



Number 36 of 2026

Development (Strategic Gas Reserve) Act 2026



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DEVELOPMENT (STRATEGIC GAS RESERVE) ACT 2026

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Number 36 of 2026

DEVELOPMENT (STRATEGIC GAS RESERVE) ACT 2026

An Act to enable the Minister for Climate, Energy and the Environment to grant approval for the development and operation of a strategic gas reserve for the purpose of securing the State's energy supply in case of emergency, for that purpose to disapply the Planning and Development Act 2000, the Planning and Development Act 2024 and certain provisions of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) in relation to such development; to give effect to Article 6(3) of Council Directive 92/43/EEC of 21 May 1992¹ on the conservation of natural habitats and of wild fauna and flora, and Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011² on the assessment of the effects of certain public and private projects on the environment in relation to such development; and to provide for matters connected therewith. [23rd July, 2026]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Development (Strategic Gas Reserve) Act 2026.
- (2) This Act shall come into operation on such day or days as the Minister may, by order or orders, appoint, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.

Definitions

2. In this Act—
 - “Act of 2000” means the Planning and Development Act 2000;
 - “Act of 2024” means the Planning and Development Act 2024;
 - “applicant” means an applicant under *section 9* for an approval under *section 29*;

¹ OJ No. L 206, 22.7.1992, p. 7

² OJ No. L 26, 28.1.2011, p. 1

“application” means an application under *section 9* for an approval under *section 29*;

“application website” means the website administered by the Minister on which information relating to an application is to be made available to the public;

“appropriate assessment”, in relation to designated development, means an assessment for the purposes of Article 6(3) of the Habitats Directive;

“Birds Directive” means Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009³ on the conservation of wild birds;

“Commission” means An Coimisiún Pleanála;

“designated authority” means—

- (a) An Chomhairle Ealaíon,
- (b) the Commissioner of Irish Lights,
- (c) An Taisce – the National Trust for Ireland,
- (d) the Commission for Regulation of Utilities,
- (e) Eirgrid,
- (f) the Electricity Supply Board,
- (g) the Environmental Protection Agency,
- (h) Fáilte Ireland,
- (i) the Health and Safety Authority,
- (j) the Health Service Executive,
- (k) the Heritage Council,
- (l) Inland Fisheries Ireland,
- (m) the Irish Coast Guard,
- (n) the Marine Institute,
- (o) the Maritime Area Regulatory Authority,
- (p) the Minister for Defence,
- (q) the Minister for Housing, Local Government and Heritage,
- (r) the Minister for Agriculture, Food and the Marine,
- (s) the Minister for Enterprise, Tourism and Employment,
- (t) the Minister for Culture, Communications and Sport,
- (u) the Minister for Rural and Community Development,
- (v) the National Roads Authority,
- (w) the National Tourism Development Authority,

3 OJ No. L 20, 26.1.2010, p. 7

- (x) the National Transport Authority,
- (y) the Office of Public Works,
- (z) Shannon Foynes Port Company,
- (aa) Sustainable Energy Ireland – The Sustainable Energy Authority of Ireland,
- (ab) Transport Infrastructure Ireland,
- (ac) Uisce Éireann,
- (ad) Waterways Ireland,
- (ae) any planning authority and regional assembly in whose functional area the designated development would be situated, or
- (af) such other authority, likely to be concerned by designated development by reason of its specific environmental responsibilities or local and regional competences, as the Minister may prescribe;

“designated development” means development designated by *section 5*;

“development” means—

- (a) the carrying out of works—
 - (i) on, in, over or under land, or
 - (ii) on, in, over or under the maritime area,or
- (b) the making of a material change in the use of—
 - (i) land or any structure on land, or
 - (ii) the sea, seabed or any structure, in the maritime area, and includes the reclamation of land in the nearshore area;

“enactment” means—

- (a) an Act of the Oireachtas (or any provision thereof) for the time being in force,
- (b) a statute (or any provision thereof) that continues to have full force and effect by virtue of Article 50 of the Constitution, or
- (c) an order, regulation, rule or bye-law (or any provision thereof)—
 - (i) for the time being in force, and
 - (ii) made under an Act of the Oireachtas or any such statute;

“environmental impact assessment report” means a report prepared for the purposes of Article 5 of the Environmental Impact Assessment Directive;

“Environmental Impact Assessment Directive” means Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011⁴ on the assessment of the

4 OJ No. L 26, 28.1.2011, p. 1

effects of certain public and private projects on the environment;

“European site” means—

- (a) a site that has been included in the list of sites of Community importance, as adopted by the European Commission in accordance with the procedure laid down in Article 21 of the Habitats Directive,
- (b) a site—
 - (i) in respect of which the Minister for Housing, Local Government and Heritage has given notice under regulations under the European Communities Act 1972 of its possible eligibility for identification as a site of Community importance pursuant to paragraph 1 of Article 4 of the Habitats Directive, and
 - (ii) that has not yet been adopted by the European Commission in accordance with the procedure laid down in Article 21 of the Habitats Directive,
- (c) a site that has been—
 - (i) included in a list transmitted to the European Commission in accordance with paragraph 1 of Article 4 of the Habitats Directive, or
 - (ii) added to that list in accordance with Article 5 of the Habitats Directive,but that has not yet been adopted by the European Commission in accordance with the procedure laid down in Article 21 of the Habitats Directive,
- (d) a site that is subject to a consultation procedure in accordance with paragraph 1 of Article 5 of the Habitats Directive,
- (e) a site in relation to which a Council decision is pending in accordance with paragraph 3 of Article 5 of the Habitats Directive,
- (f) a site that has been designated by the Minister for Housing, Local Government and Heritage as a special area of conservation for the purposes of paragraph 4 of Article 4 of the Habitats Directive,
- (g) an area classified by the Minister for Housing, Local Government and Heritage for the purposes of paragraph 1 or 2 of Article 4 of the Birds Directive as a special protection area, or
- (h) an area in respect of which the Minister for Housing, Local Government and Heritage has given notice pursuant to regulations under the European Communities Act 1972 of his or her opinion that the site may be eligible for classification as a special protection area pursuant to Article 4 of the Birds Directive where there has been no public notification of the making of a decision by that Minister to classify or not to classify that area as a special protection area;

