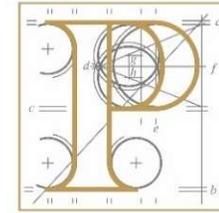


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Implementing RED III and its links to developments in EIA practice

5 March 2026

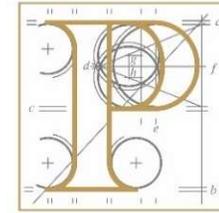


Agenda

- | | |
|---|---------------------------------------|
| 1 | What is RED III? |
| 2 | Transposition into Irish Legislation |
| 3 | Pre-Application Consultation Requests |
| 4 | EIA Mandatory Scoping |
| 5 | Completeness Check Stage |
| 6 | Application Stage |
| 7 | Timelines |
| 8 | ACP Actions and Key Learnings |

REDIII

What is REDIII



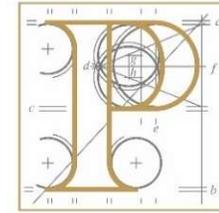
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TRILOGY OF RENEWABLE ENERGY DIRECTIVES

RED I (2009/28/EC)	<ul style="list-style-type: none">• The original - came into effect in June 2009• Established core principles and targets to accelerate transition to renewable energy.• Mandated a 20% EU wide renewable energy target by 2020.
RED II (EU 2018/2001)	<ul style="list-style-type: none">• Updating RED I - came into effect in 2018 with a requirement to be transposed from June 2021.• Set more ambitious targets – 32% target by 2030
RED III (EU/2023/2413)	<ul style="list-style-type: none">• Context - European Green Deal and REPowerEU• Amended previous Directives and entered into force on 20 November 2023 with transposition by July 2024.• Permit granting timelines introduced.• Increases target to 42.5% by 2030

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Transposition into Irish Legislation



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RED III – Transposition

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

S.I 274 of 2025

- Transposed some of provisions of the Directive.
- Majority of the provisions coming into effect from 6th August 2025.
 - MANDATORY TIMELINES,
 - MANDATORY EIA SCOPING – **1st October 2025**
 - COMPLETENESS CHECK
- Limited Further Information request opportunities
- Definitions

European Union (Planning and Development) (Renewable Energy) (No.2) Regulations 2025

S.I 426 of 2025

Clarity on Site Notices
Provides a new site notice form specific to RED 111 Applications (Form No. 23)

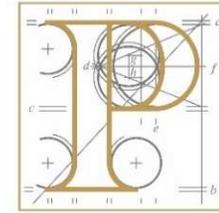
European Union (Planning and Development) (Renewable Energy) (No. 3) Regulations 2025

S.I 435 of 2025

Date of Commencement of Mandatory EIA Scoping delayed until **1st May 2026**

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Transposition – matters to Note



