SUSTAINABLE ENERGY AUTHORITY OF IRELAND

Rialtas na hÉireann
Government of Ireland

Anaerobic Digestion (AD)

Manual of Consenting Procedures

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Disclaimer

Sustainable Energy Authority of Ireland

SEAI is Ireland's national energy authority investing in, and delivering, appropriate, effective and sustainable solutions to help Ireland's transition to a clean energy future. We work with the public, businesses, communities and the Government to achieve this, through expertise, funding, educational programmes, policy advice, research and the development of new technologies.

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Abbreviations

Abbreviation	Definitions
AA	Appropriate Assessment
AD	Anaerobic Digestion
ARCs	Activities Requiring Consent
BCMS	Building Control Management System
CEG	Clean Export Guarantee
CEMP	Construction and Environmental Management Plan
CHP	Combined Heat and Power
CIÉ	Córas Iompair Éireann
CO_2	Carbon Dioxide
COR	Certificate of Registration
CRU	Commission for Regulation of Utilities
DAFM	Department of Agriculture, Food and The Marine
DSO	Distribution System Operator
DUoS	Distribution Use of System
EAFRD	European Agricultural Fund for Rural Development
EC	European Commission
ECP	Enduring Connection Policy
EIA	Environmental Impact Assessment
ELS	Export Limiting Scheme
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
EU	European Union
GEP	Good Ecological Potential
GES	Good Ecological Status
GNI	Gas Network Irelands
GWh	Gigawatt Hours
H2S	Hydrogen Sulphide
IPC	Integrated Pollution Control
IPPC	Integrated Pollution Prevention & Control
IROPI	Imperative Reasons of Overriding Public Interest
IRR	Internal Rate of Return
kVA	Kilo-Volt-Amperes
kW	Kilo Watt
LFL	Limited Felling Licence
LV	Low Voltage
m	Meters
MEC	Maximum Export Capacity
MIC	Maximum Import Capacity
MV	Medium Voltage
MW	Mega Watt
NBCO	National Building Control And Market Surveillance Office's
NC	New Connection (Application Form)
NC5	New Generator Connection Application
NH3	Ammonia
NHAs	Natural Heritage Areas

Abbreviation	Definitions
NIS	Natura Impact Statement
NPF	National Planning Framework
NPWS	National Parks And Wildlife Service
OPW	Office of Public Works
pSAC	Proposed Special Area of Conservation
pSPA	Proposed Special Protected Area
REFIT	Renewable Energy Feed-In Tariff
RESS	Renewable Energy Support Scheme
RSA	Road Safety Authority
SAC	Special Area of Conservation
SEAI	Sustainable Energy Authority Ireland
SEM	Single Electricity Market
SI	Statutory Instrument
SPA	Special Protected Area
SSRH	Support Scheme For Renewable Heat
TPO	Tree Preservation Order
TSO	Transmission System Operator
TUoS	Transmission Use of System
V	Volts
VAT	Value Added Tax
WFD	Water Framework Directive

1 Introduction

1.1 Purpose of this Guide

SEAI is the Single Point of Contact for guidance on the licensing and permitting requirements for renewable energy projects in Ireland. The aim of the initiative is to make it easier to find out what licences and permits may be required during the different stages of your Anaerobic Digestion (AD) project. As part of this initiative, SEAI has produced an online tool. The online Licence and Permit finder tool is located at Renewable Energy Consenting | Single Point of Contact | SEAI. It allows you to search for licences and permits that may be required for your project at relevant stages of development.

This guide has been produced to accompany the *SEAI Single Point of Contact Renewable Energy* online tool. It provides a more detailed overview of specific technological, legislative, and regulatory requirements in relation to the development of an AD project in Ireland. This guide provides guidance and assists users in identifying the applicable consents and licences that may be required for the design and construction phase, operations and maintenance phase, and end-of-life procedures for AD projects. It is important to note that SEAI has no decision-making role in the consenting process but is available to provide guidance and support in navigating and understanding it.

1.2 An Introduction to Anaerobic Digestion

In the dynamic landscape of sustainable waste management and renewable energy generation in Ireland, anaerobic digesters have emerged as innovative solutions that offer both environmental benefits and energy production. Rooted in the principles of harnessing organic waste, these digesters utilise a natural process to break down organic matter in the absence of oxygen, converting it into biogas—a valuable source of renewable energy. In the Irish context, where agricultural practices and waste management are intertwined, anaerobic digesters hold significant potential to address organic waste challenges while contributing to Ireland's transition to a more sustainable energy future.

The concept of AD involves creating controlled (oxygen-free) environments where microorganisms thrive, breaking down organic materials such as agricultural residues, food waste, and sewage sludge to produce methane-rich gas and digested material. By capturing and utilising this biogas, anaerobic digesters not only reduce methane emissions but also generate a renewable energy source that can be harnessed for electricity/biogas generation and heat production. Furthermore, AD aligns with Ireland's commitment to waste reduction and the circular economy. By converting organic waste into valuable resources—biogas and nutrient-rich digestate used as fertilisers and soil conditioner—the country moves closer to achieving waste management goals and minimising the environmental impact of waste disposal. High-purity CO_2 may also be recovered as this is stripped out of the biogas during the upgrading process to produce biomethane using a refining process. This high-purity CO_2 may be recovered as a valuable by-product in pressurised and transportable gas cylinders to be used in various applications, such as in the food and drink industry, where it is economically viable.

In the Irish context, anaerobic digesters offer multifaceted advantages. The nation's agriculture sector produces substantial amounts of organic waste. Anaerobic digesters provide an avenue to manage these waste streams sustainably, minimising their environmental impact while simultaneously generating renewable energy, which could potentially become a valuable and diversified source of income for the agricultural industry. Additionally, the biogas produced can be utilised for on-farm energy needs or injected into the national gas grid, diversifying Ireland's energy sources and reducing dependency on fossil fuels.

Similar to other renewable energy technologies, AD projects can vary significantly in scale and output, which necessitates a tailored regulatory consenting process. Larger commercial AD facilities may face a more intricate consenting journey compared to smaller installations.

Despite the considerable benefits, the implementation of anaerobic digesters comes with challenges. Technological considerations, operational efficiency, and the need for proper waste feedstock management

require meticulous planning. Ensuring that these digesters are integrated into existing agricultural and waste management practices while adhering to environmental regulations is a priority for Irish stakeholders and any parties seeking to undertake the development of an AD facility.

As advancements in AD continue to evolve, its significance in the global energy landscape is increasingly recognised. Governments, industries, and environmental organisations are acknowledging the potential of to deliver reliable, efficient, and less environmentally impactful energy solutions. By diversifying energy sources and optimising resource utilisation, AD contributes to a more sustainable energy future, enhancing energy security and reducing carbon emissions for the benefit of consumers and the State as a whole.

It is important to note that an anaerobic digester is unlikely to be pursued on its own and is usually accompanied by other infrastructure to either consume or refine the produced gas. This may include a Combined Heat and Power (CHP) plant. Please consult other relevant Technology Specific Manuals where applicable.

Additionally, it is also important to note that SEAI has no decision-making role within the consenting process itself, but is available to provide guidance and support in navigating and understanding the consenting process.

1.3 Anaerobic Digestion (AD) Project Stages

The life cycle of an AD project has several phases.

Initial assessments are carried out during the feasibility phase to determine the project's viability. This can also provide insight into which permits/licences will be required, as these can vary based on project type and specific location. The planning and permitting phases, as well as the pre-construction phase, are where licences/permits and any relevant advance requirements are determined for the project. These phases can overlap and occur simultaneously. The successful completion of the project is followed by commissioning, during which final tests are conducted.

Licences or permits may be required during the project's operation to ensure continuous maintenance is permitted. Finally, decommissioning a project will also require licensing/permitting, depending on whether the project will be removed, extended, or replaced. The following sections of this manual outline each phase of the life cycle, including relevant permits, licences, regulatory requirements, and schemes associated with each phase.

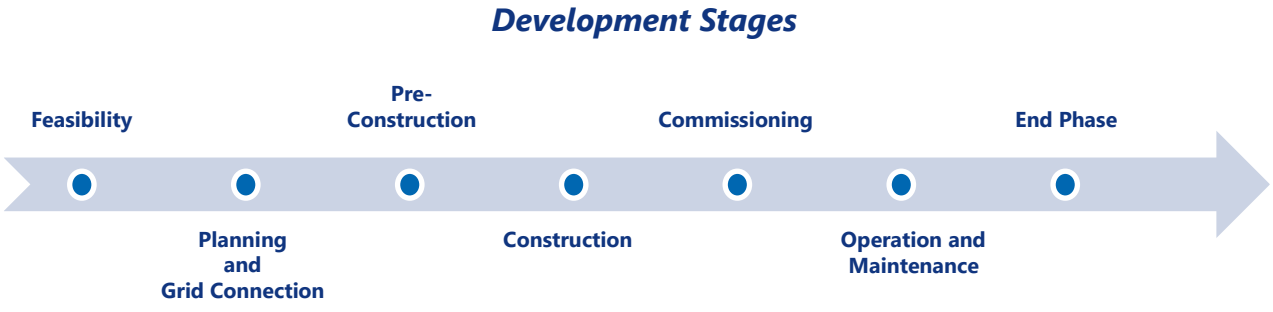

Figure 1: AD Project - General Development Stages

2 Design and Construction Phase

2.1 Site Selection and Feasibility

The first phase of an AD project is feasibility and design. Many of these considerations can be assisted by your contractor; however, before selecting a contractor, it is best to have an idea of the size of the AD installation you require. AD can be implemented using different configurations and feedstock types, including biomass and waste materials.

For your convenience, the SEAI also facilitates One Stop Shops for AD installation, which will cover required assessments for grants, grant applications, and contractor works. More information about One Stop Shops can be found here.

Information related to larger commercial AD projects is detailed below.

2.2 Commercial Feasibility

The design phase of an AD project will be guided primarily by the type of feedstock available and the available site. It is also worth considering the outcome that is desired from an AD installation, as the biogas produced can be used for heating purposes, electricity generation or a combination of the two (Combination Heat and Power Facility – CHP), which is typically the most common, seeing the gas combusted driving a generation plant, while capturing 'waste' heat for later use. Anaerobic digesters generally require the feedstock to be heated to accelerate the process, and thus the heat from the CHP can be used for this, enhancing efficiency, or used to heat other buildings on-site or for industrial applications. Financial viability assessments are likely to take place initially in order to assess the investment potential of the project. These studies may be used as a basis to gain the additional funding to carry out any early engineering or environmental surveys that may assist in understanding the technical and environmental feasibility of the project.

Once a potentially suitable site has been identified, appropriate feasibility studies should be undertaken. You will need to identify the relevant professional advisory team to support you in conducting feasibility studies.

The following points are, therefore, potential guidelines only when examining the feasibility of a selected site. Depending on the type of project you are seeking to construct, feasibility considerations may differ:

- Site potential;
- Capital expenditure;
- Potential revenue generation;
- Available funding;
- Emissions considerations;
- Syngas demand;
- Syngas refinement opportunities;
- Feedstock availability and logistics;
- Access to infrastructure such as grid connections, appropriate road access, gas network (if required), etc.; and
- Key risks, including consenting risks.

Local Authorities may also have published information on the construction of AD developments in the area, which may impact planning decisions or serve as helpful guidance. Generally, a multidisciplinary team will be best placed to guide feasibility studies across various fields, including planning, engineering, financial consultants, and developers.

The outcome of feasibility assessments will help determine the necessary licences/permits for your project; therefore, it is important to consider your project's specific assessment needs to ensure preparation for the planning and permitting phases.

Developing a project plan that maps out all the stages needed to realise your project, moving toward design, is important. A consent plan will be an essential tool in understanding the potential timelines, project milestones, and stages whereby permissions are required to proceed with various elements of your project, allowing you to plan accordingly.

It is then important to develop a project plan that maps out all the stages needed to realise your project, moving toward design.

2.3 Constraints Identification

A constraint identification and mapping exercise is a useful method for identifying and visually presenting constraints that may exist for a specific site. This can show existing infrastructure and features, such as sensitive areas and houses, etc. This will enable an AD to visually identify specific constraints, rank them, and facilitate better siting of project infrastructure.

