

An
Bord
Pleanála

Board Direction
BD-013610-23
ABP-311233-21

The submissions on this file and the Inspector's report were considered at Board meetings held on 29/05/2023, 31/08/2023 and 07/09/2023.

The Board decided by a majority of 8:2 to refuse permission for the following reasons and considerations.

Reasons and Considerations

It is Government policy, as set out in the *Policy Statement on the Importation of Fracked Gas* (May 2021), that it would not be appropriate to permit or proceed with the development of any LNG terminals in Ireland pending completion of the review of the security of energy supply of Ireland's electricity and natural gas systems. Other policy statements, including the National Marine Planning Framework 2020, National Energy Security Framework (2022) and the National Energy & Climate Action Plan 2021-2030 confirm that completion of the review is a key priority in considering risks to energy supply, and the need for energy storage, fuel diversification and additional capacity to import energy.

The *Review of The Security of Energy Supply of Ireland's Electricity and Natural Gas Systems* (Department of the Environment, Climate and Communications Sept 2022) has been subject to public consultation and the initial technical analysis does not support the development of a commercially operated Floating LNG FSRU. The review has not yet been completed.

Having regard to the nature and form of the proposed development which constitutes an overall integrated facility incorporating an LNG terminal and with a clear focus on

the use of LNG as the primary fuel source for related elements such as the proposed power station, it is considered that the development at this time would be contrary to current government policy, and in the absence of such policy support, such development would be contrary to the proper planning and sustainable development of the area.

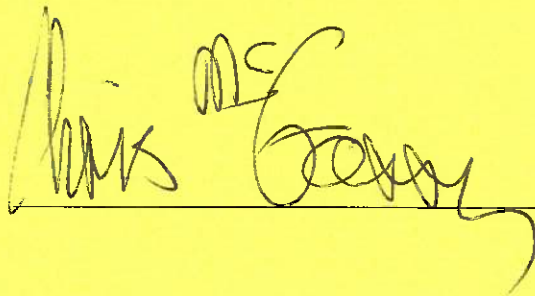
In deciding not to accept the Inspector's recommendation to issue a split decision, to refuse permission for the proposed Floating Storage and Regasification Unit (FSRU), with a Liquefied Natural Gas (LNG) storage capacity of 170,000 m³ (up to 180,000m³), 292.6m long and 43.4m wide, with a scantling draft water line of 12.9m, the proposed jetty, the deck of which will be set at +9 m OD (Malin Head), and ancillary structures and proposed onshore receiving facilities and to grant permission for the 600MW power plant and associated structures, 120 MW battery energy storage system, and ancillary development, proposed above Ground Installation (AGI) and ancillary structures and all ancillary works, the Board first off agreed in full with the assessment and recommendation of the Inspector that Government policy does not support the provision of an LNG terminal at this time. The Board noted the assessment of the Inspector that certain elements of the overall proposed development would warrant a grant of permission by reason of amongst others, relevant European, national, regional and local policy, the location, nature, scale and layout of these elements of the proposed development and the range of mitigation measures set out in the Environmental Impact Assessment Report, Natura Impact and Navigation Risk Assessment. However, the Board determined that these elements of the overall proposed development, recommended for a grant of permission, constitute integral components of the overall proposal as set out in the application documentation, and would be primarily served and enabled for use by the specific functioning of the core LNG terminal elements. Furthermore, the Board considered that the significance of the change to the original proposed development, (by reason of the Inspector's recommendation to refuse permission for certain elements, with which the Board agreed in full), would render the residual development a materially different proposal at this location adjoining the Shannon estuary and which would warrant at the least a full review in terms of compatibility with overarching policy for the area, noting for example objective MRI 1.2.13 of the

'Strategic Integrated Framework Plan for the Shannon Estuary' (SIFP) which seeks *'to promote the sustainable development of these lands for marine related industry, utilising the presence of deep water and the waterside location to harness the potential of this Strategic location.'* The SIFP is directly referenced and supported in the Regional Spatial Economic Strategy for the Southern Region and is also incorporated into the current Kerry County Development Plan. In the absence of the core LNG elements of the original permitted development and which are directly linked to the estuary location of the site by their specific form and water based access needs, the Board is not satisfied on the basis of the information submitted with the application, that the residual development as recommended for permission by the inspector, would be consistent with this objective, or that an assessment of such consistency is available with the documentation on file. In addition, the Board considered that this concern as to the appropriateness or otherwise of granting permission for the residual elements of the original proposed development, would also extend to broader matters of necessary environmental assessment such as the consideration of alternatives. Having regard to these factors, the Board determined that a split decision (part refusal of permission and part grant of permission) would not on the basis of the information on file, be in accordance with the proper planning and sustainable development of the area.

Note:

The Board also considered in full the content of the Environmental Impact Assessment Report and the Natura Impact Statement as submitted with the application and the submissions on file in relation to these documents and associated issues. The Board expressed a concern as to the absence of precise detail in a number of areas namely, the form, nature and precise extent of piling to be undertaken, and a full clear assessment of all potential acoustic impacts on the natural condition of critical bottlenose dolphin habitat and their behaviour therein, and the location of safe harbour mooring for the FSRU in adverse weather conditions along with an associated environmental assessment of this location by reference to the nature of the FSRU. Ordinarily these issues would have warranted further information and assessment before a decision could be made by the Board. However, given the substantive reason for refusal set out above, it was decided not to pursue these matters further in the context of the current application.

Board Member

A handwritten signature in black ink, appearing to read 'Chris McGarry', written over a horizontal line.

Date: 07/09/2023

Chris McGarry