Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify)

Republic of Ireland

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Executive summary

This report covers three RES-E technologies: onshore wind, offshore wind and ground-mounted PV.

One of the main barriers related to the administrative procedures in Ireland is the appeal process. The fairly simple appeal process enables anyone, even if they are not directly affected by the project, to object at a very low cost. Consequently, there are groups that raise environmental concerns and object to the realisation of onshore wind in particular. In addition, the decision on the appeal may take longer than expected, despite the statutory deadlines. Therefore, especially onshore wind developers are faced with considerable delays and uncertainty for their projects.

Further crucial barriers have emerged in the grid connection step. Despite the fact that there is a standardised procedure, the so-called Enduring Connection Procedure (ECP), barriers emerge prior to entering and accepting the connection offer as well as realising the grid connection works. Under the current ECP, Eirgrid (TSO) and ESB Networks (DSO) announce a round for new applications every two years (once every year from 2020 onwards). However, only a specific number of projects succeed in securing an initial grid connection offer (batch approach). This leaves out a substantial number of older and newer projects. These projects should re-submit their application in the next ECP round.

In the realisation of grid connection works, specific delays are witnessed, mainly in the distribution system. Moreover, the calculation of grid costs is not very clear. These barriers affect onshore wind and are emerging obstacles for ground-mounted PV. The above-mentioned simplified appeal procedure is also hindering the grid connection process step. This applies to cases, where the realisation of grid connection requires a planning permission.

Offshore wind is currently in the nascent phase in Ireland. One of the most crucial barriers for this technology is finding a route to market for offshore wind. This means the introduction of a general legal framework (will be introduced shortly) and a separate auction that can secure the sustainability of offshore wind investments.

Table 1 contains a traffic light assessment of the relevant process steps for the installation of onshore wind, offshore wind and ground-mounted PV in the Republic of Ireland.

Table 1: Traffic light assessment of the relevant process steps

Process step	Site selection	Electricity production license	Application preparation process	Administrative authorisation	Grid connection permit	Corporate legal-fiscal	Other
Onshore wind							
Offshore wind							
PV ground-mounted							

No barriers identified
Minor barriers identified
Severe barriers identified
Moderate barriers identified
Not relevant for target country
No projects implemented

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1. National RES targets and relevant RES technologies

The Republic of Ireland published its draft National Energy and Climate Plan (NECP) in July 2020. According to the NECP, Ireland is planning to increase the overall share of renewable energy sources (RES) in its gross final energy consumption to 21.5% (in the 'with existing measures' (WEM) scenario) or to 34.1% (in the 'with additional measures' or WAM scenario) by 2030 (NECP Ireland, 2020). It should be noted that this version of the NECP, which reflects the EU Effort Sharing Decision, was drafted prior to the general elections that took place in February 2020. The new coalition government that was formed in June 2020 adopted a more ambitious greenhouse gas (GHG) reduction target: 7% annual GHG reduction instead of previously set target of roughly 3% GHG reductions per annum. Therefore, an amended version of the NECP is expected (NECP Ireland, 2020).

The electricity sector is expected to play the most pivotal role in meeting the overall 2030 RES target in gross final energy consumption of 21.5% (WEM) or 34.1% (WAM). Based on the latest SHARES data for 2019 (Eurostat, 2020), the RES share in the electricity sector (RES-E) was 36.49%. The RES-E target for 2030 is set at 54.9% in the WEM scenario and 70% in the WAM scenario. In terms of installed capacity, onshore wind, offshore wind and PV (basically ground-mounted) will be the key renewable energy technologies in 2030. By 2030 and under the WEM scenario, onshore wind is expected to reach 6,018 MW (3,572 MW in 2018), offshore wind 1,800 MW (25 MW in 2018) and PV 1,250 MW (10 MW in 2018). It is interesting to note that the deployment rate projected for offshore wind and PV is very high and thus immediate steps and measures towards the acceleration of their deployment are needed.

Figure 1 displays the annual deployment of solar PV and onshore wind between 2010 and 2019. While the onshore wind power deployment took constantly place during the 2010's with an impressive deployment in 2016, 2017 and 2019, solar PV deployment started in 2016, but remained rather low until 2019.

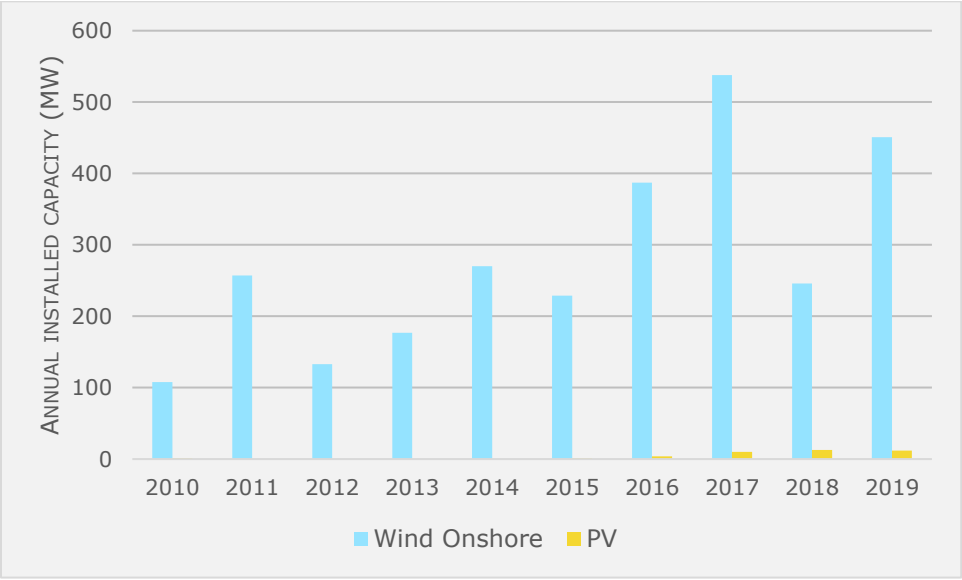

Figure 1: Annual installed capacity of PV and Wind onshore 2010-2019 (source: EurObserv'ER)

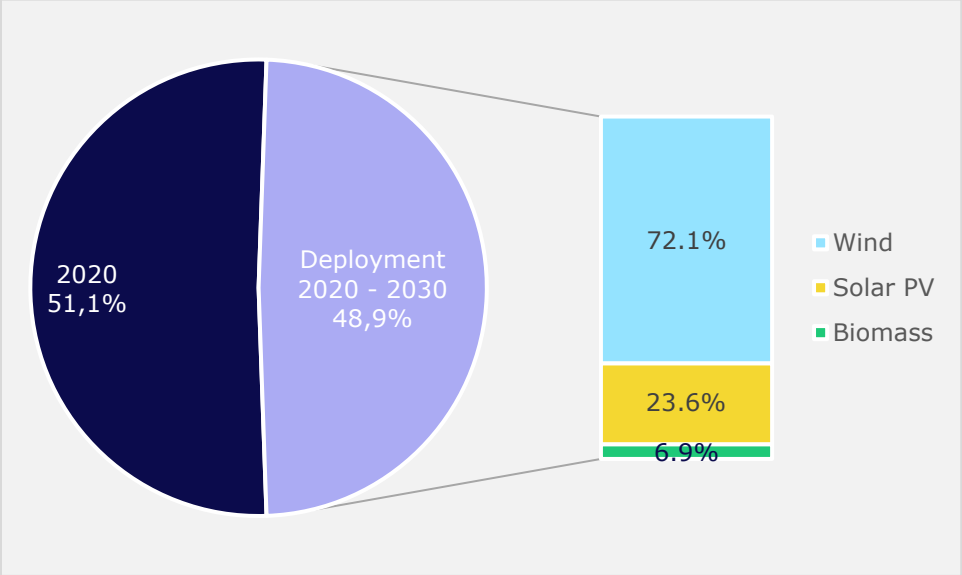

Figure 2: Planned deployment of RES-E 2020-2030 in relation to past deployment (source: NECP)

2. Administrative and grid connection procedure

2.1. Relevant process steps

In the site selection stage, the developers of onshore wind and ground-mounted PV projects should take into consideration certain planning restrictions, which are stated in the Local Development Plans. For onshore wind, specific guidelines are available (currently under revision). The decision on the location is crucial as it can ease the further administrative process.

The application preparation stage includes the drafting of the Environmental Impact Assessment Report (EIA Report) and/or the Natura Impact Statement (NIS) for onshore wind/ ground-mounted PV and expectedly for offshore wind. A pre-application consultation with the planning authorities or *An Bord Pleanála*, the independent statutory quasi-judicial body that is in charge of specific planning applications (Strategic Infrastructure Development- SID and Offshore Wind) is mandatory.

The pre-application consultation defines the content and extent of the EIA Report. Additionally, pre-application consultation defines whether a NIS is also necessary. In any case, the drafting of both the EIA Report and the NIS take time as certain studies (bird surveys) need to be carried out.