“Floating Storage and Regasification Unit” means a specialist ship that can store, transport and convert liquefied natural gas (LNG) to gas;

“FSRU” means a Floating Storage and Regasification Unit;

“Habitats Directive” means Council Directive 92/43/EEC of 21 May 1992⁵ on the conservation of natural habitats and of wild fauna and flora;

“LNG” means liquefied natural gas;

“local authority” has the meaning assigned to it by the Local Government Act 2001;

“maritime area” has the meaning assigned to it by the Maritime Area Planning Act 2021;

“maritime site” means a part of the maritime area, and includes—

- (a) the waters of that part of the maritime area,
- (b) the seabed in that part of the maritime area, and
- (c) all substrata beneath the seabed in that part of the maritime area;

“Minister” means the Minister for Climate, Energy and the Environment;

“national newspaper” means—

- (a) a publication (other than an online publication or online version of a publication) that—
 - (i) circulates generally in the State, and
 - (ii) is prescribed for the purposes of this Act,or
- (b) an online publication, or online version of a publication, prescribed for the purposes of this Act;

“Natura impact statement” means a statement prepared for the purposes of Article 6 of the Habitats Directive setting out the implications of a project, whether on its own or in combination with other plans or projects, for any European site on which the project may have significant effects, having regard to the conservation objectives in relation to that site;

“planning authority” means a local authority;

“prescribed” means prescribed by regulations made by the Minister;

“reasoned conclusion” shall be construed in accordance with *section 26*;

“regional assembly” means a body established in accordance with section 43 of the Local Government Act 1991;

“Regulations of 2011” means the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011);

“Seveso III Directive” means Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012⁶ on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC Text with EEA relevance;

5 OJ No. L 206, 22.7.1992, p. 7

6 OJ No. L 197, 24.7.2012, p. 1

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“Water Framework Directive” means Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000⁷ establishing a framework for Community action in the field of water policy;

“works” includes an act or operation—

- (a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site,
- (b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and
- (c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

Regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Regulations made by the Minister under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.
- (3) The Minister shall, before making regulations under this Act, consult with any Minister of the Government in which functions that he or she considers are connected with the matters to which the proposed regulations relate vest.
- (4) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid out of moneys provided by the Oireachtas.

⁷ OJ No. L 327, 22.12.2000, p. 1

PART 2

DESIGNATED DEVELOPMENT

Designation of development

5. (1) Development, including any use or change of use, comprising all or any of the following, situated or carried out at, or near, or in the maritime area at, or near, Cahiracon, Co. Clare, is designated development for the purposes of this Act:
- (a) the mooring, and operation, of a floating storage and regasification unit with connectivity to the terminal referred to in *paragraph (b)*;
 - (b) the construction, and operation, of an on-shore gas terminal and pipeline connection to the existing natural gas network;
 - (c) site development and works ancillary to the mooring and operation of the FSRU and to the construction and operation of the on-shore gas terminal and pipeline;
 - (d) any building, structure, plant, equipment, services, utility connections or other infrastructure, including marine infrastructure, required for the operation of the FSRU, on-shore gas terminal or pipeline;
 - (e) the importation and offloading of LNG to the FSRU;
 - (f) the regasification of LNG and transmission of natural gas to the on-shore gas terminal and the existing natural gas network for the purpose of ensuring and protecting the security of natural gas supply.
- (2) Designated development includes a change of use from one use that constitutes designated development to another use that constitutes designated development.

Disapplication of Act of 2000 and Act of 2024

6. (1) Subject to this Act, neither the Act of 2000 nor any instrument thereunder shall apply to designated development carried out in accordance with an approval under *section 29*.
- (2) Subject to this Act, neither the Act of 2024 nor any instrument thereunder shall apply to designated development carried out in accordance with an approval under *section 29*.
- (3) For the avoidance of doubt, designated development carried out other than in accordance with an approval under *section 29* shall be—
- (a) unauthorised development for the purposes of the Act of 2000, and
 - (b) unauthorised development for the purposes of the Act of 2024.

Disapplication of Regulation 2 of Regulations of 2011

7. Designated development shall not constitute an activity or a project within the meaning of Regulation 2 of the Regulations of 2011.

PART 3

SEEKING APPROVAL TO CARRY OUT DESIGNATED DEVELOPMENT

Consultation in relation to proposed application

8. A person entitled to make an application under *section 9* and who intends to make such an application may, with the agreement (which shall not be unreasonably withheld) of the Minister or as the case may be, the Commission, consult with the Minister or, as the case may be, the Commission for the purposes of discussing any proposed designated development and the Minister or as the case may be, the Commission, may advise the person regarding the proposed application.