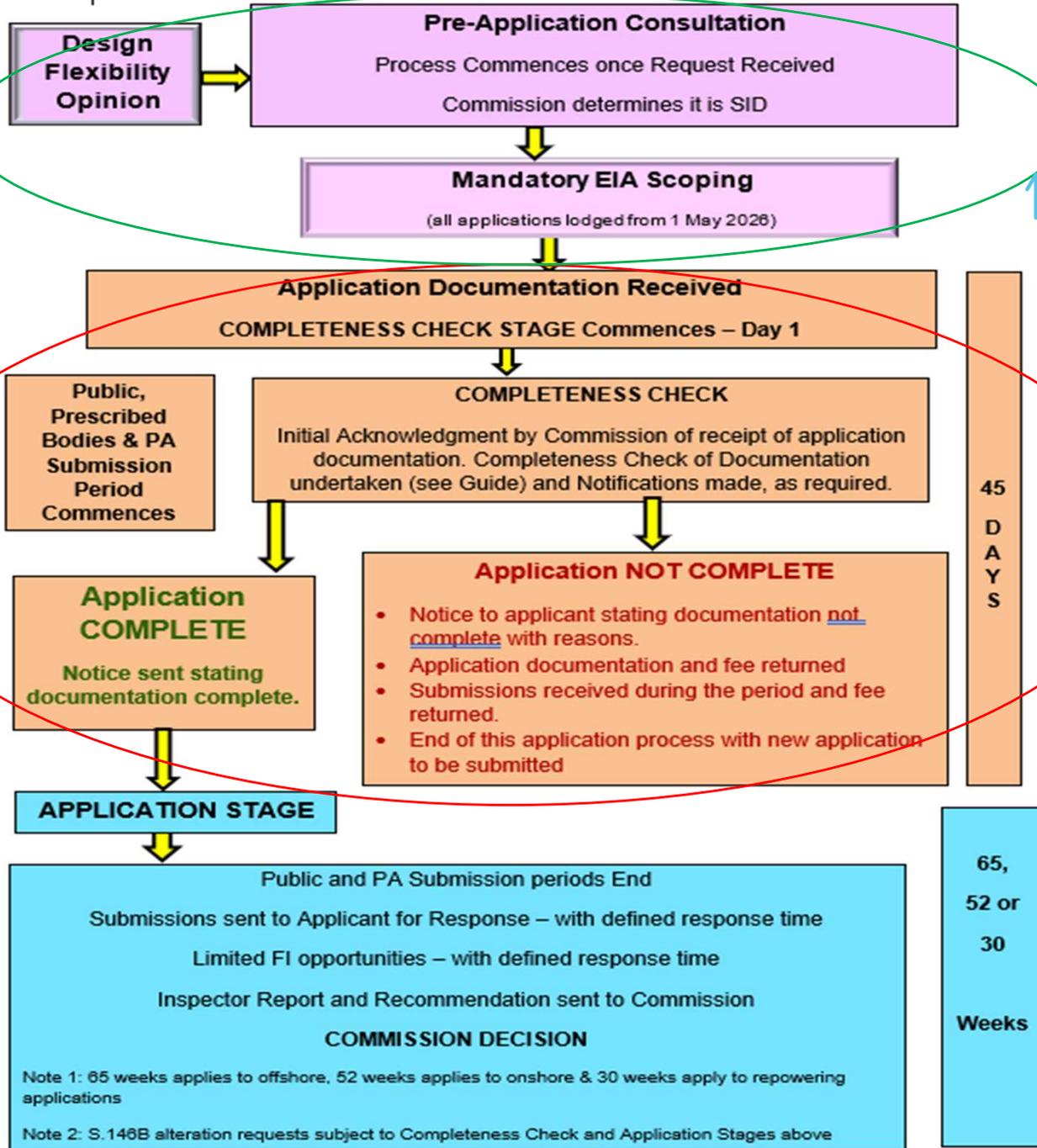
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Definition of renewable energy – from Regulations	'means energy from a renewable non-fossil source, namely wind energy, solar energy (including solar thermal and solar photovoltaic energy), geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass , landfill gas, sewage treatment plant gas or biogas ;
Circular 15 th August 2025 - Extract	<i>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.</i>
What Cases are RED III for ACP	<ul style="list-style-type: none">• Seventh Schedule Cases – Windfarms over 50MW• Other Development Types*
Other Dev. Types which may be RED III	Circular - CEPP 1/2026 - <i>the planning authority is the competent (permit-granting) authority and is responsible, in the first instance, for determining whether the proposal falls within those statutory definitions and is therefore to be processed as a RED III project, including the application of the completeness check and relevant decision-making timelines.</i>
What Cases are NOT RED III for ACP	<ul style="list-style-type: none">• Appeals on Applications from Planning Authorities• Electricity Cases (S.182A) – (but the Grid is referenced in the Directive)

**RED III - SID Renewable Energy Developments
APPLICATION PROCESS – Onshore & Offshore**

**REDIII
Flow Chart**

1
Comisiún
Eanála

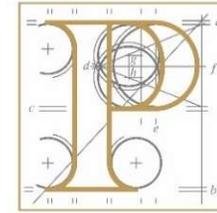


NEW

Note 1: 65 weeks applies to offshore, 52 weeks applies to onshore & 30 weeks apply to repowering applications
Note 2: S.146B alteration requests subject to Completeness Check and Application Stages above