2.4 Routes to Market for Sale of Electricity

There are a number of options to consider when exploring potential avenues for selling electricity generated from a commercial AD project. The financial feasibility of an AD project is a critical factor in determining whether to proceed with the initiative, whether it is a commercial venture or a community – based effort. An initial financial assessment should be conducted to compare various AD system options with other potential technologies, aiming to establish a provisional commercial case for AD. It is advisable that this assessment covers the entire lifespan of the AD system, typically projected over a 20-year period. Techniques such as calculating the internal rate of return (IRR) and the simple payback period can be employed to evaluate the project's viability.

The financial feasibility assessment should encompass the following key considerations:

- **Capital Costs:** These costs can be identified through analysis of similar installations, benchmark figures, or discussions with equipment suppliers and contractors. It is essential to account for all initial expenditures, including construction, equipment procurement, and installation.
- **Maintenance Costs:** Ongoing maintenance expenses must be factored in, which include regular servicing, allowances for equipment breakdowns and spare parts, as well as routine tasks such as cleaning, ash removal, and addressing any operational issues.
- **Feedstock Costs:** These costs should be determined through discussions with feedstock suppliers, with quantities estimated based on the site's energy demands and the AD system's efficiencies. Understanding the pricing structure and availability of feedstock is crucial for accurate budgeting.
- **Savings and Income Streams:** Potential savings and revenue sources should be identified, including:
  - Feedstock Cost Savings: Derived from the existing fuel displaced, which can be established from historical fuel invoices.
  - Government Incentive Payments: Any applicable subsidies or incentives for renewable energy projects should be considered.
  - Value of Heat Sales and Electricity Exports: Revenue generated from selling heat and electricity produced by the AD system.

2.4.1 Clean Export Guarantee

The Clean Export Guarantee (CEG) tariff provides an opportunity for micro- and small-scale generators in Ireland to receive payment from their electricity supplier for all excess renewable electricity they export to the

grid. This remuneration is intended to reflect the wholesale market value of the electricity.

For further information, please visit the CRU website at the following link: https://www.cru.ie/consumer-information/microgeneration/

2.4.2 Project Financing

There are several government supports and schemes available for AD projects that are underpinned by the European Commission's REPowerEU plan, launched in May 2022, particularly those that may facilitate AD projects in Ireland, such as the following:

- Renewable Electricity Support Scheme: Provides support for renewable energy projects, including AD;
- Support Scheme for Renewable Heat (SSRH): this scheme is open to commercial, industrial, agricultural, district heating, public sector and other non–domestic heat users;
- European Agricultural Fund for Rural Development (EAFRD): This fund supports rural development initiatives, including projects that promote sustainable farming practices and renewable energy production;
- Biomethane Strategy; and
- Biomethane Capital Grant Scheme.

2.5 Enabling Tasks

After a potential project and site pass feasibility screening, enabling tasks must be undertaken to transition toward the planning and pre-construction phases. These tasks include:

- Land lease options/Purchasing;
- Options to access the site;
- Community engagement; and
- On-site sunlight monitoring.

Some of these may take place in conjunction with the planning phase.

It is important to consider the need for community engagement early in the process. New renewable energy developments, especially those located near residential areas, often raise concerns from residents for several reasons, including concerns about the impact on visual amenity, conservation, and issues such as glint and glare. There may be valid concerns from residents that can be addressed early in the process, which can help avoid negative community interaction later on and foster community buy-in, including involving the community in the process before any statutory requirements are met. This early engagement has been shown to improve the acceptance of renewable energy developments in the surrounding area. Identifying key public stakeholders and community leaders is an important task to undertake as early as practicable.

2.6 Design Stage

For larger-scale projects, following the kick-off and feasibility stages, you may move on to the design phase of the project. Depending on the scale, specific surveys may be necessary to inform the design process. You may need to undertake an Environmental Impact Assessment (EIA), which involves conducting a range of environmental studies to inform the project design in accordance with relevant environmental regulations.

The design of an anaerobic digester should be guided by best practices and identify the main system components, technical specifications, size, and rating of equipment, the location and layout of all facilities, and any new buildings that may be required, including site access and traffic considerations. Local authorities may have guidance also; however, this is more uncommon.

Prior to undertaking these studies, you may need to apply for certain licences and permits based on the specifics of your chosen site and the project you are proposing, such as environmental derogation licences, ecological consents, etc. The project is then designed by your technical team, following relevant planning regulations and other environmental regulations, and you can then review the financial viability of the project based on that design.

If you are applying for any government support incentives, it is important to consider any technical requirements that may need to be incorporated into the design. Similarly, it is important to consider any implications of any design changes to existing operational licences, such as any relevant IPC Licence or Greenhouse Gas Permit.

2.7 Policy and Legislation

A crucial aspect of any renewable energy project is to understand the relevant EU, national, regional, and local planning policies and legislation that underpin a project's development. Some of the key policy and legislation documents that will need to be considered are set out below.

European Legislation and Policy:

- 2030 EU Climate and Energy Framework
- European Green Deal
- Renewable Energy Directive 2018/2001/EU
- EU Fit for 55 Package

National Legislation:

- Planning and Development Act 2000, as amended
- National Planning and Development Policy
- National Planning Framework (NPF)
- Climate Action Plans

Relevant Regional and Local Planning and Development Policies and Strategies:

- Regional Spatial and Economic Strategies
- County Development Plans

It is crucial to clearly demonstrate how a proposed project aligns with the relevant policies. Your planning and environmental advisors can provide guidance on all applicable legislation and policies relevant to your project.

2.8 Community Engagement

It is important to consider the need for quality community engagement early in the design and planning process.

New renewable energy source developments, particularly those situated near residential areas, often raise concerns among residents. Common concerns generally relate to noise, visual, and environmental impacts.

It is recommended that these concerns be addressed early in the process, as this can help to avoid negative community interaction at a later stage and foster community acceptance. Identifying key public stakeholders and community leaders is an important task to undertake as early as practicable. This early engagement has been shown to improve the acceptance of renewable energy projects.

2.9 Planning and Environmental Assessments

When applying for planning permission for your project, the Planning Authority or your technical advisors should be able to provide guidance on the assessments that may be required to support your planning application. This will be dependent on the nature, extent, and location of your project.

Larger projects will likely require a full Environmental Impact Assessment Report (EIAR). This will be discussed further in the following sections. Smaller projects that do not meet the EIA threshold criteria may still require additional assessments and reports to be submitted in support of your planning application.

The typical environmental assessments required for AD projects are listed below. Please note this is not an exhaustive list, and further consultation with the Planning Authority and project-specific scoping with your technical advisors is highly recommended.

- Environmental Baseline Surveys
- Screening for EIA and/or Environmental Statement/Report and/or EIAR
- Appropriate Assessment (AA) Screening Report and/or a Natura Impact Statement (NIS) Report
- Water Framework Directive (WFD) Assessment
- Ecological Impact Assessment (EcIA)
- Archaeological & Built Heritage Impact Assessment
- Landscape and Visual Impact Assessment (LVIA)
- Flood Risk Assessment (FRA)
- Traffic Impact Assessment (TIA)

It is unlikely that a project planned for the provision of an anaerobic digestor in isolation will require a full EIA (as defined under the Planning and Development Regulations), as the regulations do not include provisions directly relating to anaerobic digestor facilities. A project of significant scale may also trigger the need for an EIA.

Notwithstanding that, smaller projects may be exempt from the requirement for planning permission (see Section 2.10.1), it is important to carefully consider the location and siting of AD works. Installations in proximity to priority habitats or European-designated sites, such as Special Protection Areas for birds or Special Areas of Conservation, may not be suitable. Old barns, mature broadleaf forests and hedgerows, for example, may contain protected or priority species. If in doubt, it is best to seek ecological advice when siting an AD project of its planning exemption status.

2.9.1 Environmental Baseline Surveys

Large-scale projects such as AD developments will require several assessments to be carried out to support their statutory permit applications. The requirements for these assessments can be discussed with your technical advisors.

Environmental baseline surveys will need to be undertaken as part of the assessment process. These surveys provide vital information for the development of a project. In some cases, two years of survey data may be required. Environmental assessments are generally carried out in tandem with the design process.

The following sections summarise the environmental assessments likely to be required.

2.9.2 Environmental Impact Assessment Report (EIAR)

2.9.2.1 Overview

In accordance with Directive 2011/92/EU, as amended by Directive 2014/52/EU, projects that are likely to

have significant effects on the environment by virtue of their nature, size, or location must be subject to an EIA. EIA stands for the process of carrying out an Environmental Impact Assessment. The Environmental Impact Assessment Report (EIAR) is the principal document on which the EIA process is based, which is prepared by the developer.

The EIAR must identify, describe, and assess likely significant effects, both direct and indirect, of the project on the environment. It is important to note that the EIA is an iterative process and should be integrated into the design process. Through considered design and site selection, it may be possible to avoid, prevent or reduce adverse impacts on the environment, and this is a key requirement of the EIA process.

For a planning application, it is the responsibility of the relevant Planning Authority to carry out an assessment of the information provided in the EIAR and come to a reasoned conclusion on the project's impacts on the environment.

For further information in relation to EIAR, please refer to the following documents:

- Guidelines on the information to be contained in Environmental Impact Assessment Reports May 2022
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)

2.9.2.2 EIA Screening - Mandatory EIA Thresholds

EIA Screening is the process of deciding whether a development requires an EIA to be carried out. The EIA Screening exercise first assesses the development to ascertain if it is subject to Mandatory EIA, using classifications defined in the EIA Directive (projects listed in Annex I of the EIA Directive are subject to an EIA).

If the project is not listed in Annex I, and no mandatory EIA is required, the EIA Screening process progresses to consider projects listed under Annex II of the EIA Directive. Projects listed in Annex II of the EIA Directive are subject to an EIA if (i) they exceed certain thresholds (set out in Annex II and by each Member State); or (ii) if they do not meet or exceed the threshold but where the project is deemed likely to have significant environmental effects, with regards to the project's scale, nature, location, and context.

2.9.2.3 EIA Screening - Sub-threshold EIA

Proposed energy developments below the mandatory thresholds but that may be likely to have significant environmental effects may also require an Environmental Impact Assessment (EIA) and should, therefore, be screened for EIA to determine whether the project is likely to have a significant impact on the environment. These projects may be referred to as "sub-threshold" projects. In the case of sub-threshold development, it is advisable that developers consult with the Planning Authority regarding the possible need for an EIAR.

Helpful guidance can be found in the following document: Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development Aug 2003.

2.9.2.4 Scoping

Scoping is an important stage that takes place early in the EIA process. It provides an opportunity for both developers and the Competent Authority to determine those key environmental impacts and issues of concern that are likely to be of the utmost importance to the Project proposal's decision-making and eliminates those that are less of a concern. In other words, Scoping defines the EIAR's content and ensures that the environmental assessment is focused on the Project's most significant effects on the factors listed in Article 3 of the Directive, and that time and money are not spent on unnecessary examinations. It also reduces the likelihood that competent authorities will need to request additional information from developers after the EIAR has been prepared and submitted.

The EIA scoping exercise should assist in identifying relevant data gaps which need to be filled by further field surveys. Surveys over a prolonged period (e.g. in some cases, for periods of up to 2-3 years) may be

required to inform some of the relevant baseline elements. This has implications for the timeframe within which the application for consent can be submitted.

If EIA is required, the developer can request a written scoping opinion from the Planning Authority on the information to be contained in the EIAR. This is an opportunity for the Planning Authority, the developer and the developer's technical advisers to discuss the scope and level of detail of the environmental information to be submitted in the EIAR.

2.9.2.5 Public Consultation

Public consultation is a key consideration for development projects, and it is important that stakeholders are brought into the process at an early stage. Public concerns raised through the consultation process may be brought into the EIA scoping and be addressed in the EIAR, as applicable. Public Information events may be held, where the project may present the plans and invite feedback from the local community. It will be necessary to set up a system to record such feedback or a website where key project documents such as scoping reports, the EIAR, maps, and application documents may be viewed. As part of the EIA process, it is necessary to place public notices informing the public when an application and EIAR have been submitted to the competent authorities.

2.9.2.6 Consultation with Prescribed Bodies

Prior to the submission of a planning application for a planning application, there is a requirement for the developer to notify a specified list of Prescribed Bodies about the proposal. Upon receipt of an application that is accompanied by an EIAR, there is a requirement for competent authorities to consult with authorities likely to be concerned by the project by reason of their specific environmental responsibilities or local and regional competences and to give them an opportunity to make submissions/observations on the information supplied by the developer and on the request for development consent.

