



McCumiskey House, Richview | Clonskeagh Road

Dublin 14, D14 YR62

Phone: 01 2680180

Email: [info@climatecouncil.ie](mailto:info@climatecouncil.ie)

**Minister Jack Chambers TD**

Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation,  
Government Buildings,  
Upper Merrion Street,  
Dublin 2,  
D02 R583  
By Email Only

**cc: Minister Darragh O'Brien, Minister for Climate, Energy and the Environment**

**5<sup>th</sup> June 2026**

Dear Minister,

**Re: Critical Infrastructure Bill**

The Climate Change Advisory Council has long favoured accelerated implementation of Government plans and policies that deliver emissions reductions and increase our resilience to climate change, particularly in the areas of renewable energy, grid infrastructure and public transport. As such we greatly welcome the enhanced focus of Government on issues relating to delays to the delivery of critical infrastructure.

The Council recently published its 2026 Electricity Sectoral Review. In the review we refer to the Critical Infrastructure Bill 2026 as a "vital lever for accelerating development in Ireland". The Bill represents an important opportunity for increasing coordination of effort, and for minimising administrative and procedural delays embedded in the planning system.

Given the Council's role in providing advice on the delivery of a range of features of the Climate Action and Low Carbon Development Act 2015, as amended, we would make the following additional observations:

1. When you introduced the Bill at Second Stage in Dail Eireann you emphasised the need to make progress towards our climate objectives, as part of the rationale for the legislation. As the body charged with advising government and making recommendations in this regard, we very much welcome this, as well as your strong assurance that the Bill would not have the effect of weakening climate protections. Nevertheless, we have a concern regarding one aspect of the Bill – namely, section 7, which allows for the disapplication of section 15 of

the Climate Action and Low Carbon Development Act 2015, in the case of designated projects and programmes. Similar exemptions from the application of this section have been included in the General Schemes of both the Strategic Gas Emergency Reserve Bill 2025 and the Dublin Airport (Passenger Capacity) Bill 2026, being brought forward by Minister O'Brien.

Section 15 requires relevant bodies to perform their functions in a manner consistent with the climate plans and strategies listed in the section. If the bodies concerned are to be relieved of the duty to act in a manner that is consistent with these government plans there is a risk, in our view, that the concerted effort and ambition mandated by the legislation could be diluted. The Council's concern here is for the overall direction and momentum of our climate objectives – in relation to which we have an important statutory advisory role. We share the view that there has been excessive delay in the delivery of vital infrastructure. However, it is not our sense that the operation of section 15 has generally been the reason for such delay.

2. We are of course aware of the recent Coolglass judgment in which the Supreme Court held that section 15 strengthens the obligations on public bodies. We note that you expressed concerns in the Dail regarding the implications of that judgment. However, we would respectfully draw attention to the Court's conclusion that the section, of itself, is not prescriptive or overly burdensome. Rather, it operates, in the words of the Chief Justice (at para 108) as:

“...a form of a climate sense-check, and to ensure that decisions and actions of public sector bodies are all aligned with the climate objectives. The section 15(1) obligation is not more prescriptive than that: first because the objective with which consistency is required is stated at a level of generality; second, because consistency implies a range of possible outcomes; and finally, because even that degree of consistency is not required if it is impracticable”.

We note and welcome your own very clear statement at Report Stage in the Dail that there will be “no change whatsoever to our ambition, our targets or our climate policies as a result of this legislation”. However, our concern is that the removal of the “climate sense-check” – even in a small number of instances – could have unintended consequences for the overall continuing impact of our climate legislation as a whole and for the ambition it represents.

3. We note also your reference at Second Stage in the Dail to the infrastructure guidelines which require analysis of the impacts on greenhouse gas emissions and climate adaptation of a given project or programme. Needless to say, infrastructure projects that increase emissions will increase the costs of the transition by expanding the requirement to find additional emissions reductions through other means, in order to remain in line with our mitigation commitments, and to avoid the risk of lock-in to fossil fuel assets. Likewise,

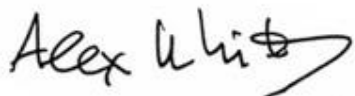
some projects or programmes may give rise to trade-offs to be considered in respect of our ambitions for resilience to the impacts of climate change. In addition, as pointed out in recently published research carried out for the Council<sup>1</sup> there remains significant scope to improve the application of climate risk assessments for critical infrastructure in Ireland.

4. Arising from these observations, the Council is of the view that the results of climate impact analysis underpinning projects and programmes designated as critical infrastructure are published, at the point of designation, as part of the governance arrangements outlined in the Accelerating Infrastructure Report and Action Plan. In addition, a programme of work to improve the current climate risk assessments should be initiated in order to ensure that critical infrastructure is resilient to future climate impacts and to maximise value for money over the long term. Finally, we would emphasise the recommendation made in our 2026 Electricity Sectoral Review, referred to above, that the government should designate electricity grid reinforcement projects for prioritisation under the critical infrastructure legislation. Indeed, we would welcome clarity on the schedule of programmes and projects that are to be designated for prioritisation in the short term, particularly regarding specific infrastructure projects that the Government considers to be critical to the achievement of our climate objectives.

In conclusion, the Council reiterates its call, and support, for the speeding up of critical infrastructure delivery in Ireland. However, this objective should be achieved in a manner that is consistent with the national climate objective and maintains the overall integrity of our climate law and the consistency of its application. This objective was mirrored in the Programme for Government wherein it was recognised that developing our infrastructure can go hand in hand with growing our economy and achieving our ambitious climate objectives.

We look forward to continuing to work with Government in support of its delivery of the national climate objectives.

Kind regards,



---

Alex White

Chair

Climate Change Advisory Council

---

<sup>1</sup> [Risks and Uncertainty in Infrastructure FINAL for web.pdf](#)