

Update on Ireland's Critical Infrastructure Bill



The Irish Government recently published the Critical Infrastructure Bill (the “**Bill**”). This marks a significant development which aims to address long-standing concerns about delays in Ireland’s infrastructure approval processes by accelerating projects through licensing, consenting and planning processes. In this Insight, we provide a high-level overview of the Bill.

Key Changes

The key provisions of the Bill include:

Key Provisions	Analysis
Type of Projects 	The infrastructure targeted by the Bill includes but is expressly not limited to transport (ports, airports, road and rail), energy, water, wastewater and waste management projects funded by capital investment by or on behalf of the State or a public body. Public bodies is widely defined and a person or body may be designated a ‘public body’ by the Minister for Public Expenditure, Infrastructure, Public Services, Reform and Digitalisation (the “ Minister ”).
Statutory Designation 	The Government (with Dáil approval) may designate specific infrastructure projects as ‘critical infrastructure’ under law by way of an order which means those projects will be fast-tracked.
Prioritisation 	Public bodies involved in approving designated projects will be required to prioritise them over non-designated projects, accelerate consideration of those projects under the relevant approval / consenting process and actively take steps to reduce authorisation process timelines.
National Cooperation 	Public bodies involved in approval processes must coordinate to reduce their timelines, creating a streamlined pathway to approve designated projects.
Minimise Delays 	Public bodies must actively coordinate, prioritise and sequence delivery of designated projects, and minimise administrative or procedural delays by identifying and managing risks and constraints. They will be required to allocate appropriate administrative, technical and decision-making resources to facilitate project delivery.
Ministerial Directions 	The Minister will have the power to request information and reports from public bodies, and to issue directions to relevant bodies regarding the performance of their duties in order to accelerate project delivery.
Disapplication of Section 15 	Section 15 of the Climate Action and Low Carbon Development Act 2015 imposes an obligation on public bodies to perform their functions in a manner consistent with the approved climate action plan, national long-term climate action strategy, national adaptation framework, any sectoral adaptation plan, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change. The Bill disapplies this obligation in respect of public bodies’ functions and duties under the Bill. We anticipate that this provision is likely to attract scrutiny as the Bill progresses through the Oireachtas.

Why Does This Matter?

The Bill seeks to address delays in approval processes by creating a fast-track procedure for decision-making bodies to assess the most critical infrastructure projects through the existing approval systems. It is intended that the Bill will expedite the Government’s infrastructure priorities, reduce ambiguity in the approval system, and ensure that critical infrastructure projects receive focused, prioritised attention from decision making bodies.

Next Steps

The Joint Committee on Infrastructure and National Development Plan Delivery recently voted to exempt the Bill from pre-legislative scrutiny. This means that the Bill will be accelerated through the legislative process over the coming weeks and it has been suggested that it could be enacted as early as summer 2026.

Commentary

The Bill will introduce a fast-track mechanism for designated critical infrastructure projects within the existing approval processes which will be of particular interest to those involved in the development of major infrastructure projects in Ireland. The Bill when enacted could significantly impact project timelines and approval strategies and will be of particular interest to market stakeholders operating in the energy, transport, or utilities infrastructure sectors.

Helpfully, a new Practice Direction for the Planning & Environment Court List came into operation on 13 April. Similar to the Bill, it makes provision for the fast-tracking of nationally significant infrastructure projects (“**NSIP**”) proceedings through the court system. NSIPs include;

- (a) renewable energy infrastructure projects;
- (b) SID / SHD / LRD or other infrastructure projects that the Court considers are of such national significance as to warrant certification as an NSIP; and
- (c) any project (eg, grid connection or wastewater treatment) or matter (eg, amendment of permission, EPA licence or other consent) that facilitates any of the above projects.

Contact Us

If you have any questions on the Bill or any infrastructure or construction topics please get in touch with the contacts listed below or your usual Matheson contacts.



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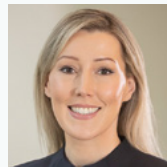
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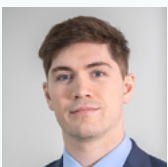
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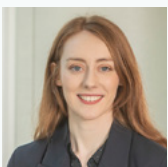
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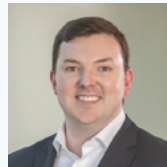
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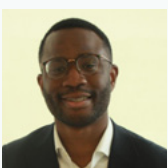
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