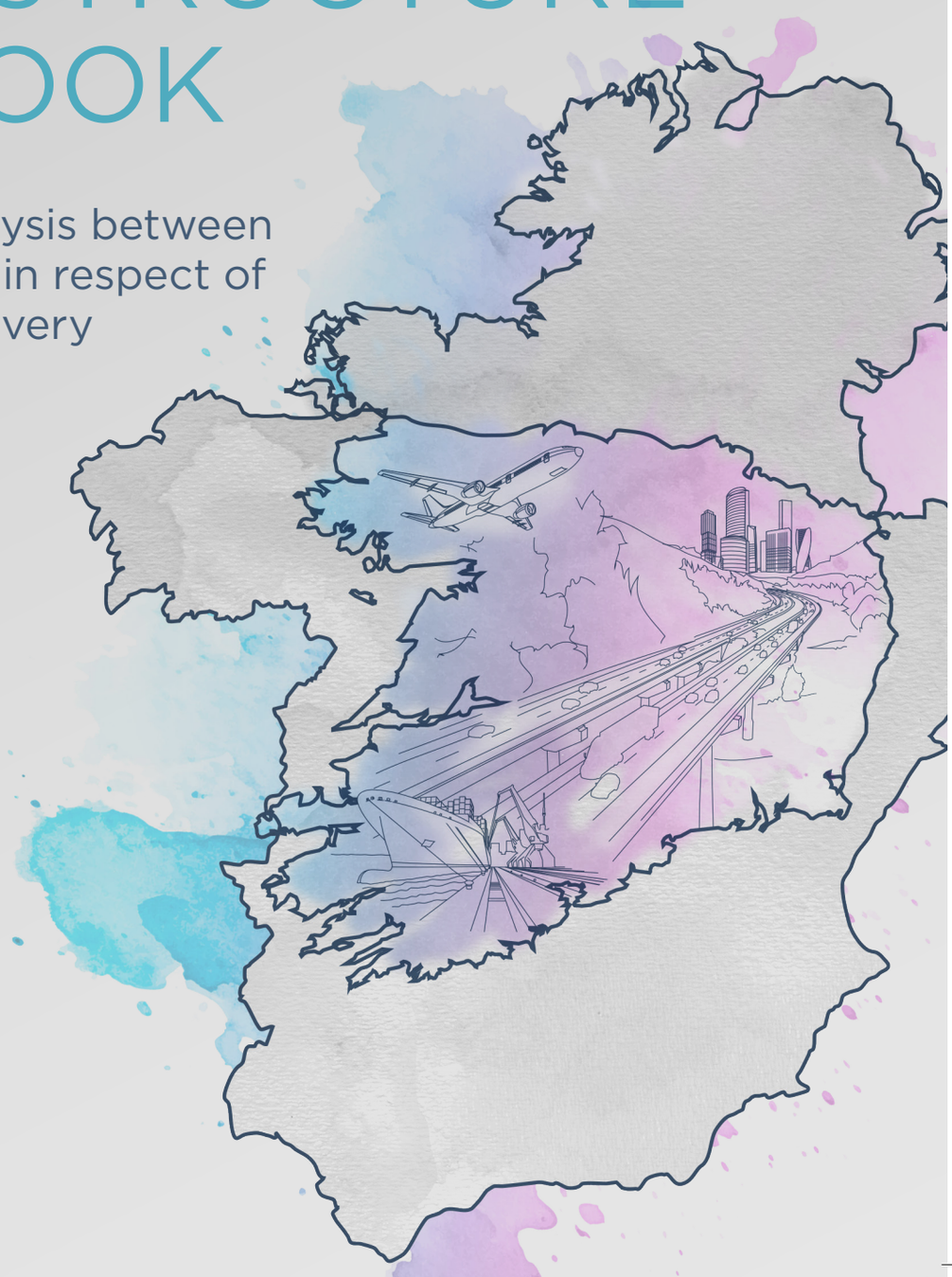
FROM PLANNING TO DELIVERY: WHAT IRELAND CAN LEARN FROM SPAIN'S INFRASTRUCTURE PLAYBOOK

Comparative Analysis between Ireland and Spain in respect of Infrastructure Delivery



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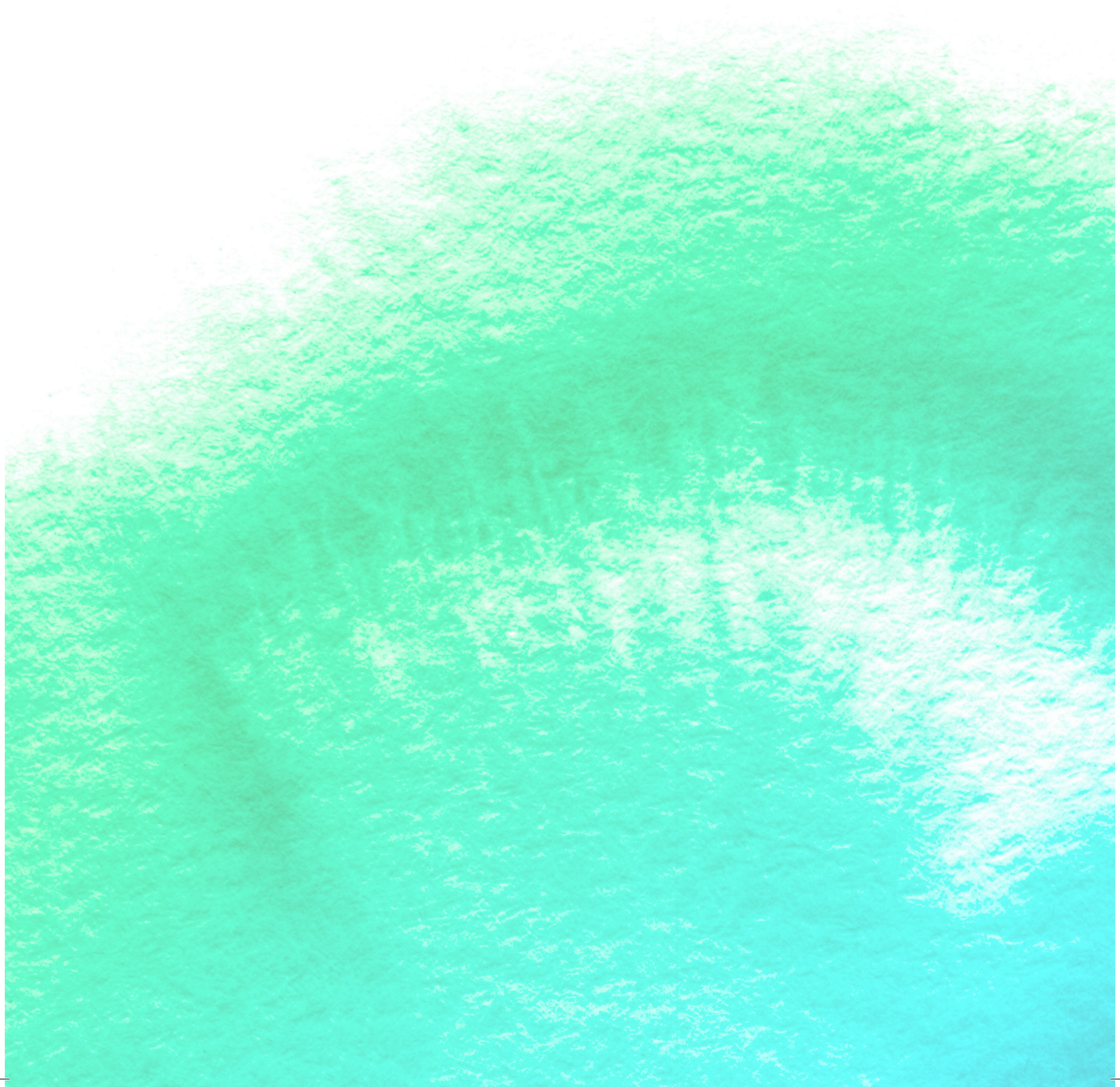
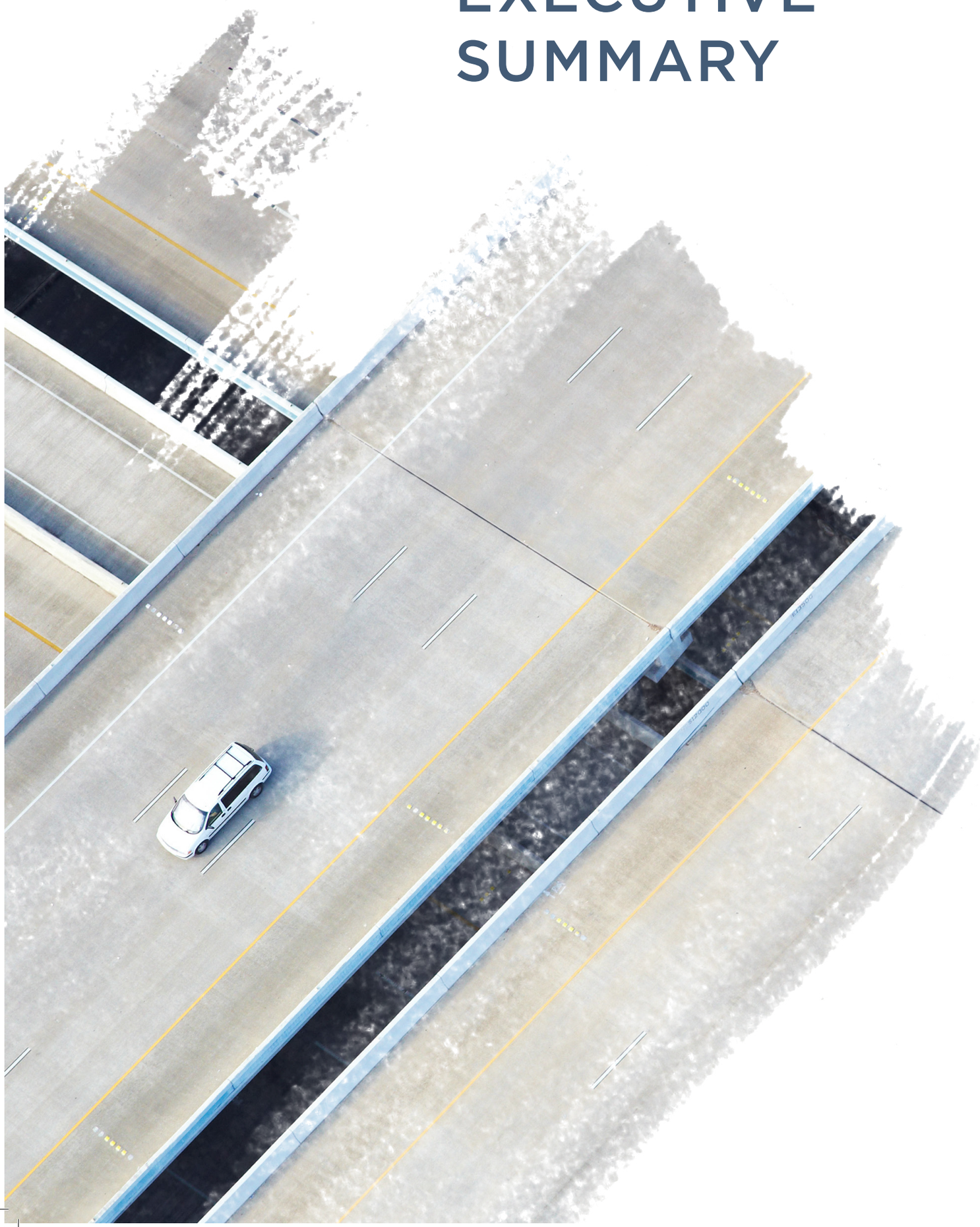