The electricity production licence includes the issue of the *License to Generate* (operation license) by the Commission for Regulation of Utilities (CRU). Its application can come after the *Authorisation to Construct* license (s. below) or a single application is possible. Planning permission and grid connection offer is mandatory for the issue of this license.

The administrative authorisation procedure covers the issuing of the planning permission, relevant for both onshore wind and ground-mounted PV. The project developer should apply for a planning permission from the Planning Authority or An Bord Pleanála. The application includes all relevant accompanying documents, such as the EIA Report and the NIS. A similar approach is expected for offshore wind.

The grid connection procedure for onshore wind and ground-mounted PV follows a standardised approach, the Enduring Connection Policy (ECP). The transmission system operator (TSO) Eirgrid and the distribution system operator (DSO) ESB Networks announce the initiation of the application window. ECP defines specific categories and a specific number of projects to be selected for each category ('batch process'). The selected projects will be offered a grid connection offer and, once accepted by the project developer, grid connection works can be realised. Since 2020, ECP is projected to be scheduled once a year. A separate grid connection procedure is expected for offshore wind.

Corporate legal-fiscal concerns the 'Revaluation' process, which is the periodic update of commercial property rates in local authorities.

Other steps include the issue of the *Authorisation to Construct* by the Commission for Regulation of Utilities (CRU). Application for Authorisation to Construct can come first and then the License to Generate may follow. However, the plant developer may submit a single application for both licenses. In any case, planning permission is prerequisite while a proof of grid connection is sufficient to apply for an Authorisation to Construct[1].

2.1.1. Site selection

Process flow

Site selection for onshore wind energy is based on 2006 Wind Energy Guidelines. The guidelines offer a comprehensive guide on how onshore wind projects can be realised. The 2006 Guidelines propose a 'plan-led' approach. This involves identifying areas considered suitable or unsuitable for wind energy development. These areas should then be outlined in the county's development plan[2] in order to provide clarity for developers, the planning authority, and the public. The guidelines offer instructions on the Environmental Impact Assessment, specifically the environmental implications, the prospective location of an onshore wind project (aesthetic considerations) as well as primary planning conditions (e.g., shadow flicker).

An Bord Pleanála, the independent statutory quasi-judicial body that decides on appeals against planning decisions made by local authorities in the Republic of Ireland, takes the Draft Revised Wind Energy Development Guidelines (December 2019) into consideration, despite the fact that they have not been approved yet. Draft Revised Wind Energy Development Guidelines is an updated version of the 2006 guidelines and follows a similar structure and approach. More specifically, a step-by-step approach for defining the appropriate sites for onshore wind development is proposed. This involves a sieve mapping analysis of the essential environmental, landscape and technical criteria, based on which site selection will be done. Furthermore, a comprehensive consultation with planning authorities and the general public is advised.

[1] Due to the fact that the application for an Authorisation to Construct can be submitted prior to the application for a License to Generate.

[2] There are 31 counties in Ireland (26 county councils, 3 city councils and 2 city/county councils). Every county has its own planning authority. Each planning authority should compose a development plan, that is updated every six years (Ch.9 Planning and Development Act). Development Plans should take into consideration the deployment of RES and should define zones where especially wind onshore can be installed. For example, the Galway County has published the county's Wind Energy Strategy (http://www.galway.ie/en/media/GCDP%202015-2021%20Appendix%20IV%20County%20Galway%20Wind%20Energy%20Strategy.pdf) along with its Development Plan for 2015-2021.

A similar approach is followed for ground-mounted PV. Here, the former Department of Environment, Heritage and Local Government DEHLC) document 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities' is used as a guidance. In general, a standard 15-km distance from a proposed site is regarded as a potential zone of influence within which Natura 2000 sites should be monitored and examined for potential impact (DEHLC, 2009).

For offshore wind, the permitting process is currently in a transitional phase (IWEA, 2020a). Offshore wind projects are grouped into three categories: (1) Legacy, (2) Relevant, and (3) Enduring. Legacy and Relevant projects are projects that are further in the project pipeline (i.e., received planning permission). Enduring projects are of interest in the site selection process step, as it concerns group of new projects and potential projects. For Enduring projects, specific sites have been specified basically on the west shores of the Republic of Ireland, based on an early-stage assessment[3] (IWEA, 2020a).

Deadlines

No deadlines are set for this process step.

Detected barriers

Inconsistent local development plans create confusion over the location of onshore wind. Local development plants and the local authorities in charge do not offer a unified approach with regard to identification of sites for onshore wind. There are counties where a wind energy strategy is available, while others lack that. Consequently, there are cases, where one site in a county is available for onshore wind deployment, while installation of onshore wind is prohibited in the adjacent site in another county. A more reasonable and unified approach to defining the appropriate sites for onshore wind on a national level is necessary, so as to avoid the discrepancies and the confusion on a local level (WEA, 2021).

Identified good practice

No good practice related to this process step was identified

2.1.2. Application preparation process

Process flow

For onshore wind and ground-mounted PV, a pre-application consultation with the planning authorities[4] is foreseen (sec. 247 Planning and Development Act). The aim of the pre-application consultation is to discuss with the planning authority the prospective development of the project in the area of jurisdiction of the authority. The planning authority may provide recommendations concerning the further planning procedure. However, the pre-application consultation is not mandatory and the results of this consultation should not prejudice the further outcome of the planning procedure.

[3] Further classification in November 2020 divided offshore wind projects in three categories: Relevant projects, Enduring projects expected before 2030 and Enduring projects post-2030 (IWEA, 2020a). Early-stage assessment includes the identification of potential offshore wind sites through desktop research and feasibility studies (IWEA, 2020a).

[4] Planning authorities are the Local County Council (31 in Ireland: 26 county councils, 3 city councils and 2 city/county councils), where the project developer will submit the planning application.

Prior to the pre-application consultation, onshore wind project developers can submit an application to An Bord Pleanála, so as their projects can be classified as Strategic Infrastructure Development (SID). According to Schedule 7 of the Planning and Development Regulations, such an application can be submitted for an onshore wind project with a capacity above 50 MW or consisting of more than 25 turbines. SID pre-application consultation entails regular meetings between the project developer and An Bord Pleanála. The project developer discusses with An Bord Pleanála the necessity of classifying the project as a SID and An Bord Pleanála should take into consideration all relevant implications (eligibility, strategic and economic importance). An Bord Pleanála finally decides whether the project can be classified as a SID or not. If not, the project developer can continue with the pre-application consultation described above. If yes, then the application for a planning permission (next step in the licensing procedure) shall be submitted to An Bord Pleanála (sec. 37A Planning and Development Act).

As noted above (see section 2.1.1.), the permitting procedure for offshore wind is in a transitional phase (IWEA, 2020a). Until recently, offshore wind should have submitted an application for an offshore lease under the Foreshore Act 1933. It is expected that new projects, the so-called 'Enduring' projects, will need to apply to the Minister for Environment, Climate and Communications for a conditional Maritime Area Consent (MAC) under the new Marine Planning and Development Management Bill. However, it is not known whether an application for an offshore lease will be additionally required. In any case, it is expected that with the definition of MAC, the project developer can enter into pre-application consultation with An Bord Pleanála (IWEA, 2020a).

Deadlines

Planning authorities are expected to carry out a pre-application consultation within 4 weeks from the request of project developer (sec. 247(1Ab) Planning and Development Act). Failure to comply with the deadline does not preclude the project developer from the possibility to carry on with the planning permission process (sec. 247(1Ac) Planning and Development Act).

With regard to SID pre-application consultation, there are no statutory deadlines.

Screening opinion should be issued within 3 weeks from the moment when the planning authority has all necessary information (art. 95(4) Planning and Development Regulations).

Screening opinion for sub-threshold projects should be issued within 8 from the moment when the planning authority has all necessary information (art. 103(1C) Planning and Development Regulations).

Detected barriers

No barriers related to this process were identified.

Identified good practice

Early engagement - a key to success. Despite the fact that community engagement is not mandatory for onshore wind projects, the Wind Energy Ireland (WEA), former Irish Wind Energy Association (IWEA), recommends its member to engage in local information and dissemination activities at a very early stage of project development. Project developers organise venues and informs local residents door-to-door on the prospective realisation of an onshore wind energy project. In this way, issues can be resolved at a very early stage and the possibility of an appeal later in the planning permission process

can be avoided. It should also be noted that this approach is slowly followed in the deployment of offshore wind projects. Although the legislative framework is not yet in place, project developers have initiated information campaigns for local marine communities. Main aim is to inform the local residents on the offshore wind project and answer questions on the possible effects on marine flora and fauna. The very early engagement for offshore wind projects is based on the experience the members of Wind Energy Ireland have accumulated throughout the last twenty years in onshore wind deployment. The main lesson learnt was that that without early engagement, a wind project could not succeed (WEA, 2021).