2.9.2.7 EIA Assessment and Determination

Once the EIAR has been completed and the application documentation prepared, the application is submitted to the Competent Authority for assessment and determination. The applicant and the Competent Authority must comply with relevant statutory provisions that may apply in relation to documentation, public notices, consultation, and processing of the application. If, during the assessment, the Competent Authority determines that the information presented in an EIAR is not sufficient for it to decide, then the developer may be asked to provide further information.

2.10.3 Appropriate Assessment (AA) under the Habitats and Birds Directives

The Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) seek to maintain, and where necessary, restore the favourable conservation status of designated natural habitats and species throughout member states. Designated Special Areas of Conservation (SAC), Special Protection Areas (SPA), candidate Special Areas of Conservation (SAC) and proposed Special Protection Areas (pSPA) are collectively known as European Sites. The most important ecological sites are designated as European Sites under provisions of Irish legislation transposing these Directives. Together, these sites form part of the Natura 2000 network of comparable sites throughout Ireland and other European Member States.

Article 6(3) of the Habitats Directive requires an AA of plans and projects that are likely to have significant effects on any European Site. A Competent Authority cannot agree to the plan or project until it has ascertained that it will not adversely affect the integrity of the site concerned.

2.10.3.1 Screening for Appropriate Assessment (Stage 1)

Under the Habitats Directive, it is the Competent Authority's responsibility to complete the Screening for AA and issue its determination whether an AA is required. To support this, the applicant must submit a Screening for AA Report. The report should include all supporting information necessary for the Competent Authority to reach a 'Screening for AA Determination', including the applicant's own conclusion/determination in relation to screening.

The Report should be completed to meet the requirements of the Habitats Directive, EU and National guidance documents, transposing legislation, and relevant domestic and European case law.

The Competent Authority will publish a Screening for AA Determination, which will either inform the applicant that their application has been 'screened-in' for AA or that it has been 'screened-out' and does not require a (Stage 2) AA to be carried out.

2.10.3.2 Appropriate Assessment (Stage 2)

If likely significant effects cannot be ruled out at the (Stage 1) Screening stage, the Competent Authority is required to carry out a (Stage 2) AA. To inform this process, the Applicant will have to prepare a Natura Impact Statement (NIS) Report. If the Applicant has already determined to their satisfaction that, in all likelihood, a Stage 2 AA will be required and has prepared a NIS Report in anticipation of being requested to do so, they may submit it at the initial application stage.

2.10.3.3 Alternative Solutions (Stage 3)

Stage 3 of the AA process arises wherever consideration must be given to alternative locations and processes that would avoid any impact identified in Stage 2. It is only required wherever any impact arising at Stage 2 cannot be avoided.

2.10.3.4 Imperative Reasons for Overriding Public Interest (Stage 4)

In the event that the AA concludes that adverse impacts upon the integrity of a European Site cannot be ruled out or that the integrity of such a European site will be adversely affected and where it has been demonstrated that there are no alternative solutions, Article 6(4) of the Habitats Directive allows for derogation for 'Imperative Reasons of Overriding Public Interest' (IROPI). There are limitations on the reasons applicable where priority habitats, as defined in the Directive, are affected.

IROPI is complex process where it must be shown that public interest clearly outweighs the long-term conservation interests of the protected site. These have only been sought and granted in very rare instances in Ireland and are only considered as a very last resort. Where it is considered that IROPI applies to an infrastructural project, a statement of the case is prepared by the competent authority and referred to the Minister for his/her consideration. The Minister will consider whether the compensatory measures proposed as part of the development are sufficient to ensure that the overall coherence of the Natura 2000 network is protected, and this may involve consultation with the European Commission. Once the Minister issues a notice to the competent authority with respect to whether compensatory measures are sufficient or not, the competent authority will then determine the planning application.

2.9.3 Water Framework Directive (WFD) Assessment

Since 2000, the WFD [Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 Establishing a Framework for Community Action in the Field of Water Policy] has been the main law for water protection in Europe. It applies to inland, transitional, and coastal waters in addition to groundwaters.

An objective of the WFD is to achieve the protection of aquatic ecology and habitats, drinking resources and bathing waters through river basin management planning and monitoring. This objective is summarised as Good Ecological Status (GES) and Good Ecological Potential (GEP) for artificial or heavily modified water bodies.

An assessment of how the AD project may impact relevant water bodies will need to be carried out before the submission of a planning application, and a WFD Assessment report should also accompany the application.

2.9.4 Ecological Impact Assessment (EcIA)

EcIA is *"a process of identifying, quantifying and evaluating potential effects of development-related or other*

proposed actions on habitats, species and ecosystems"[1].

An EcIA can help competent authorities understand ecological issues to determine a project for consent. EcIA is not a statutory requirement on its own; however, if conducted under EIA, then it must follow EIA Regulations. EcIA is an evaluation process undertaken to support a range of assessments. An EcIA report (or the ecological chapter of an EIAR) should describe the significant effects of a project so that all interested parties understand the implications of what is proposed.

For further information in relation to EcIA, please refer to the following document: EcIA-Guidelines-v1.3-Sept-2024.pdf

2.9.5 Archaeological & Built Heritage Impact Assessment

An archaeological and built heritage impact assessment ensures that a development respects the area's cultural heritage, as outlined in the Planning and Development Act 2000 (as amended) and the National Monuments Act.

Further details about the assessment process and the several key stages involved are described here: Archaeological and Built Heritage Assessment | SEAI

2.9.6 Landscape and Visual Impact Assessment (LVIA)

LVIA is a tool used to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource in its own right and on people's views and visual amenity. LVIA may be carried out either formally, as part of an EIA, or informally, as a contribution to the 'appraisal' of development proposals and planning applications. LVIA applies to all projects that could require a formal EIA but also includes projects that may be assessed informally.

Further information can be found here: guidelines-for-landscape-and-visual-impact-assessment-third-edition-2013.pdf

2.9.7 Flood Risk Assessment (FRA)

An FRA is the process of identifying, analysing, and evaluating the potential risks of flooding in an area. It helps communities understand where floods may occur, how severe the floods could be, and what impact they can have on people, property, and the environment.

Planning authorities will introduce flood risk assessment as an integral and leading element of their development planning functions under the Planning Code, at the earliest practicable opportunity, in line with the requirements of the Guidelines, which can be found at the link below. Planning authorities will assess planning applications for development in accordance with the provisions of these Guidelines following the guidance of their own or any Office of Public Works (OPW) Strategic Flood Risk Assessment and the application of the sequential approach and, if necessary, the Justification Test required by these Guidelines.

Further information can be found here: www.gov.ie/The Planning System and Flood Risk Management - Guidelines for Planning Authorities

2.9.8 Traffic Impact Assessment (TIA)

A TIA is a comprehensive review of all the potential transport impacts of a proposed development or re-development, with an agreed plan to mitigate any adverse consequences. All new developments will generate trips on the existing transport network, either by car, commercial vehicle, cycling, walking or public transport. In cases where a proposed development is of a size or type that would generate significant additional trips on adjoining transport infrastructure, this additional demand may necessitate changes to the

[1] *EcIA-Guidelines-v1.3-Sept-2024.pdf*

road layout or public transport service.

It is essential that the developer or promoter should provide a full and detailed assessment of how the trips to and from the development might affect the transport network. The assessment should be an impartial description of the impacts of the proposed development and should outline both its positive and negative aspects.

Further information can be found here: TII - Traffic and Transport Assessment Guidelines

2.10 Planning Permission

Using the *SEAI Single Point of Contact Renewable Energy* online tool can help inform you about whether planning permission will be required, based on some information about your proposed project.

Regarding ADs and the planning system, there is no direct legislation governing their development. For this reason, the proposed development of an AD project of any size must be consented to by the Local Authority. There is no scale at which the project would qualify to be classed as a Strategic Infrastructure Development (SID) (which is consented for by An Bord Pleanála), however, there may be other aspects of a proposed development that may trigger an SID, such as exceeding 200 tonnes of gas storage on site, however this is unlikely to occur.

In addition to planning permission from the relevant Planning Authority, licences and approval from the EPA may also be required. See Section 2.12.4 for details of licenses, permits and certificates.

2.10.1 Planning Exempted Development

The Planning and Development Regulations 2001, as amended, allow for the development of certain AD projects without the need to obtain planning permission from the Local Authority. However, this is subject to meeting specific criteria.

Article 9 of the Planning and Development Regulations sets out restrictions on exemptions. In this respect, it should be noted that development will not be exempted development for numerous reasons, which include, *inter alia*, wherever:

- A (Stage 2) AA is required, which can arise wherever the location of the turbine(s) is in the vicinity of Natura 2000 Sites.
- The proposed development would interfere with the character of the landscape, a view, or a prospect of special amenity value or interest.
- Contravene a condition attached to a permission or be inconsistent with any use specified.

The provisions of both the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended, should be carefully checked if an exemption is being availed of. Should the applicant be unsure of whether the proposed development would be considered as exempt under legislation, a request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, can be made to the Planning Authority. Relevant Planning Authorities will make a determination on the matter via the Section 5 process. Other relevant exemption considerations related to anaerobic digester development are set out in the tables below.

It is important to note that the new Planning and Development Act 2024 was signed into law in October 2024. This brings reforms to existing planning arrangements and associated planning regulations. However, it is still being implemented. This is expected to take at least 18 months, and this will be supplemented and supported by updated planning regulations, which will take some time to be adopted. Until such a time, the current planning regulations remain relevant, but you are advised to consult with your planning advisor on this matter.

2.10.2 The Planning Process

The process of applying for planning permission is outlined briefly below. Further information in relation to the planning process for AD projects can be found on the SEAI website. When applying for planning for your project, particular regard will need to be given to existing local and national policy, plans and guidelines concerning AD development in Ireland.

Further information on Planning considerations can be found in the SEAI document *Community Toolkit - Planning Process*.

2.10.2.1 Pre-Application Consultation meetings

In advance of making your planning application, you will need to have a pre-application consultation meeting with the Planning Authority. This will give you the opportunity to introduce your project and put forward key information and details about your project, and seek the Planning Authority's guidance or opinions on certain matters. Indeed, there may be a need for a series of meetings, depending on the complexity of your project.

These meetings will allow you to steer your project and ensure you include sufficient details in your planning application to assist the Planning Authority in assessing your application.

Meetings may include:

- Overall concept and design, consultation to date, etc.
- EIAR Screening, EIAR Methodology and Scoping, if applicable
- Any other issue where clarity or guidance is required
- The required content of the planning pack
- The appropriate scale for various drawings

2.10.2.2 Planning Application

In order to make a valid planning application, you will likely require the services of a professional team of experts to guide you, particularly with the more complex projects. The planning application pack that is submitted as part of the application must contain the following documents at a minimum:

- Completed Planning Application Form and all associated appendices
- The Planning Application Fee
- A copy of the Site Notice and the Newspaper Notice
- All required drawings, plans, particulars and information. This may include survey reports, technical reports, including any environmental reports and assessments as advised by your professional advisors, and the Planning Authority.

2.10.2.3 Public Consultation

As part of the assessment process, all applications and supporting documentation will be made available for public scrutiny both in soft copy and in hard copy. The public will have a specified period of time from the date of publication of the planning application notice to make a submission or observation in relation to the development and the documentation provided by the applicant to the Planning Authority.

2.10.2.4 Request for Additional Information

Where the Planning Authority considers the application or the EIAR to be inadequate in identifying or describing significant effects on the environment arising from the proposed development, it must require the applicant to submit further information within a specified period to ensure the completeness and quality of the EIAR and to facilitate the reaching of a reasoned conclusion of the significant effects on the environment

of the proposed development. If deemed necessary by the Planning Authority, the applicant can also be required to provide a Clarification of Additional/Further Information.

2.10.2.5 Decision of the Planning Authority

The Planning Authority may grant or refuse a planning application, with or without conditions. Conditions may include agreeing on certain details post consent, such as Construction Environmental Management Plans (CEMPs), method statements for particular works, noise limits or restrictions on the timeframe permissible for construction works, for example.

2.10.2.6 Oral Hearing

Wherever the consideration of a planning application concerns An Bord Pleanála, the Board can decide to hold an oral hearing with or without someone requesting it. The Board normally decides to hold an oral hearing wherever it believes that doing so would be helpful to understand a particularly complex case. Oral hearings can also be held where the Board considers there to be significant national, regional or local issues involved.

An oral hearing is a public meeting to allow relevant issues in a case to be discussed and examined in an open forum. Anyone can attend, but only participants who are taking part in the case can be involved in the discussion. Oral hearings are sometimes held to help a Planning Inspector gather more information on a planning case from relevant participants.

