



An Bille um Fhorbairt (Cúltaca Gáis Straitéiseach), 2026
Development (Strategic Gas Reserve) Bill 2026

Meabhrán Miniúcháin
Explanatory Memorandum



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Introduction

The Development (Strategic Gas Reserve) Bill 2026 provides for a process of direct application to the Minister for Climate, Energy and the Environment for the development and operation of a strategic gas reserve for the purpose of securing the State's energy supply in case of emergency.

It specifies that an application for designated development under this process may only be made by Gas Networks Ireland (or such other public bodies as may be prescribed) for the purposes of the strategic gas reserve to be located at, or near, Cahiracon, Co. Clare.

An application for development consent will be subject to Environmental Impact Assessment and Appropriate Assessment to be carried out by An Coimisiún Pleanála ('ACP') within specified, accelerated timelines. It provides for a period of 18 weeks for a decision to be made by ACP from receipt of an application to final decision, time within which ACP is waiting for a return of further information by the applicant shall not count towards this time period.

The Planning and Development Act 2000, the Planning and Development Act 2024 and Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011 are disapplied to designated development granted approval by the Minister, to facilitate the alternative consenting process set out in this Act.

Section 15 of the Climate Action and Low Carbon Development Act 2025 is disapplied to relevant bodies performing functions in relation to the Act, as well as to the Commission for Regulation of Utilities in relation to an application for Section 39A consent under the Gas Act 1976.

It provides that the Minister may issue a direction to competent authorities responsible for the granting of relevant consents required in order to enable an application to be made, or where an approval has been granted, for the purposes of carrying out the development. The purpose of this direction is to allow the Minister direct that priority is given to the determination of that consent application in line with the objectives of this Act.

Judicial review and access to justice provisions that will apply to a challenge to a decision under the Act have also been provided for, as well as consequential amendments and related matters.

This Bill follows the December 2025 Government Decision to introduce project-specific bespoke consenting legislation on the basis of the associated General Scheme. The final Bill contains 38 sections.

Provisions of the Bill

Section 1 (Short Title and Commencement)

This section provides for the short title of the Act and enables the Minister to commence the Act by order.

Section 2 (Definitions)

This section provides for definition of terms for the purposes of the Act.

Section 3 (Regulations)

This section provides for a regulation-making power for the Minister to provide for such incidental, supplementary and consequential provisions necessary for the operation of the Act.

Section 4 (Expenses)

This is a standard provision providing for reimbursement of the Minister by public monies in the administration of the Bill.

Section 5 (Designation of development)

This section describes what comes within the scope of ‘designated development’ for the purposes of the Act. It describes the physical elements that comprise development and provides for the operational use of the development over time. The site location is named within the section, being Cahiracon, Co. Clare.

Section 6 (Disapplication of Act of 2000 and Act of 2024)

This section disapplies the Planning and Development Act 2000 and the Planning Development Act 2024 to designated development carried out in accordance with an approval for development granted under this Act. Designated development carried out other than in accordance with an approval under this Act shall be unauthorised development for the purposes of the respective Planning and Development Acts.

Section 7 (Disapplication of Regulation 2 of Regulations of 2011)

This section provides for the disapplication of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011, as an alternative process for appropriate assessment is provided for within this Act.

Section 8 (Consultation in relation to proposed application)

This section provides for a mechanism to allow for pre-application engagement between the applicant and the Minister or An Coimisiún Pleanála for the purposes of discussing any proposed designated development.

Section 9 (Application to Minister to carry out designated development)

This section provides for the making of an application for an approval to carry out designated development under the Act. The making of an application under this Act is limited to Gas Network Ireland, or such other public body as may be prescribed. The contents of an application are specified in this section.

Section 10 (Public notice of application for approval)

This section provides for the public notice of application requirement that applies in relation to an application for designated development under this Act. It specifies the location, content of timing of that notice, as well as details of the public consultation.

Section 11 (Minister to make application and environmental information available)

This section provides for the publication and distribution of the application once received for the purposes of consultation and performance of functions under this Act. It also requires the Minister to accept submissions and observations from members of the public and designated authorities in relation to the determination of an application.

Section 12 (Definitions)

This section provides for interpretation of the term ‘the development’ for the purposes of Part 4 of this Act.

Section 13 (Duties of independence, confidentiality etc.)

This section provides for a duty of independence and confidentiality by An Coimisiún Pleanála in the performance of its functions under this Act.

Section 14 (Access to expertise)

This section provides for An Coimisiún Pleanála to ensure it has access to the necessary expertise to perform its functions under this Act and allows for the engagement of external expertise to facilitate this as it considers appropriate.

Section 15 (Commission to accept submissions in relation to functions under this Part)

This section requires An Coimisiún Pleanála to accept submissions and observations from members of the public and designated authorities in relation to the likely significant effects of the designated development the subject of the application on the environment, and the likely adverse effects of the designated development the subject of the application on the integrity of a European site.

Section 16 (Period within which Commission shall carry out assessments under this Part)

This section specifies the period within which An Coimisiún Pleanála shall carry out assessments in relation to an application for designated development. It provides for a period of 18 weeks for a decision to be made by An Coimisiún Pleanála from receipt of an application to final decision and clarifies that time within which An Coimisiún Pleanála is waiting for a return of further information by the applicant shall not count towards this time period.

Section 17 (Interpretation)

This section provides that where any word or expression is used in this Chapter and the Birds and Habitats Directives, it has the same meaning assigned to it in the Directives.

Section 18 (Natura impact statement)

This section provides for the information to be included in a Natura Impact Statement submitted by the applicant for the purposes of the carrying out an appropriate assessment by An Coimisiún Pleanála.

