

**APPLICATIONS FOR AUTHORISATION TO CONSTRUCT OR  
RECONSTRUCT GENERATING STATIONS**

**(UNDER SECTION 16 OF THE ELECTRICITY REGULATION ACT,  
1999)**

**NOTICE**

The Commission for Electricity Regulation, in exercise of its powers under Section 16 of the Electricity Regulation Act, 1999 (No. 23 of 1999) and in accordance with the Electricity Regulation Act, 1999 (Criteria for Determination of Authorisations) Order, 1999, (S.I. No. 309 of 1999), hereby gives notice that an application under Section 16 of the Electricity Regulation Act, 1999 shall be made to the Commission for Electricity Regulation in accordance with the procedures set out in this Notice.

**1. Interpretation**

(a) "**Act**" means the Electricity Regulation Act, 1999;

"**ancillary services**" has the meaning given in the Grid Code;

"**applicant**" means the person making the application;

"**application**" means an application for an authorisation under Section 16 of the Act;

"**Commission**" means the Commission for Electricity Regulation;

"**operator**" in relation to a generating station, means the person who operates the generating station;

"**owner**" means the person having a proprietary interest in or the use of the generating station and any equipment essential to the operation thereof.

(b) References to an enactment shall include subordinate legislation and in both cases any statutory modification or re-enactments thereof.

**2. Form of applications**

An application under Section 16 of the Act shall be in the form, and shall contain the particulars, specified in Part I of Schedule I to this Notice.

**3. Documents to accompany applications**

An application under Section 16 of the Act, shall be accompanied by two copies of the documents and particulars specified in Part II of Schedule I to this Notice and the declaration, duly signed, in the form specified in Part III of Schedule I to this Notice.

#### **4. Lodgement of applications**

All applications shall be delivered to or sent by prepaid registered post to the Commission at its principal office.

#### **5. Manner of publishing applications**

- (1) Notice of the application may be published by the Commission;
  - (a) in a newspaper circulating in the State; and/or
  - (b) in a newspaper or newspapers circulating in every area in which the generating station is or is proposed to be located.
- (2) Where a map forms part of the documents and particulars provided in accordance with paragraph 3, there may be published together with the notice of the application a notice stating that a copy of that map is available for inspection by the public at the principal office of the Commission between 10.00am and 12.00 midday and 2.00pm and 4.00pm on any working day or by appointment with the Commission and at the local Garda station(s) in whose area the generating station is to be located.

#### **6. Additional Information**

The Commission may serve notice on the applicant, requiring the applicant to provide such further information in respect of the application and within such period, as may be specified in the notice.

#### **7. Confidentiality**

The applicant's attention is drawn to the Commission's obligations under Sections 13 (Prohibition on unauthorised disclosure of information) and 46 (Amendment of Freedom of Information Act, 1997) of the Act.

#### **8. Criteria for assessing applications**

Applications shall be assessed in accordance with the criteria specified in the Electricity Regulation Act, 1999 (Criteria for Determination of Authorisations) Order, 1999 (S.I. No. 309 of 1999), a copy of which is attached as Schedule II to this Notice.

## **9. Fees payable with application**

- (1) The fee payable with an application shall be in accordance with the Schedule of Fees in the Guidance Notes accompanying the application form.
- (2) All fees shall be paid when the application is lodged.

### **CHEQUES SHOULD BE MADE PAYABLE TO:**

**The Commission for Electricity Regulation**

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**SCHEDULE I**

**PART I**

*Where, for any question, insufficient room has been provided, the answer should be continued on a separate sheet.*

**General Details**

1. Full name of the applicant(s).

2. Address of the applicant(s), or in the case of a body corporate, the registered (and where different, principal) place of business. Also, in the case of an overseas applicant, address in Ireland for service of process and other notices.

3. Where the applicant is a company, full names of current directors and the company's registered number. If not incorporated in Ireland, the registration number which the Companies Registration Office in Ireland may have issued and the country in which the company is incorporated.

4. Where a holding of 10 per cent or more of the shares (see Note below) of an applicant is held by a body corporate or partnership or an unincorporated association or a co-operative carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

5. If the applicant is not the owner of the proposed generating station, full name and address of the owner(s). In the case of a body corporate, the address should be the registered (and where different, principal) place of business.

6. Where an owner(s) is a company, the full names of current directors and the company's registered number.

7. Where a holding of 10 per cent or more of the shares (see Note below) of an owner(s) is held by a body corporate or partnership or an unincorporated association carrying on a trade or business with or without a view to profit, the name(s) and address(es) of the holder(s) of such shares shall be provided.

8. Full name and address of the intended operator of the proposed generating station (if different from the applicant or owner). In the case of a body corporate, the address should be the registered (and where different, principal) place of business.