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Steps in REDIII



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4 Main Steps for ACP

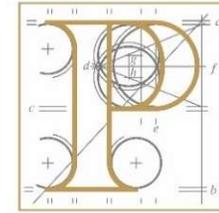
Pre-application Consultation	Applicant and Possible (2000 PDA)/Required(2024 PDA) Prescribed Body Input
Mandatory EIA Scoping (1 May 2026)	Applicant and Prescribed Body Input
Completeness Check	45 days for Commission to Complete – ‘Super Validation’ – <u>no assessment</u> of documentation.
Application	Local Authority/Prescribed Body/Public Input

Single Point of Contact (the SEAI)

Pre-Application Stage	Queries on applicability of Regulations
Application Stage	Notify of Key Milestones

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PAC – Current legislative provisions



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- » Remains as currently operates under Section 37B(3) of the Planning and Development Act, 2000 as amended.

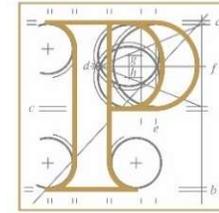
In any consultations under subsection (1), the Board may give advice to the prospective applicant regarding the proposed application and, in particular, regarding—

- (b) *the **procedures** involved in **making** a planning application and in **considering** such an application, and*
- (c) ***what considerations**, related to **proper planning and sustainable development** or the **environment**, may, in the opinion of the Board, have a bearing on its decision in relation to the application.*

Does not constitute an assessment of the documentation or a consideration of the merits of the proposed development.

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Legislative Provisions for Prescribed Body Consultees



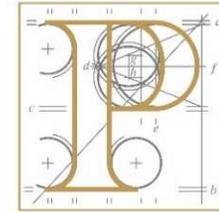
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» Legislative Provisions for PAC

2000 Act	2024 Act
<i>May consult (s.37C(4))</i>	<i>Must consult (s.116(5))</i>
Meetings can be Held but infrequent	Once Received details of pre-application request to be forwarded to all relevant consultees within? (Regulations to define)
<i>ACP identify specific cases where consultation at pre-application stage is considered appropriate</i>	<i>Format of Consultation will vary with meetings to be held where considered necessary</i>

REDIII

Pre-application Consultation (PAC) - New approach



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Pre-application process evolving to accommodate the REDIII requirements.

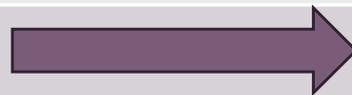
Very limited opportunities for Further Information

These case types generate frequent FI requests
e.g. majority of SID windfarms go on FI with significant FI requiring further public consultation

RED III = FI light

RECOMMEND: Prescribed Bodies to outline what documentation is needed from the applicants to inform the pre-application consultation stage

PAC



Completeness Check & Application

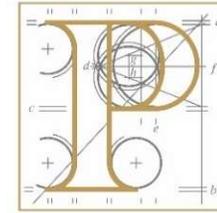
Prospective Applicant still controls closure of process (except Marine).

A **Schedule of Information to Inform the Completeness Check** will be prepared by ACP and will be provided to the Applicant with the SID determination – informed by discussion at the PAC.

ACP consider opportunity for Prescribed Bodies to contribute to the Schedule of Information through the pre-application consultation

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Mandatory EIA Scoping



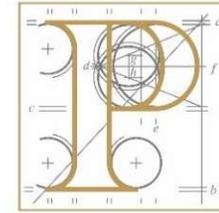
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When does it commence?	Mandatory Scoping required from 1st May 2026 on all applications lodged from that date even if pre-app closed prior to this date.
When does the Applicant seek the Opinion?	2000 ACT <ul style="list-style-type: none">Scoping opinion sought from ACP AFTER Pre-App SID Determination - cannot parallel Pre-APP and Scoping (s.37D)Applicant to submit Scoping Report to ACP 2024 Act <ul style="list-style-type: none">PAC engagement and Scoping may overlap?
Process and Timelines for Consultation	2000 ACT <p>ACP will send Applicants Scoping Report to Prescribed Bodies (Art 213) with 4-6 weeks to respond. The response will be attached to the Scoping Opinion issued by ACP.</p> 2024 Act <p>New Regulations</p>
KEY	Once Opinion is Issued <ul style="list-style-type: none">Cannot extend the scope and level of detail of the information to be included in the EIARNo opportunity to seek FI on issues outside the scope of detail requested.