2.1.3. Electricity production licence

Process flow

For onshore wind and ground-mounted PV, the Licence to Generate Electricity is required. The license is issued by the Commission of Regulation of Utilities (CRU) at the end of project realisation (CRU; ERA 1999). More specifically, the Licence to Generate Electricity is issued after the Authorisation to Construct or Reconstruct a Generating Station (see section 2.1.6 of this report). A single application for both licenses is also possible.

For the Licence to Generate Electricity, plant developers are encouraged to hold a pre-application meeting with CRU for information purposes. Then, the project developer submits the application and pays the appropriate fee[5], CRU receives the application and checks the completeness of the application. The application file contains the application form, the proof that application fee was paid, financial information (the type of information needed depends whether the plant has received support from RESS), location of generating station, planning information, connection agreement and technical information on the civil engineer/ company in charge of the project (CRU,2020a).

CRU assess whether the documents provided are adequate according to administrative, technical, environmental and financial criteria and issues its positive or negative decision.

Deadlines

For the Licence to Generate Electricity the following deadlines apply (CRU, 2020a):

- Application receipt confirmation: Within 1 week of receiving application.
- Completeness check: The CRU examines the completeness of the application file within 2 weeks of receipt.
- Assessment of the application: The CRU examines the applications within 6 weeks from the moment when the application is considered complete. Applications for plants above 40 MW or single applications (if submitted together with the application for the Authorisation to Construct or Reconstruct a Generating Station) are evaluated within 10 weeks.
- CRU decision: The CRU makes a decision on the application within 3 weeks following the completeness check.

If the CRU has not received a response from the applicant to the request for additional information for a period of 2 months, the issuance of the CRU's Decision will be

[5] Fees vary between EUR 35 (for plants with an installed capacity from 1 MW to 5 MW) and EUR 3.980 (for plants with an installed capacity greater than 500 MW).

suspended until an appropriate response is received. If there is no response for a period of 4 months, the application will no longer be considered.

Detected barriers

No barriers related to this process step were identified.

Identified good practice

No good practice related to this process step was identified

2.1.4. Administrative authorisation

Process flow

Developers of onshore wind and ground-mounted PV projects should apply for a planning application from the planning authorities (sec. 34 Planning and Development Act). The planning approval process initiates with the notice of application by the project developer, which informs any interested party about the possibility to inspect details of the application and accompanied documents such as the EIA Report and NIS (art. 17 Planning and Development Regulations). This includes the publication in a newspaper and the erection of a site notice site on the land, for which the planning application is submitted (art. 18 & 19 Planning and Development Regulations). Along with the notice of application, the application is submitted to planning authority. The application file contains other necessary documents such as the EIA Report, the NIS, and pre-consultation decisions (art. 22 Planning and Development Regulations).

Then, the planning authority informs the applicant about the receipt of application and indicates the date of receipt (sec. 26 Planning and Development Regulations). The planning authority may inform and consult other prescribed bodies[6] on the application submission (art. 28 Planning and Development Regulations). In addition, any interested party can submit their observations during a public consultation initiated by the planning authority, which lasts 5 weeks (art. 29 Planning and Development Regulations). The date when the application will be examined is inserted in the weekly list of the planning authority (art. 27 Planning and Development Regulations).

The chief executive of the planning authority is required to prepare and submit a report on the planning application to the planning authority's members no later than 6 weeks of the receipt of the application by the planning authority (sec. 34 (6aiii) Planning and Development Act, 2000). Based on that report, the planning authority issues a decision on the planning permission (sec. 34 (10) Planning and Development Act). The authority can grant/ refuse permission or grant permission under certain conditions[7]. Additionally,

[6] Prescribed bodies include: the Minister, An Bord Pleanála, the Minister for Agriculture, Fisheries and Food, the Minister for Arts, Heritage and the Gaeltacht, the Minister for Communications, Energy and Natural Resources, the Minister for Defence, the Minister for Education and Skills, the Minister for Transport, Tourism and Sport, An Chomhairle Ealaíon, the Commissioners, Dublin Airport Authority, in any case where the Dublin Docklands Area is within the region for which the guidelines are prepared, to the Dublin Docklands Development Authority, in the case where an area which is affected by the DTI Strategy is within the region for which the guidelines are prepared, the Dublin Transportation Office (or anybody that replaces that office), EirGrid, the Environmental Protection Agency, ESB (Electric Ireland), Fáilte Ireland, Forfás, the Health Service Executive, the Heritage Council, the Health and Safety Authority, Inland Fisheries Ireland, the National Roads Authority, in any case where the functional area of the Shannon Free Airport Development Company Ltd. is within the region for which the guidelines are prepared, that Company (art. 15 Planning and Development Regulations).

[7] Conditions are described in detail in sec. 34(4) Planning and Development Act. Conditions generally refer to interventions and works needed to be agreed with the planning authority (maintenance of constructions, demolition of constructions).

the planning authority sends a copy of its decision to the applicant and any person who made a comment on the application (art. 30 Planning and Development Regulations).

For onshore wind projects regarded as SID, the planning application should be submitted directly to An Bord Pleanála. In this case, the project developer first publishes a notice of the prospective application. Details of the application and accompanied documents such as the EIA Report and NIS are available for inspection by any interested party (art. 214 Planning and Development Regulations). Further required documents (EIAR, NIS, pre-consultation decisions) must be attached to the notice of application submitted to An Bord Pleanála. In addition, any prescribed bodies should be informed separately (art.214 Planning and Development Regulations).

After the submission of the planning application, An Bord Pleanála informs planning authorities and prescribed bodies on the application submission. Prescribed bodies are relevant state authorities such as the Minister for the Environment, Heritage and Local Government, the Minister for Communications, Marine and Natural Resources, the Commission for Regulation of Utilities- CRU. The prescribed bodies can submit their comments and objections on the application submitted (art. 213 Planning and Development Regulations). Then, the date when the application will be examined is inserted in the weekly list[8].

Prior to the examination of the application by An Bord Pleanála, the local planning authority is required to prepare and submit a report, examining the planning application content. The report must be submitted to the Board within ten weeks of the receipt of the application by the Board (sec. 37E Planning and Development Act). The report will set out the views of the local planning authority on the effects of the proposed development (sec. 34(2) Planning and Development Act).

After receiving and examining the report, An Bord Pleanála may organise oral hearings with the aim of collecting the opinions of third parties on the contents of the application. Taking everything into careful consideration An Bord Pleanála issues a decision on the planning permission (37G Planning and Development Act). Four decisions are possible: (1) permission with or without condition, (2) permission with specified modifications (with or without conditions), (3) permission in part (with or without conditions); or (4) permission refusal.

An Bord Pleanála finally sends a copy of its decision to the applicant, the respective planning authority and any person who made a comment (37H Planning and Development Act).

Planning permission has a duration of 5 years (sec. 40 Planning and Development Act). One extension for max. 5 years is also possible (sec. 42 Planning and Development Act).

In Ireland, the following developments are (normally) exempt from planning permission (IWEA, 2014):

- One wind turbine in an agricultural, industrial or commercial setting, with a max. height of 20 meters and a maximum rotor diameter of 8 meters.
- One wind turbine within the curtilage of a house, with a maximum height of 13 meters and a maximum rotor diameter of 6 meters.

[8] http://www.pleanala.ie/lists/2020/sid/index.htm

With regard to offshore energy, the planning application is expected to be similar to the SID planning application: An application must be submitted to An Bord Pleanála (IWEA, 2020a).

According to Irish Solar Energy Association (ISEA) (2021), some of the planning authorities are traditionally in favour of renewable energy sources, while others can have a negative stance on it. In any case, however, the planning authorities are understaffed. The Irish Planning Institute (2015) issued a Survey of the Planning Profession in 2015. According to it, the majority of local planning authorities have experienced a decline in the number of professional planners during the period 2006-2014. More specifically, between that period, local planning authorities lost one out of three positions in their respective department (Irish Planning Institute, 2015).

The level of expertise of An Bord Pleanála is considered very good by the Irish Wind Farmer's Association (MNAG) (2021). However, Bord's personnel will be not sufficient in the future due to the fact that many applications (especially for offshore wind) are under way (MNAG 2020). This argument was also confirmed by WEA (2021). WEA underlines that 70 Board members may not be enough for the prospective deployment of new onshore and offshore[9] wind projects. Even currently, An Bord Pleanála considerably delays the issue of decisions with regard to appeals. This is the reason why An Bord Pleanála discusses the reform of the appeal process, which should make the appeal process more challenging for third parties, as currently, nearly everybody can submit an appeal against a planning permission (WEA, 2021).

Deadlines

With regard to AA and NIS, there are no statutory deadlines.