2.10.2.7 Judicial Review

A judicial review is a mechanism whereby a person can challenge decisions made by public bodies in the exercise of their duties. A judicial review is made through the High Court. A judicial review is not concerned with the merits of a particular decision but rather the lawfulness of how a decision was made. The aim of a judicial review is to ensure that public functions are carried out fairly.

In practical terms, what this can mean for a project promoter is that it may be used by the applicant to challenge a decision, such as the refusal of planning consent, if there were sufficient grounds to do so. A judicial review can also be taken against the grant of permission by a third party. Wherever a judicial review arises, it may lead to delays and project uncertainty until the judicial review process has concluded. Judicial review risks will need to be considered in any consent planning for a project.

Further information on the judicial review process can be found at:
https://www.citizensinformation.ie/en/government-in-ireland/how-government-works/standards-and-accountability/judicial-review-public-decisions/

2.11 Grid Connection

Outlined in this section is information pertaining to both gas network connection and electricity grid connection. Depending on the nature of your project, you may not require a connection to either network for supplying gas/electricity. Please refer to the relevant connection sections that relate to your specific project.

To supply natural gas, it is necessary to first apply for a Natural Gas Supply Licence using the Commission for the Regulation of Utilities (CRU) application form (refer to the guidance document for further information on the process). Information on fees can be found on the CRU website.

Prior to injecting biogas created from AD into Gas Network Ireland's (GNI) gas network, the gas will first need to be refined to remove any gases (e.g., carbon dioxide (CO_2), ammonia (NH3), hydrogen sulphide (H2S), etc.) other than the target methane produced. Only then may it be injected into the gas distribution network.

To connect to the GNI for any potential gas generation projects, contact the GNI at: renewablegas@gasnetworks.ie, and an enquiry form can be obtained, completed and returned. GNI will then assess the feasibility of the application over a six-to-eight-week period. After this assessment, if the project is

deemed viable, the proposer will need to submit a formal application with a Planning reference and pay a charge (currently €10,000 (+ VAT) to get the connection to the gas network formally approved.

2.11.1 Grid Connection Engineering and Commissioning Requirements

In order to ensure that your project is designed, constructed and commissioned in accordance with the relevant network operator's requirements, it is recommended that consultation begins in the feasibility and design phase. This will ensure any requirements can be brought forward into the design, and all necessary elements, such as additional substations that may be required, are included in the design submitted for planning.

Preparation for connection and commissioning commences early in the project lifecycle and concurrently with other activities. Therefore, this will need to be factored into your Project Plan and scheduling. Data will need to be requested from the network operator and studies carried out to support your application at least 18 months in advance of energisation.

2.11.2 Micro-Generation Connection

Micro-Generation defines any source of electrical generation up to 6 kVA with a single-phase connection or up to 11 kVA with a three-phase connection.

Micro-Generation installations are defined as follows:

- Only ***one customer*** is involved
- Only ***one installation*** is involved

Where multiple customers on the same housing scheme are involved, in planned [green field] multiple installations such as new housing schemes, where it is planned to have Micro-Generation or installed where there is a penetration level expected to reach 40% of the capacity in kVA of the existing MV/LV substation that supplies the estate or scheme.

To apply to install and connect a micro-generator, you must complete Form NC6 Microgeneration Notification. Submission to ESB Networks can be made by post (address on form) or email: networkservicesbureau@esb.ie. Further information can be found on ESB Networks: Connect a Micro-Generator.

Importantly, for micro-generation, you must follow the steps as outlined in ESB document: Conditions Governing Connection and Operation of Micro-generation

2.11.3 Mini-Generation Connection

Mini-Generation grid connections are for small scale electricity generation primarily for self-consumption and is defined as a source of inverter connected electrical energy and all associated equipment, in the following ranges:

- Greater than 25 A up to and including 72 A 1 at low voltage [230 V], when the DSO network connection is single-phase; and
- Greater than 16 A up to and including 72 A at low voltage [230 V/400 V], when the DSO network connection is three-phase.

Where multiple generating sources [of the same or varied technologies] are on the same site and share access to the same Distribution System Operator (DSO) network connection point, the aggregate rating shall not exceed:

- 72 A single-phase at low voltage, when the DSO network connection is single-phase; and

- 72 A per phase at low voltage, when the DSO network connection is three-phase.

To apply to install and connect a mini-generator, you must complete Form NC7 Minigeneration Notification. Submission to ESB Networks can be made by post (address on form) or email: dsominigeneration@esb.ie

Further information can be found on ESB Networks: Connecting Mini Generation.

Importantly, for mini generation, you must follow the steps as outlined in the ESB document: Conditions Governing Connection and Operation of Mini-generation

The Mini-Generation process shall require an application for connection to ESB Networks (the DSO), whereupon a network study shall be carried out locally by ESB Networks and the conditions for connection advised in the Connection Offer. For installations in existing premises, the customer shall complete the Mini-Generation installation application form (Form: NC7) and provide with the application form, a Type Test Certificate from a recognised laboratory confirming compliance with I.S. EN 50549-1 for the proposed Mini-Generator and confirming the appropriate Interface Protections have been applied (see section 2.2 of ESB networks conditions).

Following receipt of the application and application fee, ESB Networks shall assess the network for the proposed connection and contact the customer with any associated connection limitations or costs (where requested). No works shall progress until the conditions in the Connection Offer have been met and any ESB Networks construction work has been completed.

After installation, the installer shall carry out any relevant on-site commissioning tests to ensure satisfactory operation of the generator. Once confirmation of the installation has been received by ESB Networks (email to dsominigeneration@esb.ie), the connection on the DSO system can be completed. Until confirmation of the installation has been received by ESB Networks, the offered Maximum Export Capacity (MEC), (and Export Limiting Scheme (ELS), if applicable) shall not become active. The period of validity of the Connection Offer(s) shall be as stated in the Connection Offer.

2.11.4 Small-Scale Generation Connection

Small-scale generation, much like mini- and micro-generation, is primarily for the purposes of self-consumption. However, it also includes differing generation types: Synchronous and Inverter-connected generation. (The maximum single-phase connection is 72amps (≈17kVA)) The Installed Generator Capacity must be less or equal to the MIC, in the following range:

- Inverter connected Installed Capacity greater than (72amps) ≈50kVA up to 200kVA three-phase;
- Synchronous Installed Capacity greater than 6kVA up to 200kVA

To apply to install a Small Scale generator, you must complete either Form NC8 Small Scale Generation Application for inverter connected generation, or Form NC5 Embedded Generation Facilities for synchronous connected generation and submit to ESB Networks by post (address on form) or email: dsosmallscalegeneration@esb.ie.

Further information can be found on ESB Networks: Connecting Small Scale Generation.

Importantly, for small-scale generation, you must follow the steps as outlined in the ESB document: Conditions Governing Connection and Operation of Small-Scale Generation (50 kW – 200 kW)

2.11.5 ECP Category A

The Enduring Connection Policy (ECP) process for grid connection applications is the current pathway for generators, storage, and other system services technology projects to connect to the electricity system.

ECP Category A is for generation, storage, and other system services technology projects (MEC[2] >0.5 MW). Applications for this grid connection offer will occur in batches with application windows occurring annually. An application fee applies for projects with MEC >500 kW (0.5 MW) which is €2,000. Successful applicants will be prioritised by largest renewable energy generation (first 25), then by planning permission grant date. Each batch application may set its own generation priorities.

A New Generator Connection Application (NC5) should be used where an applicant has identified their specific generator manufacturer detail and would like their technical study processed using the specified data provided by the applicant. NC5A is a shortened version of this form and may be used where the specific generator manufacturer detail is unknown at the time of application. Therefore, the technical study is completed using assumed data, and the applicant is required to provide their specific data a year in advance of energisation. Fully completed application forms can be sent via email with all relevant documentation to DSOGenerators@esb.ie.

2.11.6 ECP Category B

Enduring Connection Policy (ECP) Category B is open to the following projects:

- Small projects i.e., MEC greater than 6 kW/11 kW and less than or equal to 500 kW;
- DS3[3] system services trial projects - up to 500 kW; and
- Auto producers[4].

Applicants who have an existing application which has been received complete (along with the appropriate application fee) by the Systems Operators, will be processed throughout the calendar year. These applicants will be prioritised by when the existing application was received complete. Where any relevant details pertaining to their project have changed, the existing applicants must submit a new application form under ECP-2.1 for the same site location (grid coordinates) and technology type. The applicants may apply to reduce their MEC.

A New Generator Connection Application (NC5) should be used where an applicant has identified their specific generator manufacturer detail and would like their technical study processed using the specified data provided by the applicant.

NC5A is a shortened version of this form and may be used where the specific generator manufacturer detail is unknown at the time of application. Therefore, the technical study is completed using assumed data and the applicant is required to provide their specific data a year in advance of energisation.

Fully completed application forms can be sent via email with all relevant documentation to: DSOGenerators@esb.ie.

2.12 Pre-Construction Phase

In preparation for construction, some permits may need to be obtained in advance of works, or there may be conditions of a permit, such as planning permission, that must be complied with in advance of construction works commencing. This section includes those permits potentially required in advance of construction commencing, depending on the specifics of your project. Some of the permits listed in this section may, in reality, only be obtained during the construction phase, in advance of a specific activity to be undertaken by the contractor, and some permits or licences will need to be obtained prior to the commencement of

[2] The Maximum Export Capacity (MEC) is the maximum capacity that you can export to the Electricity Distribution System. MIC and MEC are measured in kilo Volt Amperes (kVA). 1kVA is roughly equivalent to 1 kW in most circumstances.

[4] A person who has entered into a Connection Agreement with the DSO or TSO and generates and consumes electricity in a Single Premises, or on whose behalf another person generates electricity in the Single Premises, essentially for the first person's own consumption in that Single Premises.

construction works. This will depend on how the works are scheduled for your project. A project *Permits, Licence Consents and Notifications Register* is a useful way of scheduling and tracking your permit requirements.

2.12.1 Appointment of Construction Contracts

Pre-construction, contractors will need to be appointed to carry out the delivery of the development. There are two broad categories of contracting options:

1. Turnkey contracting, which sees a single company handling all AD installation and civil engineering works; or
2. Separate contracting, where individual aspects are contracted out to specific companies.

Typically, where am AD development follows the turnkey route, the AD provider will lead and subcontract various aspects to companies that would be deemed appropriate for the installation of the equipment.

Maintenance contracts are also typically agreed upon at this point, as necessary.

2.12.2 Planning Permission Amendment and Conditions

As the planning phases may take place over an extended period of time, there is a possibility that an amendment may be required to the consented development agreed with the Local Authority, due to alterations or technological improvements.

Pre-construction, some conditions within the planning permission applied by the Local Authority or An Bord Pleanála must be sufficiently discharged, where required (formal applications process where requested details are required). This may include the likes of providing more specific details of design or similar details. Failure to discharge planning conditions as specified by the conditions of a planning permission may result in an enforcement action.

2.12.3 Commencement Notice/7-Day Notice

In accordance with the Building Control Regulations, you are obliged to submit a *Commencement Notice* or a *7-Day Notice Application Form* with a *Seven Day Statutory Declaration* prior to commencement of the development to the Building Control Section of the Local Planning Authority, giving notice of the intention to start work.

The Building Control Authority must receive a Commencement Notice not less than 14 days and not more than 28 days before you wish to commence.

Additional documentation may be required to be submitted with the completed Commencement Notice, and this should be completed online on the National BCMS (Building Control Management System). An online system, BCMS, for lodging commencement notices and 7-Day Notices and complying with the various new requirements is available at www.localgov.ie.

The fees related to a 7-Day notice are outlined in **Table 1.**

Table 1: Breakdown of the current rate of fees for a 7-Day Notice Application

Submission of a 7-Day Notice in Respect of:	Current Rate of Fees
(a) Work in connection with the construction or extension of a building	€250, or €5.80 for each square metre of floor area being provided, whichever is the greater
(b) Work in connection with -	
(i) the material alteration of the interior of a building	€250, or €5.80 for each square metre of relevant floor area, whichever is the greater

Submission of a 7-Day Notice in Respect of:	Current Rate of Fees
(ii) the material alteration of the external surfaces of a building	€250
(iii) a combination of (i) and (ii) above	€250, or €5.80 for each square metre of relevant floor area, whichever is the greater
(c) A building in which a material change of use takes place	€250, or €5.80 for each square metre of relevant floor area, whichever is the greater
(d) Works or a building, where the building concerned will be used as an agricultural building	€130, or €1.60 for each square metre in excess of 300 square metres of -
	(i) gross floor area being provided,
	Or
	(ii) relevant floor area
	As the case may be, whichever is the greater

2.12.4 Licences, Permits and Certificates

The following are suggested-only licences, permits, and/or certificates that may be generally required at the commencement of an AD installation's construction.