CONTENTS

EXECUTIVE SUMMARY



WHAT IRELAND CAN LEARN FROM SPAIN'S INFRASTRUCTURE PLAYBOOK

Across the European Union, governments face growing pressure to deliver critical infrastructure at speed while complying with increasingly complex planning, environmental, and procurement regimes. Few countries illustrate this challenge more clearly than Ireland. Despite strong economic growth, sustained population increases and significant public investment ambitions, Ireland continues to struggle to convert plans into delivered infrastructure at the pace required.

Spain, by contrast, stands out as one of Europe's most successful infrastructure delivery jurisdictions. Over the past three decades, it has transformed its transport, energy, logistics and water networks delivering projects at a scale and speed that many other Member States have not matched. This is despite operating under the same EU environmental and procurement directives as Ireland.

We at Addleshaw Goddard Ireland, alongside our Spanish colleagues have undertaken a comparative analysis of the planning and infrastructure delivery frameworks in Ireland and Spain. Our report (linked at the end of this article) explores why two countries subject to the same EU legal framework experience such different delivery outcomes. As well as examining the planning systems, zoning regimes, consent timelines, appeal mechanisms, environmental assessment processes and procurement structures in Ireland and Spain highlighting where the real causes of delay arise and where meaningful reform could have the greatest impact.

The findings of our report suggest that Ireland's challenges are less about ambition and more about procedural complexity, legal risk, and institutional capacity. Spain's success, meanwhile, appears rooted not in lighter regulation but in long term political consensus, decentralised yet embedded expertise, and decades of experience delivering large, complex infrastructure programmes.

As Ireland embarks on major reform including the Planning and Development Act 2024, the work of the Accelerating Infrastructure Taskforce and the proposed Critical Infrastructure Bill this comparison offers timely insight into how legal design, governance structures and institutional culture can either enable or obstruct infrastructure delivery.

Read on for a concise overview or explore the full report to understand where Ireland's next phase of reform must focus.

SUMMARY

A COMPARATIVE ANALYSIS OF INFRASTRUCTURE DELIVERY IN IRELAND AND SPAIN

Infrastructure delivery sits at the centre of economic competitiveness, social cohesion, and climate transition. Ireland and Spain provide a revealing comparison: both operate within the same EU legal framework, yet their outcomes differ markedly.

PLANNING FRAMEWORKS: CENTRALISATION VERSUS CONSTITUTIONAL DECENTRALISATION

IRELAND

Ireland's planning system is built on a centralised legislative model. Historically governed by the Planning and Development Act 2000, it is now transitioning to the Planning and Development Act 2024, which aims to simplify and modernise a framework widely regarded as overly complex. National and regional policy through the National Planning Framework (NPF) and Regional Spatial and Economic Strategies (RSESs) flows downward and must be reflected in legally binding local Development Plans.

SPAIN

Spain's system, by contrast, is constitutionally decentralised. Urban planning is an exclusive competence of the Autonomous Communities, with national legislation setting only high level principles. Regional governments enact their own planning laws and retain significant oversight, while municipalities prepare and administer local development plans. This structure creates variation across regions but embeds planning expertise at multiple governance levels.

Key Distinction

Ireland benefits from national consistency; Spain benefits from regional autonomy and institutional depth.

POLICY HIERARCHY AND IDENTIFICATION OF INFRASTRUCTURE

IRELAND

Both jurisdictions operate binding hierarchical planning systems, but their structure differs in practice. Ireland follows a clearly defined top down model, while Spain's hierarchy reflects its constitutional allocation of powers.

SPAIN

Notably, Spain makes more frequent use of specialised planning instruments, such as Infrastructure Special Plans, designed explicitly to identify, coordinate and deliver key infrastructure networks. These tools go beyond zoning and allow infrastructure delivery to be planned as a system, not just as individual projects.

ROLE OF LOCAL AUTHORITIES AND POLITICAL INFLUENCE

IRELAND

Local authorities play central roles in both systems. In Ireland, they are the primary decision makers for most planning applications, although major infrastructure can be escalated to An Coimisiún Pleanála under the Strategic Infrastructure Development (SID) regime. While councillors adopt Development Plans, individual planning decisions must be made independently by officials.

SPAIN

In Spain, municipalities are similarly central but operate under stronger regional supervision, with higher authorities often retaining final approval powers for strategic plans. While licensing decisions are rules based, political influence can be more visible at plan making stage.

ZONING AND REZONING

IRELAND

Zoning is fundamental in both jurisdictions and cannot be altered through individual applications. Ireland's rezoning occurs through Development Plan reviews or variations, overseen by the Office of the Planning Regulator and, increasingly, by ministerial direction particularly to address housing shortages.

SPAIN

Spain classifies land as urban, developable, or non developable, with rezoning typically requiring amendment of the municipal General Urban Development Plan and final approval by the region. The process is comprehensive and politically sensitive, involving multiple sectoral authorities.

CONSENTING PROCESSES AND TIMELINES

IRELAND

Ireland's planning system places heavy emphasis on public participation and legal challenge, including appeals to An Coimisiún Pleanála and judicial review in the High Court. Although statutory timelines are relatively short, in practice permissions frequently take far longer due to further information requests, appeals and environmental assessment.

SPAIN

Spain's approvals are administered primarily at municipal level and are more rules based, with compliance assessed against established plans and regulations. While statutory decision periods exist, complex projects can still take years particularly where plan amendments or sectoral approvals are required.

LARGE SCALE INFRASTRUCTURE

IRELAND

Ireland operates distinct consent regimes for major infrastructure, most notably the SID process and Railway Orders, centralising decision making in An Coimisiún Pleanála. While designed to streamline delivery, these routes have often become prolonged in practice.

SPAIN

Spain lacks a single equivalent fast track regime but instead relies on a combination of special planning instruments, sectoral legislation and project designations at regional or national level.

ENVIRONMENTAL ASSESSMENT AND LITIGATION

IRELAND AND SPAIN

Both jurisdictions apply the EIA and Habitats Directives rigorously. However, Ireland experiences a significantly higher level of litigation, particularly around Appropriate Assessment, which has become a common ground for delay in major projects. Spain's challenges more often relate to administrative coordination than court proceedings.

PUBLIC PROCUREMENT

IRELAND AND SPAIN

Differences in procurement are less pronounced. Both countries have closely transposed EU procurement directives. Ireland's system is more centralised, relying on standard templates and the Office of Government Procurement, while Spain's is more decentralised across regional and sectoral bodies.

WHY OUTCOMES DIFFER

The analysis concludes that Ireland's difficulties are primarily legal and procedural, driven by layered consent processes, extensive environmental assessments, and a high volume of judicial review. Spain's relative success reflects long term political alignment, administrative experience, and a mature infrastructure delivery ecosystem, built over decades of sustained investment and effective use of EU funding.

LOOKING AHEAD

Ireland's current reform agenda including the Planning and Development Act 2024 and the proposed Critical Infrastructure Bill marks a significant shift. Yet the Spanish experience demonstrates that legislative reform alone is not enough. Institutional capacity, coordination, and long term policy continuity are equally critical if Ireland is to move from planning infrastructure to delivering it at scale.


DELTA

INTRODUCTION

The delivery of large-scale infrastructure is one of the defining policy challenges across the European Union, with governments under increasing pressure to deliver transport, energy, housing, and climate-related projects at pace while complying with complex planning, environmental, and procurement regimes.

Ireland is a particularly interesting case in this regard. Despite sustained economic growth and significant population increases, the pace of infrastructure delivery in Ireland has struggled to keep up with demand. Delays in planning, lengthy environmental assessment processes, a perception of Ireland 'gold-plating' the transposition of EU Regulations into national law, and the growing use of judicial review have all contributed to a perception that Ireland is more effective at planning infrastructure than at actually delivering it.

Against that backdrop, a comparison with Spain provides a useful and practical reference point. Spain has long been regarded as one of Europe's most successful jurisdictions in terms of infrastructure delivery, particularly in sectors such as transport and energy. Over the past three decades, Spain has delivered extensive motorway and high-speed rail networks, modernised ports and logistics systems, and implemented large-scale energy and water infrastructure projects. While Spain operates within the same EU legal framework as Ireland, including the same environmental and procurement directives, it has historically been able to deliver infrastructure more quickly and at greater scale. This raises an important question: are the differences between the two countries primarily legal, administrative, or institutional in nature?

Addleshaw Goddard (**AG**) Ireland alongside our Spanish colleagues has undertaken a comparative analysis of the planning and infrastructure delivery frameworks in Ireland and Spain. This analysis examines the legislative structure governing planning, the hierarchy of planning policies, the role of local authorities, zoning and rezoning processes, appeal mechanisms, environmental assessment requirements, and public procurement procedures. By examining these elements side-by-side, the analysis identifies the key structural differences between the two systems and considers whether Ireland's challenges arise from legal complexity, procedural delay, or broader institutional factors.