Section 19 (Further information for purposes of appropriate assessment of development)

This section provides for An Coimisiún Pleanála to be able to request a revised Natura impact statement or further information from the applicant in relation to the carrying out of an appropriate assessment of designated development under the Act. It also provides for the process of public consultation that will apply to any significant further information received in relation to a request for a revised Natura impact statement or further information under this section.

Section 20 (Appropriate assessment of development)

This section provides for the carrying out of an appropriate assessment of an application for designated development by An Coimisiún Pleanála. It specifies the information they shall take into account when identifying and assessing all likely significant effects of the designated development on European sites for the purposes of the Birds and Habitats Directive. They may consider the effectiveness of potential mitigation measures when making a determination in this regard and may attach conditions to the determination to reflect these.

Section 21 (Interpretation (Chapter 3 of Part 4))

This section provides that where any word or expression is used in this Chapter and the Environmental Impact Assessment Directive, it has the same meaning assigned to it in the Directive.

Section 22 (Environmental impact assessment report)

This section provides for the information to be included in an environmental impact assessment report submitted by an applicant as part of the application for designated development.

Section 23 (Commission to ensure environmental impact assessment report complies with section 22)

This section provides for An Coimisiún Pleanála to be able to request further information from the applicant where it considers that the environmental impact assessment report submitted by the applicant does not comply with the requirements of Section 22.

Section 24 (Commission to seek additional information where relevant)

This section provides for An Coimisiún Pleanála to be able to seek further information from the applicant, in accordance with Annex IV to the Environmental Impact Assessment Directive, which is directly relevant to reaching a reasoned conclusion.

Section 25 (Public consultation on environmental impact assessment report, etc)

This section provides for the process of public consultation that will apply to any significant further information received in relation to a request for further information under section 23 or section 24.

Section 26 (Assessment of development with regard to effects on environment)

This section provides for the carrying out of an environmental impact assessment by An Coimisiún Pleanála for the purposes of the environmental impact assessment directive. It requires them to examine the information presented in the environmental impact assessment report and to reach a reasoned opinion on the significant effects of the development on the environment.

Section 27 (Joint environmental assessment of designated development by Commission)

This section provides for the environmental impact assessment and appropriate assessment to be carried out at the same time for the purpose of avoiding any duplication of effort. There is a requirement for separately stated and distinguishable rationale for the outputs of each assessment.

Section 28 (Coordination of environmental impact assessments under different enactment)

This section provides for a mechanism for coordination between An Coimisiún Pleanála and a competent authority responsible for the granting of any permission, licence, authorisation or consent, in relation to the

carrying out of an environmental impact assessment and in performance of their respective functions.

Section 29 (Decision on application for approval)

This section provides for the determination of an application for approval to carry out designated development. It provides for the criteria that must be met to allow for the Minister to make a grant of approval under the act, relating to the outputs of the EIA and AA processes. This section gives the Minister a discretionary power to decide on an application, allowing for approval, approval with conditions, or refusal of the application to carry out designated development. This section specifies the matters which the Minister may have considered in making this decision. It allows the Minister to engage external expertise for the making of this decision. It also provides for matters relating to the publication of a decision, the information to be contained in the decision and the distribution of the decision to appropriate persons.

Section 30 (Habitats negative assessment of implications of development for site)

This section provides for the process to be followed should there be a determination that reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site, where there are imperative reasons of overriding public interest that the development should proceed.

Section 31 (Requirement to comply with approval)

The section requires designated development to be carried out in accordance with a grant of approval under this Act.

Section 32 (Minister may direct priority be given to certain applications for consent)

This section provides for the Minister to issue a direction to competent authorities responsible for the granting of a consent, which is required in order to enable an application to be made, or where an approval has been granted, for the purposes of carrying out the development. The purpose of this direction is to allow the Minister direct that priority is given to the determination of that consent application in line with the objectives of this Act.

Section 33 (Disapplication of section 15 of Climate Action and Low Carbon Development Act) 2015

This section disapplies section 15 of the Climate Action and Low Carbon Development Act 2015 to a relevant body in the performance of its functions under this Act and from the Commission for Regulation of Utilities in the performance of its functions under section 39A of Gas Act 1976 in relation to the construction of a pipeline approved by the Minister under *section 29*.

Section 34 (Judicial review)

This section provides for judicial review and access to justice provisions, adapted from those that are currently in force in relation to the Planning and Development Act 2000, to apply to any challenge of a decision under this Act.

Section 35 (Leave to apply for Judicial Review)

This section provides for judicial review provisions which will apply to any challenge to a determination, conclusion or decision provided for in this Act. It is based on an adaptation of the existing Section 50 supplemental provisions relating to judicial review proceedings under the Planning and Development Act 2000 (as amended) being inserted directly into this legislation.

Section 36 (Appeal to the Supreme Court)

This section provides for procedures which will apply in relation to an appeal of a decision under this Act to the Supreme Court. It is based on an adaptation of part of the existing Section 50A supplemental provisions relating to judicial review proceedings under the Planning and Development Act 2000 (as amended) being inserted directly into this legislation.

Section 37 (Costs of judicial review)

This section provides for the costs of judicial review provisions that will apply to any challenge brought against a decision under the Act. It is based on an adaptation of the existing Section 50B provisions under the Planning and Development Act 2000 (as amended) being inserted directly into this legislation.

Section 38 (Amendment to section 87 of the Environmental Protection Agency Act 1992)

This section is a consequential amendment which provides for approval to carry out designated development to be regarded in a similar manner as a grant of planning permission, for the purposes of the Environmental Protection Agency Act 1992.

*An Roinn Aeráide, Fuinnimh agus Comhshaoil,
Meitheamh, 2026.*

