

An
Bord
Pleanála

Board Order ABP-319080-24

Planning and Development Acts, 2000 to 2022

Planning Authority: Clare County Council

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 12th day of February 2024 by the Electrical Supply Board care of Mott McDonald Ireland Limited of South Block, Rockfield, Dundrum, County Dublin.

Proposed development: The proposed development comprises of the following:

- Transition and conversion of the existing coal fired power station's primary fuel from coal to Heavy Fuel Oil (HFO) for limited hours of operation and a temporary period of five years until the 31st day of December 2029;
- Construction of 2 number Heavy Fuel Oil tanks each with a capacity of approximately 25,000 tonnes (approximately 48.7 metres diameter x 15 metres high) and associated bund walls (approximately 5.0 metres high);
- Construction of a new boiler house (approximately 24 metres length x 18 metres width x 11 metres high) to house 2 number auxiliary boilers (1 number electric and 1 number distillate, each 22.7MW (thermal output), including:
 - 1 number Blow down vessel (approximately 4.5 metres wide x 13 metres high)

- 1 number Exhaust Stack (approximately 1.0 metres diameter and 30 metres high)
- 1 number Annex structure (approximately 10.0 metres length x 5 metres wide x 4 metres high)
- Construction of an extension to each of the existing 3 number Flue Gas Desulphurisation Absorbers (FGD)
 - units 1, 2 and 3, to provide additional reclaimed ash unloading facilities (ash injection plant extension), comprising:
 - 1 number conveyor enclosure (approximately 7.0 metres length x 2.5 metres width x 22 metres high)
 - 1 number hopper enclosure (approximately 6 metres length x 5 metres width x 6 metres high)
- Construction of a reclaimed ash unloading facility at the existing landfill capping batching plant, comprising of a hopper enclosure adjoining the existing batching plant (approximately 14.0 metres length x 6.5 metres width x 6.0 metres high) and conveyor enclosure (approximately 3.5 metres length x 3.5 metres width x 11.5 metres high);
- Dismantling and removal of 2 number mobile stacker reclaimers and 1 number coal conveyor bridge;
- Changes to existing permitted Flue Gas Desulphurisation (FGD) by-product and ash storage area (ASA) arrangements (planning authority reference number: 14/373) to utilise spare capacity in the existing ASA [capping layer thickness increase from 0.6 metres (minimum) up to a maximum of 1.6 metres] with an overall proposed reduction in height of the currently permitted ASA by approximately 1.85 metres; and,
- All associated ancillary site development works to facilitate the proposed development, including a new lighting arrangement, surface water drainage, internal roads and temporary construction compounds and laydown areas.

All within the townlands of Carrowdotia North, Carrowdotia South and Ballymacrinan, Killimer, Kilrush County Clare.

Decision

Grant 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 under and subject to the conditions 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

In coming to its decision, the Board had regard to the following:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

European Policy/Legislation:

- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive) on the assessment of the effects of certain public and private projects on the environment.
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- Directive 2000/60/EC (Water Framework Directive)

National Policy and Guidance including:

- Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan.
- The Climate Action Plan 2024.

- National Marine Planning Framework 2020.
- Climate Action and Low Carbon Development (Amendment) Act 2021, amending the Climate Action and Low Carbon Development Act 2015.
- Long-term Strategy on Greenhouse Gas Emissions Reductions (April 2023).
- National Adaptation Framework (NAF) (June 2024).
- National Energy and Climate Action Plan 2021-2030.
- Policy Statement on Security of Electricity Supply (November 2021).
- National Energy Security Framework (April 2022).
- National Maritime Oil/HNS Spill Contingency Plan 2020.
- Other relevant guidance documents.

