



An Coimisiún
um Rialáil Fóntas
**Commission for
Regulation of Utilities**

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Guidance Notes

Applying for an Authorisation to Construct or Reconstruct a Generating Station

Information Paper

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www.cru.ie



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1. Introduction

These guidance notes are to assist applicants in applying for an Authorisation to Construct or Reconstruct a generating station. They should be read in conjunction with the Commission for Regulation of Utilities (The CRU) application form that is applicable to the project.

1.1 Legislative Background

The Electricity Regulation Act, 1999 as amended (the Act) gives the CRU the necessary powers to licence and regulate the generation, distribution, transmission and supply of electricity in Ireland. One of the functions of the CRU under the Act is to grant or refuse Authorisations to Construct or Reconstruct generating stations (an Authorisation), following assessment of an associated application.

A person shall not construct or reconstruct a generating station for the purpose of supply to final customers unless an appropriate Authorisation has been granted to the person by the CRU. It is an offence to construct or reconstruct a generating station without the required Authorisation. On conviction, a person may be liable to a fine not exceeding €100,000.

Generation licences (Licences) are also issued by the CRU and separate Licence Guidance Notes are available at www.CRU.ie. Dual and individual application forms are available for both Authorisations and Licences..

1.1.1 Environmental Compliance

The European Union (EU) (Birds and Natural Habitats) Regulations 2011¹ as amended (the Regulations), implement the EU Habitats Directive (92/43/EEC) and EU Birds Directive (2009/147/EC). Regulation 42(1) of the Regulations requires a screening for Appropriate Assessment (AA) of a "project" as defined in those Regulations, where an application for consent is received by a public authority. Where the project is a project of a type also requiring a development consent within the meaning of the Planning and Development Acts 2000 (as amended), the obligations on the CRU under Regulation 42 do not apply and the CRU will not undertake AA screening of that project. This will typically be the case and as such the application requirements for an Authorisation set out in this document are reflective of this scenario.

However, for untypical projects where planning permission or a development consent is not required, the CRU may be required to undertake AA screening and, if appropriate, an AA of the project. This will be determined on a case by case basis. If you think your project may be 'untypical' then please request a

¹ S.I. No. 477 of 2011

pre-submission meeting to discuss your submission requirements with the Licensing Team via licensing@CRU.ie

1.2 Exemption for <1MW Generating Stations

If a proposed generating station has an installed capacity of less than or equal to 1MW, applicants are exempted from the need to apply to the CRU for an Authorisation. The construction of such generating stations stands authorised pursuant to S.I. No. 459 of 2022.²

1.3 Generating Stations not exceeding 10 MW

If a proposed generating station has a capacity not exceeding 10 MW, applicants should complete the form “*Notification of Intention to Construct or Reconstruct, and/or to Generate Electricity, from a Generation Station not exceeding 10 MW*”. On receiving an acknowledgement from the CRU that the correctly completed notification has been received, the construction of the generation station will be authorised pursuant to SI 459 of 2022. The fees listed in section 3 of this guidance note remain applicable and evidence of payment must be provided at the time of notification.

2. When Should I Apply?

Applicants should only apply when they have all information required by the CRU as set out in this Guidance and the application forms. See Section 6 in relation to the assessment timelines for reapplications.

Where a joint application for an Authorisation and a Licence is not submitted, applicants must first hold an Authorisation prior to submitting their Licence application.

2.1 Pre-submission Meetings

New applicants or applicants with novel or complex applications are encouraged to avail of a pre-submission meeting with the CRU. At this meeting, the CRU will set out the application and assessment process and address any questions the applicant may have following review of the guidance notes and application forms. To avoid the potential for submission of an invalid application, new applicants are encouraged to contact the CRU via licensing@CRU.ie to request a pre-submission meeting.

Additionally, the CRU completeness check template is provided in Appendix I to assist applicants in developing valid applications. The application form also requests that the applicant supplies a brief

² S.I. No. 459/2022 – Electricity Regulation Act 1999 (Section 16 (3A)) Order 2022

description of the development and this section of the form can be used to highlight any novel or complex elements.

3. Application Fee

The application fee must be paid at the time of submission of the application/notification. Payment will only be accepted by Electronic Funds Transfer (EFT). The CRU bank details are:

IBAN: IE91AIBK93208677400043

BIC: AIBKIE2D

The application fees are banded according to the installed capacity of the proposed generating station. The fees are set out below.

