An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

European Union (Planning and Development) (Renewable Energy) Regulations 2025 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 2025

Purpose of Circular

This circular notifies planning authorities, the Commission and other key stakeholders of the transposition of certain articles of the Renewable Energy Directive III (The Directive)[1] into the planning code. The Directive is broad ranging and includes provisions that aim to speed up the permit granting process for renewable energy projects by providing mandatory permit granting timelines for various types of renewable energy projects, as well as provisions concerned with environmental protection Directives and how they are applied to certain renewable energy projects.

The European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025) have given effect to articles 15e(5), 16, 16b, 16c(2), 16c(3), 16d, 16e and 16f of the Directive, by making amendments to the Planning and Development Act 2000 and the Planning and Development Regulations 2001 to 2025. Those amendments are discussed in detail at Appendix 1.

1. The Renewable Energy Directive III

The Renewable Energy Directive III entered into force on 20 November 2023 and establishes targets for increased renewable energy use in the European Union.

Broadly speaking, the Directive has taken a three-pronged approach to speed up permit granting for renewable energy projects by providing for; an application 'completeness check',

[1] Directive EU/2023/2413

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prescribing mandatory permit granting timelines and including specific provisions which target environmental assessments. All three are discussed below.

1.1 Completeness Check under REDIII

In accordance with article 16(2) of the Directive, a competent authority upon receipt of an application, must acknowledge the completeness of the application within 45 days. It is the acknowledgement of completeness of an application, which triggers the start of the permit granting timelines. However, the completeness check does not apply to heat pumps covered by article 16e, therefore, the permit granting timelines for those developments begin on receipt of an application. Article 16(2) also states that where an applicant has not sent all of the information required to process the application, the competent authority should request the applicant to submit a complete application without undue delay.

The Department adopted a simplistic approach to transposition of the 'completeness check', staying close to the wording of article 16(2). However, noting that the introduction of a 'completeness check' into the development management process, although similar to a validation check, is a new concept, a guidance note on how to conduct a completeness check has been developed in consultation with key stakeholders. This guidance note can be found at Appendix 2.

Article 16(3) of the Directive requires Member States to designate a Single Point of Contact (SPC) whose role is to guide applicants through the permit granting process. The Sustainable Energy Authority of Ireland (SEAI) have been appointed by the Department of Climate, Energy and Environment as the REDIII SPC. Given that SEAI's role in this regard is to manage overall compliance with the REDIII permit granting timelines, it is crucially important that they are notified by planning authorities and the Commission of when a REDIII planning application has been received.

SEAI SPC contact details for this purpose are set out below:

Tel: 01 808 2278

Email: spc@seai.ie

Website: Contact | Single Point of Contact for Renewable Energy | SEAI

Additionally, as the completeness check is a new process in the development management system which can result in applications being deemed incomplete, amendments have been made to the site notice form found at Form 1 of Schedule 3 of the 2001 Regulations. These amendments aim to ensure that it is made clear to members of the public that the development advertised is a REDIII application that may be subject to a completeness check.

1.2 Mandatory Permit Granting timelines under REDIII

Mandatory permit granting timelines are prescribed in the Directive for various types of renewable energy project as follows:

- 2 years for a renewable energy project with a generating capacity of 150kW or more – article 16b (1). (3 years if off-shore)
- 1 year for repowering of a renewable energy plant or for the installation of a new plant with a generating capacity below 150kW – article 16b (2). (2 years if off-shore)
- 3 months for the installation of solar energy equipment in existing or future artificial structures; and for ground source heat pumps – articles 16d(1) and 16e(1) respectively.
- 1 month for small scale solar energy equipment; and for heat pumps below 50MW – articles 16d (2) and 16e (1) respectively.

It is important to note that the permit granting timelines prescribed by the Directive apply to all permits required for a given renewable energy project. For example, where the timeline is 2 years, this means that planning permission and grid application, including any other relevant permits must be granted within that 2-year period. On that basis, the timelines prescribed in the transposing legislation which apply to planning are shorter than what is prescribed in the Directive.

Additionally, the permit granting timelines cannot be paused because of requests for further information or due to the requirement to carry out an environmental assessment. On that basis, you will see that the timelines prescribed for planning in this regulation are shorter than what the Directive prescribes in order to ensure there is time left for the various other consents that may be required.