These may be subject to change by approved guidance and legislation when it comes into force during the project's pre-construction commencement phase.

2.12.4.1 Road Opening/Closing Licence

For any works in a public area, including digging up a public road, footpath, or grass verge, an Application for a T2-T3 Road Opening Licence is required. Works could relate to:

- Water/Sewer Connections;
- Lowering of footpaths;
- Footpath reconstruction; and
- Pipelaying.

Applications for Road Opening Licences can be applied through MapRoad Licencing, the national system for the management and processing of roadworks applications. To apply for access to the MapRoad Licencing system, a Registration Form must first be submitted to the Road Management Office.

If works relate to more than 1 road/street or involve a length >200m or are complex by involving rail crossings, bridges, or sites of engineering difficulty, an accompanying T1 Notification of Intent to Perform Large or Complex Road Works is required.

At times, a temporary road closure is needed in conjunction with a road opening licence, or for other works. To comply with statutory requirements, an Application for a Temporary Road Closure should be submitted in advance to the relevant Local Authority. Local Authorities vary in the amount of advanced time an application should be submitted prior to works commencing. Check with the relevant authority to ensure the application is submitted within the required timeframe.

In conjunction with the above licences, the following licences should also be applied for where works take place on or near public roads or pathways: a Hoarding/Scaffolding Licence and a Signage Licence. A

hoarding/scaffolding licence is required to facilitate building works and to ensure safety for the public. Completed application forms must be submitted to the relevant Local Authority. A Signage licence is also required to authorise the use of advertisement signs/structures on public roads, (also known as Directional Signs). Completed application forms must be submitted for assessment.

It will be necessary to check with the relevant Local Authority what the current fees are for the different permit applications.

Recommended Reading in relation to Road Opening/Closing Licences is:

- MapRoad Licencing User Tutorials
- MapRoad Licencing FAQs

2.12.4.2 Section 254 Licence (Items on Public Roads)

A Section 254 Licence applies to all appliances, cables, signs, street furniture or other items on public roads. You will need to apply to the relevant Local Planning Authority to place on, under, over or along a public road various items or equipment, including the following, which may be relevant to an AD project:

- A fence, scaffold or hoarding,
- A cable, wire or pipeline,
- Over ground electronic communications infrastructure and any associated physical infrastructure such as a telephone pole or cabinet, or
- Any other appliance, apparatus or structure specified in regulations made by the Minister for Housing, Planning and Local Government or by an Act of the Oireachtas that requires a licence.

To apply for a Licence, you will need to complete the application form and submit that form to the Planning Authority along with:

- A Site Location Map - 1:2,500 scale;
- A Site Layout Plan showing location of proposed appliance(s)/apparatus(s)/structure(s);
- Drawing(s) to scale of proposed appliance(s)/apparatus(s)/structure(s);
- The appropriate licence fee;
- Copy of Insurance Confirmation indemnifying the relevant County Council against claims arising out of any accidents to persons or property;
- Written legal consent of the landowner; and
- A copy of the site notice.

2.12.4.3 Fire Safety Certificate

A Fire Safety Certificate is required when the applicant proposes a new building, a new building extension, material alterations to an existing building or a change of use of an existing building. The application is made through the Building Control Authority (BCA) in the local City or County Council. If the building or works comply with the requirements of Part B of the Second Schedule of the Building Regulations 1997, the BCA will issue a Fire Safety Certificate.

A Fire Safety Certificate application should be made by a Fire Safety Consultant, Architect or Engineer who is familiar with the Building Regulations and the procedure for applying for a Fire Safety Certificate. The fees for the application vary based on the type of application required (normal, 7-day notice or regularisation application).

A valid Fire Safety Certificate application must include:

- A completed application form;
- Relevant fire safety drawings in duplicate;
- A fire safety report in duplicate;
- Site location maps in duplicate; and
- The appropriate fee.

Please refer to Part II of the Building Control Regulations for further information and exemptions.

2.12.4.4 Certificate of Registration

A Certificate of Registration (COR) is required for waste activities set out in Part II of the Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821/2007), as amended. An application must be submitted to the relevant Local Authority. If an AA is required, submissions must also be made with the EPA.

The EPA has literature and guidance on waste disposal and licencing requirements. It is also required to provide guidance on determining the need for permitting and information can be requested via the following email address: licensing@epa.ie.

Recommended Reading in relation to CORs is:

- EPA: Certificate of Registration (COR)

2.12.4.5 Waste Disposal Licence/Permit

Waste disposal and recovery activities in Ireland require authorisation in accordance with the Waste Management Act 1996, as amended. A Waste Licence is a single licence which deals with emissions from an activity and the environmental management of the facility. Waste licences are issued through the Environmental Protection Agency (EPA). It is also required to provide guidance on determining the need for permitting and information can be requested via email: licensing@epa.ie.

Recommended Reading in relation to Waste Disposal Licence/Permit is:

- EPA - Determining who needs a waste licence
- EPA – How to apply for a licence

2.12.4.6 Disability Access Certificate

To determine if your project requires a Disability Access Certificate, please refer to the Building Control (Amendment) Regulations 2018 Article 20D, Part 4.

It is best practice to apply for your Disability Access Certificate at the same time you are applying for your Fire Safety Certificate. If both applications are prepared at the same time by the same person, the drawings can be co-ordinated prior to submission. A Disability Access Certificate application should be made by an appropriate consultant, architect or engineer who is familiar with the Building Regulations and the procedure for applying for a disability access certificate.

A valid Disability Access Certificate application must include:

- A completed application form;
- Relevant fire safety drawings in duplicate;
- A disability access report in duplicate;
- Site location maps in duplicate; and

- Providing the application is lodged at the same time as the Fire Safety Certificate application a €500 fee applies, otherwise it's currently €800 per building.

To determine if your project may be exempt from the necessity of obtaining a Disability Access Certificate please refer to the Manual for the Reuse of Existing Buildings.

2.12.4.7 Activities Requiring Consent (ARCs) & Ministerial Consent

Activities Requiring Consent (ARCs) are specific activities which have the potential to damage European Sites, i.e. Natura 2000 Sites. While ARCs are not prohibited activities, consent must be granted by the Minister for Housing, Local Government and Heritage or by another relevant public authority prior to works commencing. A list of 39 ARCs has been published, ranging from ploughing and harrowing to clearing vegetation or landfilling. This prior consent requirement ensures that the Minister (or the relevant competent authority) carries out the necessary environmental assessment to determine if the activity can take place and if any conditions should be attached to any consent given.

Prior to designating a new site as an SAC or SPA, information on the ARC(s) (if any) attached to the site will be communicated to the landowner (and where known, the relevant occupier or user of the land)) in the form of a 'site pack' along with a public notification. SACs and SPAs are afforded protection from the time of public notification of the intention to designate the site.

For Natural Heritage Areas (NHAs), certain works will require consent. Permission to carry out works on an NHA is required (under Regulation 19 of the Wildlife Act 2000, as amended). The works which require the consent of the Minister are found at Schedule 2 of the statutory instrument (SI) designating the relevant NHA.

For further information, guidance, and application forms, please see: National Parks and Wildlife Service (NPWS) Activities Requiring Consent.

2.12.4.8 Ecological Consents, Notifiable Actions/Consents/Derogations Licences

If you are intending to develop on or in an area where wildlife could be impacted, consent may be required. Such consent may be in the form of notifiable actions or licences. Further permission may then be required in exceptional cases (e.g., the species is threatened or in poor condition), when handling or movement of the protected species is necessary.

For the full breakdown and detail on the various activities that constitute a notifiable action for listed habitats and species, please refer to the NPWS page here: https://www.npws.ie/farmers-and-landowners/notifiable-actions/listed-habitats-and-species.

2.12.4.9 Derogation Licence

A derogation licence may be required when removing vegetation in preparation for tree felling. Derogation licences are licences to disturb or interfere with protected plant and animal species. A number of plant and animal species are legally protected in Ireland. Some of these species are included in a system of Strict Protection pursuant to the requirements of Articles 12, 13 and 16 of the Habitats Directive (92/43/EEC) and are sometimes referred to as Annex IV species. The list of Annex IV species which occur in Ireland and its waters is set out in **Table 2.** The European Commission Guidance document[5] on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC (October 2021) should also be consulted for further information.

The National Parks and Wildlife Service (NPWS) is the responsible body for administering Annex IV protection for Ireland. Applications must be submitted directly to the NPWS and require an accompanying

[5] *European Commission Guidance document. Available online at: https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive_en [accessed April 2025].*

Ecologist's Report. Application Forms for Derogation Licences can be found at NPWS: Application for Derogation Licence and should be submitted to: wildlifelicence@npws.gov.ie.

Recommended Reading in relation to Derogation Licences is:

- Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland
- Guidance on the Strict Protection of Animal Species
- Notifiable Actions for Listed Habitats and Species

Table 2: Annex IV Species

Annex IV Species	
Animals	**Plants**
All bat species	Killarney Fern
Otter	Slender Naiad
Natterjack Toad	Marsh Saxifrage
Kerry Slug	
Dolphins and Porpoises	
Whales	
Marine Turtles	

2.12.4.10 Derogation Licence to Disturb Bats or their Breeding or Resting Places

At present there are nine confirmed resident bat species in Ireland. All bats are listed on Annex IV of the EU Habitats Directive. Under the Irish law that implements this directive, both the bats themselves and their roosts are protected, as such it is an offence to disturb or interfere with them without an appropriate licence. If any bat species is suspected to inhabit a structure (e.g., trees, bat boxes, buildings, stone bridges etc.) in any area proposed for development, a derogation licence to disturb bats, their breeding or resting places may be required by the granting authority[6].

Even when planning permission is granted, the wildlife legislation applies. **Works which would capture or kill them, damage or destroy their roosts or disturb them at important parts of their life cycle cannot take place without obtaining a *second derogation licence*.** This licence is issued when planning permission is given under Regulation 54 of the Regulations, and strict criteria must be met before such a licence can be approved. 'Bat Mitigation Guidelines for Ireland'[7] should also be referred to when carrying out works which may disturb them.

2.12.4.11 Derogation Licence to Disturb Otters or their Breeding or Resting Places

Otters are listed on Annex IV of the EU Habitats Directive. Under the Irish law that implements this directive, both the otters themselves and their holts are protected, as such it is an offence to disturb or interfere with them without an appropriate licence. If an otter species is suspected to inhabit structure (e.g., banks or culverts, etc.) in any area proposed for development, a derogation licence to disturb otters, their breeding or resting places may be required by the granting authority[8].

[6] National Parks and Wildlife Service (NPWS), under EC (Birds and Natural Habitats) Regulations 2011-2021.

[7] NPWS Bat Mitigation Guidelines for Ireland. Available online at: https://www.npws.ie/sites/default/files/publications/pdf/IWM134.pdf

[8] *NPWS, under EC (Birds and Natural Habitats) Regulations 2011-2021.*

Even when planning permission is granted, the wildlife legislation applies. **Works which would capture or kill them, damage or destroy their roosts or disturb them at important parts of their life cycle cannot take place without obtaining a *second derogation licence***. This licence is issued when planning permission is given under Regulation 54 of the Regulations, and strict criteria must be met before such a licence can be approved. 'Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes'[9] should also be referred to when carrying out works which may disturb them.

2.12.4.12 Licence To Interfere with or Destroy the Breeding Places of Any Wild Animals

If you are intending to develop in an area to be known for breeding places of any wild animals, a licence 'To Interfere with or Destroy the Breeding Places of Any Wild Animals' may be required to proceed. A licence may be required from the granting authority, NPWS (Section 23 (5) (d) of the Wildlife Act 1976 as amended), the legislation states that any person who wilfully interferes with or destroys the breeding place or resting place of any protected wild animal, shall be guilty of an offence.

See https://www.npws.ie/licences-disturb-or-interfere-protected-plant-and-animal-species for further information.

2.12.4.13 Licence for the Removal of Invasive Alien Species

Under the EC Birds and Natural Habitats Regulations 2001 SI 477 of 2011, it is an offence to release or allow to disperse or escape, to breed, propagate, import, transport, sell or advertise species listed on Schedule 3 of the regulations without a Licence. The regulations that deal specifically with this scheduled list of species are:

- Regulation 49: Prohibition of introduction and dispersal of certain listed species;
- Regulation 50: Makes it an offence to or to intend to import, buy, sell, breed, transport and distribute listed animal or plant species or vector material; and
- Regulation 74: Which sets out transitional provisions related to the commencement of Regulations 49 and 50.

The following activities are expressly prohibited:

- Dumping invasive species cuttings in the countryside;
- Planting or otherwise causing to grow in the wild (hence the landowner should be careful not to cause further spread);
- Disposing of invasive species at a landfill site without first informing the landfill site that the waste contains invasive species material (this action requires an appropriate licence); and
- Moving soil which contains specific invasive species in the Republic of Ireland unless under a licence from the NPWS.

At any stage of a project, where invasive alien plant species are encountered, a licence for the removal/movement of invasive species from the site is required. A request for licensing must be sent to: wildlifelicence@npws.gov.ie. If herbicides or pesticides have been used, the contaminated materials may be classed as a hazardous waste or non-hazardous waste and will be required to be appropriately disposed of at an appropriately licenced facility, check with the relevant Local Authority on available facilities.

When submitting your application for a licence, it should include:

- Detailed methods of removal, transportation and treatment of the species;

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[9] *Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes. NRA, 2008.*

- Information on the bio-security measures;
- Management plan; and
- Timeframe for carrying out the work.

Recommended Reading regarding the Removal of Invasive Alien Species is:

- National Biodiversity Data Centre: Invasive Alien Species in Ireland
- NPWS: EU Regulation on Invasive Alien Species

2.12.4.14 Licence To Take or Interfere with Protected Plant Species for Scientific, Educational, or Other Such Purposes

As per the Flora (Protection) Order (2022), if any protected plant species is known/found/noted to be present in an area that is proposed to be developed, a licence to interfere with these species is required Under Section 21 of the Wildlife Act. Under Section 21, it is an offence for a person to cut, pick, uproot or otherwise take, purchase, sell or be in possession of any plant whether whole or part, of a species mentioned in the Order, or wilfully to alter, damage, destroy or interfere with the habitat of such a species, except under licence of the Minister, and then, strictly for scientific, educational or other such purposes.

A licence to take or interfere with protected plant species for scientific, educational, or other such purposes can be applied for through the granting authority, the NPWS. In the absence of any viable alternative, licences are granted where no significant damage will be caused to the conservation status of the species and where the adverse impact on the local population of species is kept to a minimum. Applications will only be considered if a licence is required for scientific, educational or other such purposes.

See https://www.npws.ie/licencesandconsents/disturbance/protected-plant-species for further information.

2.12.4.15 Capture/Kill Protected Wild Animals for Education or Scientific Purposes Licence

A Capture/Kill Protected Wild Animals for Education or Scientific Purposes Licence is required for all survey and monitoring of all protected species, *even where animals will not be handled* (under Section 23 and Section 34 of the Wildlife Act 2000, as amended).

Although the application form/licence refers to 'capture or killing of protected wild animals', licences are required to investigate sites where protected species are found. Due to the various protected species' status as threatened and or in poor condition, it is only in exceptional cases that handling, or movement of animals is licenced. Licences will only be granted if the licenced activity will result in no significant adverse impact on the conservation of the species. For example, if the freshwater pearl mussel is suspected to occur in an aquatic habitat impacted by a proposed AD development, this licence would be required to potentially translocate this species to an appropriate location. The decision for granting the licence will be made by the wildlife licence unit through the NPWS.

Licencing is managed by the NPWS and applications must be sent to: wildlifelicence@npws.gov.ie. Further guidance and application forms can be found at NPWS: Capture/Kill Protected Wild Animals for Educational or Scientific Purposes.

2.12.4.16 Licence To Photograph or Film a Protected Wild Animal or Bird

In general, a licence is not required for photography/filming of protected wild animals or birds provided that there will be no risk of disturbance to the breeding place of any animal, a nest containing eggs or unflown young of any bird. However, **if you intend to photograph a protected wild animal or bird on or near the breeding place of such an animal or bird, you should apply for this licence**.

For a person to take or make photographic, video or other pictures of a protected wild animal of a species specified in the licence, on or near the breeding place of such an animal, a licence may be issued by the Minister (Under Section 23 (6)(b) of the Wildlife Act, 1976 (as amended)). Applications for permissions are

made on a standard application form (Licence to Photograph/Film a Protected Wild Animal) and submitted to the wildlife licence unit of the National Parks and Wildlife service.

For a person to take or make photographic, video or other pictures of a protected bird of a species specified in the licence, or a wild bird of a species specified in the licence on or near a nest containing eggs or unflown young, a licence may be issued by the Minister (Section 22 (9)(f) of the Wildlife Act, 1976 (as amended)). Applications for permissions are made on a standard application form (Licence to Photograph or Film a Protected Wild Bird) and submitted to the wildlife licence unit of the National Parks and Wildlife service.

Animal species protected under the Wildlife Act are listed **Table 3.**

Table 3: Current list of Protected Animal Species in Ireland

Mammals			Amphibians	Reptiles	Fish	Invertebrates
All Bat Species	Otter	All Seal Species	Natterjack Toad	Common Lizard	Basking Shark	Freshwater Crayfish
Badger	Pine Marten	All Whale Species	Common Frog	Leatherback Turtle		Freshwater Pearl Mussel
All Deer Species	Red Squirrel	All Dolphin Species	Common Newt			Kerry Slug
All Hare Species	Pygmy Shrew	All Porpoise Species				
Hedgehog	Stoat					

2.12.4.17 White-Clawed Crayfish Licence

For streams, rivers and lakes where white-clawed crayfish are known to be present, if there is potential for the area to be impacted by a proposed development or project, a '*White-Clawed Crayfish Licence*' will be required to survey and or remove this species to an appropriate location.

A '*White-Clawed Crayfish Licence*' is granted by the wildlife licence unit through the NPWS, under Sections 23 and 24, Wildlife Act 1976 (as amended). The permit allows the survey, capture, temporary confinement and translocation of white-clawed crayfish.

See the survey licence conditions document for White-Clawed Crayfish for further information.

2.12.4.18 Green House Gas (GHG) Emission Permit

The Environmental Protection Agency (EPA) is responsible for administering the EU ETS (Emissions Trading Scheme) in Ireland for both stationary units and aircraft operators[10]. The Green House Gas (GHG) emission permit authorises the holder to undertake named activities (for further detail, refer to the Commission Implementing Regulation) which result in the emission of carbon dioxide and other greenhouse gases.

Installations from which greenhouse gases are emitted need to be monitored and controlled to ensure permitted emissions are not exceeded. It is an offence to carry on an activity listed in Annex 1 of the Directive without a GHG permit.

Information on activities can be found in the EU Guidance note on interpretation of Annex I of the EU ETS Directive (excl. aviation activities); this is helpful for determining if your installation is included in the EU ETS and if an emissions permit is required.

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[10] *The legal basis for implementing the EU ETS in Ireland for stationary installations is set out in the European Communities (Greenhouse Gas Emissions Trading) Regulations 2012 (SI 490 of 2012).*

There is mandatory participation in the emission permit for sectors and companies in the energy industry, including:

- **Electricity and heat generation:** Combustion installations with a rated thermal input exceeding 20 MW**, including power plants generating electricity and heat from fossil fuel such as natural gas, coal and oil,** as well as other high-emission technologies such as solid biomass fuel installations.

For more information on applicable sectors and greenhouse gases covered, see Annex I and Annex II, respectively, of the EU ETS Directive.

Helpful guidance on activities that may require GHG permits can be obtained from the EPA website.

If you believe you fall into the descriptions under Annex I of the EU ETS Directive, contact the EPA by email (ghgpermit@epa.ie) and they will advise on how to proceed. Useful information for ETS operators can be found under EU ETS Monitoring and Reporting guidelines.

Further information on GHG emissions trading can be found on the EPA website at:

- Emission trading statutory installations; and
- EU emission trading systems.

2.12.4.19 Animal By-Product Processing Operations

Animal by-products means the entire bodies or parts of animals, any product obtained from animals or products of animal origin which are not intended for human consumption, this includes, but is not limited to, embryos, semen and oocytes (female germ cell/egg cell). Licences for the processing of ABP are strictly controlled, only being issued by the Department of Agriculture, Food and the Marine (DAFM), once it can be proven that conditions are met for the various practices.

For the purposes of producing fuel sources (biogas and biodiesel) in the quantities required for a commercial enterprise, the following conditions are required to be met before the approval of an Animal By-Product processing plant can be granted: CN29, CN9 and CN11.

Below is a concise list of the basic requirements for each of the conditions, depending on the end type of fuel source being produced.

2.12.4.20 CN29: Conditions for approval of a plant involved in the processing of Category 1 (Biodiesel) Animal By-Product

In order to operate a Category 1 Biodiesel Plant, an operator must comply with the European Communities (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014) and with Regulation (EC) No. 1069/2009 and Regulation (EU) No. 142/2011.
Category 1 material is the highest risk, consisting principally of those parts of an animal considered most likely to harbour a disease such as BSE, for example, bovine spinal cord.

A high-level overview of the requirements for the use of ABP in the production of biodiesel is as follows:

- A plant involved in the processing of Category 1 material must be approved by the Department of Agriculture, Food and the Marine (DAFM) and hold a valid certificate of approval in accordance with Article 24 (a) of Regulation (EC) No. 1069/2009.
- The operator must comply with all relevant requirements listed in the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014) and EU Legislation (Regulation (EC) No. 1069/2009 and Regulation (EU) No. 142/2011).
- Licenses and authorisations required to operate must be valid from all relevant licensing authorities while the plant is operational.

- The operator must notify DAFM immediately if significant changes are proposed to plant activities.
- The operator must notify DAFM immediately if the plant is no longer to be used for handling ABP. The plant must be decommissioned at this time and prior to use for any other activity. The operator will organise the decommissioning of the plant and clean-up of the site and buildings as well as safe disposal of all equipment in a reasonable time period, under the supervision of DAFM.
- All records required in the context of the Animal By-Products Regulations must be retained in the Plant's office for a period of 3 years. Records must be made available for inspection by DAFM staff.
- The operator must provide data and statistics to DAFM as and when required and in whichever format requested.

Completed application forms and supporting documentation should be sent to:

Department of Agriculture, Food and the Marine (DAFM), Milk and Meat Hygiene/ABP/TSE Division, (Animal By-Products), Grattan House, Grattan Business Centre, Dublin Road, Portlaoise, Co Laois, R32 RY6V.

2.12.4.20.1 CN9: Conditions For On Farm Biogas Plants own ABP

High-level overview of the requirements for the use of ABP in the production of biogas on farms are as follows:

- A plant involved in the AD of animal by-products (ABP) or derived products must be approved by the Department of Agriculture, Food and the Marine (DAFM) and the approval must be in date in accordance with Article 24 (h) of (EC) Regulation No. 1069/2009.
- The operator must ensure to abide by all relevant requirements listed in National Legislation S.I. 187/2014, EU Legislation (Regulation (EC) No.1069/2009 and Regulation (EU) No. 142/2011).
- The operator must notify DAFM immediately if significant changes are proposed to plant activities, plant personnel or if the plant ceases to handle or store ABP).
- Where the operator ceases to handle or store ABP, the plant must be decommissioned at this time and prior to use for any other activity. Please notify DAFM in advance.
- In certain situations, e.g., in the event of a Class A Disease outbreak, DAFM may restrict the movement of ABP to and/or from the plant under relevant national legislation and/or may require additional controls and measures to be implemented in the plant.
- All records required in the context of the ABP Regulations must be retained for a period of 3 years. Records must be made available for inspection by DAFM staff at the plant.

2.12.4.20.2 CN11: Conditions for Approval and Operation of Biogas Plants Transforming ABP and Derived Products in Ireland

High-level overview of the requirements for the use of ABP and derived products in the production of biogas is as follows:

Approvals

- A plant may not accept or transform Animal By-Products (ABP) or derived products unless the Department of Agriculture, Food and the Marine (DAFM) has issued the plant with a conditional or full approval in accordance with Regulation (EC) No. 1069/2009.
- The operator must comply with all relevant requirements listed in the European Union (Animal By-Products) Regulations 2014 (S.I. No. 187 of 2014) and EU Legislation (Regulation (EC) No. 1069/2009 and Regulation (EU) No. 142/2011).
- ABP may not be accepted from any agricultural holding or other premises restricted under the Animal Health and Welfare Act 2013 without specific authorisation by DAFM.