Regional and Local Planning Policy, including in particular:

- Regional Spatial and Economic Strategy for the Southern Region 2020.
 - Clare County Development Plan 2023-2029.
 - Other relevant guidance documents.
- (b) The nature, scale and design of the proposed development as set out in the planning application as well as the established and operational industrial character of the existing Moneypoint generation station.
- (c) The entirety of the documentation submitted by the Electricity Supply Board (applicant) in support of the proposed scheme, including the Environmental Impact Assessment Report and Natura Impact Statement, and the range of mitigation and monitoring measures proposed.
- (d) The strict operational parameters of the proposed development in terms of its purpose as a generator of last resort, its defined hours of annual generation and its defined period of use i.e. up to the 31st day of December 2029.
- (e) The range of mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement, in combination with the operational procedures and commitments contained within the Landuse Planning Report, issue C, dated May 2024.
- (f) The submissions received in relation to the application by all parties.

- (g) 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 likely significant effects of the proposed development on European Sites, and
- (h) The report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment, informed by the report prepared by the Ecologist of An Bord Pleanála, environmental impact assessment and proper planning and sustainable development of the area.

It is considered that the proposed development would accord with European, national, regional and local planning policy and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report, as informed by the report by the Ecologist of An Bord Pleanála that the following sites are the European Sites for which there is a likelihood for significant effects on:

- **Special Areas of Conservation**

Lower River Shannon Special Area of Conservation (Site Code: 002165), Black Head Poulsallagh Complex Special Area of Conservation (Site Code: 000020), Inagh River Estuary Special Area of Conservation (Site Code: 000036), Glengarriff Harbour and Woodland Special Area of Conservation (Site Code: 000090), Inishmaan Island Special Area of Conservation (Site Code: 000212), Inishmore Island Special Area of Conservation (Site Code: 000213), Galway Bay Complex Special Area of Conservation (Site Code: 000268), Inishbofin and Inishshark Special Area of Conservation (Site Code: 000278), Slyne Head Islands Special Area of Conservation (Site Code: 000328), Akeragh, Banna and Barrow Harbour Special Area of Conservation (Site Code: 000332),

Ballinskelligs Bay and Inny Estuary Special Area of Conservation (Site Code: 000335), Castlemaine Harbour Special Area of Conservation (Site Code: 000343), Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365), Lough Yganavan and Lough Nambrackdarrig Special Area of Conservation (Site Code: 000370), Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code: 001021), Dog's Bay Special Area of Conservation (Site Code: 001257), Inisheer Island Special Area of Conservation (Site Code: 001275), Omev Island Machair Special Area of Conservation (Site Code: 001309), Connemara Bog Complex Special Area of Conservation (Site Code: 002034), Tralee Bay and Magharees Peninsula, West to Cloghane Special Area of Conservation (Site Code: 002070), Slyne Head Peninsula Special Area of Conservation (Site Code: 002074), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Murvey Machair Special Area of Conservation (Site Code: 002129), Kenmare River Special Area of Conservation (Site Code: 002158), Blasket Islands Special Area of Conservation (Site Code: 002172), Carrowmore Dunes Special Area of Conservation (Site Code: 002250), Magharee Islands Special Area of Conservation (Site Code: 002261), Valencia Harbour/Portmagee Channel Special Area of Conservation (Site Code: 002262), Kerry Head Shoal Special Area of Conservation (Site Code: 002263), Kilkee Reefs Special Area of Conservation (Site Code: 002264), Kingstown Bay Special Area of Conservation (Site Code: 002265), and West Connacht Coast Special Area of Conservation (Site Code: 002998).