Given that the permit granting clock cannot stop while a response to a request for further information is pending, a policy decision has been made to dis-apply further information requests for REDIII developments with a permit granting timeline of either one or three months. These developments are relevant solar energy development, small-scale solar energy equipment developments and both types of heat pumps, provided for at articles 16d and 16e of the Directive.

1.3 Environmental Assessment under REDIII

The Directive includes a number of provisions related to environmental assessments under EU law including the EIA and Habitats Directives. For example, article 16f requires that renewable energy plants be presumed as being in the overriding public interest for the purpose of appropriate assessment under the Habitats Directive.

EIA related provisions are as follows:

- Where full EIA or EIA screening is required for grid reinforcement works and repowering, it shall be limited to assessing the potential environmental impact from the change or extension compared to the original project – articles 15e(5) and 16c(2) respectively.
- Repowering of solar installations are provided with an exemption from EIA or EIA screening subject to certain conditions – article 16c(3).
- Installation of solar energy equipment is also provided with an exemption from EIA – article 16d(1).
- Provision of an EIA scoping opinion is mandatory and cannot be extended once provided to an applicant

2. Summary of new legislation

2.1.1 Overview

A detailed summary of the new legislation is provided at Appendix 1. There are 38 regulations in four Parts as follows:

Part 1 – two regulations as standard including citation and definitions.

Part 2 – includes amendments to the Planning and Development Act 2000 at regulations 3 to 21

Part 3 – includes amendments to the Planning and Development Regulations 2001 to 2025 (PDR) at regulations 22 to 37

Part 4 – includes transitional provisions.

2.1.2 S.34H and the deemed decision

Article 16d(2) of the Directive provides that the permit granting procedure for small-scale solar developments shall not exceed one month. The threshold for these developments in the Directive is 100kW, however, by utilising a derogation from this threshold, 11kW has been prescribed as the threshold in the transposing Regulation.

A key aspect of article 16d(2) is that it provides for a 'deemed decision' in circumstances where the competent authority has not responded to the applicant within the one month permit granting timeline. This has been transposed by the insertion of a new section 34H at regulation 5 of the transposing S.I.

2.1.3 Commencement of the EIAR scoping provisions

Article 16b(2) of the Directive provides that EIA scoping is mandatory. Necessary amendments to the 2000 Act are found at regulations 6, 12, 14 and 18 of the transposing S.I. These provisions do not become operational until the 1 October 2025.

This will mean that any applications for REDIII developments submitted up to the 30 September are not required to have EIA scoping completed. However, from 1 October 2025 this requirement will apply. It will be important to bring this new mandatory requirement to the attention of applicants during the pre-application consultation stage. An application submitted from 1 October onwards, even where the pre-application process has closed, will be required to undergo mandatory EIA scoping.

By way of further explanation, in circumstances whereby the pre-application procedure has already closed for some applicants, if their applications are submitted after the 1 October without an EIA scoping opinion having been provided, those applications would have to be deemed incomplete during the completeness check stage. Where this situation arises applicants will need to be informed that the EIA scoping procedure must be undertaken and the application resubmitted thereafter.

2.1.4 Further Information requests

As noted above, the permit granting timelines prescribed by the Directive cannot be paused when a request for further information issues. Given the challenges that this would bring in terms of compliance with permit granting timelines of one and three months at articles 16d and 16e of the Directive, a policy decision has been taken to remove the ability to request further information for developments that need to comply with these shorter permit granting timelines.

Additionally, while it remains possible to request further information for developments with a permit granting timeline of one year or greater, an amendment has been made to article 33 of the 2001 Regulations, to enable a planning authority to specify the period for replying to such a request. Where an applicant does not provide the information within the period specified, the application shall be considered as withdrawn.

2.1.5 New Article 26A and 216A

Article 16(2) of the Directive provides for a completeness check discussed at section 1.1 above. A process has been provided for in the transposing regulation to cover circumstances whereby an application is deemed incomplete following the completeness check. This process is set out in a new article 26A for planning authorities and a new article

216A for the Commission. The process essentially mirrors what takes place when an application is deemed invalid.

3. Further information

Any enquiries regarding this circular can be emailed to the Department at environmentalplanningpolicy@housing.gov.ie

Issued by:

Lisa Clifford

Lisa Clifford
Principal
Climate and Environmental Planning Policy

Appendix 1 – Detailed Summary of the new Legislation

There are 38 regulations in four Parts as follows:

Part 1 – two regulations as standard including citation and definitions.