9. Name, address and place of incorporation of ultimate parent undertaking(s) (if any) of the applicant.

## **NOTE**

### **Reference to shares:**

- a) in relation to an applicant and/or owner with a share capital, are to allotted shares;
- b) in relation to an applicant and/or owner with capital but no share capital, are to rights to share in the capital of the applicant and/or owner;
- c) in relation to an applicant and/or owner without capital, are to interests;
  - i) conferring any right to share in the profits or liability to contribute to the losses of the applicant and/or owner; or
  - ii) giving rise to an obligation to contribute to the debts or expenses of the applicant and/or owner in the event of a winding up.

### **Details of proposed construction(s) / reconstruction:**

10. A sufficient description specifying the actual proposed location of the generating station and associated land use e.g. by reference to townlands, postal address etc, the identity of site owner(s) and the applicant's legal interest in the site (if any).

11. Desired date from which the authorisation is to take effect.

12. The date when the proposed generating station is expected to be commissioned.

13. The capacity (MW), type, expected life and technical specifications of each generating unit within the generating station.

14. A description of how the generating station will be fuelled or driven, including both primary and back-up fuel sources.

15. Confirmation that the application does not relate to a generating station involving the use of nuclear fission for any purpose, including for the generation of electricity.

16. Details of the ancillary services that the generating station will be capable of providing.



Reactive Power Capability    kVAr (lead):                      kVAr(lag):

Operating Reserve capability (as applicable)

Primary Operating Reserve:

Secondary Operating Reserve:

Tertiary Operating Reserve:

Other:

Frequency Control Capability (as applicable):

Black start capability (as applicable):

17. A description of the measures to be taken by the applicant to ensure the safety and security of the electrical system, including details of whom shall have responsibility for the engineering and Construction/Reconstruction of the plant.

18. A description of the measures to be taken by the applicant to achieve effective and efficient use and production of energy which shall include energy efficiency calculations.

19. Details of all applicable statutory or other consents, permissions or licences held, applied for or being applied for by the applicant, or by affiliates of the applicant, necessary for the construction and operation of the proposed generating station, including planning permission (or exemption from planning permission).

20. Details of any connection agreements made or being sought with the Electricity Supply Board, including modifications to existing connection agreements.

21. Confirmation that the applicant has consulted the relevant Chief Fire Officer on fire safety aspects of the planned building(s) and in relation to the provision of access and facilities for Fire Brigade/Emergency Services in the event of a fire or other emergency.

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**SCHEDULE I**

**PART II**

**DOCUMENTS TO ACCOMPANY AN APPLICATION FOR  
A CONSTRUCTION / RECONSTRUCTION AUTHORISATION**

*If the applicant is not the owner, please attach relevant documents for both the applicant and the owner. Applicants are requested to submit two copies of each document with their application.*

**1. Financial history**

- (a) Statements of the accounts for the last two years kept by the applicant in respect of relevant undertakings carried on by him, showing the financial state of affairs of that undertaking and its profit or loss, together with copies of the latest audited accounts.
- (b) If more than three months have elapsed since the end of the accounting year covered by the accounts submitted, a certificate from the applicant stating that no material adverse change has occurred.
- (c) Where the applicant is a special purpose vehicle, a statement of relevant parent company accounts and guarantees.

## 2. **Project planning and feasibility**

An outline statement of the proposals for the business of the applicant to which the application relates, for the next five years, including:

- (a) Annual forecasts of costs, sales and revenues and project financing, stating the assumptions underlying the figures provided.
- (b) Details of any expected subsequent substantial capital outflows, including major decommissioning costs.
- (c) 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.
- (d) Information on the intended source of finance and (where relevant) confirmation from the relevant lender(s).

## 3. **Environmental impact statement** (if applicable).

## 4. **Construction and commissioning programme** (identifying the major milestones in the project development, from authorisation to completion).

## 5. **Maps(s) or marine charts** sufficient to identify the location of the generating station to which the application relates.

*To assist the Commission in assessing applications in a timely manner, applicants are encouraged to provide the Commission with two copies of the following documentation (where applicable):*

## 6. **Planning permission** or confirmation of planning exemption from planning authority.

7. **IPC Licence** or confirmation that an application has been submitted to the EPA.
8. **Water extraction Licence**
9. **Connection Offer** from the Transmission System Operator or Distribution System Operator or confirmation that modification of an existing connection agreement is being sought.
10. **Power Purchase Agreement**

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**SCHEDULE I**

**PART III**

**DECLARATION**

On behalf of the applicant, I hereby declare that:

- (a) the applicant shall at all times comply in every respect with the conditions attached to any authorisation that may be awarded to the applicant;
- (b) the applicant shall at all times comply with lawful directions of the Commission for Electricity Regulation;
- (c) the information provided by me on behalf of the applicant is accurate and complete in all respects; and
- (d) I am authorised to make this declaration on behalf of the applicant.

Signed:

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Full name(s) of Signator(y/ies):

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Position held (if the applicant is a company, co-operative, partnership, unincorporated association or other body corporate):

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Date: