An Bord Pleanála

Board Order
ABP-311233-21

Planning and Development Acts, 2000 to 2022

Planning Authority: Kerry County Council

DECISION QUASHED

Application for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 27th day of August, 2021 by Shannon LNG Limited, care of AECOM Ireland limited, 4th Floor, Adelphi Plaza, Georges Street Upper, Dún Laoghaire, County Dublin as amended by the further information received by An Bord Pleanála on the 18th day of August 2022.

Proposed Development:

1. A proposed Power Plant, which will be installed adjacent to the onshore receiving facilities and will principally comprise 3 number turbine halls (approximately 6,175 metres squared each, and approximately 30.145 metres in height), each containing 1 number Combined Cycle Gas Turbine (CCGT). Each turbine hall will have a capacity of approximately 200MW for a total installed capacity of 600MW. Each turbine hall will comprise:
   - 2 number gas turbines with generators.
   - 2 number heat recovery steam generators with exhaust stacks exiting at approximately 35 metres in height.
   - 1 number steam turbine with generator and exhaust duct.
   - 1 number electrical equipment room.

- 1 number auxiliary control room.
- 1 number DCS room.
- 1 number batteries room.
- 1 number standby diesel generator room.
- 1 number overhead crane.
- 1 number auxiliary transformer.

Each turbine hall will be linked via 1 number exhaust duct to 1 number Air Cooled Condenser (ACC) (approximately 2,711.9 metres squared each, and approximately 32.605 metres in height). Each Air Cooled Condenser will comprise:

- 1 number single-storey air cooled condenser (ACC) electrical Power Distribution Centre (approximately 103.7 metres squared and approximately 4.25 metres in height).
- 1 number condensate collection tank.
- 1 number single-storey condensate polishing equipment enclosure (approximately 103 metres squared and approximately 5.014 metres in height).
- 1 number single-storey ACC air extraction and equipment enclosure (approximately 196 metres squared and approximately 10.25 metres in height).

The Power Plant will also include the following ancillary structures:

- 1 number 2-storey electrical (GIS) substation building (approximately 1,096 metres squared and approximately 13.5 metres in height).
- 1 number air cooled heat exchangers structure (approximately 1,292.5 metres squared and approximately 10 metres in height), with sound retention wall.
- 1 number single-storey workshop/stores/canteen building (approximately 732 metres squared and approximately 8.013 metres in height).
- 1 number single-storey auxiliary boiler building (approximately 204 metres squared and approximately 13.050 metres in height) and exhaust stack (approximately 32 metres in height).

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- 1 number single-storey central control operations building (approximately 318 metres squared and approximately 6.41 metres in height).
- 1 number single-storey administration building (approximately 318 metres squared and approximately 5.435 metres in height).
- 1 number single-storey firewater pumps enclosure (approximately 47 metres squared and approximately 7.185 metres in height).
- 1 number effluent sump.
- 1 number single-storey water treatment building (approximately 630 metres squared and approximately 7.445 metres in height).
- 2 number raw/service/fire water storage tanks (approximately 24.15 metres in height).
- 2 number demineralised water storage tanks (approximately 15.65 metres in height), and
- 3 number generator step-up transformers (each approximately 104 metres squared and approximately 6.004 metres in height), each with a sound retention wall.

2. A proposed 120 MW 1-hour (120 megawatt hour (MWh)) Battery Energy Storage System (BESS) (approximately 5,552.7 metres squared and approximately 6.296 metres in height), which will comprise 27 number battery containers, approximately 4.5 MWh each, containing lithium-ion batteries, and ancillary power conversion system (PCS) skids, as well as a BESS step-up transformer and sound retention wall.
3. A proposed Floating Storage and Regasification Unit (FSRU), with a Liquified Natural Gas (LNG) storage capacity of 170,000 cubic metres (up to 180,000 cubic metres), 292.6 metres long and 43.4 metres wide, with a scantling draft water line of 12.9 metres. Measured at mid tide and with a scantling draft water line, the top of the highest structure on the FSRU (its communication mast) will be 46.0 metres above Ordnance Datum. The FSRU will include:
    - LNG cargo tanks.
    - LNG vaporisation process equipment, designed to meet a send-out capacity of up to 22.6 million standard cubic metres per day (MMsm3/d) of

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natural gas, which is equivalent to approximately 250 giga watt hours per day (GWh per day) of natural gas.

- Seawater intake in the hull of the FSRU located approximately 2 metres below water level; and
- Heat exchangers.

LNG will be delivered by a visiting LNG Carrier (LNGC) which will be moored to the seaward side of the FSRU.

4. A proposed jetty, the elevation of which will be set at +9 metres Ordnance Datum (Malin Head), and which will comprise:
   - 1 number hydraulic gangway tower.
   - 1 number unloading platform, with 2 number Gas Loading Arms (GLAs).
   - 8 number mooring dolphins, 2 number breasting dolphins, and catwalk.
   - 1 number access trestle, approximately 315 metres in length with a roadway of approximately 5 metres wide, pipeway, pipe rack support, mobile crane platform, sliding gangway, pontoon capable of accommodating 4 number tugs, maintenance platform, abutment, and run-on slab.
   - Ancillary structures including 2 number power and control units, 2 number elevated fire water monitors, 2 number spill containment kits, lighting, CCTV system, and 1 number temporary berth and associated 2 number barges for construction purposes only.

