



STATUTORY INSTRUMENTS.

**S.I. No. 274 of 2025**

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EUROPEAN UNION (PLANNING AND DEVELOPMENT) (RENEWABLE  
ENERGY) REGULATIONS 2025

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I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Articles 15e(5), 16, 16b, 16c(2), 16c(3), 16d, 16e and 16f of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018<sup>1</sup> as amended by Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023<sup>2</sup>, hereby make the following regulations:

**Part 1**

*Preliminary and General*

**Citation**

1. (1) These Regulations may be cited as the European Union (Planning and Development) (Renewable Energy) Regulations 2025.

(2) Part 3 of these Regulations shall be included in the collective citation “Planning and Development Regulations 2001 to 2025”.

**Definitions**

2. In these Regulations –

“Act of 2000” means the Planning and Development Act 2000 (No. 30 of 2000);

“Regulations of 2001” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

**Part 2**

*Amendments to Act of 2000*

**Amendment of section 2 of Act of 2000**

3. Section 2 of the Act of 2000 is amended –

(a) in subsection (1), by the insertion of the following definitions:

“ ‘co-located energy storage’ means an energy storage facility combined with a facility producing renewable energy and connected to the same grid access point;

‘relevant solar energy development’ means development that is the installation of solar energy equipment (other than small-scale solar equipment) and any co-located energy storage, including building-integrated solar installations, in existing or future

<sup>1</sup> OJ L No. 328, 21.12.2018, p. 82

<sup>2</sup> OJ L, 2023/2413, 31.10.2023

artificial surfaces (other than artificial water surfaces), provided that the primary aim of the artificial surfaces is not solar energy production or energy storage;

‘renewable energy’ means energy from a renewable non-fossil source, namely wind energy, solar energy (including solar thermal and solar photovoltaic energy), geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas or biogas;

‘renewable energy development’ means development the purpose of which is to generate renewable energy from one or more than one renewable non-fossil resource, and includes the building of renewable energy plants and any co-located energy storage, and any works necessary for the connection of such plants or storage to the grid, but does not include relevant solar energy development, small-scale solar energy equipment development and small-scale non-ground source heat pumps;

‘Renewable Energy Directive’ means Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018<sup>1</sup> as amended by Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023<sup>2</sup>;

‘repowering development’ means development the purpose of which is to renew a power plant that produces renewable energy, including the full or partial replacement of installations or operation systems and equipment for the purposes of replacing capacity or increasing the efficiency or capacity of the installation;

‘small-scale non-ground source heat pump’ means a heat pump that has an electrical capacity below 50MW and that is not a ground source heat pump;

‘small-scale solar energy equipment’ means solar energy equipment with a capacity to generate electricity of 11kW or less, including for renewables self-consumers and renewable energy communities;

‘small-scale solar energy equipment development’ means development that is the installation of small-scale solar energy equipment;

‘solar energy equipment’ means equipment that converts energy from the sun into thermal or electrical energy, including solar thermal and solar photovoltaic equipment.”, and

- (b) by the addition of the following subsection after subsection (8):

“(9) Subject to this Act, a word or expression that is used in an amendment made to this Act by the European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. No. 274 of 2025) and that is also used in the Renewable Energy

Directive has, unless the context otherwise requires, the same meaning in the amendment as it has in that Directive.”.

#### **Amendment of section 34 of Act of 2000**

4. Section 34 of the Act of 2000 is amended –
  - (a) in subsection (8), by the addition of the following paragraph after paragraph (f):
 

“(g) This subsection is subject to sections 34D, 34E, 34F, 34G and 34H.”, and
  - (b) in subsection (9), by the substitution of “Subject to sections 34E(2), 34F(2), 34G(3) and 34H(7) where” for “Where”.

#### **Amendment of Act of 2000 - Insertion of sections 34D, 34E, 34F, 34G and 34H**

5. The Act of 2000 is amended by the insertion of the following sections after section 34C:

##### **“Acknowledgement of completeness of certain applications**

**34D.** Where an application for permission for renewable energy development, repowering development, relevant solar energy development or small-scale solar energy equipment development is made to a planning authority under section 34, the planning authority shall, within 45 days of the receipt of the application –

- (a) where it is satisfied that the application includes all the information required to process the application, acknowledge the completeness of the application by notice in writing to the applicant, or
- (b) where it is not so satisfied, by notice in writing to the applicant request the applicant to submit a complete application without undue delay.