Part 2 – proposes amendments to the 2000 Act and includes regulations 3 to 21, summarised below:

- Regulation 3 amends section 2 of the 2000 Act to insert relevant definitions.
- Regulations 4 and 5 amend section 34 to do the following:
    - Insert a new section 34D that provides for the completeness check provided for at article 16(2) of the Directive, for all developments except heat pumps at article 16e.
    - Insert a new section 34E to provide for the permit granting timeline at article 16b (1) of the Directive, which is 52 weeks for a renewable energy development with an electrical capacity of 150kW or more. This regulation also provides for an extension to the permit granting timeline where an IROPI assessment is required under section 177AA of the 2000 Act.
    - Insert a new section 34F to provide for the permit granting timeline at article 16b (2) of the Directive, which is 30 weeks for a renewable energy development with an electrical capacity below 150kW or for a repowering application. This regulation also provides for an extension to the permit granting timeline where an IROPI assessment is required under section 177AA of the 2000 Act.
    - Insert a new section 34G to provide an 8-week permit granting timeline for relevant solar energy development. This timeline begins from the date of acknowledgement of completeness. This regulation also dis-applies sections 34(8) (b), (c), (ca) and 34(9) of the 2000 Act.
    - Insert a new section 34H which makes various amendments necessary in order to ensure the one month permit granting timeline in article 16d(2) and 16e(1) can be met for small-scale solar developments and small-scale non-ground source heat pumps. This includes the article 16d (2) 'deemed decision' for small-scale solar developments.
- Regulations 6 to 9 amend the following sections of the 2000 Act in relation to applications made to the An Coimisiún Pleanála:
    - 37D – to transpose article 16b (2) which provides that EIA scoping is mandatory. To note, as mentioned in the body of this Circular, this provision commences on the 1 October 2025
    - 37E – to ensure a newspaper notice advertising the development makes reference to the completeness check

- To insert a new 37JA and JB to provide for the completeness check and to prescribe mandatory permit granting timelines

- Regulations 10 to 12 amend section 146B of the 2000 Act to do the following:
    - A new section 146BA is inserted by regulation 11 to provide for a completeness check for material alteration applications submitted under section 146B. It also inserts a new section 146BB to set out the relevant timelines for making a decision on such applications
    - Section 146CA is amended by regulation 12 to provide that EIA scoping is mandatory
- Regulations 13 to 15 make various EIA and Habitats Directive related amendments to transpose articles 15e(5), 16b(2), 16c(2) and (3), 16d(1) and 16f, which limit EIA and screening for EIA for certain developments, ensure EIA scoping opinions provided cannot be extended subsequently, provide an exemption from EIA for solar developments, and ensure that renewable energy plants are presumed to be in the overriding public interest for the purpose of appropriate assessment.
- Regulation 16 amends section 251 to dis-apply the provisions in that section which discount holiday periods from decision making timelines.
- Regulations 17 to 21 amend various provisions in Sections 289, 290, 291 and 295, which concern applications to the Commission for development in the maritime area and essentially replicate what is provided for at regulations 6 to 9 detailed above.

Part 3 – proposes consequential amendments to the Planning and Development Regulations 2001 to 2024 (PDR). This part includes regulations 22 to 37, summarised below:

- Regulation 22 amends article 3 of the 2001 Regulations to insert relevant definitions.
- Regulations 23 to 31 amend various articles of the 2001 Regulations concerning the duration of certain time periods and when those periods commence in relation to the completeness check.
    - Regulation 23 amends article 18 of the 2001 Regulations to ensure that the newspaper notice advertising a proposed development includes reference to the new completeness check where applicable. Additionally, the period for making submissions on a REDIII application with permit granting timeline of one or three months is reduced from 5 to 2 weeks.
    - Regulation 24 amends article 20 of the 2001 Regulations to reduce the period a site notice needs to be erected for, from 5 weeks to 2 weeks for REDIII developments with a one-month permit granting timeline.
    - Regulation 25 amends article 26 of the 2001 Regulations to provide that the acknowledgement, which issues under article 26(2) (a) advises, where applicable, that the completeness check period of 45 days begins on the date of receipt of the application.