Installed Capacity	€
1 MW to <5 MW	35
5 MW to <40 MW	100
40 MW to <50 MW	995
50 MW to <100 MW	1,995
100 MW to <200 MW	6,635
200 MW to <500 MW	16,590
500 MW and greater	19,905

Installed capacity refers to the normal full load MW capacity of the generation unit (or the sum of the normal full load MW capacities of all generation units associated with the application) as stated on the generation unit nameplate(s). For the avoidance of doubt, the installed capacity is to include the MW consumed by generation unit auxiliary plant directly supplied from the generation unit terminals and other site load directly supplied by the generation unit(s) prior to connection with the transmission and/or distribution systems.

4. Submission Format

A 'Completeness Check' listing all documents applicants should enclose with the completed application form can be found in Appendix I. The application form also details these documents.



The CRU may require additional written confirmation or clarification of any aspect of your application. Where this is requested, the information may be submitted in the form of a letter signed by the applicant, its authorised officer or such other person duly authorised to act on the applicant's behalf.

Please ensure to number and name your application documentation in line with the Completeness Check document e.g. attach planning submissions as '5. Planning Information'. Failure to do so, or submission of additional documents not requested will result in a return of same and ultimately a delay in the assessment of your application.

All documentation should be submitted electronically via licensing@CRU.ie. No hardcopies are required. Files that are too large to be submitted by email should be provided by file share software.

5. Application Validity

The CRU has developed application forms and guidance documents to assist applicants in developing a valid application. The relevant application forms are available at www.CRU.ie. The CRU completeness check template is provided in Appendix I to assist applicants in developing valid applications.

On receipt of an application, the CRU assessment team will carry out a **Completeness Check** to confirm that the application is valid. Should the CRU receive an invalid application i.e. missing documentation or an incomplete application form, the applicant will be informed that their application is incomplete and will not be processed. A written list of the incomplete sections will be provided to support the applicant's development of a new and valid application.

Applicants should note that updating their application mid assessment will delay the CRU assessment process and may necessitate a full reassessment. It may also invalidate the original application and result in the requirement for a new application. The decision to require a new application or recommence an assessment will be made on a case-by-case basis and is fully at the discretion of the CRU.

6. How Long Will it Take to Consider my Application?

The CRU aims to meet the following application assessment timelines for **Authorisations greater than 10 MW and under 40 MW**:

Assessment steps	Timeline
Acknowledge receipt of application	Within 1 week of receiving application
Completeness Check	Within 2 weeks of receiving application

Assessment	Up to 6 weeks
CRU decision-making process	3 weeks following completion of assessment

The CRU aims to meet the following application assessment timelines for **Authorisations of 40MW and over** and **dual applications**:

Assessment steps	Timeline
Acknowledge receipt of application	Within 1 week of receiving application
Completeness Check	Within 2 weeks of receiving application
Assessment	Up to 10 weeks
CRU decision-making process	3 weeks following completion of assessment

The assessment timeline is dependent on the applicant's response times to Additional Information requests. Please note that requests for an update on the application assessment progress will be responded to only by reference to the above assessment timelines.

In the case where an applicant has been recently issued with an Authorisation to Construct but subsequently wishes to make changes, please note that in most cases this will require a full reapplication. The associated assessment timeline for such reapplications is at least 6 months. To avoid this situation, applicants are advised to wait until all required information is finalised before making any submissions to the CRU. This will support the timely assessment of applications for all applicants.

7. CRU Assessment and Applicant Updates

Once the application has passed the Completeness Check, the applicant will be notified that the assessment has formally commenced. A CRU application reference number will be assigned for assessment and this should be used in all correspondence with the CRU.

The assessment will cover the following disciplines:

- (a) Administrative;
- (b) Technical;
- (c) Environmental; and

(d) Financial.

To keep applicants aware of assessment progress, fortnightly **Assessment Progress Reports** will be issued by the CRU for the duration of the assessment. An example of an Assessment Progress Report is provided in Appendix II.

Should an applicant require information that is not contained in the Assessment Progress Report, they may submit a request for information to the CRU by email via licensing@CRU.ie. This will be responded to in the next Assessment Progress Report.

During the assessment, the CRU may require **additional information** from the applicant to support their submission, or to clarify information already submitted. These requests will be issued within the Assessment Progress Report.

Where matters arise that have the potential to result in a refusal of an application, the applicant will be informed at the earliest opportunity to afford them the time to address the matter, where possible and appropriate, through the submission of additional information.

8. CRU Decision Making Process

If the CRU determines an Authorisation should be granted, the applicant will be issued with a soft and hard copy of the signed Authorisation.

If the CRU decides to refuse an Authorisation, the applicant will be notified in writing of the reasons for the refusal and will be informed of the appeals process as per Part IV, sections 29 to 32 of the Act. Please note that the appeals process is external to the CRU procedure.

In granting an Authorisation, the CRU is not endorsing the plans of a generating station and it cannot be relied upon as an indication of the likely commercial success or otherwise of its holder.

9. Inactive Applications

Where the CRU has not received a response to a request for additional information or has had no material contact from the applicant for a period of 2 months, The CRU will notify the applicant that the issuance of the Assessment Progress Reports will be put on hold until the applicant has provided an appropriate response or update.

Where the CRU has not received a response to a request for additional information or has had no material contact from the applicant for a period of 4 months, The CRU will write to inform the applicant that their application is deemed to be expired. If the applicant subsequently wishes to reapply, they must submit a new application form and associated documentation.



10. Terms and Conditions of an Authorisation

Authorisation holders are required to complete the construction and commissioning of the generating station no later than five years from the date that it comes into force, unless otherwise directed by the CRU.

The CRU may revoke an Authorisation if the holder fails to comply with its terms and conditions. The revocation terms are detailed in Schedule 2 of the Authorisation. Details of other terms and conditions can be found in the Authorisation.

11. Confidentiality of Information Submitted

Information provided in an application form and supporting documents may be subject to section 13 (Prohibition on unauthorised disclosure of information) of the Act. However, the information we hold is subject to the Freedom of Information Act, 2014 and legislation on the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (AIE Regulations). Details of the information we will publish can be seen on the CRU website. Applicants should ensure that any information that they consider to be commercially sensitive or confidential is clearly labelled accordingly.

12. Further Information on the Irish Electricity Market

There are a number of websites that can provide applicants with information about developments in the Irish electricity market including:

- CRU: Regulatory Information: www.CRU.ie
- SEMO: Market Information: www.sem-o.com
- EirGrid: Connection Matters www.eirgrid.com
- Gas Networks Ireland: Connection Matters www.gasnetworks.ie
- SEAI: Sustainable Energy: www.seai.ie
- DECC: RESS – Renewable Energy Support Scheme:
<https://www.gov.ie/en/organisation/department-of-the-environment-climate-and-communications/>

Note

All applicants are advised that in order to trade in the market, in addition to holding the necessary Licences from the CRU, accession to the Trading and Settlement Code is required. Applications for market



accession are to be made to the Single Electricity Market Operator (SEM-O) once the relevant Licences from the CRU have been issued. To facilitate timely accession to the market, applications should be made as early as possible. Please contact the SEM-O Market Registration team at balancingmarketregistration@sem-o.com or by telephone at 1800 778111 for information on this process.

APPENDIX I: CRU COMPLETENESS CHECK

AUTHORISATION TO CONSTRUCT <40MW

THE CRU COMPLETENESS CHECK

Submission of Supporting Documentation

Please ensure to number and name your application documentation in line with the below e.g attach planning submissions as '5. Planning Information'. Failure to do so, or submission of additional documents not requested will result in a return of same and ultimately a delay in the assessment of your application.

All applications must include the following information:

1. Application Form

- Signed and completed application form.

2. Application Fee

- Proof of payment of application fee.

3. Financial Information

- Copy of signed and dated letter of offer for support scheme for the proposed generating station.

For non RESS offer holders:

- Evidence of finance. Where internally funded, proof of available funds from balance sheets is acceptable. For third party finance, a letter of commitment from a financial institution is acceptable, or where shareholders are providing finance the supporting contract documents.

4. Location of Generating Station

- Map(s) or marine chart(s) sufficient to identify the location of the proposed generating station.

5. Planning Information

- A copy of final grant of planning permission, or confirmation of a planning exemption from the planning authority, or An Bord Pleanála as appropriate, for the development.

Final grant of planning permission is granted following the appeals period in the event no appeals are received from the planning authority (e.g. 4 weeks from the Notification of Decision to Grant).

6. Connection Agreement

- Proof of connection agreement
or

APPENDIX I: CRU COMPLETENESS CHECK

- Proof of application for a connection agreement from the transmission system operator or distribution system operator for the proposed generating station. Where evidence of application is submitted, the signed copy of the issued agreement is required prior to consents being issued.