Application to Minister to carry out designated development

9. (1) Gas Networks Ireland, or such other public body as may be prescribed, may apply to the Minister for approval under *section 29* to carry out designated development.
- (2) An application under *subsection (1)* shall be in such form and be made in such manner as may be prescribed.
- (3) An application under *subsection (1)* shall include the following:
- (a) the name of the applicant, the address of its principal office in the State and such other contact details of the applicant as may be prescribed;
 - (b) a description of the designated development the subject of the application and a description of the land and the part of the maritime area on, at or in which the designated development is proposed to be situated or carried out;
 - (c) a copy of the notice published in a national newspaper in accordance with *section 10*;
 - (d) a map identifying the land and the part of the maritime area on, at or in which the designated development is proposed to be situated or carried out;
 - (e) a map on which the site boundary of the designated development is clearly delineated;
 - (f) such other maps, plans, drawings or other information as may be prescribed;
 - (g) a Natura impact statement in relation to the designated development the subject of the application;
 - (h) an environmental impact assessment report in relation to the designated development the subject of the application;
 - (i) a flood risk assessment of the designated development the subject of the application;
 - (j) a Water Framework Directive compliance assessment relating to the designated development the subject of the application;

- (k) sufficient evidence to show that the applicant has submitted information to the Health and Safety Authority for the purposes of determining compliance with the Seveso III Directive, in particular, in the case of designated development the subject of the application—
 - (i) that includes the provision or modification of—
 - (I) an existing establishment within the meaning of the Seveso III Directive,
or
 - (II) a new establishment within the meaning of the Seveso III Directive,
or
 - (ii) within the vicinity of either such an establishment,
having regard to the effect that a major accident is likely to have on the area within which the designated development the subject of the application is proposed to be situated, and
 - (l) such other documentation or information as may be prescribed.
- (4) The Minister shall, not later than 5 days after receiving an application under *subsection (1)*, notify the applicant that he or she has received the application.
- (5) An applicant shall provide such additional information in relation to the application as the Minister may request for the purpose of making a decision under *section 29*, in such form and within such period as may be specified by the Minister in the request.

Public notice of application for approval

- 10.** Where an applicant makes an application under *section 9*, the applicant shall, within the period of 3 days beginning on the day on which the application is made, publish a notice in one national newspaper, and erect at least one notice at the proposed location of the designated development the subject of the application, specifying the following:
- (a) that the applicant has made an application under *section 9* for an approval under *section 29* to carry out certain designated development (referred to in this section as the “development”);
 - (b) the name of the applicant;
 - (c) the proposed location of the development;
 - (d) a brief description of the development;
 - (e) that the development is subject to an environmental impact assessment for the purposes of the Environmental Impact Assessment Directive and an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive by the Commission in accordance with *Part 4*;
 - (f) that the Minister is the competent authority for the purposes of the determination of the application for approval;

- (g) the nature of possible decisions that the Minister may make under *section 29* in relation to the application;
- (h) that a copy of the application under *section 9*, including—
 - (i) an environmental impact assessment report, and
 - (ii) a Natura impact statement,

in relation to the development is available on the application website (the address of which shall be specified in the notice) and will be available in electronic form for inspection free of charge by members of the public at the offices of the Department of Climate, Energy and the Environment and of the Commission until the date on which the Minister takes a decision under *section 29*;
- (i) that members of the public and designated authorities may make submissions and observations, in writing or by electronic means, to the Commission during the period of 5 weeks beginning on the day on which the notice is published relating to—
 - (i) the likely significant effects of the designated development the subject of the application on the environment, or
 - (ii) on the likely adverse effects of the designated development the subject of the application on the integrity of a European site;
- (j) that members of the public and designated authorities may make submissions and observations relating to the determination of the application, in writing or by electronic means, to the Minister during the period of 5 weeks beginning on the day on which the notice is published;
- (k) such other information or documentation as may be prescribed.

Minister to make information available and accept submissions, etc.

11. The Minister shall, upon receipt of an application under *section 9*—

- (a) make a copy of the application available in electronic form—
 - (i) on the application website, and
 - (ii) for inspection free of charge by members of the public at the offices of the Department of Climate, Energy and the Environment,

until the date on which the Minister takes a decision under *section 29*,
- (b) accept submissions and observations from members of the public and designated authorities, in writing or by electronic means, during the period of 5 weeks beginning on the day on which the notice is published, relating to the grant of approval,
- (c) provide a copy of the application to each designated authority, and
- (d) provide a copy of the application to the Commission for the purpose of the performance of its functions under *Part 4*.

PART 4

ASSESSMENTS BY COMMISSION

CHAPTER 1

*Preliminary and General***Definition**

12. In this Part, “the development” means the designated development the subject of the application under *section 9*.

Duties of independence, confidentiality, etc.

13. (1) The Commission shall be independent and impartial in the performance of its functions under this Act.
- (2) This Part shall not operate to require the Commission to contravene any prohibition or limitation on the disclosure of information imposed by law for the purposes of safeguarding commercial and industrial confidentiality (including in relation to intellectual property) or the public interest.

Access to expertise

14. The Commission shall ensure that it has access to such expertise as is necessary to enable it to perform its functions under this Part and, for that purpose, it may engage such consultants or advisers as it considers appropriate.