#### **Supplementary provisions relating to renewable energy development with capacity of 150kW or more**

**34E.** (1) Subject to subsection (3), where an application for permission for renewable energy development with an electrical capacity of 150kW or more is made to a planning authority, and the period for making a decision under section 34(8) would expire after the expiry of the period of 52 weeks from the date of the notice referred to in section 34D(a), the planning authority shall make its decision on the application before the expiry of that period of 52 weeks.

(2) Subject to subsection (3), the period for making a decision in relation to an application referred to in subsection (1) shall not be extended under section 34(9) by more than 52 weeks from the date of the notice referred to in section 34D(a).

(3) Where the planning authority considers that permission should nevertheless be given for the development for imperative reasons of overriding public interest in accordance with section 177AA, the planning authority shall make its decision on the application before the expiry of 2 years from the date of the notice referred to in section 34D(a).

**Supplementary provisions relating to renewable energy development with capacity of less than 150kW and repowering development**

**34F.** (1) Subject to subsection (3), where an application for permission for renewable energy development with an electrical capacity of less than 150kW or repowering development is made to a planning authority, and the period for making a decision under section 34(8) would expire after the expiry of the period of 30 weeks from the date of the notice referred to in section 34D(a), the planning authority shall make its decision on the application before the expiry of that period of 30 weeks.

(2) Subject to subsection (3), the period for making a decision in relation to an application referred to in subsection (1) shall not be extended under section 34(9) by more than 30 weeks from the date of the notice referred to in section 34D(a).

(3) Where the planning authority considers that permission should nevertheless be given for the development for imperative reasons of overriding public interest in accordance with section 177AA, the planning authority shall make its decision on the application before the expiry of one year from the date of the notice referred to in section 34D(a).

**Supplementary provisions relating to ground source heat pumps and relevant solar energy development**

**34G.** (1) A planning authority shall make its decision on an application for permission for relevant solar energy development within the period of 8 weeks from the date of the notice referred to in section 34D(a).

(2) Paragraphs (b), (c), and (ca) of section 34(8) shall not apply to an application for permission for relevant solar energy development or development that is the installation of a ground source heat pump.

(3) Section 34(9) shall not apply to an application for permission for relevant solar energy development or development that is the installation of a ground source heat pump.

**Supplementary provisions relating to small-scale solar energy equipment or small-scale non-ground source heat pump**

**34H.** (1) A planning authority shall make its decision on an application for permission for small-scale solar energy equipment development before the expiry of the period of 4 weeks from the date of the notice referred to in section 34D(a).

(2) A planning authority shall make its decision on an application for permission for development that is the installation of a small-scale non-ground source heat pump before the expiry of the period of 4 weeks from the date of the receipt of the application.

(3) Paragraphs (b), (c) and (ca) of section 34(8) shall not apply to an application referred to in subsection (1) or (2).

(4) Where the planning authority fails to make its decision on an application referred to in subsection (1) within the period referred to in that subsection, and the conditions in subsection (5) are satisfied, a decision of the planning authority to grant the permission shall be regarded as having been given on the day following the expiry of that period.

(5) The conditions referred to in subsection (4) are that—

- (a) the application is complete,
- (b) an appropriate assessment is not required, and
- (c) the capacity of the small-scale solar energy equipment does not exceed the existing capacity of the connection to the distribution grid.

(6) Where subsection (4) applies, the period of 4 weeks referred to in subparagraph (iv) of section 34(8)(f) shall commence on the date the decision is regarded as having been given under subsection (4).

(7) Section 34(9) shall not apply in respect of an application for permission referred to in subsection (1) or (2).

(8) A person shall not be entitled solely by reason of a permission under subsection (4) to carry out any development.”.

#### **Amendment of section 37D of Act of 2000**

6. Section 37D of the Act of 2000 is amended—

- (a) in subsection (1), by the insertion of “or, where the application is for renewable energy development or repowering development, shall” after “may”, and
- (b) by the insertion of the following subsection after subsection (3A):  
“(3B) Where the proposed development referred to in subsection (1) is renewable energy development or repowering development, and an opinion is given under this section, An Coimisiún Pleanála shall not subsequently extend the scope and level of detail of the information to be included in the environmental impact assessment report.”.

#### **Amendment of section 37E of Act of 2000**

7. Section 37E of the Act of 2000 is amended, in subsection (3)(a)(i)(I), by the insertion of “and, where applicable, that the application is subject to section 37JA” after “proposed development”.

### **Amendment of section 37J of Act of 2000**

8. Section 37J of the Act of 2000 is amended by the addition of the following subsection after subsection (7):

“(8) This section is subject to sections 37JA and 37B.”.

