

An
Bord
Pleanála

Board Direction
BD-018270-24
ABP-317810-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/11/2024.

The Board decided to grant permission under section 37G of the Planning and Development Act 2000, as amended generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to County, European, National, Regional and other support for renewable energy development as follows:

- (a) Policies set out in the Galway County Development Plan 2022 – 2028;
- (b) RED III (European Renewable Energy Directive (EU/2023/2413));
- (c) REPowerEU Plan 2022 and Directive EU 2018/2001, as amended;
- (d) The European Green Deal 2020;
- (e) The National Planning Framework 2018-2040 (NPF);
- (f) The National Development Plan 2021-2030;
- (g) The Climate Action and Low Carbon Development (Amendment) Act 2021;
- (h) The Climate Action Plan 2024 (CAP 2024), with which the proposed development is consistent with;
- (i) The Energy Security in Ireland to 2030, Energy Security Package (November 2023);
- (j) The National Energy Security Framework, April 2022;
- (k) The Policy Statement on Security of Electricity Supply, (November 2021);
- (l) The Long-Term Strategy on Greenhouse Gas Emissions Reductions (April 2023);

- (m) The National Climate and Energy Plan 2021-2030 (NCEP);
- (n) The National Biodiversity Action Plan 2023-2030;
- (o) The Regional Spatial and Economic Strategy for the North and West Region (2020 – 2032);
- (p) The All-Island Generation Capacity Statement 2022 – 2031;
- (q) The documentation submitted with the planning application including the Environmental Impact Assessment Report (EIAR) and the Appropriate Assessment Screening;
- (r) The submissions made in connection with the application;
- (s) Mitigation measures proposed for the construction, operation and decommissioning of the site;
- (t) The topography of the area;
- (u) The pattern of development in the area;
- (v) The separation distances between the proposed development and existing dwellings or other sensitive receptors;
- (w) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence of likely significant effects of the proposed development on European Sites.

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development, the nature of the receiving environment which comprises an industrial area and former mine, the distances to the nearest European Sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Likely Effects on the Environment/Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the transitional nature of the proposed development which will operate as and when needed to ensure security of electricity supply;
- (b) the scale and location of the proposed development within a long established industrial and energy generating site, which occupies a former mining complex;
- (c) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application;
- (d) the screening for appropriate assessment and associated documentation submitted in support of the application;
- (e) the planning authority reports, and the submissions received from the observers and prescribed bodies; and
- (f) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, residual and cumulative effects of the proposed development on the environment. The Board agreed with the examination, as set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- (a) The proposed development would give rise to an increase in greenhouse gas (GHG) emissions during the operational stage with resulting climate impacts. The expected emissions from the facility is circa 368,158 tCO₂e annually. However, it is acknowledged that gas fired peaking plant power stations are required as an important part of the overall transition to ensure Ireland's energy

security. The Board is satisfied that the proposed development is in accordance with the Climate Act 2024, which specifically provides a target for the delivery of at least 2GW from new flexible gas fire power generation by 2030 to ensure security of electricity supply and reduce emissions. The impact on the environment would not be significant in the long-term having regard to the nature of the facility, which would only operate 'as and when needed' to provide backup electricity generation to the national grid by responding rapidly to fluctuations in supply (e.g., when the wind is not blowing/adding to power generation). Negative impacts on air and climate during the operation stage will be mitigated by adherence to the emission limit levels set by the Environmental Protection Agency Industrial Emissions Licence.

- (b) Negative impacts on **human health and population, air and climate** and **biodiversity** arising from construction and decommissioning activities. The proposed development would give rise to minor localised impacts on the surrounding environment and road network due to heavy goods vehicles construction traffic and dust and noise associated with construction activities. The construction phase of the development is 18 - 24 months in duration. These impacts will be temporary in nature with heavy goods vehicles peak for 12 weeks. These impacts will be mitigated through the adherence to best practice construction measures and the implementation of a final Construction Environmental Management Plan (CEMP) and Construction and Demolition Waste Management Plan (C&DWMP). The Board consider that the construction phase will not have a permanent significant adverse impact on the surrounding road network. Noise disturbance from the operation of the proposed facility has been mitigated with the inclusion of acoustic barriers to protect noise sensitive receptors. The Board consider that a robust noise assessment has been completed in the EIAR and that the proposed design mitigation to be appropriate.
- (c) Negative impacts on hydrology could arise as a result of the release of sediments, which may potentially contain heavy metals or other contaminants. During all phases, water pollution could potentially occur directly from spillages of polluting substances into waterbodies, or indirectly in run-off from hard

standing, other sealed surfaces or from construction machinery. Fine sediment may also be distributed into waterbodies directly or also wash off working areas and hard standing (including roads) into waterbodies indirectly via existing drainage systems or overland. This will be mitigated by implementation of the EIAR and final CEMP mitigation measures and compliance with the Environmental Protection Agency Industrial Emissions Licence requirements for the facility as reviewed and/or amended and compliance with recommended conditions. The surface water drainage will tie into the existing system at the Tynagh Power Station. Surface water run-off will be routed via oil and silt interceptors into the attenuation tank and then discharge to the former open pit mine using the existing outfall, so no new structures are required.