Ultimately, the purpose of this analysis is not merely comparative, but to consider what lessons can be learned from Spain's experience. As Ireland continues to reform its planning legislation and explore new ways to accelerate infrastructure delivery, a detailed comparison with Europe's most successful jurisdiction at delivering infrastructure provides a useful basis for understanding where reform efforts may be most effective.

01 What is the legislative framework governing planning?

IRELAND

The legislative framework governing planning in Ireland is currently in a period of transition. The principal legislation remains the Planning and Development Act 2000, together with the Planning and Development Regulations 2001 (as amended), which set out the law relating to land use, planning, and development. However, Ireland's planning system is undergoing its most significant reform in over two decades with the enactment of the Planning and Development Act 2024. This new Act, which is the culmination of a comprehensive review initiated in 2021, aims to consolidate, simplify, and modernise planning law, addressing concerns that the existing legal framework had become overly complex and difficult to navigate.

The Planning and Development Act 2024 is being implemented on a phased basis and, once fully commenced, will replace the 2000 Act. Until all provisions of the 2024 Act are in force, the 2000 Act and the 2001 Regulations (as amended) continue to apply and are relied upon for the majority of planning matters. The 2024 Act is supported by updated regulations, which will provide detailed procedural requirements for planning applications, with the objective of improving efficiency, certainty, and alignment with national and regional strategic objectives. This staged transition ensures continuity and legal certainty during the reform process.

At a policy level, planning decisions are guided by national and regional strategies. These include the National Planning Framework and Regional Spatial and Economic Strategies. Local authorities must reflect these higher-level policies in their local Development Plans.

SPAIN

Spain's planning and urban development law is structured across 3 tiers of government: the State (central government), the Autonomous Communities (*Comunidades Autónomas*) (regional government), and the municipalities (local government).

The 1978 Spanish Constitution granted significant autonomy to the country's 17 Autonomous Communities, making urban planning an exclusive competence of these regional governments.

The principal national legislation is Royal Legislative Decree 7/2015 (*Texto Refundido de la Ley del Suelo y Rehabilitación Urbana*) (**RDL 7/2015**), which consolidated and updated previous land laws. This national law establishes the fundamental principles for land classification, owners' rights and obligations, and land valuation, but the detailed implementation of planning policy is an inherent power of the Autonomous Communities derived from the constitutional allocation of competences.

Pursuant to the above, each Autonomous Community develops its own urban planning laws. These laws define the specific powers of municipalities, but always within the limits set by the Constitution and State legislation. In practice, regional laws usually retain the final approval of general planning and control over the broader territorial model for the Autonomous Communities, while it assigns municipalities the following powers within their corresponding territories: (i) the preparation and initial/provisional approval of general planning instruments; (ii) the full approval of detailed / development planning; and (iii) responsibilities for urban management, licensing, and enforcement (*disciplina urbanística*).

Regulations approved by the municipalities (City Councils), in accordance with the planning and urban development laws of the Autonomous Community, must also be taken into account.

COMPARISONS & DIVERGENCES

Both jurisdictions operate within statutory planning frameworks, but their structures differ fundamentally. Ireland has adopted a centralised legislative approach through the consolidation of planning law in a single statute. Spain operates a constitutionally decentralised system in which planning competence rests primarily at regional level.

FINDING

Ireland operates under a uniform legislative framework with policy direction flowing from national to local level.

Spain's framework reflects a layered allocation of competences between state, regional, and municipal authorities, resulting in greater regional variation but stronger territorial autonomy.

02

What (if any) policies govern your planning process (e.g. a national planning policy, region specific policies, development plans, local area plans), what is the hierarchy amongst these policies / plans and are these policies / plans binding on the relevant authorities or are they more suggestive? Do these policies / plans identify key infrastructure in local areas that are to be undertaken?

IRELAND

Planning policy in Ireland works in a clear "top-down" structure.

(a) National Level - The National Planning Framework (NPF) sets out Government's high-level spatial strategy to 2040. National Planning Statements and Ministerial Guidelines must also be taken into account by planning authorities. It's a ten year plan.

(b) Regional Level - Regional Spatial and Economic Strategies (RSESs) translate national objectives to regional context and are binding on local authorities.

(c) Local Level - Development Plans and, where applicable, Local Area Plans set out detailed planning policies and zoning objectives.

Each lower-level plan must be consistent with the level above it. Development Plans are legally binding when deciding planning applications, although in limited cases a planning authority can depart from them through a formal voting procedure (known as a "Material Contravention Procedure").

The Material Contravention Procedure is frequently relied upon and has become a recurring issue in planning litigation.

Identification of Key Infrastructure:

The NPF, RSESs and Development Plans identify and support development of key infrastructure, including transport, housing and utilities. The NPF sets national infrastructure priorities, while Regional Strategies and Development Plans identify specific infrastructure projects and objectives at the regional and local levels.

SPAIN

Pursuant to article 3 of RDL 7/2015, public policies concerning the regulation, planning, occupation, transformation, and use of land share a common purpose: ensuring that this resource is used in accordance with the public interest and the principle of sustainable development. This includes, among other things:

- **Rational resource use**: Policies must balance economic growth, social cohesion, public health, and environmental protection.
- **Environmental and rural protection**: Preserve nature, landscape, cultural heritage, and avoid unnecessary urban expansion.
- **Sustainable urban development**: Promote efficient, accessible, healthy cities with mixed uses and quality public services.
- **Energy & environmental efficiency**: Prioritise renewable energy, reduce emissions, minimise waste, and encourage efficient water use.
- **Mobility & accessibility**: Ensure universal access and promote sustainable mobility, giving priority to public transport.
- **Housing & social cohesion**: Support conditions that make the right to adequate housing effective and foster social integration.

Therefore, in terms of hierarchy, national policies at the State level establish the above-mentioned general principles and minimum standards, which are then developed by the Autonomous Communities. These regional authorities enact their own urban planning legislation and master plans—such as Territorial General Plans (PTG), Territorial Planning Guidelines (DOT), or Regional Land Acts—which are binding within their respective territories.

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Meanwhile, municipalities, in accordance with the planning legislation of the Autonomous Community and its master plans, prepare and approve the initial or provisional versions of the municipality's general planning instruments, as well as the detailed or development planning, including the General Urban Development Plan (PGOU) (whose final approval is made by the Autonomous Community), Partial Plans, and Detailed Studies.

Each lower-level plan must conform to the plans and legislation above it—a Detail Study cannot contravene a Partial Plan, and no local plan may contradict the regional or national regulations. These plans are legally binding on the relevant authorities and private parties; they are not merely suggestive.

Lastly, regional and local plans may identify key infrastructure to be developed within municipalities. In particular, the regulations of the Autonomous Communities generally include, within their urban planning legal framework, an instrument specifically designed for this purpose: the Infrastructure Special Plan. This instrument allows for the planning and scheduling of the implementation of general systems, public urban facilities, and other infrastructure, as well as for the creation and expansion of infrastructure networks. These may include aspects related to their effective execution and operation, such as the road and railway network, communications network, water supply network, wastewater/sewerage network, electricity transmission network, and others.

COMPARISONS & DIVERGENCES

Both Ireland and Spain operate hierarchical planning systems in which lower-level plans must align with higher-level policy, and in both jurisdictions these plans are legally binding rather than merely advisory.

The structure of that hierarchy, however, differs. Ireland's framework follows a clearly defined progression from national to regional to local planning, with policy flowing through each level in a structured manner. Spain also operates a hierarchical system, but one shaped by its constitutional allocation of powers, in which national principles are developed through regional legislation and planning instruments before being implemented at municipal level.

FINDING

Ireland benefits from national consistency.

Spain benefits from regional flexibility and institutional embedding at multiple levels of governance.

03 What role do local authorities / municipalities play in the planning and/or consenting process for a development / large scale infrastructure? Is there scope for outside influence on their decision-making process e.g. from local politicians?

IRELAND

Local authorities are the primary decision-makers for most planning applications. Their role includes plan-making, development management, and enforcement.

For major infrastructure, decision-making may be transferred to An Coimisiún Pleanála under the Strategic Infrastructure Development regime, with local authorities providing reports and observations.

While elected members adopt Development Plans, individual planning decisions must be made independently by officials, subject to legal constraints against political interference.

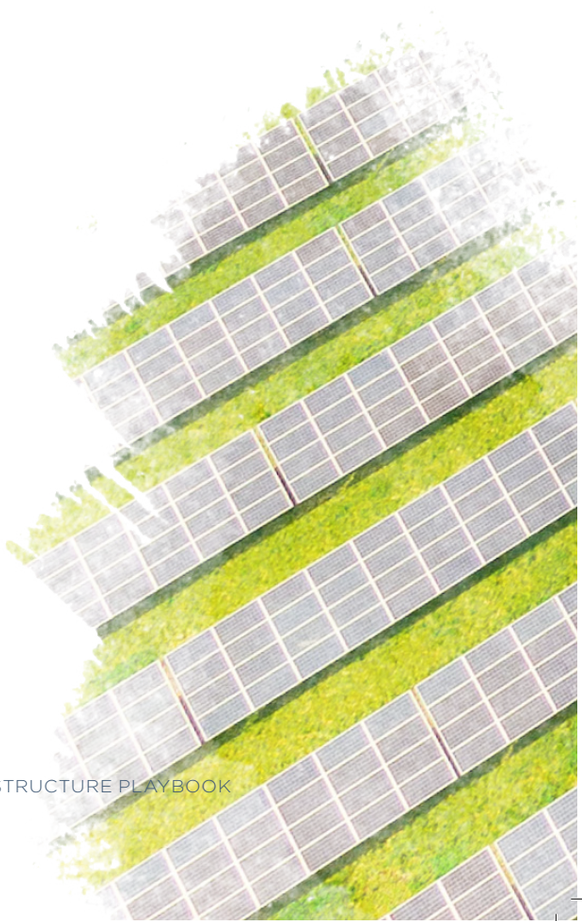
SPAIN

Municipalities play a central role in drafting and implementing planning instruments and issuing planning licences. Their decisions are supervised by the Autonomous Communities, which often retain final approval powers for strategic plans.

Although licensing is legally regulated and non-discretionary in principle, local political influence can be significant in practice, particularly in plan approval processes.

COMPARISONS & DIVERGENCES

Both systems assign significant functions to local authorities. Ireland centralises certain major decisions, whereas Spain embeds municipal decision making within a broader regional supervisory framework.