### **Amendment of Act of 2000 – Insertion of sections 37JA and 37JB**

9. The Act of 2000 is amended by the insertion of the following sections after section 37J:

#### **“Acknowledgement of completeness of certain applications under section 37E**

**37JA.** Where an application for permission for renewable energy development or repowering development is made to An Coimisiún Pleanála under section 37E, An Coimisiún Pleanála shall, within 45 days of the receipt of the application

–

- (a) where it is satisfied that the application includes all the information required to process the application, acknowledge the completeness of the application by notice in writing to the applicant, or
- (b) where it is not so satisfied, by notice in writing to the applicant request the applicant to submit a complete application without undue delay.

#### **Periods for decision-making in relation to applications for permission for renewable energy development or repowering development under section 37E**

**37JB.** (1) Subject to subsection (3), where an application for permission for renewable energy development or repowering development is made to An Coimisiún Pleanála under section 37E, and the period for making a decision under subsection (2) or (3) of section 37J would expire after the expiry of the relevant period referred to in subsection (2), a decision on the application under section 37G shall be made before the expiry of the relevant period.

(2) The relevant period referred to in subsection (1) is –

- (a) in the case of renewable energy development with an electrical capacity of 150kW or more, 52 weeks from the date of the notice referred to in section 37JA(a), or
- (b) in the case of renewable energy development with an electrical capacity of less than 150kW or repowering development, 30 weeks from the date of the notice referred to in section 37JA(a).

(3) Where An Coimisiún Pleanála considers that permission should nevertheless be given for the development for imperative reasons of overriding public interest in accordance with section 177AA, a decision on the application under section 37G shall be made before the expiry of –

- (a) in the case of renewable energy development with an electrical capacity of 150kW or more, 2 years from the date of the notice referred to in section 37JA(a), or
- (b) in the case of renewable energy development with an electrical capacity of less than 150kW or repowering development, one year from the date of the notice referred to in section 37JA(a).”.

#### **Amendment of section 146B of Act of 2000**

10. Section 146B of the Act of 2000 is amended, in subsection (1), by the substitution of “Subject to subsections (2) to (8) and sections 146BA, 146BB and 146C” for “Subject to subsections (2) to (8) and section 146C”.

#### **Amendment of Act of 2000 – Insertion of sections 146BA and 146BB**

11. The Act of 2000 is amended by the insertion of the following sections after section 146B:

#### **“Acknowledgement of completeness of certain requests under section 146B**

**146BA.** Where a request for an alteration of the terms of renewable energy development or repowering development is made to An Coimisiún Pleanála under section 146B, An Coimisiún Pleanála shall, within 45 days of the receipt of the request –

- (a) where it is satisfied that the request includes all the information required to process the request, acknowledge the completeness of the request by notice in writing to the requester, or
- (b) where it is not so satisfied, by notice in writing request the requester to submit a complete request without undue delay.

#### **Periods for decision-making in relation to requests for material alteration of renewable energy development or repowering development**

**146BB. (1)** Subject to subsection (3), where a request for a material alteration of the terms of renewable energy development or repowering development is made to An Coimisiún Pleanála under section 146B, a determination on the request shall be made under section 146B(3)(b)(ii) before the expiry of the relevant period.

(2) The relevant period referred to in subsection (1) is –

- (a) in the case of renewable energy development with an electrical capacity of 150kW or more, 52 weeks from the date of the notice referred to in section 146BA(a), or
- (b) in the case of renewable energy development with an electrical capacity of less than 150kW or repowering development, 30 weeks from the date of the notice referred to in section 146BA(a).



(3) Where An Coimisiún Pleanála considers that consent should nevertheless be given for the development for imperative reasons of overriding public interest in accordance with section 177AA, a determination on the request under section 146B(3)(b)(ii) shall be made before the expiry of –

- (a) in the case of renewable energy development with an electrical capacity of 150kW or more, 2 years from the date of the notice referred to in section 146BA(a), or
- (b) in the case of renewable energy development with an electrical capacity of less than 150kW or repowering development, one year from the date of the notice referred to in section 146BA(a).”.

#### **Amendment of section 146CA of Act of 2000**

12. Section 146CA of the Act of 2000 is amended, in subsection (1)(b)—

- (a) by the insertion of the following subparagraph after subparagraph (i):
 

“(ia) Where a person referred to in paragraph (a) is required by or under this Act to submit an environmental impact assessment report to An Coimisiún Pleanála in respect of a request to alter the terms of renewable energy development or repowering development, the person shall request An Coimisiún Pleanála to give the person an opinion in writing referred to in subparagraph (i).”.
- (b) in subparagraph (ii), by the substitution of “subparagraph (i) or (ia)” for “subparagraph (i)”,
- (c) in subparagraph (iii), by the substitution of “subparagraph (i) or (ia)” for “subparagraph (i)”, and
- (d) by the addition of the following subparagraph after subparagraph (iii):
 

“(iv) Where an opinion referred to in subparagraph (i) is provided in relation to renewable energy development or repowering development, An Coimisiún Pleanála shall not subsequently extend the scope or level of detail of the information required to be included in the environmental impact assessment report.”.

#### **Amendment of section 172 of Act of 2000**

13. Section 172 of the Act of 2000 is amended –

- (a) in subsection (1A)(a)(i) –
  - (i) by the substitution of the following clause for clause (I):
 

“(I) development to which Part III applies, other than –

- (A) repowering development in respect of a solar installation that does not entail the use of additional space and that complies with the conditions relating to environmental mitigation measures to which permission for the original development is subject, and
  - (B) relevant solar energy development;”, and
- (ii) by the substitution of the following clause for clause (VII):
 

“(VII) development to which Chapter III of Part XXI applies, other than repowering development in respect of a solar installation that does not entail the use of additional space and that complies with the conditions relating to environmental mitigation measures to which permission for the original development is subject; and”, and
- (b) by the insertion of the following subsection after subsection (1H):
 

“(1HA) Where the proposed development is to reinforce grid infrastructure referred to in Article 15e(5) of the Renewable Energy Directive or is repowering development, an environmental impact assessment carried out under this section shall be limited to the potential impact of the proposed development arising from the change or extension compared to the original development.”.

#### **Amendment of section 173 of Act of 2000**

14. Section 173 of the Act of 2000 is amended –

- (a) in subsection (2)—
  - (i) in paragraph (a)—
    - (I) by the insertion of the following subparagraph after subparagraph (i):
 

“(ia) Where an applicant or person intending to apply for permission is required by or under this Act to submit an environmental impact assessment report to the planning authority in respect of an application for renewable energy development or repowering development, the applicant or person shall request the planning authority to give the applicant or person a written opinion referred to in subparagraph (i).”,
    - (II) in subparagraph (ii), by the substitution of “subparagraph (i) or (ia)” for “subparagraph (i)”, and
    - (III) in subparagraph (iii), by the substitution of “subparagraph (i) or (ia)” for “subparagraph (i)”, and
  - (ii) by the insertion of the following paragraph after paragraph (aa):

“(ab) Where an opinion referred to in paragraph (a) is provided in relation to proposed development that is renewable energy development or repowering development, the planning authority shall not subsequently extend the scope or level of detail of the information required to be included in the environmental impact assessment report.”, and

(b) in subsection (3)—

(i) in paragraph (a)—

(I) by the insertion of the following subparagraph after subparagraph (i):

“(ia) Where a person is required by or under this Act to submit an environmental impact assessment report to An Coimisiún Pleanála in respect of an application for renewable energy development or repowering development, the person shall request An Coimisiún Pleanála to give the person a written opinion referred to in subparagraph (i).”,

(II) in subparagraph (ii), by the substitution of “subparagraph (i) or (ia)” for “subparagraph (i)”, and

(III) in subparagraph (iii), by the substitution of “subparagraph (i) or (ia)” for “subparagraph (i)”, and

(ii) by the insertion of the following paragraph after paragraph (aa):

“(ab) Where an opinion referred to in paragraph (a) is provided in relation to proposed development that is renewable energy development or repowering development, An Coimisiún Pleanála shall not subsequently extend the scope or level of detail of the information required to be included in the environmental impact assessment report.”.

#### **Amendment of section 177AA of Act of 2000**

15. Section 177AA of the Act of 2000 is amended by the addition of the following subsection after subsection (9):

“(10) Proposed development that is the planning, construction and operation of a renewable energy plant, any works necessary for the connection of such a plant to the grid, and any related grid or storage assets, is presumed to be in the overriding public interest and serving public health and safety when balancing legal interests in the individual case.”.

#### **Amendment of section 251 of Act of 2000**

16. Section 251 of the Act of 2000 is amended –

- (a) by the designation of the section as subsection (1),
- (b) in subsection (1), by the substitution of “Subject to subsection (2), where” for “Where”, and
- (c) by the addition of the following subsection after subsection (1):
 

“(2) Subsection (1) shall not apply in relation to the calculation of a period referred to in section 34E, 34F, 34G, 34H, 37JB, 146BB or 295B.”.

#### **Amendment of section 289 of Act of 2000**

17. Section 289 of the Act of 2000 is amended, in subsection (2), by the insertion of the following paragraph after paragraph (a):

“(aa) the following subsection were inserted after subsection (2A) of section 176B:

“(2B) Where the proposed development is to reinforce grid infrastructure referred to in Article 15e(5) of the Renewable Energy Directive, or is repowering development, to which Chapter III of Part XXI applies, screening for environmental impact assessment in relation to the proposed development shall be limited to the potential impact of the proposed development arising from the change or extension compared to the original development.’.”.