Commission to accept submissions and observations in accordance with *Parts 3 and 4*

15. The Commission shall accept submissions and observations from members of the public and designated authorities, in writing or by electronic means, provided in accordance with *Part 3* during the period specified in *Part 3* and in this Part, relating to—
- (a) the likely significant effects of the development on the environment, or
 - (b) the likely adverse effects of the development on the integrity of any European site.

Periods within which Commission shall carry out assessments under *Part 4*

16. (1) Subject to *subsection (2)*, the Commission shall—
- (a) carry out an assessment and make a determination under *section 20*, and
 - (b) carry out an assessment and reach a reasoned conclusion under *section 26*,
not later than 18 weeks from the date of receipt by the Commission of the application.
- (2) Where the Commission makes a request under—
- (a) *section 19(2)*,

- (b) *section 19(3)*,
- (c) *section 23(2)*, or
- (d) *section 24(1)*,

the period of time commencing on the date of such request and ending on the date of receipt of a revised Natura impact statement or, as the case may be, the information to which the request relates, shall be disregarded for the purpose of calculating the period of time referred to in *subsection (1)*.

CHAPTER 2

Appropriate Assessment of Effect of Development on European Sites

Interpretation

17. (1) A word or expression that is used in this Chapter and in the Habitats Directive has the meaning in this Chapter that it has in that directive.
- (2) Subject to *subsection (1)*, a word or expression that is used in this Chapter and in the Birds Directive has the meaning in this Chapter that it has in that directive.

Natura impact statement

18. (1) A Natura impact statement shall—
- (a) be prepared by a person with the necessary scientific competence to do so,
 - (b) specify all of the habitat types and species—
 - (i) for which the European site concerned is designated, and
 - (ii) in relation to which the likelihood of significant effects arising from the designated development cannot be excluded,
 - (c) having regard to the European site’s conservation objectives—
 - (i) identify all potential significant effects of the designated development on the European site concerned, whether such effects arise from the designated development itself or the designated development in combination with any other project or any plan, and
 - (ii) assess the effects identified in accordance with *subparagraph (i)* and the implications of the designated development for the European site,
 - (d) identify any measures proposed to be taken for the purposes of avoiding or reducing any adverse effects (identified in accordance with *paragraph (c)*) of the designated development on the European site concerned,
 - (e) having regard to the matters identified and assessments made in accordance with *paragraphs (b), (c) and (d)* conclude either—
 - (i) that the proposed designated development may adversely affect the integrity of a European site, or

- (ii) that the proposed designated development will not adversely affect the integrity of a European site,
- and
- (f) include such other information as may be prescribed.

Further information for purposes of appropriate assessment of development

19. (1) Where the Commission is provided with an application under *section 11(d)* that contains a Natura impact statement it shall carry out an appropriate assessment of the development under this Chapter.
- (2) The Commission may, within the period of 10 weeks from the date of receipt by the Commission of the application, if it considers that the Natura impact statement provided does not comply with *section 18*, request the applicant to provide it with a revised Natura impact statement to ensure compliance with that section.
- (3) For the purpose of carrying out an appropriate assessment under *section 20*, the Commission may, within the period of 10 weeks from the date of receipt by the Commission of the application—
- (a) request such information or such further information or clarification from the applicant as the Commission considers necessary to enable it to carry out that assessment, or
 - (b) consult with such persons as the Commission considers appropriate.
- (4) The Commission shall specify in a request under this section the time period within which a revised Natura impact statement or information is to be provided by the applicant.
- (5) Where the Commission receives a revised Natura impact statement, or information that the Commission considers to be significant further information, from the applicant following a request under *subsection (2)* or *subsection (3)(a)*, it shall—
- (a) publish the revised Natura impact statement or that information on the application website,
 - (b) make a copy of the revised Natura impact statement or the information available in electronic form for inspection free of charge by members of the public at its offices during normal office hours, and
 - (c) publish a notice on the application website—
 - (i) specifying the times and places at which, and the period during which, a copy of the revised Natura impact statement or the information may be inspected,
 - (ii) inviting submissions and observations, in writing or by electronic means, by members of the public during the period of 4 weeks beginning on the day on which the notice is published with respect to the likely adverse effects of the development on the integrity of any European site having regard to the conservation objectives relating to that site, and

- (iii) specifying the period during which, and the manner in which, such submissions and observations may be made.

(6) The Commission shall—

- (a) send a copy of the revised Natura impact statement or, as the case may be, significant further information to such person or persons (if any) as may be prescribed, and
- (b) invite each such person to make submissions during the period of 4 weeks beginning on the date of the invitation, in writing or by electronic means, with respect to the likely adverse effects of the development on the integrity of any European site having regard to the conservation objectives relating to that site.

Appropriate assessment of development

20. (1) The Commission shall take into account each of the following when carrying out an appropriate assessment:

- (a) the application;
- (b) the Natura impact statement;
- (c) any information (including any revised Natura impact statement) obtained by the Commission pursuant to a request under *section 19(2)* or *section 19(3)(a)*;
- (d) the results of any consultation carried out in accordance with *section 15* or *section 19(3)(b)*;
- (e) any other information that the Commission considers relevant.