5. Proposed onshore receiving facilities which will include:
   - 1 number single-storey main control building (approximately 318 metres squared and approximately 5.435 metres in height).
   - 1 number single-storey fuel gas metering enclosure (approximately 166 metres squared and approximately 5.725 metres in height).
   - 1 number single-storey fuel gas regulating enclosure (approximately 166 metres squared and approximately 5.725 metres in height).
   - 1 number single-storey fire water pumps enclosure (approximately 47 metres squared and approximately 7.185 metres in height).

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- 1 number single-storey warehouse/workshop building (approximately 504 metres squared and approximately 5.72 metres in height).
- 1 number single-storey N2 generation package control building (approximately 288 metres squared and approximately 5.438 metres in height).
- 1 number single-storey electrical switchgear enclosure (approximately 234 metres squared and approximately 6.75 metres in height).
- 1 number single-storey electrical switchgear enclosure (approximately 90 metres squared and approximately 6.75 metres in height).
- 3 number Continuous Emissions Monitoring System (CEMS) enclosure (approximately 3.6 metres squared and approximately 4.4 metres in height each).
- 3 number single-storey nitrogen compressor buildings (approximately 103 metres squared and approximately 5.4 metres in height each).
- 1 number single-storey security building (approximately 63.8 metres squared and approximately 3.657 metres in height).
- 1 number single-storey metering & regulating area kiosk enclosure (approximately 9 metres squared and approximately 3 metres in height).
- 1 number single-storey metering & regulating area analyzer enclosure (approximately 13.2 metres squared and approximately 3 metres in height).
- 1 number single-storey metering & regulating area instrument enclosure (approximately 13.2 metres squared and approximately 3 metres in height).
- Ancillary structures to include: 3 number fuel gas heaters, 5 number SUS transformers, 1 number black start diesel generator, 3 number generator breakers, 3 number air cooled heat exchangers, 3 number gas turbines, with exhaust stack, 2 number instrument air packages, 2 number firewater storage tanks (approximately 16.15 metres in height), 3 number nitrogen purification skid/absorbers, and 3 number nitrogen evaporator/cold boxes.

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6. A proposed Above Ground Installation (AGI) to include:

- 2 number single-storey chromatograph buildings (approximately 14.19 metres squared and approximately 2.7 metres in height each).
- 1 number single-storey control & instrumentation building (approximately 186.7 metres squared and approximately 4.29 metres in height).
- 1 number single-storey metering building (approximately 480 metres squared and approximately 5.175 metres in height).
- 5 number single-storey boiler unit buildings (approximately 42.24 metres squared and approximately 8 metres in height each).
- 1 number single-storey regulator building (approximately 243.6 metres squared and approximately 5.27 metres in height).
- 1 number single-storey generator kiosk building (approximately 60.72 metres squared and approximately 3.25 metres in height).
- The following ancillary structures: 2 number odorant tanks, heat exchangers, filtering, reverse flow valve arrangement, pig trap, and fuel gas let down units.

The AGI will facilitate the export of natural gas to the national gas transmission network via the already consented 26-kilometre Shannon Pipeline (An Bord Pleanála Reference: PL08.GA0003 and PL08.DA0003)

7. All ancillary structures/works, including: the demolition of a small farm complex (in ruin), to include 2 number outhouses (in ruin) and a former habitable dwelling (in ruin), a gun emplacement structure (in ruin), a well (in ruin), and a field boundary wall structure (in ruin), 2 number oil/water separators, 1 number retaining wall, 1 number firewater retention pond, utility racks, utility sleepers, crossover platforms, water supply connection, pre-engineered/package biological waste water treatment system and a surface water drainage network, both of which will discharge directly to the Shannon Estuary via a discharge pipe, all car parking, including mobility and EV spaces, and cycle parking, new access off the L-1010 (Coast Road), 2 number culverts, internal roadways, pre-cast concrete bridge over the Ralappane Stream, all temporary construction works, including laydown area, all site development works, including earthworks to create a level platform at +18 metres Ordnance Datum for the

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main footprint of the proposed development (excluding the proposed AGI and jetty), and landscaping, security fencing and gates, including 2.9 metre high chain link outer site perimeter fence, a 4 metre high inner site security fence, internal 2.4 metre high palisade fencing and external 2.995 metre high weld mesh fencing for the AGI, CCTV cameras, telecommunications connections, and all lighting.

All located within the townlands of Kilcolgan Lower and Ralappane, Ballylongford, County Kerry and on the Shannon Estuary.

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Decision

REFUSE permission under section 37G of the Planning and Development Act 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Determine under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

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 Liquified Natural Gas 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 Project Ireland 2040 National Marine Planning Framework, National Energy Security Framework (2022)

and the National Energy and 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 Liquified Natural Gas Floating Storage and Regasification Unit. The review has not yet been completed.

Having regard to the above and to the nature and form of the proposed development which constitutes an overall integrated facility incorporating an Liquified Natural Gas terminal and with a clear focus on the use of Liquified Natural Gas 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.

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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, with a Liquified Natural Gas storage capacity of 170,000 cubic metres (up to 180,000 cubic metres), 292.6 metres long and 43.4 metres wide, with a scantling draft water line of 12.9 metres, the proposed jetty, the deck of which will be set at +9 metres OD (Malin Head), and ancillary structures and proposed onshore receiving facilities and to grant permission for the 600MW power plant and associated structures, 120MW battery energy storage system, and ancillary development, proposed Above Ground Installation 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 Liquified Natural Gas 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 Liquified Natural Gas 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 Liquified Natural Gas 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.

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Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be recouped from the applicant is €35,860.

A breakdown of the Board's costs is set out in the attached Appendix 1.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.
Dated this 13th day of September 2023

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