#### **Amendment of section 290 of Act of 2000**

18. Section 290 of the Act of 2000 is amended—

- (a) in subsection (1), by the insertion of “or, in the case of an application for renewable energy development or repowering development, shall” after “may”, and
- (b) by the insertion of the following subsection after subsection (4):
 

“(4A) Where the proposed development referred to in subsection (1) is renewable energy development or repowering development, and an opinion is given under this section, An Coimisiún Pleanála shall not subsequently extend the scope of the information and the extent of the detail that should be set out in the environmental impact assessment report.”.

#### **Amendment of section 291 of Act of 2000**

19. Section 291 of the Act of 2000 is amended —

- (a) in subsection (3)(a)(i)(VI), by the substitution of “notice, and” for “notice,”, and
- (b) in subsection (3)(a)(i), by the addition of the following clause after clause (VI):
 

“(VII) where applicable, that the application is subject to section 295A,”.

### **Amendment of section 295 of Act of 2000**

20. Section 295 of the Act of 2000 is amended –

- (a) in subsection (1), by the insertion of “and sections 295A and 295B” after “this section”, and
- (b) in subsection (2), by the substitution of “Subject to sections 295A and 295B, where” for “Where”.

### **Amendment of Act of 2000 – Insertion of sections 295A and 295B**

21. The Act of 2000 is amended by the insertion of the following sections after section 295:

#### **“Acknowledgement of completeness of certain applications under section 291**

**295A.** Where an application for permission for renewable energy development or repowering development is made to An Coimisiún Pleanála under section 291, An Coimisiún Pleanála shall, within 45 days of the receipt of the application –

- (a) where it is satisfied that the application includes all the information required to process the application, acknowledge the completeness of the application by notice in writing to the applicant, or
- (b) where it is not so satisfied, by notice in writing to the applicant request the applicant to submit a complete application without undue delay.

#### **Supplementary provisions in relation to period within which decision under section 293 to be made**

**295B.** (1) Subject to subsection (3), where an application for permission for renewable energy development or repowering development is made to An Coimisiún Pleanála under section 291, and the period for making a decision under subsection (1) or (2) of section 295 would expire after the expiry of the relevant period referred to in subsection (2), a decision in relation to the application shall be made before the expiry of the relevant period.

(2) The relevant period referred to in subsection (1) is –

- (a) in the case of renewable energy development with an electrical capacity of 150kW or more, 65 weeks from the date of the notice referred to in section 295A(a), or
- (b) in the case of renewable energy development with an electrical capacity of less than 150kW or repowering development, 52 weeks from the date of the notice referred to in section 295A(a).

(3) Where An Coimisiún Pleanála considers that permission should nevertheless be given for the development for imperative reasons of overriding public interest in accordance with section 177AA, a decision in relation to the application shall be made before the expiry of –

- (a) in the case of renewable energy development with an electrical capacity of 150kW or more, 3 years from the date of the notice referred to in section 295A(a), or
- (b) in the case of renewable energy development with an electrical capacity of less than 150kW or repowering development, 2 years from the date of the notice referred to in section 295A(a).”.

### **Part 3**

#### ***Amendments to Regulations of 2001***

#### **Amendment of Article 3 of Regulations of 2001**

22. Article 3 of the Regulations of 2001 is amended –

- (a) in sub-article (3), by the insertion of the following definitions:
  - “ ‘co-located energy storage’ means an energy storage facility combined with a facility producing renewable energy and connected to the same grid access point;
  - ‘relevant solar energy development’ means development that is the installation of solar energy equipment (other than small-scale solar equipment) and any co-located energy storage, including building-integrated solar installations, in existing or future artificial surfaces (other than artificial water surfaces), provided that the primary aim of the artificial surfaces is not solar energy production or energy storage;
  - ‘renewable energy’ means energy from a renewable non-fossil source, namely wind energy, solar energy (including solar thermal and solar photovoltaic energy), geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas or biogas;
  - ‘renewable energy development’ means development the purpose of which is to generate renewable energy from one or more than one renewable non-fossil resource, and includes the building of renewable energy plants and any co-located energy storage, and any works necessary for the connection of such plants or storage to the grid, but does not include relevant solar energy development, small-scale solar energy equipment development and small-scale non-ground source heat pumps;
  - ‘Renewable Energy Directive’ means Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018<sup>1</sup> as amended by Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023<sup>2</sup>;
  - ‘repowering development’ means development the purpose of which is to renew a power plant that produces renewable energy, including the full or partial replacement of installations or

operation systems and equipment for the purposes of replacing capacity or increasing the efficiency or capacity of the installation;

