email Address	Contact Details
Department of Communications, Energy and Natural Resources	1. Caoimhin Smith, Assistant Principal	Caoimhin.smith@dcenr.ie	+353 (0) 1 6782948
	2. Iseult Raftery, Executive Officer	Iseult.raftery@dcenr.ie	+353 (0) 1 6783137 29/31 Adelaide Road, Dublin 2. +353 (0) 1 6782000
Department of Environment, Community and Local Government		foreshore@environ.ie	Marine Planning – Foreshore Unit Department of the Environment, Community and Local Government Newtown Road, Wexford, Ireland +353 (0) 53 9117365
Environmental Protection Agency	Leo Sweeney	l.sweeney@epa.ie	Richview, Clonskeagh, Dublin 14. +353 (0) 1 268 0100
Health and Safety Authority	Pat Conneely Head of Unit, COMAH, Chemical Production & Storage. Chemicals & Prevention Divisions.	pat_conneely@hsa.ie	Metropolitan Building, James Joyce Street, Dublin 1. +353 (0) 1 6147000
Commission for Energy Regulation		gaslicensing@cer.ie elylicensing@cer.ie electricitynetworks@cer.ie	The Exchange, Belgard Square North, Tallaght, Dublin 24. +353 (0) 1 4000800

* Note that other authorities may be included as the Manual is updated.