- **Special Protection Areas**

River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 002165), Mid-Clare Coast Special Protection Area (Site Code: 004182), Illaunonearaun Special Protection Area (Site Code: 004221), Magheree Islands Special Protection Area (Site Code: 004125), Blasket Island Special Protection Area (Site Code: 004008), Skelligs Special Protection Area (Site Code: 004007), Loop Head Special Protection Area (Site Code: 004119), Cliffs of

Moher Special Protection Area (Site Code: 004005), Tralee Bay Complex Special Protection Area (Site Code: 004188), Kerry Head Special Protection Area (Site Code: 004189), Dingle Peninsula Special Protection Area (Site Code: 004153), Puffin Island Special Protection Area (Site Code: 004003), Castlemaine Harbour Special Protection Area (Site Code: 004029), Inner Galway Bay Special Protection Area (Site Code: 000268), The Bull and the Cow Rocks Special Protection Area (Site Code: 004066), High Island, Inishshark and Davillaun Special Protection Area (Site Code: 004144), Inishmore Special Protection Area (Site Code: 004152), Iveragh Peninsula Special Protection Area (Site Code: 004154), Beara Peninsula Special Protection Area (Site Code: 004155), Slyne Head to Ardmore Point Islands Special Protection Area (Site Code: 004159), Cruagh Island Special Protection Area (Site Code: 004170), Deenish Island and Scariff Island Special Protection Area (Site Code: 004175), Connemara Bog Complex Special Protection Area (Site Code: 002034).

The Board determined that Appropriate Assessment was required for these European Sites.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the European Sites, in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the European Sites,

- i. Mitigation measures which are included as part of the current proposal as well as those recommended by the Inspector,
- ii. conservation objectives for these European Sites, and

iii. views of prescribed bodies in this regard.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report, and the report of the Ecologist of An Bord Pleanála, in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the below European Sites,

- **Special Areas of Conservation**

Lower River Shannon Special Area of Conservation (Site Code: 002165), Black Head Poulsallagh Complex Special Area of Conservation (Site Code: 000020), Inagh River Estuary Special Area of Conservation (Site Code: 000036), Glengarriff Harbour and Woodland Special Area of Conservation (Site Code: 000090), Inishmaan Island Special Area of Conservation (Site Code: 000212), Inishmore Island Special Area of Conservation (Site Code: 000213), Galway Bay Complex Special Area of Conservation (Site Code: 000268), Inishbofin and Inishshark Special Area of Conservation (Site Code: 000278), Slyne Head Islands Special Area of Conservation (Site Code: 000328), Akeragh, Banna and Barrow Harbour Special Area of Conservation (Site Code: 000332), Ballinskelligs Bay and Inny Estuary Special Area of Conservation (Site Code: 000335), Castlemaine Harbour Special Area of Conservation (Site Code: 000343), Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365), Lough Yganavan and Lough Nambrackdarrig Special Area of Conservation (Site Code: 000370), Carrowmore Point to Spanish Point and Islands Special Area of Conservation (Site Code: 001021), Dog's Bay Special Area of Conservation (Site Code: 001257), Inisheer Island Special Area of Conservation (Site Code: 001275), Omey Island Machair Special Area of Conservation (Site Code: 001309), Connemara Bog Complex Special Area of Conservation (Site Code: 002034), Tralee Bay and Magharees Peninsula, West to Cloghane Special

Area of Conservation (Site Code: 002070), Slyne Head Peninsula Special Area of Conservation (Site Code: 002074), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Murvey Machair Special Area of Conservation (Site Code: 002129), Kenmare River Special Area of Conservation (Site Code: 002158), Blasket Islands Special Area of Conservation (Site Code: 002172), Carrowmore Dunes Special Area of Conservation (Site Code: 002250), Magharee Islands Special Area of Conservation (Site Code: 002261), Valencia Harbour/Portmagee Channel Special Area of Conservation (Site Code: 002262), Kerry Head Shoal Special Area of Conservation (Site Code: 002263), Kilkee Reefs Special Area of Conservation (Site Code: 002264), Kingstown Bay Special Area of Conservation (Site Code: 002265), and West Connacht Coast Special Area of Conservation (Site Code: 002998).

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Area (Site Code: 004175), Connemara Bog Complex Special Protection Area (Site Code: 002034).

in view of the sites' conservation objectives and there is no reasonable scientific doubt as the absence of such effects.