(2) When carrying out an appropriate assessment of the development, the Commission shall, based on the best available scientific knowledge and having regard to the conservation objectives relating to the European site concerned—

- (a) identify all likely significant effects of the designated development on the European site,
- (b) assess the extent of those effects and their implications for the European site, and
- (c) consider the likely effectiveness of any measures—
 - (i) proposed by the applicant, or
 - (ii) that the Commission considers it appropriate to require the applicant to take in accordance with a condition attached to any subsequent grant of approval under *section 29*,

for the purpose of avoiding or reducing potential effects on the European site.

(3) The Commission shall—

- (a) having complied with *subsection (2)*, and
- (b) having had regard to—
 - (i) the likely significant effects identified in accordance with *subsection (2)(a)*,

(ii) the assessment under *subsection (2)(b)*, and

(iii) the effectiveness, or likely effectiveness, of any measures referred to in *subsection (2)(c)*,

make a determination as to whether or not any reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site.

- (4) Where a determination under *subsection (3)* is based wholly or partly on the implementation of measures referred to in *subsection (2)(c)*, the Commission shall require that a condition requiring that those measures be implemented be attached to any approval of the development granted under *section 29* and the Minister shall comply with the requirement to attach such condition to any such approval.
- (5) Where the Commission makes a determination under *subsection (3)* that a reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site, the determination shall state whether or not the site concerned hosts, either or both, a priority natural habitat type or a priority species.
- (6) The Commission shall, as soon as may be after making a determination under *subsection (3)*, send a copy of the determination to the Minister.

CHAPTER 3

Environmental Impact Assessment of designated development the subject of an application

Interpretation (Chapter 3 of Part 4)

21. A word or expression that is used in this Chapter and in the Environmental Impact Assessment Directive has the meaning in this Chapter that it has in that directive.

Environmental impact assessment report

22. The applicant shall ensure that the environmental impact assessment report submitted as part of an application under *section 9* is prepared by competent experts and includes at least the following information:
 - (a) a description of the development comprising information on the site, design, size and other relevant features of the development, including in particular—
 - (i) a description of the physical characteristics of the development and, where applicable, of demolition works, and
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
 - (b) a description of the likely significant effects of the development on the environment;
 - (c) a description of the aspects of the environment that are likely to be significantly affected by the development (whether of itself or cumulatively with any other project);

- (d) a description (to the extent that the information is available) of any, or any likely, significant effects on the environment resulting from—
 - (i) any expected residues, emissions or waste, or
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity, attributable to the carrying out of the development;
- (e) a description of any features of the development, or measures proposed, that it is envisaged will avoid, prevent or reduce or, if possible, offset any likely significant adverse effects on the environment;
- (f) a description of the reasonable alternatives studied by the applicant, which are relevant to the development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
- (g) a non-technical summary of the information referred to in *paragraphs (a) to (f)*;
- (h) the result of any other assessment of the effects of the designated development on the environment carried out under—
 - (i) an act (other than the Environmental Impact Assessment Directive) of an institution of the European Union or the European Communities, or
 - (ii) an enactment giving effect to an act (other than the Environmental Impact Assessment Directive) of an institution of the European Union or the European Communities;
- (i) any additional information specified in Annex IV to the Environmental Impact Assessment Directive relevant to the specific characteristics of the designated development and to the environmental features likely to be affected;
- (j) a map identifying the proposed location of the designated development;
- (k) such other information as may be prescribed.

Commission to ensure environmental impact assessment report complies with *section 22*

- 23.** (1) Where the Commission is provided with an application under *section 11(d)* that contains an environmental impact assessment report it shall carry out an assessment in accordance with *section 26*.
- (2) The Commission may, within the period of 10 weeks from the date of receipt by the Commission of the application, if it considers that the report submitted does not comply with the requirements of *section 22*, request the applicant to provide it with such information as it considers necessary to ensure compliance with that section.
- (3) The Commission shall specify in a request under this section the time period within which information is to be provided by the applicant.

Commission to seek further information where relevant

24. (1) If the Commission considers it necessary for the purposes of carrying out its functions under this Chapter, the Commission shall, within the period of 10 weeks from the date of receipt by the Commission of the application, request further information from the applicant, in accordance with Annex IV to the Environmental Impact Assessment Directive, which is directly relevant to reaching the reasoned conclusion on the significant effects of the project on the environment.
- (2) The Commission shall specify in a request under this section the time period within which information is to be provided by the applicant.
- (3) The Commission may consult with such persons as it considers appropriate for the purpose of carrying out its functions under this Chapter at any time before it reaches a reasoned conclusion in relation to the development.

Public consultation on environmental impact assessment report, etc.

25. Where the Commission receives information under *section 23* or *24* that it considers to be significant further information, it shall—
- (a) make a copy of the information available in electronic form on the application website,
 - (b) make a copy of the information available in electronic form for inspection free of charge by members of the public during normal office hours,
 - (c) publish a notice on the application website—
 - (i) specifying where, the times at which, and the period during which, the environmental impact assessment report and information may be inspected in accordance with *paragraph (b)*,
 - (ii) inviting submissions during the period of 4 weeks beginning on the day on which the notice is published, in writing or in electronic form, by members of the public and designated authorities with respect to the significant effects or likely significant effects of the development on the environment, and
 - (iii) specifying the manner in which such submissions may be made,
 - (d) send a copy of the information to the designated authorities, and
 - (e) invite each designated authority to make submissions during the period of 4 weeks beginning on the date of the invitation, in writing or in electronic form, to the Commission with respect to the significant effects or likely significant effects of the development on the environment.

