



European Union (Planning and Development) (Renewable Energy) Regulations 2026 Circular

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To: Directors of Planning in each local authority

CC: Chief Executives
Senior Planners
An Coimisiún Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies
Mayor of Limerick
Land Development Agency

European Union (Planning and Development) (Renewable Energy) Regulations 2026

Purpose of Circular

This circular informs planning authorities, An Coimisiún Pleanála, prospective applicants and other key stakeholders that the European Union (Planning and Development) (Renewable Energy) Regulations 2026 (S.I. No. 323 of 2026) were signed by the Minister on 9 July 2026 and entered into force on that date.

The Regulations amend sections 37B and 37D of the Planning and Development Act 2000 to allow limited parallel processing of pre-application consultation and EIA scoping for renewable energy development and repowering development.

Previously, a prospective applicant could only request a scoping opinion under section 37D after An Coimisiún Pleanála had issued a notice under section 37B(4)(a).

This new regulation allows such a request to be made once consultations under section 37B(1) have commenced.

Where a request is made at this earlier stage, the Commission may consider it in parallel with the pre-application consultation process. However, the Commission must not issue the final scoping opinion until a notice has been served under section 37B(4), and that notice is a notice under section 37B(4)(a).

This change is intended to improve efficiency and expedite consideration of renewable energy applications in line with the intention of the Renewable Energy Directive (REDIII).



1. References to An Bord Pleanála and An Coimisiún Pleanála

S.I. No. 323 of 2026 refers to An Bord Pleanála, reflecting the terminology used in the Planning and Development Act 2000. For the avoidance of doubt, section 495(3) of Part 17 of the Planning and Development Act 2024 provides for references to the Board to be construed as references to An Coimisiún Pleanála, where appropriate.

Accordingly, references in the Regulations to the Board should be understood as references to the Commission.

2. Summary of new legislation

The Regulations amend section 37B of the Planning and Development Act 2000 by inserting a new subsection (1A). This provides that, notwithstanding section 37D(1), where the proposed development is for renewable energy development or repowering development, the prospective applicant may, following entry into consultations under section 37B(1), request the Commission to give a scoping opinion under section 37D(1).

The Regulations also amend section 37D(1) to take account of cases where a prospective applicant has already made a scoping request under section 37B(1A). This avoids the need for a further request to be made after the section 37B(4)(a) notice has issued.

Section 37D(2) is amended to provide that, where a scoping request has been made under section 37B(1A), the Commission shall comply with the request as soon as practicable, but not before:

- (i) a notice has been served under section 37B(4), and
- (ii) the notice is a notice under section 37B(4)(a).

These amendments are intended to reduce sequential delay in the preparation of applications for renewable energy development and repowering development, while preserving the existing requirement that a final scoping opinion may only issue after the Commission has determined that the proposed development falls within section 37B(4)(a).

3. Treatment of proposed development prior to section 37B(4)(a) notice

The new section 37B(1A) applies only where the proposed development is for renewable energy development or repowering development. In practice, this means that the Commission may need to form a preliminary view on this matter before making the substantive determination for the purposes of section 37B(4).

For the purposes of section 37B(1A) only, proposed development may be treated by the Commission as renewable energy development or repowering development where the



prospective applicant provides information during consultations under section 37B(1) that is sufficient to enable the Commission to form that view.

This treatment is limited to enabling an earlier scoping request to be made and considered under section 37B(1A). It does not amount to, and should not be understood as, the Commission's determination under section 37B(4).

Accordingly, the treatment of proposed development as renewable energy development or repowering development for the purposes of section 37B(1A) does not prejudice the performance by the Commission of its functions under section 37B, section 37JA, or any other provision of the Planning and Development Act 2000 or regulations made under that Act.

The Commission must still carry out its statutory functions in the ordinary way, including its consideration of whether a notice should be issued under section 37B(4)(a). Where a scoping request has been made under section 37B(1A), the final scoping opinion cannot be issued unless and until the Commission has served a notice under section 37B(4)(a).

Where the Commission serves a notice under section 37B(4)(b), the proposed development will not proceed as strategic infrastructure development under section 37B. In such circumstances, any scoping process commenced on foot of a request under section 37B(1A) should cease and no scoping opinion should be issued under section 37D in respect of that request.

4. Application to existing and future pre-application consultations

The procedural change introduced by S.I. No. 323 of 2026 applies to existing open and future pre-application consultations under section 37B(1).

It does not affect cases where the pre-application consultation process has already concluded and a determination has been made under section 37B(4). In such cases, the new early scoping request procedure is not applicable.

5. Interaction with mandatory scoping provisions from 1 Nov 2026

The new procedure is optional. A prospective applicant may choose to request scoping following entry into consultations under section 37B(1), but is not required to do so at that stage.

Paragraph (b) of Regulation 3 comes into operation on 1 November 2026, to align with the commencement of the mandatory scoping provisions.

From 1 November 2026, applicants for relevant renewable energy development or repowering development who have not already requested scoping under section 37B(1A) will be required to request scoping after the section 37B(4)(a) notice issues.



6. Further information

The Department will continue to engage with all stakeholders to support readiness for the ongoing implementation of the RED III directive. Any enquiries regarding this circular can be emailed to the Department at:

environmentalplanningpolicy@housing.gov.ie

Issued by:

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