Environmental Impact Assessment

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

- the nature, scale, and location of the proposed development,
- the Environmental Impact Assessment Report and associated documentation submitted with the application,
- the submissions received during the course of the application, and
- the Inspector's report informed by the report of the the Ecologist of An Bord Pleanála.

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, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, 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 planning application.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge, the submissions received from the planning authority, prescribed bodies and observers in the course of the application, in the context of current methods of assessment.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct, indirect and cumulative impacts of the proposed development permitted herein are and will be mitigated (where necessary) as follows:

- Overall neutral/imperceptible effects on **human health**, due to the location of the proposed development remote from population centres, the established industrial nature of the existing site, ensuring the cessation of use of coal as a fuel source for electricity generation at Moneypoint and the continued limits, controls, and monitoring of emissions from the site under the Industrial Emissions Licence.
- Positive short-term effects on the wider **population**, economy and employment through ensuring security of electricity supply, and providing a sufficient and significant back-up generator to the national grid to ensure continuity of electricity supply at a nationally significant level over the short term while additional renewable sources of electricity and less carbon intensive generators come on-line. The proposed development makes the most sustainable use of existing Heavy Fuel Oil and electricity generating infrastructure in place, thus facilitating a smooth and quick transition which will ensure that power outages due to a shortfall in supply will not arise in the context of a 'do nothing' scenario where electricity generation from the Moneypoint facility ceases without sufficient conventional generation being available to cater for demand over the defined term of the proposed development.



- Potential negligible temporary effects on **Air Quality** from construction will be mitigated through the application of best practice dust control measures, application of the Construction and Environmental Management Plan, good site management, and monitoring.
- Negligible effects on **Air Quality** from the proposed development in the context of the established baseline coal operations emissions. The proposed development will result in lower annual mass emissions from on-going coal fuelled electricity generation.
- Major Adverse and Significant impact on **Climate** due to the proposed continued use of fossil fuel (Heavy Fuel Oil) and resultant greenhouse gas emissions to generate electricity at this location. The Board considered that this impact is justified as the proposed development will:
 - Secure the cessation of coal fuelled generation from the site through the removal of necessary coal management infrastructure (coal stackers/reclaimers and conveyor bridges etc.).
 - Result in an overall reduction in emissions arising from the Moneypoint facility in the context of coal remaining as the fuel source for generation.
 - Make the most sustainable use of existing Heavy Fuel Oil and electricity generating infrastructure and will be operated as a generator of last resort for a limited timeframe (up to the end of 2029) and with limited annual hours of operation that will only be used to fulfil any shortfalls in other alternative means of electricity generation should demand outstrip supply.
 - Minimise other environmental impacts that could arise from having to provide a similar quantum of more traditionally powered electricity generation at greenfield sites and ancillary works elsewhere to cover shortfalls in grid capacity.
 - Facilitate the provision of a committed date for the cessation of use of Heavy Fuel Oil as a fuel source at this location (December 2029).

Furthermore, the facility will continue to be subject to Environmental Protection Agency Industrial Emissions licencing with all emission levels set and monitored.

- Construction activities will give rise to temporary noise and vibration effects which will be mitigated through the application of the Construction and Environmental Management Plan, minimising noise emissions at source, adhering to relevant codes of practice for noise and vibration control on construction and open sites, erection of a temporary noise barrier around piling works and/or between the construction activities and the Ash Storage Area, implementation of a noise and vibration monitoring protocol,
- While coal management activities will cease, operational effects arising from the proposed development will not give rise to significant effects on **noise and vibration** as electricity generation activities from this operational industrial site will continue and will be controlled and monitored through the relevant site Industrial Emissions Licence.
- Temporary construction effects on **Biodiversity** will arise in relation to habitat loss, and disturbance to species. Such impacts will not be significant due to the existing industrial nature of the site and extent of on-going operations in place. Further mitigation will be provided by measures which include the implementation of the Construction and Environmental Management Plan, overall design of the proposed development, fencing off works areas, provision of noise barrier(s) around certain works areas, and the appointment of Ecological Clerk of Works to oversee implementation of all relevant mitigation measures.
- Temporary construction impacts could arise on **Biodiversity** and **Water** from site discharges (hydrocarbon spills, silt, concrete runoff) or other contaminants entering watercourses during construction or draining into the estuary. Such impacts will be mitigated through the implementation of the Construction and Environmental Management Plan, including measures for the appropriate management and storage of hydrocarbons, the existing on-site drainage design, the lack of on-site surface water courses (with the Molougha Stream having been previously culverted), the use of spill kits and bunding, soil and stockpile management, including separation from waterbodies.
- Temporary construction impacts could arise on **Biodiversity** due to disturbance to species such as badger, otter, breeding/ wintering birds, bats and