With regard to the planning application, interested parties can submit their comments and opinions within 5 weeks after the date of receipt of application (art. 29 Planning and Development Regulations). The planning authority may request additional information within 8 weeks after the date of receipt of the application (art. 33 Planning and Development Regulations). After receiving all relevant information, the planning authority should issue a decision within 4 weeks or 8 weeks (depending on whether an IEA Report or NIS is requested) (sec. 34(8) Planning and Development Act).

It should be noted that the applicant can be remunerated in case the planning authority does not issue a decision. Also, if the planning authority does not issue a decision an automatic permission is considered to be granted on the last day of that period (sec. 34(8f) Planning and Development Act).

With regard to the SID planning application, the notice of application will indicate the period during which interested parties can submit their comments and opinions. This period cannot be shorter than 4 weeks (sec. 37C (2) Planning and Development Act).

In addition, the local planning authority is required to prepare and submit a report to the Board within 10 weeks of the receipt of the application by the Board (sec. 37E Planning and Development Act, 2000). The Bord should take the decision within 18 weeks beginning on the last day for submitting an opinion, i.e., the end of public consultation (sec. 37J Planning and Development Act, 2000).

In general, the statutory deadlines in the planning approval process are not kept. Especially for onshore wind, three cases have been identified based on the current

[9] An Bord Pleanála is expected to be the authority in charge of offshore wind planning permissions.

experience (PHR, 2021). Under the 'best case' scenario, i.e., there was no request for further information and no appeal, planning decision could be issued within 12 weeks from the time of its application. Under the 'medium case' scenario, i.e., there was a request for further information but no appeal, the waiting time was estimated at 32 weeks. Finally, under the 'likely case' scenario, i.e., there was a request for further information and appeal with judicial review, final decision on the planning application may take 52 weeks and even more.

In the cases of onshore wind projects between 2017 and 2019, the average processing time by An Bord Pleanála was 66 weeks. The longest case took 107 weeks in aggregate (PHR, 2021).

Detected barriers

Limited length of planning permit. Previously, power stations and early wind farms have received planning permits for an indefinite amount. This has changed for new wind farms. Currently, the duration of the planning permit is subject to the duration of the financial support. After the planning permit has expired and in the event that a wind farm needs to be repowered, the whole application process should be repeated without any assurance that the consent will be granted within a strict time frame. This creates unnecessary increase in project costs (RNP, 2020RNP, 2020).

Revision of Wind Development Planning Guidelines delayed. One of the most crucial problems concerning wind deployment in Ireland is the delayed process of updating the existing Wind Development Planning Guidelines that were introduced in 2006. The process is ongoing, but it is considerably slow. There is no finalised document so far and this is a major setback, as it hinders the selection of location for and installations of wind power plants. The more these guidelines are delayed, the more difficult it becomes to implement the projects that could otherwise be realised. Recent developments concern the noise levels and shadow flickering. In any case, the definition of standards for both noise level and shadow flickering will have a significant impact on the onshore wind (+20% cost). Furthermore, there seems to be a lack of coordination and integration of local development plans and this also has a severe impact on project development.

The Irish Wind Energy Association (IWEA)[10] collaborated with the Department of Communications, Climate Action and the Environment (DCCAE) to include a new system for noise measurement in the guidelines. However, a set of deadlines is needed so that the previous errors and miscalculations are addressed.

In any case, the Government seems to be trying to 'reinvent the wheel'. Apart from the slow process of introducing the guidelines, some standards that do not reflect the state-of-the-art are not enforceable or feasible. Also, it seems that with the current pace the 8000 MW of pipeline onshore wind projects cannot be realised on time, let alone boosting the sector further (RNP, 2020).

Liberal objection policy brakes onshore wind deployment. Currently, the liberal objection policy, as practiced in Ireland, enables anyone to object to any issue even though they are not directly affected by it. Consequently, there are groups that raise environmental issues and object to the realisation of wind projects, even though they are not located in the area of the project. In some cases, these groups are very professional and have extensive experience in submitting objections to wind projects, while taking

[10] In early 2020 IWEA became WEA (Wind Energy Ireland.

advantage of the low-informed local community. This very strong anti-wind lobby groups continue to submit appeals against literally every wind project (approximately 300). Different reasons are raised, such as noise nuisance for example.

Further planning issues concern the ownership of fields adjacent to motorways. For any project, those land owners need to be consulted, thus creating additional delays in the realisation of wind projects. More recently, issues with the prospective road and underground cable construction are raised. In those cases, it is argued that land owners where the underground cable might pass, own also the land below the ground and they must have a say to that construction (MNAG 2020). In any case, the processes are very slow. Especially local councils do not meet the deadlines for wind projects below the capacity of 50 MW. If the decision is appealed, one should go to a higher instance, i.e., An Board Pleanála. Also, in this instance, wind developers are obliged to comply with the deadlines while the Board is not. Finally, the last instance is to go to the High Court, where the final planning decision will be approved or rejected. This whole process creates unnecessary delays for the realisation of the projects (RNP, 2020).

In general, public perception of renewable energy sources is basically positive. However, additional acceptance measures to avoid any possible resistance to renewable energy projects would be desirable. A possible solution could be found in the provisions of the new support scheme for RES deployment – RESS,[11] which provides expanded benefits (see best practice below) for local communities as well as a separate financial support category for community projects (RNP,2020).

Lack of expertise on PV. As PV is not as developed as onshore wind in Ireland, local planning authorities and local communities do not have the necessary know-how in the implementation of a PV project. This can lead to unnecessary delays and requests, which are unreasonable for this technology. Therefore, public engagement and information activities are needed (ISEA, 2021).

Way to market for offshore wind. There is an urgent need for a detailed plan on how to make the offshore wind ready for the market. One of the main issues raised here is the licensing regime. This should be amended so as offshore wind plants can receive approvals more easily. To date, only 25 MW of offshore capacity has been deployed, while 3,000 MW are expected in the immediate future. There is a case, however, where offshore wind farms on the east side of the Republic of Ireland have received planning consent, but are awaiting realisation. The simplification and acceleration of the licensing procedure, especially for offshore wind, are crucial for the future of offshore wind in the country.

The updated draft NECP foresees 3.5 GW of offshore wind until 2030. Offshore wind is considered a lost opportunity as the first offshore wind in Europe (25 MW) was installed in Ireland in 2004. Apart from that, the rest of the offshore wind could not progress due to the aproval regime, as this lacked the necessary piece of legislation that would have foreseen the marine consent. Currently, the Marine Planning and Development Management (MPDM) Bill incorporates a forward planning model, with decisions to be taken in a manner that secures the objectives of the National Marine Planning Framework (NMPF), which provides the spatial and policy context for the decisions about the maritime area. The MPDM Bill should be introduced in early 2021 as this is the first essential step in that direction. The draft NECP has already shown a roadmap but the delays have a serious impact on investment decisions and supply chains will struggle.

[11] RESS is the new support scheme for RES deployment. It is an auction scheme, which was launched in July 2020 (first tender). https://www.gov.ie/en/publication/36d8d2-renewable-electricity-support-scheme/#

Timelines for approval guidelines should be imposed or else 10-12 years will be needed for the realisation of offshore wind projects and this will have an impact on 2030 targets (RNP, 2020).

Identified good practice

Draft Wind Energy Development Guidelines and RESS. The draft Wind Energy Development Guidelines foresee certain project acceptance measures (DHLGH, 2019). These provisions have been included in the RESS. Firstly, project developers are obliged to engage in consultations with the local community, before applying for planning permission. Secondly, a community report should be prepared and should set out how the project development will affect the local community and how local community participation will be assured throughout the whole lifetime of the project. Thirdly, a 'Community Benefit Fund' is established. The Fund will be supported from renewable electricity produced by installations under the RESS scheme (auctions) (EUR 2/MWh). Fourthly, Community Ownership is promoted. This is achieved by creating a separate group of projects (the so-called 'community-led' projects) that participate in the RESS auctions. It should be noted that these are fairly new and ambitious measures and remains to be seen if they are effective.

2.1.5. Grid connection permit

Process flow

Grid connection procedure for onshore wind and ground-mounted PV is currently defined by the 'Enduring Connection Policy' (ECP)[12]. The Commission for Regulation of Utilities (CRU) issues a decision that assists the transmission system operator (TSO; Eirgrid) and the distribution system operator (DSO; ESB Networks) to issue the terms and conditions for projects, applying for grid connection. The first ECP was introduced in 2018 for projects that were ready to be connected to the grid (CRU, 2020c). Currently, the second ECP (ECP-2) is in place. According to CRU (2020c), submission batches are formed. The first batch opened for new applications in September 2020 (the batch formation was done during the period between October-December 2020), while the batch processing will be carried throughout 2021. A similar process is foreseen for the second batch in 2021 and the third batch in 2022 (section 2.1 CRU, 2020c). This means that every year an RESS auction is expected to take place in summer, with the final results coming out in August. Then, the respective ECP process will open for new applications (Eirgrid, 2021).