04 Are lands zoned for particular use in your jurisdiction (e.g. residential, commercial, industrial, commercial)? What is the process for getting lands re-zoned in your jurisdiction?

IRELAND

Yes. Lands are zoned in Development Plans and Local Area Plans for specific uses such as residential, commercial or industrial. Zoning determines what type of development is generally allowed.

Re-zoning can only occur through a statutory process, not through an individual planning application. It requires a formal process with public participation and elected member approval. It cannot be achieved informally or through administrative discretion.

The process typically involves the following:

(a) A proposal is made during the preparation or variation of a Development Plan or Local Area Plan.

(b) The draft plan or proposed variation is placed on public display; submissions and observations may be made.

(c) The local authority executive prepares a report on submissions received.

(d) The elected councillors vote to adopt, amend, or reject the proposed zoning.

(e) The Office of the Planning Regulator may make recommendations, and the Minister has powers of direction in certain circumstances.

Encouragement of Re-zoning to Promote Development:

Local authorities are being actively encouraged to rezone lands, particularly for residential and mixed-use development, as a means to address housing supply and facilitate sustainable growth. This encouragement is driven by national policy objectives set out in the National Planning Framework (**NPF**) and reinforced by Ministerial Guidelines. These guidelines require local authorities to identify sufficient lands to meet housing and employment targets and to prioritise the zoning of serviced and serviceable land, especially within existing settlements.

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SPAIN

Yes. Land is zoned for specific uses and the PGOUs generally classify land as urban land, developable land and non-developable (rural) land. The PGOUs also assign uses per each type of land (residential, industrial, commercial, public facilities, green areas, etc.).

In general terms, the zoning and uses assigned in the PGOUs can be summarised as follows:

- **Urban Land (*Suelo Urbano*)**: Urbanised land with access to services (water, electricity, sewage, roads) being its permitted uses residential, commercial, industrial, etc.
- **Developable Land (*Suelo Urbanizable*)**: Land designated for potential future development, being its uses subject to detailed planning approval.
- **Non-developable (*rural*) land**: rural or protected land, being its permitted uses agriculture, forestry, cattle, etc.

Rezoning process usually requires an amendment of the PGOU or relevant planning instrument to be initially approved by the municipality and subject to final approval by Autonomous Communities. This is generally a lengthy and complex procedure which is very often politically sensitive. The process includes not only the preparation and draft of the amendment, but also public information and consultation periods (sectorial reports from different authorities: roads, environmental, heritage, water authorities, etc.). Specific authorisations, rather than the amendment of the PGOU, to request a specific use (e.g. installation of renewable energy facilities in rural land) can also be applied for and, although not as lengthy as the amendment of the PGOU itself, are complex procedures as well subject to public consultations and sectorial reports.

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In addition, the Office of the Planning Regulator (**OPR**) monitors Development Plans to ensure that zoning decisions are consistent with national and regional policy objectives. The OPR and the Minister for Housing, Local Government and Heritage can direct local authorities to rezone land where plans do not adequately provide for the delivery of housing or other key infrastructure. Recent initiatives, such as the "Town Centre First" policy and Urban Regeneration and Development Fund (**URDF**), also encourage re-zoning of underutilised or brownfield lands to support regeneration and compact growth.

Overall, there is a clear policy emphasis on aligning zoning decisions with national objectives to facilitate development and address critical needs such as housing supply, with local authorities under increasing scrutiny and direction to ensure that adequate and appropriately located land is zoned to meet these targets.

COMPARISONS & DIVERGENCES

Both jurisdictions rely on zoning as a central mechanism for regulating land use, with designated uses set out in statutory planning instruments. In each system, zoning decisions are not made on a case-by-case basis through individual planning applications but instead require formal amendment procedures involving public consultation and administrative approval.

The processes for rezoning, however, reflect the broader structural differences between the two systems. In Ireland, rezoning is undertaken through the preparation or variation of Development Plans or Local Area Plans, with a defined statutory process involving elected members and oversight at national level. In Spain, rezoning is generally achieved through amendments to the General Urban Development Plan or equivalent instruments, requiring participation from municipalities, Autonomous Communities, and, in many cases, sectoral authorities.

FINDING

While both systems incorporate procedural safeguards such as public participation and multi-level review.

Ireland's approach is situated within a more unified statutory framework.

Whereas Spain's process operates within a multi-layered governance structure involving a wider range of authorities.

05 What is the typical process that must be followed in your jurisdiction in order to obtain planning permission for a development?

IRELAND

For typical planning application as part of the public notice requirements with each planning application, the applicant must publish a notice in an approved newspaper and erect a site notice on the relevant land. When the application for planning is lodged with the relevant planning authority, third parties may make submissions or observations within the statutory period (generally 5 weeks).

The planning authority assesses the application against the Development Plan / Local Area Plan, national and regional policy as well as proper planning and sustainable development principles. The authority may request further information when assessing an application.

When assessed, the authority may either grant planning permission, grant permission with conditions, or refuse planning permission. The applicant or any third party who made a submission may appeal the decision to An Coimisiún Pleanála within 4 weeks of the decision.

Decisions may also be challenged in the High Court on points of law through Judicial Review proceedings.

SPAIN

In general terms, municipal planning permissions (*licencias urbanísticas*) need to be applied for before starting construction. For new buildings, facilities or infrastructure, a works license (*licencia urbanística de obras*) must be obtained before starting construction. Once construction is complete, a first occupancy license (*licencia de primera ocupación*) is required to verify compliance with the approved project. This permit allows the owner to connect utilities and use the constructed building/facility. For certain minor works a responsible declaration may suffice, allowing works to start immediately.

The usual application requirements for works licenses involve:

- Submission of a planning application (*solicitud de licencia urbanística*) to the municipality (City Council), including required technical documentation (detailed technical project, topographical survey, geotechnical studies, etc., health and safety report) and project plans (estimative duration, budget, etc.).
- Technical review by municipal architects/ engineers for compliance with planning regulations and zoning.
- Legal review of the procedure by municipal lawyers.
- Sectoral reports (if required) (environmental authorities, etc.).
- Public consultation for certain projects.
- Issuance of the works license or a reasoned refusal. Again, applications must be approved or rejected by municipalities, based on legality (*carácter reglado*), that is not subject to any discretionary decision.

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Lastly, the issuance of the planning permit (works license) entails the payment of the Tax on Construction, Installations and Works (*Impuesto sobre Construcciones, Instalaciones y Obras* (ICIO)). The ICIO is a local tax applied in Spain to construction, installation, or building works that require an urban planning license. Although municipalities may decide whether to adopt it through their own ordinances, in practice it is widely implemented and represents an important source of municipal funding. The taxable event is simply the execution of the construction or installation, and the tax base is calculated on the actual cost of the works. Municipalities typically issue a provisional assessment when the license application is submitted and later adjust it through a final assessment once the true cost of the works is known. Local regulations may also provide for exemptions or reductions, often linked to projects of public interest, social housing initiatives, or works that incorporate energy-efficiency measures. In essence, the ICIO serves a dual purpose: it contributes to municipal financing while also reinforcing urban planning policies by tying taxation to construction activity within the municipality.

COMPARISONS & DIVERGENCES

The overall structure of the planning application process in both jurisdictions shares a number of common features, including the submission of detailed documentation, assessment against the applicable planning framework, and, where appropriate, elements of public consultation.

Differences arise in how these processes are structured and implemented. In Ireland, the system incorporates a defined process for public participation and provides for an appeal mechanism to An Coimisiún Pleanála, as well as the possibility of judicial review on points of law. In Spain, the process is primarily administered at municipal level and is characterised by a rules-based assessment of compliance with planning regulations and zoning, often involving technical and sectoral input from various authorities.

FINDING

Both systems are grounded in statutory requirements and procedural safeguards.

Ireland's approach places particular emphasis on participation and review mechanisms.

Whereas Spain's framework reflects a more structured administrative process centred on compliance with established planning rules.

06 What is the typical timeline for securing planning permission?

IRELAND

For a standard application, the local authority is supposed to make a decision within 8 weeks. However, if further information is requested (which is common), the process often takes 3 to 6 months in total.

If the decision is appealed to An Coimisiún Pleanála, the statutory objective is to determine appeals within 18 weeks. However, in practice, appeal decisions often take significantly longer—current experience indicates that decisions can take anywhere from 6 to 12 months or more, particularly for complex cases or those requiring oral hearings or environmental assessment.

While the statutory periods are relatively short, in practice the overall timeline for securing planning permission is frequently extended due to requests for further information, appeals, and environmental assessment requirements. At present, delays at An Coimisiún Pleanála are particularly acute, with many cases experiencing extended determination periods well beyond the statutory objective.

SPAIN

Timelines vary by municipality, but law generally requires a decision within 3 months of submission. However, delays are common and such term is usually not observed by the competent authorities, particularly for complex or large-scale projects, due to the request of technical clarifications, amendments, request of further sectoral reports, submission of further documentation, etc.

In practice, the process may take 3-6 months for standard projects, and longer (2 years or more in bigger cities) for major developments where PGOU amendments are required.

COMPARISONS

Both Ireland and Spain provide for relatively short statutory timelines for the determination of planning applications, but in practice these timelines are frequently extended in each jurisdiction.

FINDING

Both Ireland and Spain provide for relatively short statutory timelines for the determination of planning applications, but in practice these timelines are frequently extended in each jurisdiction.

In Ireland, extensions to the decision-making period often arise from requests for further information, the availability of appeal mechanisms to An Coimisiún Pleanála, and the requirements of environmental assessment processes.

In Spain, longer timelines are commonly associated with the need for technical clarifications, additional documentation, and input from sectoral authorities, particularly for more complex developments.

Whilst the sources of delay may differ in emphasis, both systems reflect the practical reality that the determination of planning applications can extend beyond statutory timeframes due to procedural requirements and the complexity of the development being assessed.

07

Does this process differ depending on the scale of the development, its national importance or if it is a large-scale infrastructure project (road, rail, water, utilities project)? (e.g. in Ireland we have the Strategic Infrastructure Development (SID) process—a fast-tracked process for major infrastructure projects, for major railway infrastructure in Ireland you also need to obtain a Railway Order)

IRELAND

Yes. The planning process differs significantly depending on the scale and nature of the proposed development, particularly for large-scale or nationally important projects in Ireland. There are distinct consent regimes for such projects, most notably the Strategic Infrastructure Development (SID) process and the process for obtaining a Railway Order.