Assessment of development with regard to effects on environment

26. (1) The Commission shall—
- (a) examine the application, and in particular the information presented in the environmental impact assessment report, any information provided by the applicant in accordance with *section 23* or *24*, any relevant information received

through the consultations under *section 25* and any other information that the Commission considers relevant, and

- (b) reach a reasoned conclusion on the significant effects of the development the subject of the application on the environment, taking into account the results of the examination referred to in *paragraph (a)* and, where appropriate, its own supplementary examination.
- (2) As part of its examination and its reaching a conclusion under *subsection (1)*, the Commission shall identify, describe and assess the direct and indirect significant effects of the development on—
- (a) population and human health,
 - (b) biodiversity, with particular attention given to species and habitats protected under the Habitats Directive and the Birds Directive,
 - (c) land, soil, water, air and climate,
 - (d) material assets, cultural heritage and the landscape, and
 - (e) the interaction between the factors referred to in *paragraphs (a) to (d)*.
- (3) The identification, description and assessment of the effects of the development on the factors referred to in *subsection (2)* shall include the identification, description and assessment of expected effects deriving from any vulnerability of the development to a risk of major accident or disaster.
- (4) The Commission shall state in its reasoned conclusion whether or not it is aware that the development is likely to have significant effects on the environment in another State.
- (5) The Commission shall, as soon as may be after making an assessment under this section, send a copy of the assessment, including the reasoned conclusion, to the Minister.

CHAPTER 4

Joint and coordinated assessments

Joint environmental assessment of designated development by Commission

27. (1) The Commission may, for the purpose of avoiding unnecessary duplication of effort, carry out assessments under *sections 20* and *26* jointly, provided that the carrying out of both such assessments jointly would not hinder compliance with any of the requirements of this Act in relation to either such assessment.
- (2) Notwithstanding *subsection (1)*, where the Commission carries out an appropriate assessment and an environmental impact assessment jointly in accordance with that subsection, it shall ensure that—
- (a) its determination in relation to the appropriate assessment and the reasons therefor, and

- (b) its reasoned conclusion,
are separately stated and clearly distinguishable.
- (3) The Minister may, with the consent of the Minister for Housing, Heritage and Local Government, make regulations for the purposes of this section.

Coordination of environmental impact assessments under different enactments

- 28.** (1) Where designated development cannot lawfully be carried out without the grant of a permission, licence, authorisation or consent (howsoever described) under any enactment (other than this Act), the Commission shall consult with the competent authority referred to in *paragraph (b)* for the purpose of coordinating—
- (a) the performance of its functions in relation to the carrying out of an environmental impact assessment of the designated development under this Act, and
 - (b) the performance by the competent authority (designated under the said enactment for the purposes of the Environmental Impact Assessment Directive) of functions in relation to the carrying out of an environmental impact assessment of the designated development under the said enactment.
- (2) The Minister may, after consultation with the other responsible Minister, make regulations prescribing the order in which an application under this Act and an application for a permission, licence, authorisation or consent (howsoever described) for the designated development under the enactment referred to in *subsection (1)* shall be made and decided upon.
- (3) In this section, “other responsible Minister” means, in relation to an enactment (other than this Act), any Minister of the Government on whom power is conferred to make regulations under that enactment.

PART 5

DETERMINATION OF APPLICATION FOR APPROVAL TO CARRY OUT DESIGNATED DEVELOPMENT

Decision on application for approval

- 29.** (1) The Minister shall not approve the carrying out of designated development applied for under *section 9* (referred to in this section as the “development”) unless—
- (a) the Commission has stated in its reasoned conclusion pursuant to *section 26(4)* that it is not aware that the development is likely to have significant effects on the environment in another State, and
 - (b) the Commission has carried out an appropriate assessment of the relevant development concerned, and either—

- (i) the Commission has made a determination under *section 20(3)* that no reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site, or
 - (ii) the Commission has made a determination under *section 20(3)* that a reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site but *paragraph (a)* or *(b)* of *section 30(2)* applies.
- (2) Subject to *subsection (1)*, the Minister may, having considered an application under *section 9*, any submission and observations received pursuant to *section 10(j)*, the urgent need to ensure and protect the security of gas supply in the State, the assessment and determination under *section 20* and the assessment and reasoned conclusion under *section 26* and, being satisfied that the reasoned conclusion of the Commission is up to date—
 - (a) approve the carrying out of the designated development applied for,
 - (b) refuse to approve the carrying out of the designated development applied for, or
 - (c) approve the carrying out of the designated development applied for subject to such conditions as he or she considers appropriate having regard, in particular, to *section 20(4)*,
 and an approval to which *paragraph (a)* or *(c)* applies or a refusal to which *paragraph (b)* applies is referred to in this Act as a “decision”.
- (3) The Minister may engage such consultants or advisers as he or she considers appropriate for the purposes of making a decision under this section.
- (4) A decision to approve the carrying out of the development shall—
 - (a) state whether or not—
 - (i) *paragraph (a)*, or
 - (ii) *subparagraph (i)* or *(ii)* of *paragraph (b)*,
 of *subsection (1)* applies, and
 - (b) incorporate the following information:
 - (i) the reasoned conclusion of the Commission;
 - (ii) any conditions under *subsection (2)(c)* to which the decision is subject;
 - (iii) a description of any features of the development, or measures, envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment;
 - (iv) where appropriate, monitoring measures.
- (5) A decision to refuse development consent shall state the main reasons for the refusal.
- (6) The Minister shall, as soon as may be after making a decision under this section, publish a notice of the making of the decision—
 - (a) in *Iris Oifigiúil*,

- (b) on the application website, and
 - (c) in a national newspaper.
- (7) The Minister shall, as soon as may be after making a decision under this section, forward to the designated authorities and make available on the application website—
- (a) the decision and any conditions under *subsection (2)(c)* to which the decision is subject,
 - (b) the main reasons and considerations on which the decision is based, including information about the public participation process, a summary of the results of the consultations and the information gathered and any other information that the Commission considers relevant and how those results have been incorporated or otherwise addressed,
 - (c) the assessment and determination under *section 20*, and
 - (d) the assessment and reasoned conclusion under *section 26*.