- Regulation 26 inserts a new article 26A into the 2001 Regulations providing for the process to be followed if a REDIII application is deemed incomplete during the completeness check. This process essentially mirrors what happens after an application has been deemed invalid.
- Regulation 27 amends article 27 of the 2001 Regulations to provide that the planning authority weekly lists record the fact that an application may be subject to the REDIII completeness check and to note when a notice issues under either section 34D (a) or (b).
- Regulation 28 amends article 29 of the 2001 Regulations to reduce the period for making submissions on REDIII developments with a one-month timeline from 5 weeks to 2 weeks.
- Regulation 29 amends article 30 of the 2001 Regulations to provide the minimum period for making a determination on an application is 3 weeks beginning on the date of acknowledgment of completeness where applicable, 3 weeks from date of receipt for small-scale non-ground source heat pumps and 5 weeks in all other cases.
- Regulation 30 amends article 33 of the 2001 Regulations to provide that the 8 week period for requesting FI begins once a REDIII application is acknowledged as complete, to dis-apply FI requests for REDIII developments with a one or three month permit granting timeline and to provide planning authorities with the ability to set a specific timeline for responding to a request for FI.
- Regulation 31 amends article 34 of the 2001 Regulations to ensure the 8-week period referred to begins from the acknowledgment of completeness where applicable.

- Regulations 32 and 33 amend articles 103 and 109 of the 2001 Regulations regarding EIA screening. This is to transpose articles 15e(5) and 16c(2) of REDIII which require that EIA screening is limited to an assessment of changes or extensions to a proposed to a project compared to the original for grid reinforcement projects or repowering applications.
- Regulation 34 amends article 216 of the 2001 Regulations to provide that the Commission's weekly lists record the fact that an application may be subject to the REDIII completeness check and to note when a notice issues under section 37JA (b).
- Regulation 35 inserts a new article 216A into the 2001 Regulations to providing for the process to be followed by the Commission if a REDIII application is deemed incomplete during the completeness check.
- Regulation 36 inserts a new Part 18A into the 2001 Regulations providing for the process to be followed by the Commission if a REDIII application in the maritime area is deemed incomplete during the completeness check.

- Regulation 37 amends Form 1 Schedule 3 regarding site notices. This is to ensure that the site notice for a REDIII development indicates that it is a REDIII development, which will be subject to a completeness check.

Part 4 – Regulation 38 includes transitional provisions. These transitional provisions do the following:

- Provide that the amendments made in these Regulations only apply to applications made after the Regulations come into operation , and
- Provide that regulations 6, 12, 14 and 18, which relate to EIA scoping provisions, come into operation on or after 1 October 2025.

Appendix 2 – Guidance note on conducting the completeness check

Article 16(2) – Completeness Check

Article 16(2) of REDIII provides that for applications for development outside renewable acceleration areas, the competent authority shall acknowledge the completeness of the application within 45 days. If the applicant has not sent all the information required to process the application, request that the applicant submit a complete application without undue delay.

The date of acknowledgement of the completeness of the application by the competent authority serves as the start of the permit-granting procedure. The European Commission have confirmed that the permit granting timelines prescribed in REDIII cannot be paused if further information (FI) is requested from the applicant. The purpose of the 45-day completeness check is to minimise instances whereby FI will be required. It has also been confirmed that if an application is deemed incomplete, if/when an application is resubmitted the 45-day completeness check process applies again.

Legislative Provisions:

The transposing Statutory Instrument (S.I.) has inserted new provisions into the planning code to provide for the completeness check process, as follows;

- New section 34D for applications to a planning authority
- New section 37JA for terrestrial SID applications to the Commission
- New section 295A for maritime SID applications to the Commission

The completeness check process is the same under the three provisions referenced above. Essentially, an application can be acknowledged as complete, and if that happens, the assessment of the application continues as normal. If the planning authority or the Commission considers that the application is not complete, they must write to the applicant informing them of this and requesting that they submit a complete application without under delay.

In circumstances whereby the determination is that the application is not complete, a process has been legislated for which mirrors the process set out in article 26 of the 2001 Regulations which applies to invalid applications. This is set out in a new articles 26A and 216A being inserted into the 2001 Regulations.

Completeness Check in Practice:

While the amendments to the planning code to transpose REDIII have left open the option to request FI if the development is one with a permit granting timeline of 1 year or greater, in practice it will be very challenging to seek, receive and assess the FI and still determine the application within the strict timeframes. An application that might be technically valid, in terms of the nature and number of documents, information and drawings, etc., but it may nevertheless be incomplete in terms of level of information and evidence necessary to enable the planning authority or the Commission to assess and determine the application. This is particularly so where the application relates to large or complex projects, located in complex environments.