Strategic Infrastructure Development (SID) Process:

The SID process was established under the Planning and Development (Strategic Infrastructure) Act 2006 to streamline the consenting of major infrastructure projects considered to be of strategic economic or social importance to the State or a region. Examples include major energy, transport, environmental, and health infrastructure, as well as large-scale residential developments.

Key features of the SID process include:

- **Direct Application to An Coimisiún Pleanála**: Unlike standard developments, applications for SID are made directly to An Coimisiún Pleanála, bypassing the local planning authority.
- **Mandatory Pre-Application Consultation**: Prospective applicants must enter into pre-application consultations with An Coimisiún Pleanála to determine whether the proposed development qualifies as SID and to scope the application requirements, particularly for applications requiring an Environmental Impact Assessment (EIA) and for an Appropriate Assessment (AA).
- **Public Participation**: The application is subject to public consultation, with submissions and observations invited from the public and prescribed bodies.
- **Statutory Decision Period**: The statutory objective is for An Coimisiún Pleanála to determine SID applications within 18 weeks of the application being lodged. However, in practice, the decision period for complex infrastructure projects (especially those requiring EIA or AA) can extend from 12 to 24 months or more, due to the scale of assessment and the number of submissions.

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SPAIN

There is no direct national equivalent to Ireland's SID process, but large-scale projects may require special planning instruments (e.g., "*Proyecto de Actuación*", "*Plan Especial*") or be declared of regional/national interest, which can expedite procedures afterwards with municipalities, resulting in turn in a fast-tracking procedure with higher-level approval. However, large infrastructure projects (e.g., road, rail, water, utilities, energy, etc.) are subject not only to planning but to sectoral legislation and require previous additional approvals from regional or national authorities. Furthermore, prior to municipal planning permissions, Environmental Impact Assessment (EIA) are required for major projects, which can also affect and extend timelines.

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- **Integrated Consents**: The SID process can also incorporate other consents, such as Compulsory Purchase Orders (CPOs) and approvals under other legislation (e.g., for roads or energy infrastructure), streamlining the overall process.

Railway orders:

For major railway infrastructure, a separate consent process applies under the Transport (Railway Infrastructure) Act 2001 (as amended). A Railway Order is the primary consent required for the construction, operation, and maintenance of new railway works (including light rail, metro, and heavy rail projects).

Key aspects of the Railway Order process include:

- **Application to An Coimisiún Pleanála**: The Railway Order application is made directly to An Coimisiún Pleanála by the relevant railway undertaking (e.g., Irish Rail, Transport Infrastructure Ireland).
- **Comprehensive Application Requirements**: The application must be accompanied by detailed plans, an EIA Report (where required), and information on land acquisition and CPOs.
- **Public Consultation and Oral Hearing**: The process includes public notice, an opportunity for submissions and objections, and, typically, the holding of an oral hearing to examine the evidence and hear from stakeholders.
- **Decision Timeline**: There is no statutory timeframe for a decision on a Railway Order, but the process can take 12 to 24 months or more, depending on the complexity and scale of the project and the issues raised.
- **Effect of Order**: The Railway Order, if granted, authorises the compulsory acquisition of land, the construction and operation of the railway, and may disapply or modify other statutory provisions as necessary.

Other large-scale infrastructure consents:

Other types of major infrastructure (e.g., roads, energy infrastructure, water services) may also be subject to specialised consent regimes, often involving An Coimisiún Pleanála and incorporating an EIA and/or an AA as required.

COMPARISONS & DIVERGENCES

Both jurisdictions recognise that large-scale or nationally significant infrastructure projects require distinct consenting processes compared to standard developments. In each system, such projects are subject to additional procedural requirements, including environmental assessment and broader regulatory oversight.

FINDING

The approaches differ in how these processes are structured.

In Ireland, specific consent regimes—such as the Strategic Infrastructure Development process and Railway Orders—provide defined pathways for certain categories of major infrastructure, with decision-making centralised in An Coimisiún Pleanála. Ireland's framework provides dedicated procedures for particular types of infrastructure.

In Spain, large-scale developments are addressed through a combination of planning instruments, sectoral legislation, and, in some cases, their designation as projects of regional or national interest, involving both municipal and higher-level authorities. Spain's system operates through a range of coordinated mechanisms across different levels of governance, reflecting its broader institutional structure.

08 What rights does a person have to object to a planning application and/or judicially review a planning application? Does this process change for projects of national importance and/or large-scale developments?

IRELAND

At the local authority stage, a person may make a submission or observation on a planning application within 5 weeks of the application being lodged. The planning authority is required to consider all valid submissions before making its decision. If a person has made a submission on the application, they have the right to appeal the decision to An Coimisiún Pleanála within 4 weeks of the decision. The applicant also has a right of appeal if permission is refused or if conditions are imposed.

A person may seek JR in the High Court of either a decision of a planning authority or a decision of An Coimisiún Pleanála. JR, in Ireland, is the process where the High Court examines the actions of public bodies and focuses on the legality of the decision-making process rather than whether the decision itself was right or wrong. The general time limit for bringing a JR is 8 weeks from the date of the decision. The applicant must demonstrate "sufficient interest" (standing) to bring a challenge.

For Strategic Infrastructure Development (SID) applications, a person may make submissions on the application directly to An Coimisiún Pleanála during the statutory consultation period. There is no right of appeal as An Coimisiún Pleanála is the decision-maker at first instance. The only challenge available is an application for JR in the High Court and the same timelines apply.

Recent reforms have further tightened the requirements around "sufficient interest", and there is an increased focus on ensuring that only those with a direct, substantial, and genuine interest in the outcome of the planning decision may bring an application for JR. There have also been moves to limit serial or unmeritorious challenges, with the aim of reducing delays to significant development projects. The impact if these changes is yet to be assessed in Ireland.

SPAIN

Public action in Spanish urban planning regulation is a legal mechanism that allows any individual to demand compliance with urban planning law, even if they have no personal or direct interest in the matter. This broad right reflects the idea that land use, environmental protection, and urban development are issues of collective relevance, and therefore citizens should be able to participate in safeguarding the legality of planning decisions.

The basis for public action is found in the national RDL 7/2015 and in the urban planning laws of all Spanish Autonomous Communities. Although the specific provisions vary, they all recognise that any person may challenge administrative acts, omissions, or planning instruments that violate urban planning regulations.

In practice, public action enables citizens to report illegal construction, request the restoration of urban legality, or contest planning permission, licenses, and even urban development plans. This mechanism strengthens oversight of both public authorities and private developers, helping prevent arbitrary decisions or developments that disregard planning rules or environmental constraints.

While public action is broad, it is not unlimited. Individuals must still comply with procedural requirements such as deadlines and formal standing rules in court. Moreover, exercising public action does not automatically grant the status of "interested party" in all administrative procedures, although it does allow the person to challenge decisions through administrative or judicial channels.

Therefore, in practical terms, any person (individual or legal entity) can submit objections (*alegaciones*) during the public consultation period for planning applications or plan amendments. After a decision is made, it may be challenged by third parties through an administrative appeal (*recurso administrativo*) and, if necessary, judicial review before the administrative courts (*contencioso-administrativo*).

For projects of national or regional importance, the process is similar.

COMPARISONS & DIVERGENCES

A notable difference between the two jurisdictions is the extent to which members of the public may challenge planning decisions. In Ireland, while any person may make a submission on a planning application, the right to appeal or to seek judicial review is more restricted, particularly in recent years where the courts have required applicants to demonstrate a clear and substantial interest in the decision. Spain adopts a much broader approach through the concept of "public action" in urban planning law, which allows virtually any individual or organisation to challenge planning decisions even where they are not directly affected.

FINDING

Both systems aim to balance public oversight with procedural efficiency.

Ireland's approach places more emphasis on defined legal standing and procedural safeguards to streamline decision-making, particularly for major projects.

Whereas Spain's framework emphasises broader public participation and oversight as part of protecting urban planning and environmental compliance.

09 What is the process and timelines for appealing a planning decision? Who can appeal a planning decision?

IRELAND

A planning decision of a local authority may be appealed to An Coimisiún Pleanála by the applicant or any third party who made a valid submission or observation at the application stage.

An appeal must be lodged with An Coimisiún Pleanála within 4 weeks of a decision. An Coimisiún Pleanála will reassess the entire application afresh. It may request further information and may hold an oral hearing, particularly in complex infrastructure applications. The statutory objective is to issue a decision on appeal within 18 weeks when an appeal is submitted. However, in practice, this timeline is frequently exceeded, with many appeals taking significantly longer (often 6 to 12 months or more) due to the volume and complexity of applications.

For Strategic Infrastructure Development (SID) applications made directly to An Coimisiún Pleanála, there is no right of appeal. The only route to challenge a decision is through an application for JR in the High Court.

JRs: Any party with "sufficient interest" may apply to the High Court for JR of a planning decision, whether by a local authority or An Coimisiún Pleanála. The application must generally be made within 8 weeks of the decision. Recent legislative changes have tightened the standing requirements, meaning that applicants must now demonstrate a direct, substantial, and genuine interest in the outcome. There have also been reforms to limit unmeritorious or serial challenges, aiming to reduce delays to development projects.

Trends in Recent JRs: According to recent Courts Service Annual Reports, there has been a notable increase in the number of JR applications related to planning and environmental matters in recent years, particularly in relation to large-scale housing and infrastructure projects. The majority of these challenges focus on compliance with Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) obligations under EU law. The reports highlight that such cases are a significant contributor to the overall workload of the High Court, and that delays in the planning system are often exacerbated by the volume and complexity of JR proceedings. Recent reforms aim to streamline these processes, but the trend remins that JR is a key avenue for challenging planning decisions, especially for major projects.

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SPAIN

Most planning decisions can first be appealed administratively (*recurso de alzada or recurso de reposición*) before the same or higher administrative authority, and subsequently judicially before the contentious administrative courts.

Spanish administrative law offers 2 main internal remedies before going to court, through the corresponding administrative appeals: the *recurso de alzada* and the *recurso de reposición*. Although both mechanisms aim to allow the authorities to review its own acts, they operate differently and apply to distinct types of decisions.