amphibians. These impacts will be mitigated through the established nature of the industrial site, carrying out pre-construction surveys, provision of exclusion zones for works activities from areas of importance to particular species, restricting works activities such as vegetation removal to outside bird breeding season in the absence of pre-construction surveys, provision of temporary noise barrier(s), sympathetic design of temporary lighting requirements, and supervision by the environmental clerk of works.

- There is potential for very significant/profound long term adverse impacts on **Biodiversity** and **Water** in the operational phase arising from the effects of a catastrophic oil spill impacting on sensitive species and habitats (including the marine) from grounding/collision/leakage of a Heavy Fuel Oil tanker on approach to the site, a spillage during the offloading of a tanker at the site or spill/leak from the onsite Heavy Fuel Oil tanks. Risk of oil spill from Heavy Fuel Oil tanker vessels will be mitigated by:
 - All tankers will have regard to the International Safety Guide for Oil Tankers and Terminals (ISGOTT 6) produced by the Oil Companies International Marine Forum (OCIMF) and the International Chamber of Shipping (ICS) 2020.
 - The recommendations of the International Maritime Organisation will be reviewed and implemented, as necessary.

Heavy Fuel Oil deliveries to the site are already occurring and the applicant has established, proven, and approved delivery and offloading protocols in place. Established mitigation measures in place in the event of a spill in the Shannon Estuary include:

- Execution of the Moneypoint Oil Spill Response Plan.
- The Electricity Supply Board has a supply of oil booms available which is a requirement for the Industrial Emissions Licence.
- Control of environmental damage through prompt isolation and containment of an oil spill, isolating local drains using absorbent booms, securing the area against traffic, containing the spill and monitoring oil interceptor outlets.

- Carrying out regular emergency preparedness exercises to ensure all staff are aware of measures to be implemented in emergencies.

Mitigation measures in place for Heavy Fuel Oil unloading at the site include:

- Oil unloading arm and valves on jetty manned at all times.
- The full length of the Heavy Fuel Oil line is inspected periodically, and the unloading arm will receive a comprehensive overhaul, and the supply line will undergo extensive internal magnetic flux leakage inspection.
- Pressure and temperature are constantly checked and recorded.
- Oil sump under the jetty will be emptied prior to arrival of a new ship.
- Meeting between Loading Master, Vessel Master and Chief Officer before unloading commences.
- Unloading arm is pressure and temperature tested, security is maintained, and fire-fighting equipment positioned prior to ship arrival.
- Oil spill containment equipment and oil dry (2 tonne minimum) is provided on the jetty.
- Hot work and smoking prevented during offloading.

Mitigation Measures to prevent Oil spill from Heavy Fuel Oil tanks are as follows:

- All tanks, containers and drum storage that contain Heavy Fuel Oil will have leak containment bunds and leak detection systems in place.
- Design and construction of Heavy Fuel Oil tanks will be carried out to current best practice engineering standards. The existing tanks on site were subject to 10-year inspections in 2018 and 2022 and were found to be in good condition.
- There is a documented system of inspection, testing and maintenance at the facility which will be continued.
- The existing bunds in place will be fully upgraded with raised bund walls and concrete floors. Bunds are designed to retain a tank rupture and

appropriate firewater retention and shut off valves for the bund drainage system will be set to closed by default.