- In certain situations, e.g., in the event of a Class A Disease outbreak, DAFM may restrict the movement of ABP to and/or from the plant under relevant national legislation and/or may require additional controls and measures to be implemented in the plant.
- The operator must notify DAFM immediately if significant changes are proposed in plant activities, plant personnel or if the plant ceases to hand ABP.

ABP Feedstock

- Plants approved by DAFM may handle ABP and non-ABP materials. The quantities of ABP and non-ABP materials may be restricted in plants that are not pasteurising feedstocks or which are pasteurising only some of the feedstocks. This restriction will be detailed in the conditions attached to the plant's approval.
- The list of ABP and derived products, which may be handled at biogas plants in Ireland include the following:
- Category 2 materials:
  - Manure;
  - Digestive tract content;
  - Milk and milk-based products;
  - Colostrum;
  - Eggs and egg-based products;
  - Material originating from aquatic animals.
- Category 3 material (derived products):
  - Processed animal protein (PAP) from DAFM authorised premises;
  - Fishmeal from DAFM authorised premises;
  - ABP feedstocks that have undergone pasteurisation at another DAFM approved plant;
  - Processed Category 3 material from DAFM authorised premises.

The actual list of materials that any plant can handle will depend on the transformation parameters in use at the plant, primarily, and will be detailed in the conditions attached to the plant's approval.

A plant may only accept those ABP or derived products detailed in the conditions attached to the plant's approval.

Plants located on farms may not accept and handle PAP, fishmeal and/or processed Category 3 material.

Waste or any other material not directly used in the plant cannot be accepted or stored at the plant unless otherwise agreed by DAFM.

During DAFM visits and inspections to biogas plants, if gas monitoring devices are available in the plant, plant personnel with such devices should accompany DAFM staff at all times during the visit/inspections.

For each of these conditions, there is further information and a more detailed breakdown of the requirements in the conditions for Animal By Product processing operations.

2.12.4.20.3 Gas Pipeline Consents

Permission for the construction of a gas transmission pipeline is granted by the Commission for Regulation of Utilities (CRU), under Section 39A of the Gas Act 1976, as amended. Permission is required for the construction of gas transmission pipelines to connect authorised plants with the national gas grid. Once consent has been obtained to construct the pipeline, further consents will be required from the CRU to

operate the pipeline. Please note that this consent is separate from planning consents from either the Local Authority or ABP.

Queries relating to Section 39A Consents can be submitted via email to 39Aconsent@cru.ie.

In accordance with the EU Environmental Impact Assessment Directive and the Habitats Directive, the project will be assessed for potential significant environmental impacts. It will be necessary to get consent from the Commission for Regulations of Utilities (CRU) and notify the GNI to degas a pipeline. The CRU is the competent authority that issues a Section 39A (of the Gas Act 1976, as amended) approval for this activity.

In order to decommission a pipeline, you need to degas it. To do that you must decant the gas in that pipeline into a lower pressure section of the network. Ultimately, that surplus gas is then flared and purged with nitrogen. Should you then need to dig up that degasified gas pipeline, the impact on the local environment is similar to the impact of putting the pipe in situ in the first place. An alternative to this step in the degasifying process is to fill the degassed pipeline with grout and leave in situ, as this has the least impact on the environment.

Gas lines were once deemed to have a lifetime of 40 years, but now (due to the advancements in materials in use) the GNI analyses pipelines to assess pipes to see if it can continue beyond this timeframe.

Prior formal consent given by GNI is required If you are carrying out work in the vicinity of gas pipelines transmission network. This consent is required if works are being carried out within a wayleave i.e. land acquired by GNI (under the Gas Act 1976, as amended), a GNI transmission installation or within 3 m either side of a transmission pipeline or distribution strategic mains in a public roadway.

It is important to follow the process outlined in GNI's '*Code of Practice for Working in the Vicinity of the Transmission Network'*.

The code of Practice sets out the requirements and considerations for the following:

- Design;
- Construction;
- Maintenance of services and/or structures; and
- Other works in the vicinity of existing GNI gas transmission pipelines and associated installations located in both wayleaves and public roadways.

In conjunction with the consent from the GNI the following licences and notices should be applied for.

- **Design and Planning** – consider requirements and the impacts of the proposed works;
- **Notice to Commence** – minimum of 5 days' notice prior to commencement is required;
- **Request Marking out of Transmission Pipeline Route** – minimum three working days' notice required by GNI to mark out the transmission pipeline route;
- **Observe Restrictions** - Observe GNI restrictions on the allowed proximity of mechanical excavators and other power tools and the measures to protect the transmission pipeline and associated installations during any works (Sections 10, 11, 12 & 13 in the Code of Practice); and
- **Backfilling** – Contact GNI prior to any backfilling over, alongside or under the transmission pipeline and obtain GNI's agreement to proceed. GNI require two working days' notice prior to backfilling (Section 12 in the Code of Practice).

If work involves any of the following activities: trenchless techniques, piling, surface mineral extraction, land filling, demolition, blasting, pressure testing, seismic surveys, wind farms, it must comply with the

requirements in Section 14 of the Code of Practice.

2.12.4.21 Industrial Emissions Licence (IE Licence)

The Industrial Emissions Directive is administered by the Environmental Protection Agency (EPA) and lays down rules on integrated prevention and control of pollution arising from industrial activities (see **Table 4** for list of typically licenced industries). An industrial emissions licence is required for new activities, which is defined in the First Schedule of the EPA Act 1992 as the combustion of fuels in installations with a total rated thermal input of 50 MW or more. A licence must be obtained prior to commencement. Guidance on the application process is available from the EPA (https://www.epa.ie).

Table 4: Types of Industries that might require an Industrials Emissions Licence

Minerals and Other Materials	
Energy	Surface coatings
Metals	Intensive Agriculture (poultry and pigs)
Minerals Fibres, and Glass	Food and Drink
Chemicals	Wood, paper textiles and leather
Waste	Fossil fuels
Other Activities (includes testing of engines, manufacture of printed circuit boards, production of lime, the manufacture of ceramic products, the capture of CO_2 streams and treatment of waste-water).	Cement, Lime and Magnesium Oxide

Access to the EPA online application form is via the Environmental Data Exchange Network (EDEN) online portal (https://www.edenireland.ie/). The licence is required to refer to the complete environmental performance of the plant, including emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents and restoration of the site upon closure. If unsure as to which type of authorisation is required, or to validate licence requirements, ***an applicant may request the EPA to determine appropriate licencing requirements***.

An application for an Article 11 determination (waste disposal and recovery) must be made online using the EPA's website (EDEN) and will take 15 working days from submission to determination. However, the licencing process through the EPA takes 8 weeks from application to determination, followed by 28 days allowed for objections, before a final decision can be made, which may then be subject to Judicial Review within 8 weeks of the decision.

Any person conducting an activity that is below an industrial emissions licence threshold must ensure that they do not exceed that threshold without first obtaining an Industrial Emissions licence and also must ensure that the activity is correctly authorised. It is an offence to carry on a licensable activity without a proper licence from the EPA, and validation of licence requirements with the EPA is strongly advised.

EPA Licencing of generating facilities is currently carried out only for thermal plants. For all queries in relation to IE licencing and to arrange a pre-application meeting contact the EPA at licensing@epa.ie.

2.12.4.21.1 Integrated Pollution Control Licence (IPC Licence)

An Integrated Pollution Control (IPC) licence is a single integrated licence that covers all emissions from a facility and its environmental management (see the applicable industries listed in **Table 5** below). IPC licence requirements come into effect as a result of the Environmental Protection Agency Act 1992, as amended, to meet the European Union Industrial Emissions Directive 2010/75/EU.

Table 5: Types of Industries that might require an Integrated Pollution Control Licence

Minerals and Other Materials	
Metals	Fossil fuels
Minerals Fibres and Glass	Cement
Chemicals	Waste (class 11.1)
Food and Drink	Surface coatings
Textiles and leather	Other Activities (includes testing of engines, manufacture of printed circuit boards, production of lime, the manufacture of ceramics).

Before a licence is granted, you must satisfy the Environmental Protection Agency (EPA) that emissions from the activity will not cause a significant adverse environmental impact. If you are conducting IPC activities, you can ask the EPA to make a declaration as to whether an IPC licence is required via the EDEN online portal (https://www.edenireland.ie/). If disposing of waste, the certification and licencing of waste companies should be validated.

The requirement for a licence can be determined using the EDEN portal within 15 working days. However, the licencing process through the EPA takes eight weeks from application to determination and an Environmental Impact Assessment (EIA) may be required, followed by 28 days allowed for objections before a final decision can be made, which may then be subject to Judicial Review within eight weeks of the decision.

Some activities only require an EPA licence when they exceed specified thresholds. If you are carrying out an activity that is below a threshold, you must ensure that you do not exceed that threshold without having an IPC licence. Currently IPC licencing is limited to thermal plants. For all queries in relation to IPC licencing and to arrange a pre-application meeting contact the EPA at licensing@epa.ie.

2.12.5 Pre-Construction Conditions

For the purposes of safe construction and operation of a battery storage facility, additional conditions need to be strictly adhered to. In the case of the Seveso Directive, this is not a licence so much as an international standard that must be adhered to if your activity involves the storage, use or potential release of dangerous substances.

2.12.5.1.1 Seveso III Directive

The Seveso III Directive aims to control major accidents and or hazards involving dangerous substances, especially chemicals. They are a set of preventive measures and notifications in order to reduce the risk of hazardous activities and put a limitation on the consequences for human health and the environment, with a view to ensuring a high level of protection throughout the EU in a consistent and effective manner.

This Directive shall not apply to any of the following:

a. Military establishments, installations or storage facilities;

b. Hazards created by ionising radiation originating from substances;

c. The transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air, outside the establishments covered by this Directive, including loading and unloading and transport to and from another means of transport at docks, wharves or marshalling yards;

d. The transport of dangerous substances in pipelines, including pumping stations, outside establishments covered by this Directive;

e. The exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes;

f. The offshore exploration and exploitation of minerals, including hydrocarbons;

g. The storage of gas at underground offshore sites, including both dedicated storage sites and sites where exploration and exploitation of minerals, including hydrocarbons are also carried out; and

h. Waste land-fill sites, including underground waste storage.

Notwithstanding points (e) and (h) of the first subparagraph, onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines and chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as operational tailings disposal facilities, including tailing ponds or dams, containing dangerous substances shall be included within the scope of this Directive.

In the event of a major accident with the potential to pose a significant threat to human health the operator is required to notify the HSA immediately using the approved Notifiable Incident Form and email this to comah@hsa.ie.

Please refer to: Seveso III Directive – Seveso III On the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (Text with EEA relevance), Annex I for a list of Dangerous Substances considered under the Seveso Directive.

2.13 Construction Phase

2.13.1 Outline of Construction

Construction works are likely to commence by setting up site compounds and establishing equipment and material set-down areas, waste management infrastructure, site offices and welfare facilities. Further geotechnical site investigations may also be necessary at this point.

Once safe access has been established to the site, the contractors will begin with site preparation works, clearing, levelling and preparing the ground for the installation of any required foundations for the equipment and structures associated with the AD facility.

Throughout the construction stage, the project is monitored by various specialists to ensure it is constructed safely, correctly and in compliance with the planning conditions and design requirements. This can include community liaison officers, ecologists, archaeologists, etc., alongside construction monitoring carried out by various engineers to ensure the project is constructed in accordance with the relevant specifications and standards, approved design and contracts.

Depending on the scale and complexity of the AD project, various permits may be required during the construction phase. Maintaining compliance with the permits granted to the project is crucial.

2.13.2 Planning Permission Conditions

Upon a grant of planning permission, there will almost certainly be planning conditions imposed by the Planning Authority, which may cover a range of matters.

There will likely be conditions that cover matters during construction, such as working hours, which specify the acceptable window of time when construction may take place, or other conditions in relation to noise from construction, dust generated, wheel washing, etc. These conditions must be strictly adhered to, as if a project is found to be in breach of conditions, a Local Authority may initiate enforcement proceedings.

The Planning Authority may deploy Site Inspectors to ensure compliance with planning conditions, and other site matters within its jurisdiction.

2.13.3 Commissioning

Following the construction of an AD facility, it must then be commissioned. This process applies to all installations, regardless of size; however, for large and commercial projects, it is generally a more formal

procedure.

Commissioning involves a series of electrical testing, mechanical testing, performance evaluations and corrections reporting. The purpose is to ensure the equipment has been correctly installed and will operate safely and efficiently.