The main difference between the *recurso de alzada* and the *recurso de reposición* in Spanish administrative law lies in the type of administrative act they challenge and the authority responsible for resolving them. The *recurso de alzada* is used to contest decisions that do not end the administrative procedure. It is filed before the higher administrative body, asking it to review and potentially overturn the decision issued by a subordinate authority. It must generally be submitted within one month from notification, and lack of response is usually interpreted as dismissal through administrative silence.

The *recurso de reposición*, by contrast, is an optional remedy that applies to decisions that do end the administrative procedure. Instead of appealing to a superior body, this appeal is solved by the same authority that issued the appealed decision. It also has a typical one-month deadline. Because it is optional, the affected party may choose either to file this appeal or to go directly to the contentious-administrative courts. However, once a *reposición* is filed, the individual must wait for its resolution—or for administrative silence to apply—before taking the matter to court.

In essence, the *recurso de alzada* is directed to a higher authority and applies to non-final acts, while the *recurso de reposición* is directed to the same authority and applies to final acts.

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In summary:

- Planning decisions can be appealed to An Coimisiún Pleanála by applicants or third parties who participated at first instance, within 4 weeks.
- There is no appeal from SID decisions; only JR is available.
- JR must be brought within 8 weeks, with tightened standing requirements.
- There has been a sustained and significant volume of planning-related JRs, particularly for large-scale and environmentally sensitive projects, as reflected in recent Courts Service Annual Reports.

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For instance, the PGOU has a regulatory nature and not the nature of an administrative act and therefore cannot be challenged through a *recurso de alzada or recurso de reposición*. The only possible challenge is a direct appeal before the contentious-administrative courts. A different issue arises with planning instruments of a lower rank than the PGOU, which are approved by the municipalities and not by the Autonomous Community. These can be challenged through administrative proceedings.

If the administrative appeal is unsuccessful or not applicable (as it is the case of challenges to the PGOU), the decision may be judicially challenged in the administrative courts (*contencioso-administrativo*). The general time limit for filing a judicial contentious-administrative appeal in Spain is 2 months, counted from the day following the notification or publication of the act that exhausts the administrative procedure.

The timeframe for resolving appeals varies considerably. Administrative appeals are usually decided within one to 3 months, depending on their complexity, and may even be deemed rejected through administrative silence—meaning that if the authority fails to respond within the legal deadline, the appeal is considered denied in some cases, allowing the claimant to take the matter to court through a contentious-administrative action. Judicial proceedings, by contrast, tend to be significantly longer and can extend from several months to multiple years, depending on the nature of the case and the workload of the courts.

Finally, as explained before and considering the “public action” legal mechanism in Spanish urban planning explained before, almost any individual can appeal a planning decision at both administrative and judicial level (directly affected individuals (owners, developers), neighbours, environmental or neighbourhood associations, public interest groups (in certain environmental/heritage matters), the municipality or regional government (against decisions of other authorities)).

COMPARISONS & DIVERGENCES

While both Ireland and Spain provide administrative and judicial routes to challenge planning decisions, the structure of the appeal systems differs considerably. In Ireland, the appeal process is relatively simple and centralised, with most appeals being made directly to An Coimisiún Pleanála within a strict four-week deadline. Spain, on the other hand, generally requires one or more administrative appeals before a matter can be brought before the courts, and the type of appeal available depends on the nature of the decision being challenged. This means that, although Spain offers broader access to appeal, the process can be more procedurally complex and longer in practice.

FINDING

Ireland’s approach offers a more streamlined and time-bound structure for appeals, particularly for ordinary planning applications.

Whereas Spain’s system provides a wider range of remedies and opportunities for participation, though often with longer timelines and more procedural complexity.

10 The EIA Directives and Habitats Directive are effective in both our jurisdiction. How have these been implemented in your jurisdiction and what assessments must be undertaking to satisfy these Directives (e.g. undertaking Environmental Impact Assessments and Appropriate Assessments)?

IRELAND

The EIA and Habitats Directives are implemented through the Planning Acts and the European Communities (Birds and Natural Habitats) Regulations.

Where a project is likely to have significant environmental effects, an Environmental Impact Assessment is required. The applicant prepares an Environmental Impact Assessment Report (EIAR) to accompany the planning application, which is subject to public consultation and formal evaluation by the decision-maker. Where a project may affect a Natura 2000 site[1], an Appropriate Assessment is required. This involves screening (Stage 1) and, if necessary, a full Stage 2 assessment supported by a Natura Impact Statement.

Generally, in Ireland, EIARs and Natura Impact Statements are extensive and highly technical. Preparation can take 6 to 18 months (or longer), and multidisciplinary teams of specialists are usually involved.

(a) What is the process that must be followed for these assessments?

Environmental Impact Assessments

The EIA process generally follows a structured sequence of six steps (below), from screening and scoping to impact analysis, mitigation and reporting measures, public consultation and a decision.

- **Stage 1 (Screening)** – To decide whether a proposed project requires an EIA.
- Stage 2 (Scoping) – To identify the key environmental issues to be studied.
- **Stage 3 (EIA Report)** – The preparation of an EIA Report which must describe the project, the existing environment, the likely significant effects, the mitigation measures and all reasonable alternatives.
- **Stage 4 (Public consultation)** – The EIA Report is published and submissions are invited from the public and relevant authorities.
- **Stage 5 (Examination and Decision)** – The EIA Report, submissions and any additional information are examined and a final decision on the environmental effects is made.
- **Stage 6 (Monitoring)** – If required, ongoing monitoring is carried out to ensure that mitigation measures and conditions are implemented during the project.

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SPAIN

Spain has implemented the EIA Directives (most recently, Directive 2014/52/EU amending 2011/92/EU; and Directive 2001/42/CE) and the Habitats Directive (92/43/EEC) through national and regional legislation. The key implementing laws, at national level, are Law 21/2013 on Environmental Assessment and Law 42/2007 on Natural Heritage and Biodiversity, respectively.

With regard to the Environmental Impact Assessment (EIA) procedure for a project, the key milestones are:

- The EIA procedure begins with the developer's initiation request, for which it must submit: (a) an environmental impact study analysing likely significant effects on the environment (including biodiversity and cultural heritage, alternatives, synergic and cumulative effects, mitigation and monitoring measures) and (b) a technical report of the project.
- The complexity of this documentation, prepared by technical experts contracted by the developer, depends on the complexity of the project, its potential impact to the environment and its location.
- Depending on the environmental impact of the projects, either an ordinary or a simplified procedure may be carried out.
- The main participants in the EIA procedure are the developer, other authorities that may be affected (which will be consulted by the environmental authorities) and the interested public (who may submit objections during the public information stage, which can lengthen the procedure as they should be considered by the developer and the authorities).
- After the review by the authorities of all the documentation submitted by the developer, by other authorities and by third affected parties, the ordinary procedure concludes with the issuance of an Environmental Impact Statement, while the simplified procedure ends with an Environmental Impact Report. The Statement and the Report will include the conditions and measures to be fulfilled by the developer during the construction and operation phases of the project.

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1 A protected area designated under EU law (EU Birds Directive and EU Habitats Directive) to conserve rare and threatened habitats and species.

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Appropriate Assessments

The AA process is generally split into four stages.

- **Stage 1 (Screening)** involves an assessment of whether a plan or project, alone or in combination with other plans or projects, is likely to have a significant effect on a Natura 2000 site.
- **Stage 2 (Appropriate Assessment)** determines whether an applicant must submit a Natura Impact Statement if Stage 1 identifies potential significant effects. An assessment is carried to ensure the project will not adversely affect the integrity of a site.
- **Stage 3 (Alternative Solutions)** assesses whether alternative solutions are required if adverse effects are identified and to consider whether less damaging alternatives are available.
- **Stage 4 (Imperative Reasons of Overriding Public Interest)** – If no alternatives exist, the project may proceed for overriding public interest reasons, with compensatory measures to protect the Natura 2000 site.

(b) How complex are these reports / assessments?

EIA Reports and Natura Impact Statements can be quite complex, highly technical and multidisciplinary. The reports and assessments may be difficult to comprehend due to their scientific and legal complexity. There is a strong emphasis on methodological transparency and cumulative impact assessment which increases the length and technical depth of these reports and assessments.

(c) How long do these assessments typically take to undertake?

The preparation times vary depending on the scale and environmental sensitivity. For medium-scale developments, an assessment can take up to 6 to 12 months but for major infrastructure projects, they can take up to 2 years or longer.

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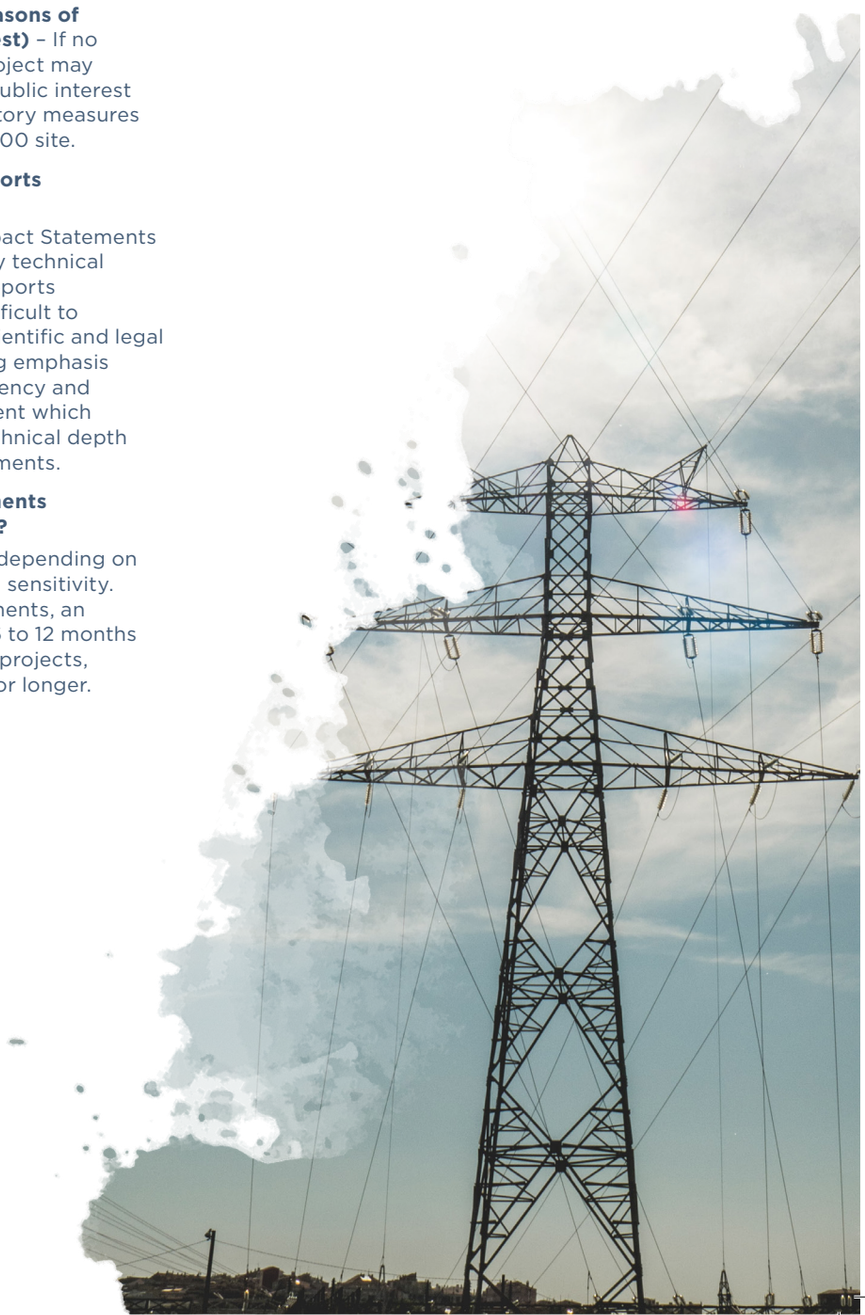
- The deadlines by law for issuing the Environmental Impact Statement is 4 months; and 3 months for the Environmental Impact Report, although in practice these deadlines are often extended. If the impact on the environment of a given project is greater than anticipated, the Report may order that an Environmental Impact Statement must be issued, which entails initiating the ordinary EIA procedure after the simplified one.
- Environmental Impact Statements or Reports cannot be appealed independently. However, affected third parties may appeal the subsequent authorisations granted for the projects.