‘small-scale non-ground source heat pump’ means a heat pump that has an electrical capacity below 50MW and that is not a ground source heat pump;

‘small-scale solar energy equipment’ means solar energy equipment with a capacity to generate electricity of 11kW or less, including for renewables self-consumers and renewable energy communities;

‘small-scale solar energy equipment development’ means development that is the installation of small-scale solar energy equipment;

‘solar energy equipment’ means equipment that converts energy from the sun into thermal or electrical energy, including solar thermal and solar photovoltaic equipment.”, and

- (b) by the addition of the following sub-article after sub-article (5):
 

“(6) A word or expression that is used in an amendment made to these Regulations by the European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. No. 274 of 2025) and that is also used in the Renewable Energy Directive has, unless the context otherwise requires, the same meaning in the amendment as it has in that Directive.”.

#### **Amendment of Article 18 of Regulations of 2001**

23. Article 18(1) of the Regulations of 2001 is amended –

- (a) in paragraph (d), by the addition of the following subparagraph after paragraph (vi):
 

“(vii) where applicable, that the application is subject to section 34D of the Act, and that where a notice is given under section 34D(b) of the Act, article 26A shall apply,”, and
- (b) in paragraph (e), by the insertion of “or, in the case of a planning application for small-scale solar energy equipment development or development that is the installation of a small-scale non-ground source heat pump, 2 weeks,” after “5 weeks”.

#### **Amendment of Article 20 of Regulations of 2001**

24. Article 20 of the Regulations of 2001 is amended by the insertion of “or, in the case of a planning application for small-scale solar energy equipment development or development that is the installation of a small-scale non-ground source heat pump, 2 weeks,” after “5 weeks”.

### **Amendment of Article 26 of Regulations of 2001**

25. Article 26(2) of the Regulations of 2001 is amended, in paragraph (a), by the insertion of “and, where applicable, that the application is subject to section 34D of the Act, and that the period referred to in section 34D of the Act shall commence on the date of receipt of the application” after “application”.

### **Notice under section 34D(b) of Act**

26. The Regulations of 2001 are amended by the insertion of the following Article after Article 26:

“26A. (1) Where a planning authority gives a notice under section 34D(b) of the Act, the planning authority shall –

- (a) indicate to the applicant in the notice what is required in order for the application to be considered complete,
- (b) request the applicant in the notice to remove the site notice or notices erected or fixed pursuant to article 17(1)(b),
- (c) return to the applicant the planning application, including all particulars, plans, drawings and maps,
- (d) enter an indication on the register that the notice under section 34D(b) of the Act has been given, and
- (e) return to the applicant any fee paid with the application.

(2) Where a planning authority gives a notice under section 34D(b) of the Act, the planning authority shall by notice in writing –

- (a) inform any person or body who has made a submission or observation in accordance with article 29(1) of that fact and return any fee paid in respect of any such submission or observation, and
- (b) inform any body to whom notice was sent in accordance with article 28(2) of that fact.”.

### **Amendment of Article 27 of Regulations of 2001**

27. Article 27 of the Regulations of 2001 is amended –

- (a) in sub-article (2), by the insertion of the following paragraph after paragraph (ba):

“(bb) where the application is subject to section 34D of the Act, that fact,” and

- (b) in sub-article (3) –

- (i) in paragraph (b), by the substitution of “articles 33 or 34, or” for “articles 33 or 34.”, and

- (ii) by the insertion of the following paragraph after paragraph (b):

“(ba) a notice has been given under paragraph (a) or (b) of section 34D of the Act during that week.”.



### **Amendment of Article 29 of Regulations of 2001**

28. Article 29 of the Regulations of 2001 is amended –

- (a) in sub-article (1)(a), by the insertion of “or, in the case of a planning application for small-scale solar energy equipment development or development that is the installation of a small-scale non-ground source heat pump, 2 weeks,” after “5 weeks”, and
- (b) in sub-article (3), by the insertion of “or, in the case of a planning application for small-scale solar energy equipment development or development that is the installation of a small-scale non-ground source heat pump, 2 weeks,” after “5 weeks”.