CRU (2020c) is accompanied by the ECP-2 ruleset, issued by ESB Networks (DSO) and Eirgrid (TSO). According to that, two basic categories are identified (Ch. 2 Eirgrid & ESB Networks, 2020):

- Category of existing applicants with the following sub-categories:
  - Sub-category A: Applicants with a Maximum Export Capacity (MEC) >500 kW

[12] For rooftop PV and onshore wind >11 kW, CER/09/033 is applied. The Decision Paper states a straight-forward grid connection process under the micro-generation scheme (https://www.esbnetworks.ie/new-connections/generator-connections/connect-a-micro-generator). However, in January 2021, DCCAE launched a public consultation on a Micro-generation scheme. The new scheme expects to expand the capacity to 50 kW. For that reason, CRU reviews the grid connection process for PV and onshore wind between 11 kW and 50 kW and is expected to offer a streamlined process, as in the case of plants >11 kW. For more information see: https://www.gov.ie/en/consultation/0ada2-public-consultation-on-a-micro-generation-support-scheme-mss-in-ireland/

  - Sub-category B: Autoproducers, i.e., applicants with an MEC >11 kW and ≤ 500 kW
  - Sub-category C: Community-led Energy Projects[13] with MEC ≥ 500 kW and ≤ 5 MW
- Category of new applicants (with the same sub-categories).

The process is almost identical for both categories (Ch. 5 Eirgrid & ESB Networks, 2020). Firstly, ESB Networks/ Eirgrid begins receiving applications for the respective batch. Then, plant producers are urged to submit an application with the following documents (Ch. 5 Eirgrid & ESB Networks, 2020):

- Application form (NC5 for ESB Networks applicants)
- Eligibility Declaration
- Application fee deposit (if applicable)
- Declaration of Community Energy Project (where applicable).

Applications for projects with MEC <40 MW are submitted to ESB Networks. Applications for plants ≥40 MW should be submitted to Eirgrid. In case of an application to ESB Networks, a NC5 Form is filled[14]. Existing applicants can alter specific technical characteristics (Ch. 3.1 Eirgrid & ESB Networks, 2020).

To obtain an eligibility declaration, the planning permission is required (Ch. 3.2 Eirgrid & ESB Networks, 2020). Specific attention is given on the expiry date of the planning permission (Ch. 3.5 Eirgrid & ESB Networks, 2020).

With regard to application fee, an initial fee is paid by new applicants (category A and B) (Ch.3.3 Eirgrid & ESB Networks, 2020).

After examining the application, the Fees and Clarifications Received Deadline[15] is issued by the grid operator and sent to the project developer. If minor clarifications are needed, project developers should provide the necessary information and pay the related fees.

Then, ESB Networks/ Eirgrid will form the batches, i.e., they will determine which projects are eligible for which batch. For the first ECP-2, 115 grid connection offers are expected to be issued[16] (85 for Category A, 15 for Category B, and 15 for Category C). Finally, the grid connection offer is made to the project developers and is accepted by them. The accepted grid connection offers have a duration of 24 months (longstop date) (Ch. 10 Eirgrid & ESB Networks, 2020). Further rules are provided for node assignment, i.e., clustering of projects for the optimal use of the transmission and distribution system[17].

A further issue is the realisation of grid connection works. Here grid connection works are classified as contestable and or non-contestable. Non-contestable grid connection works are carried out by ESB Networks/ Eigrid. Contestable grid connection works are carried out by the project developer. In both cases, the grid connection assets belong to ESB

[13] Community-led projects are defined RES projects, where at least 51% is owned by a Renewable Energy Community (i.e., a direct ownership of the ECP project's assets, or a direct ownership of the shares) or where at least 51% of all expected profits, dividends and surpluses of the project are returned to Renewable Energy Community (Annex II ECP-2 Ruleset).

[14] https://www.esbnetworks.ie/docs/default-source/publications/esb_form-nc5-august-accessible.pdf?sfvrsn=234433f0_22

[15] The DSO/ TSO confirms that they have received the application and appropriate fee is paid by the applicant.

[16] However, according to latest information, 85 submissions have been made: https://www.eirgridgroup.com/site-files/library/EirGrid/2020-Batch-(ECP-2.1)-Results-Joint-SO-Publication_November-2020.pdf

[17] https://www.eirgridgroup.com/site-files/library/EirGrid/Node-Assignment-Rules-ECP-2.pdf

Networks. ESB Networks for the Distribution System[18] and Eirgrid for the Transmission System[19] have published guidelines that define 'contestability'.

It should also be noted, that in many cases, where further grid connection works are needed, the project developer should apply for a planning permission for the construction of those works. The planning permission should also be accompanied by an IEA Report and/or NIS. Therefore, the steps described above should be followed once more (IWEA, 2020b).

Concerning offshore wind, grid connection is expected to follow these steps (IWEA, 2020a):

- Grid connection offer
- Grid connection acceptance: This will be contingent upon the financing of the offshore wind plant. This means that offshore wind plants should secure support by the expected RESS.
- Applying for grid connection planning.

A further issue for offshore wind that is expected to emerge is the parallel grid development, which should be carried out by the TTSO or DSO. Based on Eirgrid, a decision on a single parallel grid (reinforcement) project could take up to 8 years (IWEA, 2020a).

Eigrid (2021) points out that a study on different grid connection models for offshore wind is currently carried out. Various existing grid connection regimes are investigated and aim is to identify the best option for the Republic of Ireland. The study and the proposal on the preferred grid connection regime are expected to be available at the end of 2021, prior to the RESS for offshore wind expected in early 2022 (Eirgrid, 2021).

According to Irish Solar Energy Association (ISEA) (2021), the DSO ESB Networks has not been understaffed, so much as it has very inefficient processes for delivering a connection. Characteristically, successful projects under the RESS-1 have not yet received their work programme to the connection. Eirgrid has changed its management. It is too early to say that they have become more efficient (ISEA, 2021). Eirgrid has more expertise in the grid connection process and it is more interactive, holding face-to-face meetings with project developers to discuss any open questions and necessary additional information for connecting onshore wind. However, there are issues with passthrough costs, increasing from the estimate used to inform RESS bidding by a factor of 50-250%, while Eirgrid has also inefficient processes (ISEA, 2021). On the contrary, ESB Networks do not always stick with the timelines and progress is not firm (WEA, 2021). Additionally, ESB Networks have recently started having face to face meetings. This is a welcome development, but information becomes very hard to get and the process becomes inefficient once it moves beyond the customer contact (ISEA, 2021). However, the situation is gradually improving in general (WEA, 2021).

Deadlines

For the grid connection procedure (ECP-2) the following deadlines are set:

[18] Contestability on the Distribution System– ESB Networks Key Principles and Processes Paper. Available at: https://www.esbnetworks.ie/docs/default-source/publications/contestability-on-the-distribution-system-esb-networks-key-principles-and-processes-paper.pdf?sfvrsn=9a5c33f0_4

[19] Contestability of Connection Assets- Eirgrid. Available at: http://www.eirgridgroup.com/site-files/library/EirGrid/Contestability-paper-Oct-2007.pdf

- Window for applications: 1-30 October 2020
- Applications check completed: 30 October 2020
- Fees and Clarifications Received Deadline: 30 November 2020
- Batch Formation 23 December 2020
- Offer Issuance: March-November 2021
- Last offer accepted/ lapsed: March 2022.

A similar process is foreseen for the next two batches in the following two years (Ch.10 Eirgrid & ESB Networks, 2020).

The longstop date, i.e., the date where the transmission works should be completed is 24 months after the issue of the grid connection offer (Ch. 10 Eirgrid & ESB Networks, 2020).

Project developer should accept the grid connection offer within 3 months (Ch. 10 Eirgrid & ESB Networks, 2020).

ISEA (2021) and WEA (2021) commented that Eirgrid (TSO) sticks to the timetable and is open to discussions and clarifications. On the contrary, ISEA (2021) mentions that it can be challenging just to get the realisation programme and firm dates (DSO).

With regard to the technical delivery of grid connection works, Eirgrid (2021) noted that longstop deadlines are the best realisation estimates and considers them as an incentive, a driving force for the progress and realisation of development works. In the cases where longstop deadlines cannot be kept, Eirgrid enters into discussions with the project developer to agree on an individual deadline, i.e., extension of the deadline. This deadline should be contingent upon the respective RESS deadlines[20].

Detected barriers

Curtailment issues for wind plants. Curtailment is a long-lasting barrier to the wind sector. Since Ireland has a small transmission and distribution system, curtailment can reach up to 50% of the total available energy. Technical flexibility should be offered in that field, which is facilitated by the DS3 Programme that will enable more wind electricity exports to the neighbouring UK. Although the transmission grid is able to technically operate at the System Non-Synchronous Penetration (SNSP) limit of 65%-75%, this is not regulated until now. It seems that the administration should try to keep pace with the impressive technology improvements.