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(d) Who tends to feed into these assessments / reports?

EIA Reports and Natura Impact Statements are prepared by multidisciplinary consultant teams, including, amongst others, planning consultants, ecologists, noise and vibration specialists, air quality specialists, and climate and carbon experts. This multidisciplinary approach can add to costs, coordination complexity, and overall preparation time.

(e) Are the EIA / AA regularly relied upon by objectors to the projects to delay the granting of the permissions / appealing it?

Environmental impact and assessment compliance is one of the most common grounds for appeal and JR in Ireland. For Strategic Infrastructure Development projects in particular, EIA and AA requirements frequently become a key area of dispute. Courts apply a strict standard of review, particularly in relation to Appropriate Assessment requirements, where the "beyond reasonable scientific doubt" test applies.

COMPARISONS & DIVERGENCES

Both jurisdictions apply the same European Union environmental framework, particularly the EIA Directive and the Habitats Directive, and in practical terms the level of technical detail required in environmental reports is similar in both countries. However, Ireland tends to place a particularly strong emphasis on compliance with Appropriate Assessment requirements, and these assessments are frequently relied upon in appeals and judicial review proceedings.

In Spain, environmental assessment is also a central part of the process, but it is more closely integrated into a wider administrative framework involving both national and regional authorities.

FINDING

The environmental standards and assessment requirements are largely comparable.

Ireland's system tends to generate more litigation around compliance.

Whereas in Spain delays or disputes more commonly arise from coordination between authorities and administrative complexity rather than court challenges alone.

11

How has your jurisdiction transposed the European Union Directive on Public Procurement (2014/24/EU) and Utilities (2014/23/EU)? What is the typical process a public body must follow when procuring public works / utilities?

IRELAND

Ireland has transposed Directive 2014/24/EU and Directive 2014/23/EU into Irish law through the European Union (Award of Public Authority Contracts) Regulations 2016 and the European Union (Award of Concession Contracts) Regulations 2017 respectively.

In general terms, the typical process a public body follows when procuring public works is as follows:

- First, the contracting authority will establish the need for the works and will prepare a business case. It will then adopt a procurement strategy (including in respect of the choice of procedure, e.g. open, restricted), estimate the value of all phases of the works to be procured and ensure that all necessary budgetary approvals are obtained.
- Where its value is above the relevant EU thresholds, the contract will need to be advertised in the Official Journal of the European Union (OJEU) and the minimum timelines in the 2016 Regulations will apply. By contrast, if the value of the contract is below the EU thresholds, the rules on advertisement and timelines in the national guidelines published by the Office of Government Procurement will apply.The contracting authority will then prepare the tender documents including a Contract Notice, Request for Tender (RFT) and draft contract. If the works are over 50% funded by the Irish state, a set of standardised documentation used for delivering public sector construction projects in Ireland, known as the '*Capital Works Management Framework*' (CWMF) must be used. Crucially, the tender documents will set out the specification based on the needs that were originally identified in the business case as well as the selection criteria and award criteria and their relative weightings. The tender documents will also make clear that the contract will be awarded to the most economically advantageous tender (based on either price, cost, using a cost-effectiveness approach, the best price-quality ratio, or quality only where the cost element is fixed price).

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SPAIN

Spain has transposed the EU procurement framework mainly through Law 9/2017 on Public Sector Contracts, which implements the core rules for "classic" public procurement (Directive 2014/24/EU) and the concessions framework (Directive 2014/23/EU) for contracting authorities within the public sector.

For utilities, at EU level, the sector procurement regime is primarily set out in Directive 2014/25/EU, implemented in Spain through Royal Decree-law 3/2020 for public contracting entities operating in the relevant sector activities (water, energy, transport, and postal).

In general terms, the typical process a public body follows when procuring public works under Law 9/2017 is:

- The contracting authority identifies and justifies the need for the works, scopes the project, and determines the most appropriate procurement strategy and procedure (e.g., open, restricted, or negotiated in limited cases), in accordance with the provisions of Law 9/2017. The budget, timetable, and justification for the chosen approach are documented in the procurement file.
- The estimated value of the contract is calculated in accordance with the rules set out in Law 9/2017, as this figure determines whether national or EU thresholds apply and, consequently, the relevant advertising requirements. The authority also confirms the applicable time limits and transparency obligations.
- The contracting authority prepares the tender documents, which typically include the administrative terms and conditions, technical specifications, selection and qualification requirements, award criteria (usually based on the most economically advantageous tender), draft contract terms, and performance requirements. Where relevant, social and environmental considerations are also included, in line with Law 9/2017.

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- Next, the Contract Notice and tender documents will be published in the OJEU via Ireland's national eprocurement platform, *eTenders*. The Contract Notice will define the date and time for acceptance of clarification queries from tenderers as well as submission of tenders. In addition, tenderers will be informed of the requirement to complete a European Single Procurement Document (ESPD) i.e. a form enabling tenderers to declare that they are not in a situation in which they may have to be excluded from the procedure, and that they meet the selection criteria.
- Once tenders have been received by the contracting authority, an evaluation of tenders will be carried out by a procurement evaluation group (PEG). PEG members must complete a conflict-of-interest form ahead of the evaluation to ensure that there are no conflicts and to allow for an evaluator be replaced where conflicts are identified. The PEG will reject any tenders that meet grounds for exclusion or that have failed to meet the selection criteria. The PEG will then evaluate any remaining tenders against the award criteria in the RFT.
- As soon as possible after an award decision is made, the contracting authority must inform all tenderers of the outcome using a notice known as a 'standstill letter' which will include the reasons for the decision. The letter will also note the 'standstill period' applicable. This is a 14-day period (where the letter is issued electronically) or 16-day period (where the letter is sent by post) within which the contract cannot be concluded. It is aimed at ensuring that the procurement procedures followed are open to review before the conclusion of a standstill period.
- Typically, within 30 days of the award of a contract, a Contract Award Notice will be sent to OJEU via *eTenders*.

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- The tender is published on the relevant public procurement platform(s), and, where thresholds are met, in the Official Journal of the European Union. The process is conducted electronically, and a period for clarifications is usually provided during the tender period.
- The contracting authority verifies that bidders are not subject to exclusion grounds and that they meet the minimum capability requirements. Tenders are then evaluated against the published award criteria, and the evaluation and decision-making process is documented in accordance with the law.
- The decision to award the contract is notified to all bidders. For contracts subject to the "special" remedies' regime (i.e., those above certain EU thresholds), a mandatory standstill period applies before contract signature, allowing unsuccessful bidders to challenge the decision.
- The contract is formally executed, and information on the award is published in line with transparency obligations. Contract management follows, including the possibility of contract modifications, provided these comply with the limitations and requirements set out in Law 9/2017.
- For certain contracts and concessions, third parties may bring a special administrative challenge before specialised administrative authorities. Further challenges may be brought before the contentious-administrative courts, if necessary.

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- Following the date of the award of the contract, the contracting authority is obliged to maintain documentation for at least three years, to record the progress of the procurement procedure and to justify taken at all stages of the procurement procedure. In addition, Regulation 84 of the 2016 Regulations requires the contracting authority to prepare a detailed written report for every above threshold contract setting out information for example, on the results of the selection stage and the name of the successful tenderer and the reasons why the tender was selected.
- Throughout the lifetime of the contract, the contracting authority will have a programme of checking the works against contract specification. It will ensure that there are regular procedures for reporting and for identifying inadequacies/poor performance and appropriate remedial action. It will often review the whole procurement process at the conclusion of the contract. Great care will be taken if modifications to the contract are required, particularly to ensure that such modifications are not 'substantial' i.e. modifications that render the contract materially different in character from the contract initially concluded. A substantial modification of the provision of a public contract during its term will be considered a new award for the purposes of the 2016 Regulations and will require a new procurement procedure.

COMPARISONS & DIVERGENCES

In the area of public procurement, the differences between the two jurisdictions are less pronounced than in planning law, largely because both systems are based directly on the same EU Directives. Ireland and Spain have each transposed the 2014 procurement framework into detailed national legislation and both follow a structured process involving advertising, competitive tendering, evaluation based on the most economically advantageous tender, and standstill periods before contract award.

FINDING

The main difference lies more in administrative structure than in legal principles.

Ireland operates a more centralised procurement environment, particularly through the Office of Government Procurement and standardised documentation such as the Capital Works Management Framework.