In particular, the application must include any documentation, information or plans and drawings where prescribed under the legislation, including the submission of an EIAR and NIR where appropriate. The application must also include any additional documentation, information or plans and drawings that the planning authority/Commission considers necessary or appropriate to accompany the application to enable it to determine the application. It is therefore critical that the planning authorities and the Commission, along with the applicant use the pre-application stage fully, to determine what is necessary in this regard, and to agree a detailed record or checklist.

It is within the applicant's control to ensure the application is complete in terms of the information submitted with the application, but also in terms of the quality of that information, including of plans and drawings and of the environmental assessments. It is critical that these matters are agreed with planning authorities and the Commission at pre-application stage, and the applicant uses the pre-application process interrogate such issues in a thorough and in a systematic way. This will enable the identification of all relevant information necessary to accompany the application. It would also be advisable to make the application as soon as feasible following completion of the pre-application stage.

It is essential that the applicant and planning authority/Commission agree at pre-application stage, the necessary:

- Drawings, maps and plans sufficient to describe the proposed project to the detail required to determine the application, including to an appropriate metric scale or scales, and to an appropriate quality. However, the aim of both parties should be to ensure the number of drawings, maps and plans are sufficient, rather than excessive, and each drawing, map or plan should therefore clearly be seen to perform a discrete function.

- The scope of the EIAR. While the planning authority/Commission and the applicant may reasonably decide that each factor of the environment should be addressed by

the EIAR, the focus of EIAR should be on those factors of the environment to which the project is likely to pose a significant risk. The prospective applicant, in discussion, should rely on the Commission, with its experience, to provide clear direction on the focus of the EIAR on the key factors of the environment. In this regard both parties should ensure compliance with the EIA Directive and should have regard to the EPA's Guidelines on the Content of EIARs.

- The Commission and the applicant should, subject to the carrying out of stage 1 AA (screening) by the applicant, agree the sites to progress to state 2 AA, in consultation with the NPWS.

- Surveys and data – Matters relating to the surveying of habits and species to inform the environmental assessments should be agreed with the Commission at the earliest possible stage of the pre-application process, in consultation with the NPWS. Matters including the duration of surveys, location of surveys and methodologies, having regard to current and developing best practices. The Commission should be notified of any departure from same, accompanied by justification or reasons for it in writing.

- Policy context – clear justification of the policy context for the proposed development

In addition, the applicant is responsible to ensure that:

- The site boundary and development description fully aligns with the MAC which granted the project access to the planning consent process.
- The application description, details and drawings covers all relevant aspects of the proposed project and all relevant ancillary development.

Inconsistency with the MAC in respect of these matters may result in the application being declared invalid.

Completeness Check – Template Checklist:

Requirement	**N/A**	**Yes**	**No**
Misc			
Correct Fee submitted			
Completed copy of application form			
Is the application in a Gaeltacht Area			
Standalone website provided			
Two hard copies and 8 soft copies received			
Land Ownership			
Interest of applicant in land confirmed,			
if not, written consent of owner submitted			

Design Flexibility			
Was a Design Flexibility Opinion served			
If Yes – Does application comply with the Opinion			
Public Notices			
Is time period and fee for submissions/observations specified			
Reference to REDIII and completeness check where applicable			
Includes standalone website Address			
Are notices in Irish if in Gaeltacht*			
Transboundary environmental effects			
Do COMAH Regulations (Major Accident Hazard Regulations 2015) Apply			
If Design Flex Opinion provided, is this referenced			
Are EIAR and NIS referenced			
Prescribed Bodies			
Have the Prescribed Bodies specified at conclusion of pre-application consultation been Notified			
Planning Statement			
Renewable Energy designation policy statement			
EIAR			
Have EIAR portal requirements been completed			
Are all Appendices included			
Are derogations required/been obtained (biodiversity)			
Does EIAR comply with Article 94 and Schedule 6 of PDR 2000			
NPWS survey, methodology requirements			
Peat Stability/Landslide Susceptibility			
NIS			
Is a screening report included			
Are all appendices referenced included			
DRAWINGS			
Site Location Map			
Site Layout Plan – wayleaves, site notices			
Are the Drawing Scales Appropriate			