Both must include a reference number and MEC.

The submission of additional information may be requested at any stage in the assessment process.

APPENDIX I: CRU COMPLETENESS CHECK

AUTHORISATION TO CONSTRUCT >40MW THE CRU COMPLETENESS CHECK

Submission of Supporting Documentation

Please ensure to name your application documentation in line with the below e.g. attach planning submissions as '5. Planning Information'. Failure to do so, or submission of additional documents not requested will result in a return of same and ultimately a delay in the assessment of your application.

All applications must include the following information:

1. Application Form

- Signed and completed application form.

2. Application Fee

- Proof of payment of application fee.

3. Financial Information

- Copy of signed and dated letter of offer for support scheme for the proposed generating station.

For non RESS offer holders:

- Evidence of finance. Where internally funded, proof of available funds from balance sheets is acceptable. For third party finance, a letter of commitment from a financial institution is acceptable, or where shareholders are providing finance the supporting contract documents.
- Statements of the accounts for the last two years kept by the applicant in respect of relevant undertakings carried on by the applicant, showing the financial state of affairs of that undertaking and its profit or loss, together with copies of the latest audited accounts.
- If more than three months have elapsed since the end of the accounting year covered by the accounts submitted, confirmation from the applicant stating no material adverse change has occurred.
- Where the applicant is a special purpose vehicle, a statement of relevant parent company accounts and guarantees.

Should you gain an Authorisation to Construct for this project, the following information will be required to gain the associated and required Licence to Generate. Where this information is currently available it can be submitted now as part of this application assessment. Where no change has occurred for your Licence to Generate application, the assessment carried out at this point will carry over to that assessment.

APPENDIX I: CRU COMPLETENESS CHECK

Where this information is not currently available, all working assumptions under the below headings should be provided. The information submitted must enable the CRU to satisfy itself that the project will be viable long term and is required in order to gain an Authorisation to Construct.

- An outline statement of the proposals for the business of the applicant to which the application relates, for the next five years, including;
 - Annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.
 - Details of any expected subsequent substantial capital outflows, including major decommissioning costs
 - Estimates of net annual cash flows for subsequent periods sufficient to demonstrate the financial security and feasibility of the project(s) to which the application relates

4. Location of Generating Station(s)

- Map(s) or marine chart(s) sufficient to identify the location of all generating stations to which the application relates.

5. Planning Information

- A copy of final grant of planning permission, or confirmation of a planning exemption from the planning authority, or An Bord Pleanála as appropriate, for the development.

Final grant of planning permission is granted following the appeals period in the event no appeals are received from the planning authority (e.g. 4 weeks from the Notification of Decision to Grant).

6. Connection Agreement

- Proof of connection agreement
- or**
- Proof of application for a connection agreement from the transmission system operator or distribution system operator for the proposed generating station. Where evidence of application is submitted, the signed copy of the issued agreement is required prior to consents being issued.

Both must include a reference number and MEC.

7. Construction Timeline

- Construction and commissioning programme, identifying the major milestones in the project development, from authorisation to completion.

APPENDIX I: CRU COMPLETENESS CHECK



The submission of additional information may be requested at any stage in the assessment process.

ASSESSMENT PROGRESS REPORT [DATE]

THE CRU APPLICATION REFERENCE:

GENERATING STATION NAME:

DATE RECEIVED:

ASSESSMENT AREA PROGRESS REPORTS

Assessment Area	Progress Update	Additional Information request
Administrative	e.g. Complete/ In process/ On hold pending response to additional information request	
Technical	e.g. On hold	Awaiting response to additional information request of [DATE]
Environmental	e.g. Complete	
Financial	e.g. In process	

Query type	Date received	Response
e.g. voicemail query, email query	[date]	The CRU will provide responses to all written or voicemail queries received via the fortnightly progress report

Applicant responses to Additional Information requests must be sent to licensing@CRU.ie. Applicants must insert the CRU application reference number into the subject line on all email correspondence.

- A delay in responding to an Additional Information request may result in a delay to the overall assessment timeline.
- Where the CRU has not received a response to a request for additional information or has had no contact from the applicant for a period of 3 months the issuance of the Assessment Progress Reports will be put on hold until an appropriate response is provided.
- Where the CRU has not received a response to a request for additional information or has had no contact from the applicant for a period of 6 months, the application is deemed to be expired.