### **Minimum period for determination of planning application**

29. The Regulations of 2001 are amended by the substitution of the following article for article 30 –

“30. A planning authority shall not determine an application for permission until the following period has elapsed –

- (a) in the case of an application for small-scale solar energy equipment development, 3 weeks beginning on the date of the notice given in accordance with section 34D(a) of the Act,
- (b) in the case of an application for development that is the installation of a small-scale non-ground source heat pump, 3 weeks beginning on the date of receipt of the application, or
- (c) in all other cases, 5 weeks beginning on the date of receipt of the application.”.

### **Amendment of Article 33 of Regulations of 2001**

30. Article 33 of the Regulations of 2001 is amended –

- (a) in sub-article (1) –
  - (i) by the substitution of “sub-articles (1A) and (3B)” for “sub-article (1A)”, and
  - (ii) by the insertion of “or, in the case of a planning application for renewable energy development or repowering development, within 8 weeks of the date of a notice given in accordance with section 34D(a) of the Act,” after “the planning application,”,
- (b) in sub-article (3), by the substitution of “sub-articles (3A) and (3C)” for “sub-article (3A)”, and
- (c) by the insertion of the following sub-articles after sub-article (3A):
 

“(3B) Sub-article (1) shall not apply to a planning application for development that is the installation of a ground source heat

pump or small-scale non-ground source heat pump, relevant solar energy development or small-scale solar energy equipment development.

(3C) In the case of a planning application for renewable energy development or repowering development, where a requirement under sub-article (1) or (2) is not complied with within such period as may be specified by the planning authority, the application shall be declared to be withdrawn and the planning authority shall, as soon as may be, notify the applicant that the application has been declared to be withdrawn and enter an indication that the application has been declared to be withdrawn into the register.”.

### **Amendment of Article 34 of Regulations of 2001**

31. Article 34 of the Regulations of 2001 is amended –

- (a) in sub-article (1), by the insertion of “or, in the case of a planning application for renewable energy development, repowering development, or relevant solar energy development, within 8 weeks of the date of a notice given in accordance with section 34D(a) of the Act,” after “the application,” and
- (b) in sub-article (2), by the insertion of “or, in the case of a planning application for renewable energy development, repowering development, or relevant solar energy development, 8 weeks from the date of a notice given in accordance with section 34D(a) of the Act,” after “the application”.

### **Amendment of Article 103 of Regulations of 2001**

32. Article 103(1B) is amended –

- (a) in paragraph (a), by the substitution of “Subject to paragraph (aa), where a planning application” for “Where a planning application”, and
- (b) by the insertion of the following paragraph after paragraph (a):  
 “(aa) Where the proposed development is to reinforce grid infrastructure referred to in Article 15e(5) of the Renewable Energy Directive or is repowering development, the examination referred to in paragraph (a) shall be limited to the potential impact of the proposed development, arising from the change or extension compared to the original development.”.

### **Amendment of Article 109 of Regulations of 2001**

33. Article 109(2B) is amended –

- (a) in paragraph (a), by the substitution of “Subject to paragraph (aa), where a planning application” for “Where a planning application”, and
- (b) by the insertion of the following paragraph after paragraph (a):  
 “(aa) Where the proposed development is to reinforce grid infrastructure referred to in Article 15e(5) of the Renewable Energy Directive or is repowering development, the examination referred to in paragraph (a) shall be limited to the potential impact of the proposed development, arising from the change or extension compared to the original development.”.

#### **Amendment of Article 216 of Regulations of 2001**

34. Article 216(2) of the Regulations of 2001 is amended –

- (a) in paragraph (d), by the substitution of “development,” for “development, and”,
- (b) in paragraph (e), by the substitution of “the application, and” for “the application.”, and
- (c) by the insertion of the following paragraph after paragraph (e):  
 “(f) where the application is subject to section 37JA of the Act, that fact, and where An Coimisiún Pleanála gives a notice under section 37JA(b) of the Act, that fact.”.

#### **Notice under section 37JA(b) of Act**

35. The Regulations of 2001 are amended by the insertion of the following article after Article 216:

“216A.(1) Where An Coimisiún Pleanála gives a notice under section 37JA(b) of the Act, An Coimisiún Pleanála shall –

- (a) indicate to the applicant in the notice what is required in order for the application to be considered complete,
- (b) request the applicant in the notice to remove the site notice or notices erected or fixed pursuant to article 210(4)(i) (if any),
- (c) return to the applicant the application, including all particulars, plans, drawings and maps, and
- (d) return to the applicant any fee paid with the application.

(2) Where An Coimisiún Pleanála gives a notice under section 37JA(b) of the Act, An Coimisiún Pleanála shall by notice in writing –

- (a) inform any person or body who has made a submission or observation in accordance with article 217 of that fact and return any fee paid in respect of any such submission or observation, and
- (b) inform any body to whom notice was sent in accordance with section 37E(3)(c) of the Act of that fact.”.