In the Single Electricity Market, i.e., the common electricity market of Eire and Northern Ireland curtailment reaches double digits in many cases. As curtailment is also not remunerated, it creates difficulties in the financing of a project. Such unpredictability is also a disincentive for concluding a corporate PPA, as there is a penalty for not providing the foreseen amount of electricity and if curtailment occurs then the wind project cannot provide it. Due to the COVID-2019, electricity consumption decreased, which enabled an increased penetration of renewable energy sources. However, unless there is a coherent grid development, wind deployment will not accelerate (RNP, 2020).

High grid access cost for wind energy. The cost of grid access for wind power plants can amount to more than EUR 300,000 per MWh and can even reach up to EUR 500,000 per MWh. As the wating time for entering the ECP is also long, additional requirements may emerge, thus increasing the aggregated grid access cost.

[20] Until when an RES plant should be in operation in order to receive financial support under the RESS auctions.

Grid access cost in Ireland is one of the highest in the EU. This is basically due to the low population density and consequently to longer km of grid per person. An approach should be implemented so that these grid costs can be passed on to consumers, as the grid connection costs lead to higher energy cost in Ireland that are above the EU average (RNP, 2020).

Lengthy duration of grid access process for onshore wind. Onshore wind energy continues to face a very substantial problem, which is basically associated with the access to the grid. The grid connection of renewable energy installations, especially onshore wind power plants, takes from 7 to 10 years. On the one hand, this is caused by the fact that there is a lack of transmission system development and therefore grid capacity is limited. On the other hand, this situation is further hindered by the lack of public acceptance on a local level. The greatest potential for renewable energy is on the sparsely populated west side of the country, while the majority of the urban population is located on the east side. Consequently, transmission development works are needed to transmit electricity from the east side to the west side, where there is higher energy consumption.

Further problems have emerged during the ECP-1 application in 2018. The renewable energy sector was arguing that once the planning permission is granted, grid connection should also be offered. Under the ECP-1, this was not evident, as many installations that obtained planning permission did not receive it. The same principle is applied to the ECP-2 (RNP,2020). Apart from the standardised procedure defined in ECP, the main problem is the waiting time needed for the inclusion in the ECP and receiving the connection offer. This could take up to 10 years, especially for older projects (MNAG, 2020) that could not secure a grid connection offer under the previous regime, the so-called 'Group Processing Approach' (GPA)[21].

Based on the lessons learnt from the GPA, Eirgrid has added the planning permission as a prerequisite for entering the ECP. In this way, a more linear licencing process is assured. Prior to ECP, plant developers were submitting an application for a grid connection offer without a planning permission. This has created unnecessary delays and congestion of projects that were willing to secure a grid connection offer. More particularly, capacity was reserved for a specific project and it was not known whether this project could be finally realised until it had secured its planning permission (Eirgrid, 2021).

Negative public perception of renewable energy projects (especially onshore wind) at a local level. There have been some negative reactions towards prospective renewable energy investments at the local level. This is mainly the case for large-scale onshore wind parks. More specifically, anti-wind energy groups along with other so-called 'anti-pylon' groups joined forces in order to halt the Grid 25 project, aiming to upgrade the existing transmission system in Ireland and ease the interconnection with Northern Ireland. Even though Irish public opinion towards wind energy is positive, there exists a very strong lobby against wind energy that exploits the 'planning loopholes' in order to stop further development, even when Ireland transposes EU Directives concerning planning. That anti-wind lobby has also the citizen's and political support in some regions. However, serious steps have already been made to overcome this barrier. More specifically, there have been awareness-raising campaigns to inform and engage local communities in wind energy deployment (RNP,2020; RNP, 2020).

[21] GPA was basically a batch approach. There were 3 batches ('Gates'). The final batch, the so-called 'Gate 3', was open for new applications until November 2007, with the first offers made in 2011 (IWEA, 2017).

If, as stated above, certain transmission development works necessitate an additional planning permission, problems may arise due to the so-called liberal objection policy (see barrier 'Authorisation Procedure - Liberal Objection Policy brakes onshore wind deployment). However, there are less appeals on transmission development works than onshore wind projects (Eirgrid, 2021).

Initial grid connection costs and delayed grid connection realisation rates poses a threat to the PV sector. The ECP procedure described above has provided a certain clarity with regard to the grid connection procedure. Nevertheless, there are still crucial grid connection issues. The first one relates to the connection offer by ESB Networks (DSO). Due to the unclear grid connection fees, the estimated cost for the grid connection may rise up to EUR 1.4 million. In that case, the project developer negotiates with the DSO to re-issue the grid connection offer. After negotiation, this sum may be reduced to EUR 200,000- 400,000.

The second issue relates to the prospective realisation date of the grid connection works, which may have a duration of 3 years. Nevertheless, the most important factor here is the correlation between grid connection and securing support under the RESS. Successful applicants to the RESS should complete their works until 2022. However, DSO defines the prospective realisation date one year later. This misalignment can render projects unsustainable, because it is possible that the support will be lost. DSO argues that every application is examined separately to ensure certainty. This, however, can minimise the PV sector which is at the beginning of its development. Currently, PV projects totalling 7 GW are in the pipeline: apart from the successful projects under the RESS auction, there are 2.1GW of projects with grid and planning (can compete to the forthcoming RESS-2 auction), 2.3GW, with planning, connection rights or in planning stage and minimum 2GW in a growing pipeline on an early-stage (ISEA, 2021).

Identified good practice

No good practice related to this process step was identified

2.1.6.Corporate legal fiscal

Process flow

This process step concerns primarily commercial rates for the existing onshore wind energy projects.

In Ireland, commercial, industrial and some other non-domestic properties are subject to commercial rates. Commercial rates are paid annually for the general provision of services of local authorities and are adjusted every five to ten years. This process is called 'Revaluation' (sec. 19 Valuation Act; O'Neill&Co, n.d.).

'Revaluation' process has initiated centrally by the Valuation Office and is carried out for each local authority i.e., county separately. In general, the Valuation Office defines it as 'all rateable properties in a local authority area are valued periodically, and at the same time, by reference to a single valuation date' (Valuation Office, 2019). Therefore, every local authority should amend and update periodically its commercial rates, i.e., levies on commercial properties with the assistance of the Valuation Office.

The 'Revaluation' process has been concluded in most of the counties until 2019 and it is expected to be concluded for all counties in 2022 (Valuation Office, 2021).

Deadlines

With regard to Revaluation, the process should be repeated every 5 to 10 years (sec. 25 Valuation Act).

Detected barriers

Increase of commercial property rates for onshore wind projects. The taxing regime is considered a crucial barrier due to the fact that commercial property tax rates have increased. The Valuation Office, which is in charge of commercial property tax rates, initiated a revaluation process in 2016 that has led to an increase in the tax rates in 2019. Commercial property tax rates have increased by up to 200-300% thus creating an additional cost for the development of wind projects. The result was that the tax rate for wind power was doubled in some counties and tripled and even quadrupled in other counties.

This puts ongoing wind power plants under the feed-in tariff (FiT) scheme in extreme danger as the increase was introduced after their installation and the beginning of their operation. In contrast, the property tax rates for fossil fuel plants sites decreased by 50%. The wind energy sector went to the High court to challenge the current valuation approach. They argue that this increase in the tax rate is an indirect subsidy to fossil fuels as it raises the cost of renewable energy sources. The litigation is still ongoing. In addition, the Irish wind energy stakeholders addressed the issue to the European Commission (EC). Their main argument is that the property tax is a retroactive measure and should be seen as an indirect 'state aid' to fossil fuels (i.e., environmentally harmful subsidy). The EC did not act against it and this is why Irish wind energy stakeholders have gone to the European Court of Justice (ECJ) against the EC. It is estimated that the extra cost to the entire wind industry due to the increase of the property tax amounts to EUR 40 million and is still increasing.

The raise in the commercial property tax has considerably increased the operational cost of small wind farms in particular (RNP, 2020).

Identified good practice

No good practice related to this process step was identified.

2.1.7.Other

Process flow

For onshore wind and ground-mounted PV, the Authorisation to Construct a Generating Station is required. This license is issued by the Commission of Regulation of Utilities (CRU; ERA 1999).

For the Authorisation to Construct or Reconstruct a Generating Station the following process is followed. First, the CRU holds a pre-application meeting with the project developer. Once the project developer has submitted the application and paid the appropriate fee[22], CRU confims the receipt of the application and the completeness of the application will be checked. The application file contains the application form, the proof that application fee was paid, financial information (the type of information needed depends whether the plant has received support from RESS), location of generating

[22] Fees vary between EUR 35 (for plants with an installed capacity from 1 MW to 5 MW) and EUR 19,905 (for plants with an installed capacity greater than 500 MW).

station, planning information, connection agreement and for plants above 40 MW – a construction timeline (CRU, 2020b). CRU assess whether the documents provided are adequate according to administrative, technical, environmental and financial criteria and issues its positive or negative decision.