Negative assessment of implications of development for site

- 30.** (1) Where, on the basis of an appropriate assessment under *section 20*, the Commission makes a determination under *subsection (3)* of that section that a reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site, the Minister shall, subject to *subsection (2)*, refuse to grant approval under *section 29* for the development.
- (2) *Subsection (1)* shall not apply—
- (a) where the site concerned hosts neither a priority natural habitat type nor a priority species, if the Minister—
 - (i) is satisfied that—
 - (I) the project must be carried out for imperative reasons of overriding public interest (which may include reasons of a social or economic nature), and
 - (II) there is an absence of alternative solutions other than the development the subject of the application,
 - and
 - (ii) takes all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected and informs the European Commission of the compensatory measures adopted,
 - or
 - (b) where the site concerned hosts either a priority natural habitat type or a priority species if the Minister—
 - (i) is satisfied that—

- (I) the development must be carried out for imperative reasons of overriding public interest relating to human health or public safety or to beneficial consequences of primary importance for the environment or, further to an opinion from the European Commission, to other imperative reasons of overriding public interest, and
 - (II) there is an absence of alternative solutions other than the development the subject of the application,
- and
- (ii) takes all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected and informs the European Commission of the compensatory measures adopted.

Requirement to comply with approval

31. Designated development shall be carried out in accordance with an approval under *section 29*.

PART 6

MISCELLANEOUS PROVISIONS

Minister may direct priority be given to certain applications for consent

32. Where a consent under any enactment is required by an applicant—
- (a) before any approval to carry on designated development has been granted under *section 29*, in order to enable the application for approval to be made, or
 - (b) where an approval has been granted under *section 29*, for the purposes of carrying out the development the subject of the approval,
- the Minister may issue a direction in writing to the authority competent to grant the consent required, directing it to prioritise, in a manner aligned with the objectives of the legislation under which the consent is required, the determination of the application for that consent over other applications made to it.

Disapplication of section 15 of Climate Action and Low Carbon Development Act 2015

33. Section 15 of the Climate Action and Low Carbon Development Act 2015 shall not apply to—
- (a) a relevant body (within the meaning of that section) in the performance of its functions under this Act, and
 - (b) the Commission for Regulation of Utilities in the performance of its functions under section 39A of the Gas Act 1976 in relation to the construction of a pipeline which is designated development.

Judicial review

- 34.** (1) A person shall not question the validity of a decision under this Act (“a decision”) otherwise than by way of an application for judicial review under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) (“the Order”).
- (2) Subject to *subsection (3)*, an application for leave to apply for judicial review under the Order in respect of a decision shall be made within the period of 8 weeks beginning on the date of the decision to which the proceedings relate.
- (3) The High Court may extend the period provided for in *subsection (2)* within which an application for leave referred to in that subsection may be made but shall only do so if it is satisfied that—
- (a) there is good and sufficient reason for doing so, and
 - (b) the circumstances that resulted in the failure to make the application for leave within the period so provided were outside the control of the applicant for the extension.
- (4) References in this section to the Order shall be construed as including references to the Order as amended or replaced (with or without modification) by rules of court.

Leave to apply for Judicial Review

- 35.** (1) In this section—

“Court”, where used without qualification, means the High Court (but this definition shall not be construed as meaning that *subsections (2) to (9) and (12)* do not extend to and govern the exercise by the Supreme Court of jurisdiction on any appeal that may be made);

“Order” shall be construed in accordance with *section 34*;

“*section 34 leave*” means leave to apply for judicial review under the Order in respect of a decision under this Act.

- (2) An application for *section 34 leave* shall be made by motion *ex parte* and shall be grounded in the manner specified in the Order in respect of an *ex parte* motion for leave.
- (3) The Court hearing the *ex parte* application for leave may decide, having regard to the issues arising, the likely impact of the proceedings on the respondent or another party, or for other good and sufficient reason, that the application for leave should be conducted on an *inter partes* basis and may adjourn the application on such terms as it may direct in order that a notice may be served on that person.
- (4) If the Court directs that the leave hearing is to be conducted on an *inter partes* basis it shall be by motion on notice (grounded in the manner specified in the Order in respect of an *ex parte* motion for leave) to any person specified for that purpose by order of the High Court.