- (d) In terms of **biodiversity** and **hydrology**, the site contains a small pond which is inhabited by the nationally protected Smooth Newt. If mitigation measures outlined in the EIAR and final CEMP are adhered to, the Smooth Newt population will be protected.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, both by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, National, and Regional renewable energy policies and with the provisions of the Galway County Development Plan 2022 - 2028, would be consistent with the obligations of the Climate Action Plan 2024, would not seriously injure the visual amenities of the area nor have an unacceptable impact on the character of the landscape or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. For the avoidance of doubt:-
 - (a) The output from the proposed Open Cycle Gas Turbine shall be a maximum of 350MW.
 - (b) The operational lifespan of the proposed Open Cycle Gas Turbine shall be 25 years, after which the facility shall be decommissioned.
 - (c) The plant shall operate only 'as and when needed' to provide backup electricity generation to the national grid

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. The services of a suitably qualified and experienced Ecological Clerk of Works shall be retained to oversee and supervise the entirety of the construction works, and to provide monthly electronic reports to the planning authority (Planning and Environment Sections) detailing the stage of the works, and compliance with Environmental Impact Assessment Report and Construction and Environmental Management Plan mitigation measures.

Reason: In the interest of protecting ecology and wildlife in the area.

5. No removal of vegetation during the breeding bird nest season (from March 1st to August 31st).

Reason: In the interests of breeding bird protection and biodiversity.

6. Water supply and drainage arrangements, including the treatment of wastewater, attenuation and disposal of surface water and connection to the existing drainage system, shall comply with the requirements of Úisce Eireann and the planning authority for such works and services, as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

7. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Construction and Environmental Management Plan shall incorporate all of the mitigation measures specified in the Environmental Impact Assessment Report and shall include details and a proposed timeline for any surveys and all monitoring and mitigation measures proposed in the Environmental Impact Assessment Report. It shall also specifically include a method statement in respect of the management of any contaminated soils on site, intended construction practices, including hours of working, noise, vibration and dust management measures, storage of hydrocarbons, chemicals and liquids, site specific risk assessments, details of cut and fill proposals, site specific testing and monitoring for heavy metal contaminants, and off-site disposal of construction, demolition and contaminated waste, which shall be managed in accordance with an agreed Construction and Demolition Waste Management Plan and an up-to-date utilities plan.

Reason: In the interests of public safety and residential amenity.

8. Prior to commencement of development, a Construction Transport Management Plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan shall

incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. The plan shall incorporate demonstration of sightlines onto public road (L-4310), details of wheel wash facilities, an Up-to-date Road and Bridge Condition Survey, a Falling Weight Deflectometer Survey which indicates all culverts and structures crossed over by HGV's or abnormal weight loads, details for the rectification of any construction damage that may arise, arrangements for the protection of bridges to be crossed, details of temporary traffic arrangements, details of a phasing programme for construction. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of oversized loads. Within three months of the cessation of the use of public roads/haul routes, the developer shall complete a road survey and scheme of repair works to be submitted to the planning authority for agreement, with works to be completed within 12 months at the developer's expense.

Reason: In the interest of traffic safety.

9. Prior to the commencement of development, a detailed Site Restoration Plan providing for the restoration and reinstatement of the entire site, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure the satisfactory restoration of the site.

10. The developer shall submit details to the planning authority for written agreement to provide and implement a community gain proposal, including any financial commitments set out therein, which is considered a community gain in accordance with section 37 (G)(7)(d) of the Planning and Development Act 2000, as amended. In default of agreement on any of these commitments, the matter shall be referred to An Bord Pleanála for determination.

Reason: To offset the impacts on the local community in the construction phase and to maximise the long-term benefits of the proposed facilities to local residents.

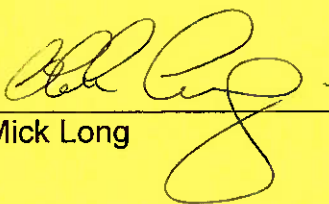
11. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the reinstatement of the affected road which may be damaged by the transport of materials to the site (i.e. from the junction of the L-4310 local road and the N65 national secondary road to the site entrance), coupled with an agreement empowering the relevant planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road.

Reason: To ensure the satisfactory completion of the development.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member


Mick Long

Date: 20/11/2024