Plants below 1 MW are exempt from the Authorisation to Construct or Reconstruct a Generating Station (S.I. No. 383/2008).

An almost identical process is followed for the issue of the Licence to Generate Electricity (CRU,2020a). There are differences regarding the fees paid to CRU[23] and instead of a construction timeline, all plants should submit technical information on the civil engineer/ company in charge of the project (CRU,2020a).

CRU offers the possibility of submitting a single application for both licenses.

Deadlines

For the Authorisation to Construct or Reconstruct a Generating Station the following deadlines apply (CRU, 2020b):

- Application receipt confirmation: Within 1 week of receiving application.
- Completeness check: The CRU examines the completeness of the application within 2 weeks of receiving application.
- Assessment application: The CRU examines the applications within 6 weeks from the moment when the application is considered complete. Applications for plants above 40 MW or single applications are evaluated within 10 weeks.
- CRU decision: The CRU makes a decision on the application within 3 weeks following the completeness check.

If the CRU has not received a response from the applicant to the request for additional information for a period of 2 months, the issue of the CRU's decision will be suspended until an appropriate response is received. If there is no response for a period of 4 months, the application will no longer be considered.

Detected barriers

No barriers related to this process step were identified.

Identified good practice

No good practice related to this process step was identified.

3. Use of IT systems

An IEA portal[24] is established in Ireland (sec. 172A and B Planning and Development Act in conjunction with art. 97 Planning and Development Regulations). The EIA portal is designed as an additional tool to the notice of application to inform the public, in a timely manner, of all EIA applications. The EIA portal contains a link to the competent

[23] Fees vary between EUR 35 (for plants with an installed capacity from 1 MW to 5 MW) and EUR 3.980 (for plants with an installed capacity greater than 500 MW).

[24] https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1

authority's website where detailed information regarding the application is to be found (DHPLG, 2018).

4. Complaint procedure

Planning permission

Any interested party can submit an appeal against the planning application decision[25] to An Bord Pleanála within 4 weeks after the planning authority's decision (sec. 37 Planning and Development Act).

SID planning

The decision of An Bord Pleanála can be challenged by any interested party before the High Court within 8 weeks (sec. 50 Planning and Development Act). The project developer or any third party may submit an appeal against the issue/ refusal of a planning permission to An Bord Pleanála. An Bord Pleanála will then review either the entire decision of the planning authority or only certain provisions in the decision taken. In addition, An Bord Pleanála's decision may be challenged in the High Court. However, the High Court can only examine if the decision-making procedure was in line with the relevant procedural legislation and will not examine the content of the planning decision (MNAG 2021).

License to Generate Electricity and the Authorisation to Construct a Generating Station

With regard to the *License to Generate Electricity* and the *Authorisation to Construct a Generating Station* the project developer may appeal the CRU's decision to the Minister for Communications, Energy and Natural Resources within 28 days from the issue of the CRU's Decision. An 'Appeal Panel' should be established, consisting of three members appointed by the Minister for Communications, Energy and Natural Resources. The 'Appeal Panel' can confirm the decision of the Commission or may request the Commission to modify the licence (sec. 29-30 ERA 1999). If the project developer is not satisfied with the result, an application for judicial review under Order 84 of the Rules of the Superior Courts can be submitted (S.I. No. 15 of 1986). This includes an appeal to the High Court and if needed to the Supreme Court (S.I. No. 15 of 1986).

'Revaluation' Commercial Rates

If dissatisfied with the updated valuation of the property, the project developer has the right to make a representation (S.29 Valuation Act). Furthermore, the project developer has the right to appeal to the Valuation Tribunal (S.34 Valuation Act), while further appeals are foreseen for higher instances (High Court and Supreme Court; S. 39 Valuation Act).

5. Specific features to ease administrative procedure

Table 2 below provides information on the existing specific features to ease administrative procedures in the Republic of Ireland.

Table 2: Specific features to ease administrative procedures

Specific feature	Existing	Short description
Simultaneous procedures	yes	This applies to offshore wind projects (especially for the older projects and the projects that are

[25] Appeal on planning permission concerns not only the construction of the installation, but to also the transmission works needed.

		expected to start the licensing process as soon as possible). Onshore wind projects often initiate the planning permission application along with the grid connection procedure.
National contact points and one-stop-shops	no	
Application of 2+1 and 1+1 rules	no	
Simple notification procedure	yes	For rooftop PV and onshore wind >11 kW, CER/09/033 is applied. This Decision Paper introduces a straight-forward, simple notification for grid connection process under the micro-generation scheme[26]. In January 2021, The Department of Communications, Climate Action and the Environment (DCCAE) launched a public consultation on a new micro-generation scheme for residential users. The new scheme expects to expand the capacity from 11kW to 50 kW. For that reason, CRU reviews the grid connection process for PV and wind from 11 kW to 50 kW and is expected to offer a simple notification process, as in the case of plants >11 kW[27].
Pre-planning	no	
Pre-application consultation	yes	Pre-application consultation is a substantial part of the licensing process in Ireland. Pre-application consultations define the necessity to conduct and the content of an EIA Report and/or NIS. Community consultation is currently not foreseen. However, it is strongly recommended to engage local community in the very beginning of the project implementation. In any case, the new draft Wind Energy Development Guidelines contain an obligation for community engagement and participation.
Project acceptance measures	yes	The draft Wind Energy Development Guidelines foresee certain measures of project acceptance (DHLGH, 2019): • Obligation for public communication. Project developers are obliged to engage in consultations with the local community, before applying for planning permission; • Preparation of a Community report. The report should set out how the project development will affect the local community and how local community participation will be assured throughout the whole lifetime of the project; • Establishment of a 'Community Benefit Fund'. The Fund will be supported from renewable electricity produced by installations under the RESS scheme (auctions) (EUR 2/MWh); • Promoting Community Ownership. This can be achieved by creating a separate group of projects (the so-called 'community-led' projects) that participate in the RESS auctions.

[26] https://www.esbnetworks.ie/new-connections/generator-connections/connect-a-micro-generator
[27] https://www.gov.ie/en/consultation/0ada2-public-consultation-on-a-micro-generation-support-scheme-mss-in-ireland/

		These are fairly new measures and remains to be seen if they are effective.
Measures to streamline litigation by third parties	no	An Bord Pleanála discusses the reform of the appeal process, which aims at making the appeal process more challenging for third parties, as currently nearly everyone can appeal against a planning permission (WEA, 2021).
Other	no	

6. Indicators to measure the performance of the overall process

Table 3 below provides information on the indicators to measure the performance of the overall administrative and grid connection process in the Republic of Ireland.

Table 3: Performance indicators to assess administrative and grid connection processes

Performance indicator	Description
Average response time by the competent authorities and TSO/DSO for grid connection procedures	For ground-mounted PV, the ECP-2 timetable sets deadlines for the response from the TSO/ DSO. Based on the previous ECP round of 2018 (ECP-1) a response regarding the preliminary grid connection offer will be made within 90 days from the date of the submission deadline for a grid connection offer.
Process duration	For onshore winds, project duration is estimated as follows (IWEA, 2020b): • Planning application preparation (2-3 years) • Planning decision (1-2 years+) • Grid offer (3 years+) • Planning for grid connection (2 years+) • Deep reinforcements (0-10 years+) • Construction (2-3 years). IWEA (2020b) also provides additional information on process duration for onshore wind: • Planning application (local): 142 days (20.75 weeks) • Planning applications (SID): 44 weeks • Grid offer: 12 months • Grid connection planning: 0-8 years • Non-contestable grid: 18 months. Especially for onshore wind, three cases based on the current experience have been identified with regard to planning application (PHR, 2021): • Best case: 12 weeks (no request for further information and no appeal); • Medium case: 32 weeks (request for further information with no appeal) • Likely case: 52 weeks+ (request for further information with appeal and judicial review) The average processing time of planning application for onshore wind energy projects at An Bord Pleanála was 66 weeks between