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Completeness Check – Key Points

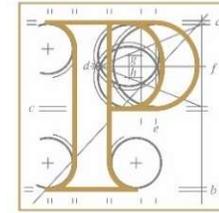


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- » Must be carried out within **45 days** of receipt of the application.
- » The **Schedule of Information** developed at PAC stage will inform the ‘check’.
 - » The PAC Team will carry out the Completeness Check.
 - » A new Inspector will be appointed to review the application as is currently the case.
- » The period within which **submissions** can be accepted from the Prescribed Bodies will be set out in the Public Notice and will **overlap** the Completeness and Application Stages.
- » If incomplete **ALL** documentation, including submissions from Prescribed Bodies will be **returned**.
 - » Normal SID timelines for observations from Prescribed Bodies continue to apply.
- » If application is deemed **complete** the “*permit granting timeline*” commences.

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Application Stage – Key Points

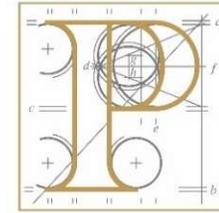


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- » Day 1 of Application is Date of Completeness
- » Applicant will be invited to provide a response to the submissions (incl. from **Prescribed Bodies**) received.
- » Limited opportunities to seek further information with a defined response time provided which will not be extended, save for exceptional circumstances.
- » The permit granting timeline will not be extended nor can it be 'stopped' and restarted.

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Legislative Timelines



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Requirement	2000 ACT	2024 ACT
Timelines for SID	18 weeks*	48 weeks



RED III TIMELINES – Development Type	Permit Granting Timeline
Onshore	52 weeks
Onshore Repowering	30 weeks
Offshore	65 weeks
Offshore Repowering	52 weeks



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Recent Reference to Engagement



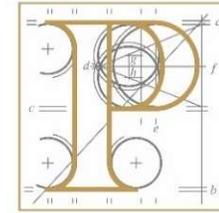
» **Accelerating Taskforce**

» **Action 11: Reform Processes Applied to Critical Infrastructure within Agencies/ Regulators**

- » **Duty to Cooperate** – all agencies to work together to support delivery of critical infrastructure
- » **Duty to Engage with Applicants** - agencies engage and communicate with applicants on the status of any processes
- » **Published Guidelines for Every Process** - Every regulatory process should be accompanied by a clear statement on what the agency expects an application to contain
- » **(Statutory Timelines for Every Process** – captured by Acts)
- » **Accountability** – views expressed by consultees – whole of organisation view

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ACP Actions



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» Actions

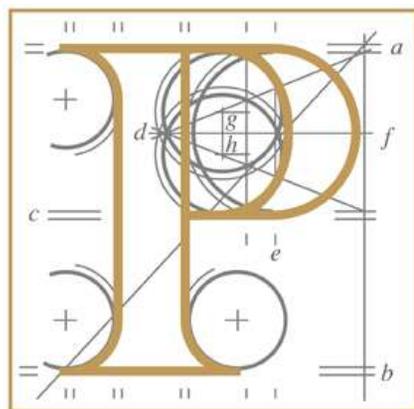
- » RED III Guide on Website – updated as changes arise.
- » **EIA Scoping Guide being prepared – April 2026**
- » PAC meetings – Environment Team attendance, Agendas to focus discussion
- » Schedule of Information to Inform Completeness Check attached to SID Determinations

REDIII

ACP Key Learnings – to date!



- » Taking time for 'Evolved PAC' to be Engaged with by Developers and Agents – still closing too early in many cases
- » PAC Meetings are taking longer with more experts starting to attend from applicants team
- » Early Engagement and Consultation at PAC with the relevant Prescribed Bodies is Key
- » Matters raised in submissions at application stage, seeking FI, must now be addressed at the pre-application stage.
- » Opportunity through scoping to focus on likely significant effects and key issues – make EIAR's more user friendly – Tabulate information.
- » Scoping Reports prepared and submitted by applicants will be sent to PB and form basis of Opinion – so critical that the Scoping Reports are comprehensive (this does not mean mini-EIAR's).



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