Whereas Spain operates through a more decentralised system with a stronger role for regional and sector-specific contracting authorities. Despite this structural difference, the practical steps followed by public bodies in both jurisdictions are broadly comparable.


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12 What do you think are the key issues holding Ireland back in its delivery of key infrastructure?

IRELAND

A number of structural and systemic issues are frequently identified as contributing to delays in infrastructure delivery. These range from a high volume of JR proceedings to extensive and complex environmental assessment requirements, as well as capacity constraints within planning authorities.

Timeframes for judicial review to conclude are getting quicker within the specialist planning and environmental court in Ireland. In our experience a judicial review can be included in a few short months now as opposed to years previously.

Despite economic growth, there are limits to public funding for large scale infrastructure. Competing priorities can delay investment in transport, housing and energy infrastructure. Coupled with complexities in acquiring land and the CPO process that can further delay project delivery, especially for transport and housing infrastructure. However we anticipate an increase in the CPO process in Ireland as a mechanism to speed up the delivery of key infrastructure.

Furthermore, as large scale infrastructure projects require a number of different types of consents, from different regulatory bodies, experience has shown that there is lack of consistent interpretation of government policy and regulation, which by itself often changes from a requirement perspective, and the introduction of new frameworks (e.g. for climate action and energy transition) can create uncertainty and delay project development. Layered into this is the reality that public bodies and statutory agencies are responsible for navigating the consenting processes required for delivering these large infrastructure projects, which will require additional resources and expertise to manage.

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SPAIN

Spain's position as an outlier in the European infrastructure landscape can be explained by a set of circumstances. For several decades, the country maintained an unusual degree of political alignment around the need to modernise core infrastructure systems—transport, energy, telecommunications, and water management. This continuity allowed long-range planning to take root and avoided the disruptions typically associated with shifts in government.

A second decisive factor was Spain's capacity to absorb and deploy European funds with notable efficiency, particularly from the 1990s onward. Beyond the volume of resources allocated, the country built administrative and technical structures capable of executing projects at a pace that many other Member States struggled to match.

The domestic engineering and construction industry also played a central role. As public investment expanded, these firms developed expertise and scale, eventually positioning themselves as first-class competitive global actors in the design and delivery of large-scale infrastructure.

Geographical and territorial considerations further reinforced this trajectory. Connecting distant regions and addressing long-standing infrastructure gaps created sustained pressure to develop extensive networks—high-speed rail, highways, ports, and logistics corridors among them.

Taken together, these elements—policy stability and political consensus, effective use of European financing, a mature industrial ecosystem, and structural territorial needs — help explain why Spain emerged as a distinctive case within Europe in terms of infrastructure development.

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Recent positive steps by the Irish government saw the establishment of an Accelerating Infrastructure Taskforce to identify and address the main barriers hindering the delivery of large infrastructure projects. The task force has produced interim reports, and it is expected to issue further recommendations. Its work is closely linked to the government's broader "action plan for accelerating infrastructure delivery". The key features of this action plan include an overhaul of the planning legislation, aimed at streamlining the planning process and reducing the scope for judicial reviews; procurement improvements, enhanced inter-agency co-ordination and ultimately proposing changes as to how judicial reviews are being handled, with the intention of reducing delays caused by legal challenges.

It is worth nothing that Ireland is not lacking ambition when it comes to delivering infrastructure, but the complexity and time it takes to deliver major infrastructure projects has often stifled progress. The recent tabling of the Critical Infrastructure Bill (https://www.oireachtas.ie/en/bills/bill/2026/37/) is an important step forward. The Bill, once enacted, will provide for the designation, by order of government, of certain projects and programmes as critical infrastructure projects or programmes. The Bill is about giving Ireland a clearer, faster and more coordinated pathway to deliver the infrastructure it needs. It aims to introduce tight statutory timelines and streamline planning and approval processes for these projects that are designated as critical. The Bill has the potential to give Ireland the tools to move from planning infrastructure to delivering it at scale and at the pace Ireland requires. It will be interesting to see what elements of the Bill come into force when this Bill is signed into law.

COMPARISONS & DIVERGENCES

The contrast between Ireland and Spain is particularly clear when considering the delivery of major infrastructure projects. Ireland's main challenges tend to arise from a combination of complex planning procedures, extensive environmental assessment requirements, and the high level of legal challenges, particularly judicial review proceedings. Spain, by contrast, has historically delivered large-scale infrastructure more quickly, partly due to long-term political consensus on infrastructure investment and the effective use of EU funding over several decades. However, this does not necessarily mean that the Spanish system is simpler; rather, it reflects stronger institutional experience in delivering large projects and a more established infrastructure sector.

FINDING

Ireland's difficulties appear to be more legal and procedural in nature.

Whereas Spain's system benefits from long-term political consensus on infrastructure delivery and administrative experience in delivering infrastructure at scale.

CONCLUSION

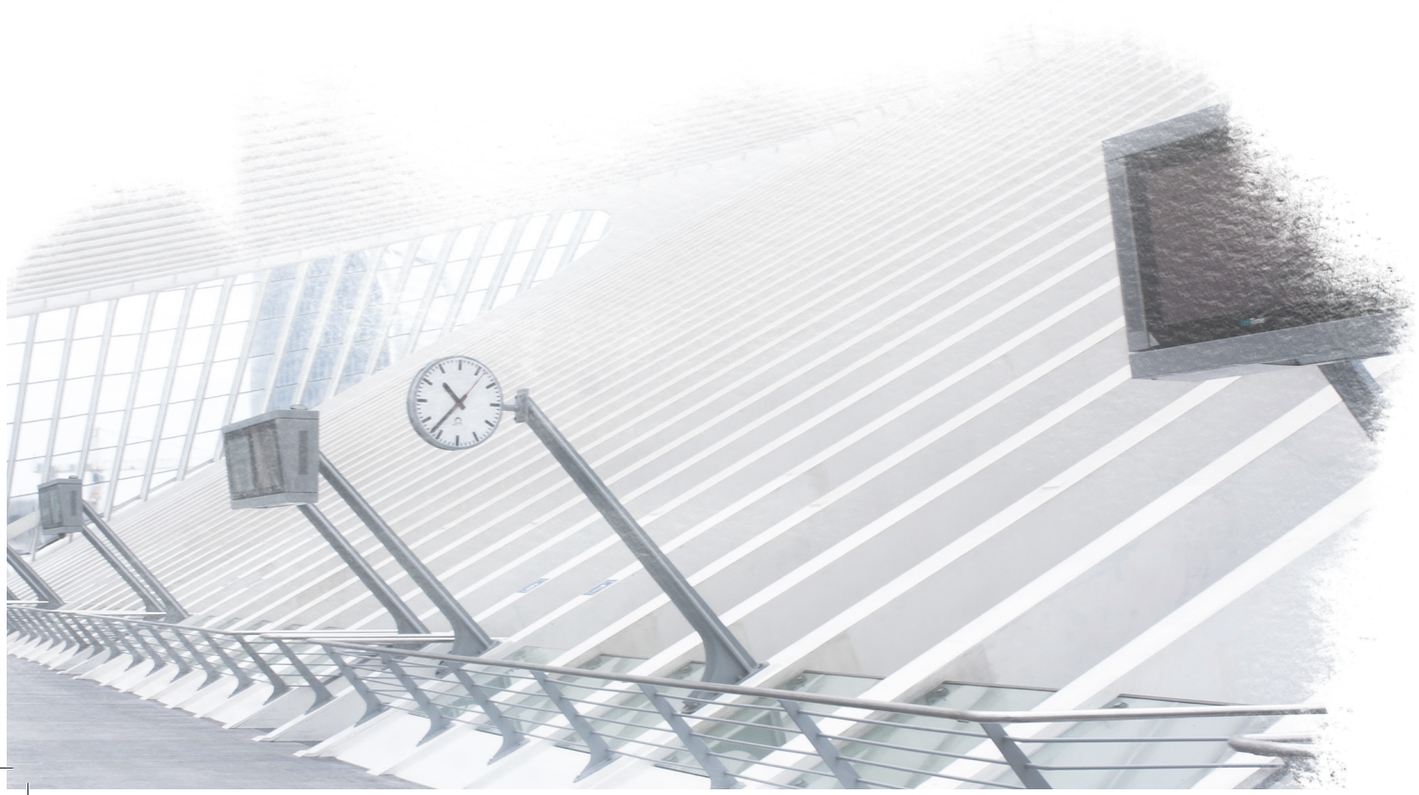
The comparison between Ireland and Spain highlights that both jurisdictions operate within broadly similar legal frameworks, particularly in light of the strong influence of EU law on planning, environmental assessment and public procurement. However, despite this shared legal foundation, the practical outcomes in terms of infrastructure delivery differ significantly.

Ireland's system is generally more centralised, more procedurally structured, and increasingly focused on legal certainty and compliance. Spain's system, by contrast, is more decentralised and administratively complex, yet it has historically demonstrated a greater ability to deliver large-scale infrastructure projects at speed.

One of the key themes that emerges from this analysis is that Ireland's challenges are not solely the result of the planning system itself, but rather the cumulative impact of multiple factors: lengthy environmental assessment processes, the increasing use of judicial review, fragmented consent procedures, and capacity constraints within public authorities. Spain, while not without its own administrative complexities, appears to have benefited from long-term political consensus on infrastructure investment, a more established infrastructure delivery culture, and significant experience in absorbing and deploying European funding over several decades. In other words, the difference between the two jurisdictions is as much institutional and strategic as it is legal.

The reforms currently underway in Ireland — including the Planning and Development Act 2024, the work of the Accelerating Infrastructure Taskforce, and the proposed Critical Infrastructure Bill — suggest that the Irish system is moving towards a more streamlined and coordinated approach to infrastructure delivery. However, the experience of Spain demonstrates that legislative reform alone is unlikely to be sufficient. Long-term policy continuity, administrative capacity, and practical experience in delivering large projects are equally important factors in ensuring that infrastructure can be delivered efficiently and at scale.

In conclusion, the comparison between Ireland and Spain illustrates that effective infrastructure delivery depends not only on the content of planning legislation but also on how that legislation operates in practice. While Ireland has made significant progress in modernising its legal framework, further improvements in coordination, institutional capacity, and long-term strategic planning will be necessary if the country is to deliver infrastructure at the pace required to support economic growth, population expansion, and the transition to a more sustainable economy.



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