	2017 and 2019, with the longest case taking 107 weeks from the date of the submission (PHR, 2021). For new 'Enduring' offshore wind projects (IWEA, 2020a): • Planning permission: up to 3 years • Grid connection: up to 3 years. In addition, parallel grid reinforcement works (single project) may take up to 8 years. For PV, the expected process duration as follows (ISEA, 2021): • Site selection/ Planning application: 3-6 months +3 months if additional information is required (a possible appeal to An Bord Pleanala may add up to one year) • Grid connection: up to 3 years. For onshore and offshore, the main problem is to get into the line for a grid connection offer and finally receive a grid connection offer under the ECP (max. 10 years especially for older projects). After that, the process is more or less straightforward (MNAG, 2021).
Project approval rates	For onshore wind, project success rates are estimated as follows (IWEA, 2020b): • Pre-planning attrition rate: 33% (i.e., success rate of 77%) • Planning application (local): 80% • Planning applications (SID): 38 weeks • Grid connection (need for additional planning for grid connection works): 70% • For new 'Enduring' offshore wind projects, planning success rate is estimated at 60% (IWEA, 2020a). For PV the approval rates by planning authorities and An Bord Pleanála range at about 90% (PHR, 2021). However, due to the number of projects in the pipeline, this percentage may decrease (ISEA, 2021). According to Eirgrid (2021) the project approval rate of onshore wind and ground-mounted PV at the grid connection stage is 90%. Under the latest ECP-2 procedure, only few project developers withdrew their applications. One reason for that concerned existing projects that have already secured a grid connection offer in the ECP-1. After they have been selected in the ECP-2, they finally chose to stick to the original grid connection offer. Another reason concerned projects that could not be realised due to grid congestion. Finally, there was also one case, where the project developer withdrew the application to provide grid capacity for other projects. It should be noted that the applications withdrew prior to Eirgrid's initial grid connection offer.
Costs of administrative processes	The estimated aggregate cost (total cost per MW) for onshore wind may vary between EUR 80/MWh (based on the previous feed-in tariff scheme) and EUR 100/MWh (under the new RESS and if all unfavourable policy changes are implemented). However, it could be decreased to EUR 40/ MWh (IWEA, 2020c). For ground-mounted PV, planning application costs range between EUR 50,000 and 100,000 (ISEA, 2021). In general, planning application fees for onshore wind and ground-mounted PV are as follows:

	• Planning application (local planning authority): EUR 80 • An Bord Pleanala – Appeal: EUR 3,000 – Appeal (other parties): EUR 220 – Observation, i.e., expressing comment on the appeal: EUR 50 EIA Report scoping: EUR 5,000 and EUR 1,500 for the submission SID: Pre-application costs EUR 4,500; SID Application costs EUR 100,000 and Observation costs EUR 50. Grid connection application fees are as follows (Eirgrid &ESB Networks,2020): • ≤11kW: 0 EUR • 11 kW ≤ 50 kW: EUR 780 • >50kW ≤ 500kW: EUR 1,591 • >500 KW≤ 1 MW: EUR 9,037 • >1 MW≤ 4 MW: EUR 18,512 • >4MW≤ 10MW: EUR 18,732+ EUR 18,732 (shallow works) • >10MW≤ 20MW: EUR 33,791+EUR 35,260 (shallow works) • 20 MW ≤ 100MW: EUR 48,535 +EUR 40,402 (shallow works) 100 MW: EUR 51,983+EUR 45,966(shallow works)
Share of permits that are legally challenged	In general, decisions issued by local authorities and An Bord Pleanála in relation to onshore wind energy projects are more likely to be challenged and judicially reviewed, whereas in the case of solar power projects, judicial review of decisions is less likely (PHR, 2021).
Share of legal challenges that are overruled	
Stakeholder interests	The pre-application consultation is an integral part of the licensing process for renewable energy installations in Ireland. They define the need and content of an EIA Report and/or NIS. Community consultation is not envisaged, but it is strongly recommended that the local community be involved in the project as early as possible (IWEA, 2020b). Stakeholders' opinions are also considered in the planning application process. It has been criticised by RES associations that certain stakeholders are over-using this power. On the local planning authority level, the appeal process is very simple and this is another factor why stakeholder engagement can hinder the realisation of certain projects (ISEA, 2021).

References

Commission for Regulation of Utilities (CRU), 2020a. Guidance Notes: Applying for a Licence to Generate Electricity. Available at:<https://www.cru.ie/wp-content/uploads/2020/07/200113-Guidance-Notes-Licence-to-Generate-July-2020.docx> [Accessed 16 January 2021].

CRU, 2020b. Guidance Notes: Applying for an Authorisation to Construct or Reconstruct a Generating Station. Available at:<https://www.cru.ie/wp-content/uploads/2020/07/200113-Guidance-Notes-Authorisation-to-Construct-July-2020.docx > [Accessed 16 January 2021].

CRU, 2020c. ECP-2 Decision. Available at:< https://www.cru.ie/wp-content/uploads/2020/06/CRU20060-ECP-2-Decision.pdf> [Accessed 16 January 2021].

DEHLG, 2009. Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Available at:<https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf > [Accessed 16 January 2021].

Department of Housing, Local Government and Heritage (DHLGH), 2019. Draft Revised Wind Energy Development Guidelines December 2019. Available at: <https://www.gov.ie/en/publication/9d0f66-draft-revised-wind-energy-development-guidelines-december-2019/ > [Accessed 16 January 2021].

Department of the Environment, Heritage and Local Government (DEHLG), 2006. Wind Energy Planning Guidelines 2006. Available at:<https://www.opr.ie/wp-content/uploads/2019/08/2006-Wind-Energy-Development-1.pdf > [Accessed 16 January 2021].

DHLGH, 2018 . Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment. Available at:<https://www.opr.ie/wp-content/uploads/2019/08/2018-Environmental-Impact-Assessment-1.pdf > [Accessed 16 January 2021].

Eirgrid & ESB Networks, 2020. ECP-2 Decision Ruleset. Available at:<https://www.eirgridgroup.com/site-files/library/EirGrid/ECP-2-Ruleset-Final.pdf> [Accessed 16 January 2021].

Eurostat, 2020. SHARES summary results 2019. Available at: <https://ec.europa.eu/eurostat/web/energy/data/shares> [Accessed 07 February 2021].

Irish Planning Institute, 2014. Irish Planning Institute Survey of the Planning Profession 2014/2015. Available at:< https://www.opr.ie/wp-content/uploads/2019/11/ipi_survey_2015_report_web.pdf > [Accessed 04 February 2021].

Irish Wind Energy Association (IWEA. 2020a). Building Offshore Wind: 70 by 30 Implementation Plan 12/2020. Available at:< https://www.iwea.com/images/files/20201203-final-iwea-building-offshore-wind-report.pdf> [Accessed 16 January 2021].

IWEA, 2012. Best Practice Guidelines for the Irish Wind Energy Industry. Available at:<https://iwea.com/images/files/9660bdfb5a4f1d276f41ae9ab54e991bb600b7.pdf > [Accessed 16 January 2021].

IWEA, 2017. Proposed Short Term Reform of Grid Access. Available at:< https://www.crf.ie/wp-content/uploads/2017/09/CER17255-Generator-

Connections-LG-Meeting-No-45-IWEA-Proposed-Short-Term-Reform-of-Grid-Access.pdf > [Accessed 16 February 2021].

IWEA. 2020b. Building Onshore Wind: 70 by 30 Implementation Plan. Available at:< https://www.iwea.com/images/files/iwea-building-onshore-wind-report-lr.pdf> [Accessed 16 January 2021].

IWEA. 2020c. Saving Money: 70 by 30 Implementation Plan. Available at:<https://www.iwea.com/images/files/final-iwea-70by30-saving-money-report-may-2020.pdf> [Accessed 16 January 2021].

O'Neill&Co, n.d. Commercial Rates Revaluation. Available at: <https://oneillandco.ie/commercial-rates-revaluation/> [Accessed 16 January 2021].

PHR, 2021. Panacea Research Planning Database. Available at:< https://www.phr.ie/ > [Accessed 04 February 2021].

Republic of Ireland, 2020: Ireland's Integrated National Energy and Climate Plan. Available at: < https://www.gov.ie/en/publication/0015c-irelands-national-energy-climate-plan-2021-2030/> [Accessed 07 February 2021].

Valuation Office, 2019. Revaluation FAQs. Available at: <https://www.valoff.ie/en/revaluation/revaluation-faq/> [Accessed 18 February 2021].

Interviews

Eirgrid, 2021. Eirgrid Representatives. Interviewed on 12 February /02/2021.

Irish Wind Farmer's Association (MNAG), 2021: Grattan Healy. Interviewed on 03 February /02/2021.

Irish Solar Energy Association-ISEA: Conall Bolger. Interviewed on 29 January /01/2021.

RNP, 2020. Renewables Networking Platform.

Wind Energy Ireland (WEA- former IWEA), 2021. Bobby Smith. Interviewed on 06 February /02/2021.

Legislation

Planning and Development Act 2000.

Planning and Development Regulations 2001 – 2020.

MPDM Bill-Marine Planning and Development Management Bill.

Foreshore Act 1933.

S.I. No. 383/2008- Electricity Regulation Act 1999 (Section 16(3A)) Order 2008.

ERA 1999-Electricity Regulation Act 1999.

S.I. No. 15 of 1986-The Rules of the Superior Courts.

Valuation Act 2001.