- (5) The Court may—
- (a) with the consent of all of the parties, or
 - (b) where there is good and sufficient reason for so doing and it is just and equitable in all the circumstances,
- treat the application for leave as if it were the hearing of the application for judicial review and may for that purpose adjourn the hearing on such terms as it may direct.
- (6) The Court shall not grant *section 34* leave unless it is satisfied that there are substantial grounds for contending that the decision concerned is invalid or ought to be quashed, and that either—
- (a) the applicant has a sufficient interest in the matter which is the subject of the application, or
 - (b) the decision concerned relates to a development identified by the Commission under *section 26*, as being development which may have significant effects on the environment, and that the applicant—
 - (i) is a body or organisation (other than a State authority, a public authority or governmental body or agency) the aims or objectives of which relate to the promotion of environmental protection, and
 - (ii) has, during the period of 12 months preceding the date of the application, pursued those aims or objectives.
- (7) Sufficient interest for the purposes of *subsection (6)(a)* is not limited to an interest in land or other financial interest.
- (8) If the court grants *section 34* leave, no grounds shall be relied upon in the application for judicial review under the Order other than those determined by the Court to be substantial under *subsection (6)(b)*.
- (9) The Court may, as a condition for granting *section 34* leave, require the applicant for such leave to give an undertaking as to damages.
- (10) The determination of the Court of an application for *section 34* leave or of an application for judicial review on foot of such leave shall be final and no appeal shall lie from the decision of the Court to the Court of Appeal in either case save with leave of the Court which leave shall only be granted where the Court certifies that its decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Court of Appeal.
- (11) *Subsection (10)* shall not apply to a determination of the Court in so far as it involves a question as to the validity of any law having regard to the provisions of the Constitution.
- (12) If an application is made for judicial review under the Order in respect of part only of a decision under this Act, the Court may, if it thinks fit, declare to be invalid or quash the part concerned or any provision thereof without declaring invalid or quashing the remainder of the decision or part of the decision, and if the Court does so, it may

make any consequential amendments to the remainder of the decision or the part thereof that it considers appropriate.

- (13) If, on an application for judicial review under the Order, the Court decides to quash a decision under this Act, made or done on an application for approval, the Court shall, if requested by the applicant for approval, remit the matter to the Minister for reconsideration, subject to such directions as the Court considers appropriate, unless the Court considers, having regard to the circumstances of the case, that it would not be lawful to do so.
- (14) The Court shall, in determining an application for *section 34* leave, an application for judicial review on foot of such leave or an application for leave under *subsection (10)*, act as expeditiously as possible consistent with the administration of justice.
- (15) On an appeal from a determination of the Court in respect of an application referred to in *subsection (14)*, the Court of Appeal shall
 - (a) have jurisdiction to determine only the point of law certified by the Court under *subsection (10)* (and to make only such order in the proceedings as follows from such determination), and
 - (b) in determining the appeal, act as expeditiously as possible consistent with the administration of justice.

Appeal to the Supreme Court

36. (1) For the avoidance of doubt, where—

- (a) the High Court has granted leave to appeal its decision in accordance with *section 35(10)*, or
- (b) an appeal has been brought to the Court of Appeal in accordance with *section 35(11)*,

any party to the appeal may, at any time thereafter prior to the determination of such appeal, without any prior application to the Court of Appeal, apply to the Supreme Court under Article 34.5.4° of the Constitution to determine the appeal.

- (2) Where the Supreme Court grants an application referred to in *subsection (1)*, the Court of Appeal shall, in respect of the proceedings before it in relation to the appeal, provide by order for the discontinuance of those proceedings, which order of discontinuance shall be confined to the grounds upon which the Supreme Court granted leave to appeal, whether or not any application in relation to the appeal has been made to the Court of Appeal.
- (3) The Supreme Court shall act as expeditiously as possible consistent with the administration of justice in determining any application referred to in *subsection (1)* and, where the Supreme Court grants the application, any appeal.

Costs of judicial review

37. (1) Notwithstanding anything contained in Order 99 of the Rules of the Superior Courts and subject to *subsections (2), (3) and (4)*, in proceedings for judicial review under Order 84 of the Rules of the Superior Courts in respect of a decision under this Act, each party to the proceedings (including any notice party) shall bear its own costs.
- (2) The costs of proceedings, or a portion of such costs, as are appropriate, may be awarded to the applicant to the extent that the applicant succeeds in obtaining relief and any of those costs shall be borne by the respondent or notice party, or both of them, to the extent that the actions or omissions of the respondent or notice party, or both of them, contributed to the applicant obtaining relief.
- (3) The Court may award costs against a party in proceedings to which this section applies if the Court considers it appropriate to do so—
- (a) because the Court considers that a claim or counter claim by the party is frivolous or vexatious,
- (b) because of the manner in which the party has conducted the proceedings, or
- (c) where the party is in contempt of the Court.
- (4) *Subsection (2)* does not affect the Court's entitlement to award costs in favour of a party in a matter of exceptional public importance and where in the special circumstances of the case it is in the interests of justice to do so.
- (5) In this section a reference to "the Court" shall be construed as, in relation to particular proceedings to which this section applies, a reference to the High Court, the Court of Appeal or the Supreme Court, as may be appropriate.

PART 7**CONSEQUENTIAL AMENDMENTS TO OTHER ACTS****Amendment to section 87 of Environmental Protection Agency Act 1992**

38. Section 87 of the Environmental Protection Agency Act 1992 is amended, in subsection (1A), in the definition of "grant of permission"—
- (a) in paragraph (b), by the substitution of "," for " or",
- (b) in paragraph (c), by the substitution of " or" for " .", and
- (c) by the insertion of the following paragraph after paragraph (c):
- “(cc) an approval under *section 29 of the Development (Strategic Gas Reserve) Act 2026*;”.