Provided a project passes the commissioning stage, it will then enter its operational stage and begin to collect heat for consumption or sale.

3 Operating & Maintenance Phase

3.1 Recurring Licences

Some licences and consents may not have a duration that covers the entire lifespan of an AD project, and may require further attention from the owner/operator. This may be because of the legislative basis for the consents, or as a change of legal circumstance, or an environmental change over time.

Depending on the placement of the project, the following licences and or additional licences may or may not be required for the safe operation and maintenance of the site. It is the responsibility of the owner/operator of the AD site to keep up to date/abreast of the relevant necessary licences.

3.1.1 Certificate of Registration

During the operation and maintenance of an AD installation, a COR may be required for waste set out in Part II of the Third Schedule of the Waste Management (Facility Permit and Registration) Regulations 2007 (S.I. No. 821/2007), as amended. An application must be submitted to the relevant Local Authority.

Please refer to **Section 2.12.4.4** for further information about COR Licences.

3.1.2 Industrial Emissions Licence (IE Licence)

During the operation and maintenance of an AD installation, an IE licence is required for new activities, which are defined in the First schedule of the EPA Act 1992 as combustion of fuels in installations with a total rated thermal input of 50 MW or more. A licence must be obtained prior to commencement.

Please refer to **Section 2.12.4.21** for further information about IE Licences

3.1.3 Integrated Pollution Control Licence (IPC Licence)

During the operation and maintenance of an AD installation, you may require an IPC licence that covers all emissions from the facility and its associated environmental management.

Please refer to **Section 2.12.4.21.1** for further information about IPC licences.

3.1.4 Green House Gas (GHG) Emission Permit

During the operation and maintenance of an AD installation, you may require a GHG permit which authorises the holder to undertake named activities (for further detail, refer to the Commission Implementing Regulation) which result in the emission of carbon dioxide and other greenhouse gases.

Please refer to **Section 2.12.4.18** for further information about GHG Permits.

3.1.5 Seveso III Directive (2012/18/EU)

During the operation and maintenance of an AD installation, you may consult the Seveso III Directive, which aims to control major accidents and or hazards involving dangerous substances, especially chemicals.

Please refer to **Section 2.12.5.1.1** for further information about Seveso III Directive.

3.1.6 Animal By Product (ABP) Processing Operations

During the operation and maintenance of an AD installation, you may consult the conditions required for an AD plant.

Please refer to **Section 2.12.4.19** for further information about ABP processing operations.

3.1.7 Gas Pipeline Consents

During the operation and maintenance of an AD installation, you may require consent for the construction of a gas transmission pipeline.

Please refer to **Section 2.12.4.20.3** for further information about gas pipeline consents.

3.1.8 Waste Disposal Licence/Permit

Waste disposal and recovery activities in Ireland require authorisation in accordance with the Waste Management Act 1996 as amended. To determine if the activity that is being carried out requires a waste licence please refer to the EPA services. A waste licence is a single licence which deals with emissions from an activity and the environmental management of the facility. Waste licences are issued through the EPA.

Please refer to **Section 2.12.4.5** for further information about Waste Disposal Licences and Permits.

3.1.9 Disability Access Certificate (potentially required for the converter station)

A revised Disability Access Certificate (DAC) is required where a significant revision is made to the design or works or a material alteration to or a material change of use of a building in respect of which a DAC has been granted by a Building Control Authority, which is the Local Authority for the respective area.

Please refer to **Section 2.12.4.6** for further information about Disability Access Certificates.

3.1.10 Other Licences

3.1.10.1.1 Water Abstraction Registration

By law, if you abstract 25 m^3 (25,000 litres) of water or more per day, you must register this abstraction with the Environmental Protection Authority (EPA) (e.g., used for dust suppression). Although not a licence (which is under development), failure to register can incur a Class A fine (a fine not exceeding €5,000). Requirements are set out in the Water Environment (abstractions and Associated Impoundments) Bill 2022.

The development of a register of water abstractions is a requirement of EU law under the Water Framework Directive (2000/60/EC). New abstractions must be registered within one month of the start of the abstraction. If you reported your water abstraction to a public authority (such as your Local Authority) in the past, you must also register your water abstraction with the EPA.

Temporary abstraction of 25 m^3 (25,000 litres) of water or more per day must be registered, unless the abstraction is a one-off occurrence with a duration of no more than 24 hours that is not going to be repeated at any regular or irregular interval. For all other temporary abstractions, a point of abstraction must be identified, and the maximum abstraction should be used when registering. When a one-off temporary abstraction ceases, it should be de-registered. This will be required for water abstraction to feed an industrial process or to dewater a groundwater body to facilitate a deep excavation during construction.

If you have any queries regarding this licence, you can contact the EPA at edenabstractionsupport@epa.ie, and licencing is administered by the EPA via the EDEN portal (https://www.edenireland.ie/).

3.1.10.1.2 Trade Effluent Discharge Licence

If you release an effluent (any liquid discharge which is not domestic sewage (toilet, bath or hand washing waste, < 5 m^3/day) or uncontaminated surface water and roof drainage (rainwater)) to waters or a sewer, you are required to have the appropriate discharge licence in place.

Applications must be made to Uisce Éireann (formerly Irish Water) who are now responsible for the issuing of effluent discharge licences for effluents discharged to sewers under the provisions of Section 7 of the Water Services (No.2) Act 2013. Environmental Protection Authority (EPA) licensed facilities will have details pertaining to the discharge of trade effluent presented in their Industrial Emissions or Integrated Pollution Control (IPC) Licence, and therefore no separate Section 16 licence is required.

Discharge (trade effluent) licences ensure that discharge is treated and controlled in a manner that protects the receiving environment and is a legal requirement under the Water Pollution Acts 1977 and 1990.

TE monitoring and sampling are typically required for larger industrial customers to derive the inputs to calculate the charges applicable for treatment and for those companies who have a Section 16 available from Uisce Éireann or an IPC (Integrated Pollution Control) licence available from the EPA.

This licence will only be a requirement where there is a discharge of trade effluent to a municipal sewer, and likely only applies to renewable energy facilities such as those for biogas or biomethane.

3.1.10.1.3 Surface Water Discharge Licence

Securing a discharge of effluent to waters, this licence allows for the discharge of trade effluent or sewage to a water body or groundwater after appropriate treatment. These licences are administered by Local Authorities (detailed instructions on the process are published by Sligo County Council), and there are a number of exemptions which include the following:

Discharges to tidal waters from vessels or marine structures;

- Discharges from a sewer owned by, vested in or controlled by a Water Services Authority; and
- Discharges subject to Integrated Pollution Control (IPC) licensing by the Environmental Protection Authority (EPA).

Legal requirements are based on the Water Pollution Acts, 1977 and 1990. This requirement will only apply to industrial facilities with water or fluid discharge into the environment outside of the sewage system, as such, this would only be applicable to geothermal systems, where waters are uncontaminated.

If the activity causing the discharge does not fall under the remit of the First Schedule of the Environmental Protection Agency Act, 1992 (as amended by the Protection of the Environment Act, 2003) an application for a licence must be made to the Local Authority in whose functional area, the discharge is to occur.

Effluent discharges for which a discharge licence must be obtained are as follows:

- All trade effluent discharges to surface water;
- All trade effluent discharges to groundwater;
- All domestic wastewater discharges to surface water; and
- All discharges of domestic wastewater greater than 5 m^3/day which is discharged to (groundwater) from a septic tank or other disposal unit by means of a percolation area, soakage pit or other method.

4 End Phase

4.1 Decommissioning

Decommissioning refers to the cessation of energy production and the dismantling and removal of associated equipment and infrastructure.

4.1.1 Planning Considerations

When it comes time for decommissioning of an AD installation, consents required depend on whether or not planning permission was required in the first place, and on the construction of the project. Before embarking on the decommissioning of an AD installation, please check all relevant planning permission documents from previous applications.

4.1.2 Previously Exempted Development

There is no evidence that the decommissioning and removal of exempted development AD installations requires planning permission, provided these are the only works taking place. If you have any concerns about whether planning permission is required, you can contact your Local Authority and request a Section 5 Declaration, which will determine whether your works are exempt from planning permission.

4.1.3 Previously Consented Development

Typically, projects that have been constructed following the procurement of a planning consent, from either the Local Authority or An Bord Pleanála, will deal with decommissioning by condition. This means that within the conditions attached to the planning permission, it will directly set out how to carry out decommissioning and restoration of the site to its original condition. This is typically ordered after a set period of operation, and thus, the decommissioning of the installation does not require consent, as it has been provided for under the original application. If, however, you wish to conduct works not specified within the condition, planning consent will be required for those works. A sample of what a condition might look like in relation to decommissioning is shown below:

> *"Within 6 months of the cessation of energy generation, or a period of 30 years and 6 months following completion of construction, whichever is the sooner, all equipment, access roads and infrastructure associated with the AD shall be dismantled and removed from the site and the site restored to its original condition, unless planning permission has been granted for the retention of the AD for a further period, prior to the expiration pf the 30-year period."*

Please note that there may be other conditions specified regarding the end of a project's lifespan, so please review relevant permissions carefully.

4.1.4 Licences

The decommissioning phase of a project may require reapplication for licences applied for during the pre-construction phase, along with additional licences. Please refer to **Section 2.12**.

4.2 Lifespan Extension

Generally, manufacturers of AD equipment will specify an operational lifespan for the equipment. This means the period after which the manufacturer recommends it be decommissioned or replaced. Sometimes the lifespan of an installation may be set by another body, such as the consenting Local Authority, which may specify, through planning permission, a lifespan for an installation. Unless specified by a statutory body, it is ultimately up to the owner to determine the lifespan of the installation. However, it is recommended to have due regard to the manufacturer's instructions.

4.2.1 Planning

For smaller-scale projects, including those that were exempt from development and those that required planning permission at installation, there will likely not be any specific conditions in relation to the lifespan of

the installation. Exempted development installations are only limited by the lifespan of the technology itself. The installation may remain in place for as long as the property owner wishes. For installations that required planning permission for construction, there may be a condition attached in relation to the lifespan of the installation. If there is, this must be complied with; however, if not, the property owner may leave the installation in place according to their own wishes.

Regarding larger-scale projects, it is more likely that lifespan extension will be dealt with by condition, meaning that within the conditions attached to the original planning permission, it will directly set out how to carry out a lifespan extension. Typically, this will specify that further planning consent is required. If there is no specific condition, you may not require planning permission. If you have any doubts whether planning permission is required, you may contact your Local Authority and request a Section 5 Declaration, in which it will be determined whether your works are exempt from planning permission or not.

4.2.2 Licences

As project extension entails the use of the equipment for a slightly longer period of time, the licences would fall under the operation and maintenance remit. For further information on operation and maintenance licences, please refer back to **Section 3** of this document.

4.3 Re-Powering

Re-powering means retrofitting and upgrading existing renewable energy installations with better equipment and technology to improve the efficiency of the installation while also allowing for an extended lifespan (given the newer infrastructure installed). For AD, repowering would likely see the panels upgraded to more efficient ones, allowing for more energy to be captured using the same area. This may also necessitate the upgrading of associated ancillary equipment.

4.3.1 Planning

For smaller-scale projects, specifically those that were classed as exempted development previously, planning permission is likely not required for re-powering. This is conditional on meeting the design regulations set out in **Section 2**. From a planning perspective, it is best to approach considering it like a new project, and so it would be useful to utilise the *SEAI Single Point of Contact Renewable Energy* online tool for guidance, in addition to complying with the regulations.

For projects that previously required planning permission, including larger-scale installations, planning permission may be required.

The original planning permission may contain a condition specifying that any further works on the site require further planning permission to be obtained. If there is no such condition, you may still require further planning permission, as the works required may be substantial. It is recommended that you consult with the Local Authority regarding re-powering and potentially seek a Section 5 Declaration. It is likely that permission will be required, as re-powering may be classed as 'land use intensification'.

4.3.2 Licences

With the exception of the certificates that will not be required for renewal (e.g., Disability Access Certificate) it is likely that the remaining licences will require renewal or reapplication. It is recommended that you consult with the various granting authorities regarding the re-powering of your project and seek advice as to whether renewal/reapplication is required.

5 Other Useful Resources

Gas Networks Ireland Biomethane Energy Report (Sept 2023) The Biomethane Energy Report

Gas Networks Ireland Biomethane Producers Technical Handbook (2023) Biomethane Producers Technical Handbook

Guidelines for Anaerobic Digestion in Ireland – CRÉ (2018) Guidelines for Anaerobic Report 2018.indd

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