### **Amendment of Regulations of 2001 – Insertion of Part 18A**

36. The Regulations of 2001 are amended by the insertion of the following Part after Part 18:

#### **“Part 18A**

##### **Notice under section 295A of Act**

##### **Notice under section 295A of Act**

216B. (1) Where An Coimisiún Pleanála gives a notice under section 295A(b) of the Act, An Coimisiún Pleanála shall—

- (a) indicate to the applicant in the notice what is required in order for the application to be considered complete,
- (b) require the applicant to publish a statement indicating that the notice has been given on the website referred to in section 287(2)(c) (if any),
- (c) return to the applicant the application, including all particulars, plans, drawings and maps,
- (d) indicate in the list referred to in article 72 that the notice has been given, and
- (e) return to the applicant any fee paid with the application.

(2) Where An Coimisiún Pleanála gives a notice under section 295A(b) of the Act, An Coimisiún Pleanála shall by notice in writing –

- (a) inform any person or body who has made a submission or observation in accordance with section 291 or 292 of the Act of that fact and return any fee paid in respect of any such submission or observation, and
- (b) inform any body to whom notice was sent in accordance with section 291(3)(b) of the Act of that fact.”.

### **Amendment of Form No. 1 of Schedule 3 to the Regulations of 2001**

37. The Regulations of 2001 are amended by the substitution of the text set out in the Schedule to these Regulations for the text set out in Form No. 1 of Schedule 3 to the Regulations of 2001.

#### **Part 4**

##### ***Transitional provision***

##### **Transitional provision**

38. (1) Subject to subsection (2), the amendments made to the Act of 2000 and the Regulations of 2001 by these Regulations shall only apply in relation to an application or request made to a planning authority or An Coimisiún Pleanála,

as the case may be, under section 34, 37E, 146B or 291 of the Act of 2000 after the coming into operation of these Regulations.

(2) The amendments made to the Act of 2000 by Regulation 6, 12, 14 and 18 shall only apply in relation to an application or request made to a planning authority or An Coimisiún Pleanála, as the case may be, under section 34, 37E, 146B or 291 of the Act of 2000, on or after 1 October 2025.

**Schedule***Form no. 1**Article 19***Site notice****NAME OF PLANNING AUTHORITY<sup>1</sup>****SITE NOTICE**

I, .....<sup>2</sup>, intend to apply for permission/retention permission /outline permission/permission consequent on the grant of outline permission (Ref. No. of outline permission)<sup>3</sup> for development at this site.....

4

The development will consist/consists<sup>5</sup> of .....

.....

.....

The development is covered by the provisions of the Renewable Energy Directive III (Directive 2023/2413 ☐ YES ☐ NO

If YES above, important to note that the planning application is subject to section 34D of the Planning and Development Act, 2000, as amended. When a notice issues in accordance with section 34D(b), the provisions of article 26A of the Planning and Development Regulations 2001 to 2025 shall apply.<sup>6</sup>

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours.

A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, € 6.5020, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

Signed:.....<sup>7</sup>

Date of erection of site notice.....<sup>8</sup>

### Directions for completing this notice

1. The name of the planning authority to which the planning application will be made should be inserted here
2. The name of the applicant for permission (and not his or her agent) should be inserted here
3. Delete as appropriate. The types of permission which may be sought are—
  - (a) permission,
  - (b) retention permission,
  - (c) outline permission,
  - (d) permission consequent on the grant of outline permission. If this type of permission is being sought, the reference number on the planning register of the relevant outline permission should be included
4. The location, townland or postal address of the land or structure to which the application relates should be inserted here
5. Delete as appropriate. The present tense should be used where retention permission is being sought
6. A brief description of the nature and extent of the development should be inserted here.

The description should include—

- (a) where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided. 'Houses' includes buildings designed as 2 or more dwellings or flats, apartments or other dwellings within a building,
- (b) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,
- (c) where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
- (d) where an environmental impact assessment report or Natura impact statement has been prepared in respect of the planning application, an indication of that fact
- (e) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact,
- (f) where a planning application relates to development consisting of the provision of, or modifications to an establishment within the

meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact,

- (g) where the application is accompanied by an opinion on unconfirmed details an indication of that fact,
- (h) indicate whether the development is a development covered by the provisions of the Renewable Energy Directive III (Directive 2023/2413

7. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here

8. The date that the notice is erected or fixed at the site should be inserted here



GIVEN under my Official Seal,  
6 August, 2025.

JAMES BROWNE,  
Minister for Housing, Local Government and Heritage.



BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN,  
CILL MHAIGHNEANN,  
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