- Potential adverse impacts on **Biodiversity** and **Water** from the operational phase due to generation of air pollutants, noise disturbance, process and wastewater discharges to the marine environment, lighting and introduction of invasive species from delivery ships. These impacts will be adequately mitigated through the limits, conditions and monitoring measures of the Industrial Emissions licence relating to noise, dust, water discharges and emissions, appropriate 'on-demand' operation of lighting, existing industrial nature of the site, appropriate design of on-site drainage systems and bunds, protocols to manage the risk of accidental spills and potential environmental impact, membership of the Shannon Estuary Anti-Pollution Team (SEAPT), and all shipping being required to adhere to international convention for the control and management of ships' ballast water and sediments.
- Construction activities have the potential to give rise to adverse impacts on **Water** from sediment, silt runoff, or spillages, which could result in potential sediment release and deposition in the estuary. The impacts from such activities would be adequately mitigated by:
 - The short-term nature of the activities.
 - The implementation of the Construction and Environmental Management Plan, including standard construction best practice mitigation measures.
 - The design and nature of the works which are set back from the coastline,
 - Appointment of Environmental Clerk of Works to monitor and implement all relevant mitigation measures.
 - Sediment control measures (settlement tanks, silt fences, and silt traps) will be provided as required.
 - Existing drainage measures on site.
 - Provisions of the Industrial Emissions Licence.



- Traffic generated during construction will give rise to potential disturbance and congestion on the local road network. These impacts would be adequately mitigated by:
 - The implementation of a Traffic Management Plan and Construction and Environmental Management Plan, to optimise delivery scheduling, detail the construction route, provide temporary signage, and appoint a community liaison.
 - Abnormal loads, if required to be delivered by road, will adhere to all relevant requirements and weight limits, with such deliveries being scheduled at off-peak times and with all appropriate escorts.
 - Existing low traffic volumes, and design of road network accessing the site (National secondary routes) and short-term nature of construction activities.
- Having regard to the nature and volume of materials and on-site activities, the development gives rise to the potential for major accident or disaster or major accident to the environment. The impacts from such activities would be adequately mitigated by:
 - The design and operation in accordance with industry standards and operator requirements under the Control of Major Accident Hazards Regulations 2015.
 - The established protocols in place in relation to existing and proposed on-site infrastructure.
 - The safety protocols in place in relation to delivery of Heavy Fuel Oil to the site and its storage.
 - The firefighting procedures in place and extent of forewater storage provided for.
 - The international safety and operational standards in place in relation to Heavy Fuel Oil tanker vessels.
 - The established marine navigation measures in place.
 - The location and design of the proposed development

Proper Planning and Sustainable Development

The proposed development comprises the provision of works (including the provision of two Heavy Fuel Oil Tanks, pumping and piping infrastructure, additional bunding works, a new boiler house and associated exhaust stack, an extension to each of the 3 number existing flue gas desulphurisation absorbers to provide additional reclaimed ash unloading facilities, alterations to the levels and operational management of the permitted Ash Storage Area, reclaimed ash unloading facility at the existing batching plant, and all associated works and services as well as dismantling of existing coal management equipment and infrastructure) to facilitate the transition and conversion of the existing coal fired power station's primary fuel from coal to heavy fuel oil for limited hours of operation for a temporary period up to the 31st day of December 2029.

The Board considered that the proposed development, due to its strict operational parameters - as a generator of last resort over a defined period (up to the end of 2029) - and subject to compliance with the conditions set out below, would be in accordance with national, regional and local planning policies which support the provision of a strong economy supported by enterprise, innovation and skills while also supporting the transition to a low carbon and climate resilient society. The proposed development will provide a temporary conventionally powered back-up generator to the national electricity grid making the most sustainable use of existing infrastructure and equipment and will provide significant backup to the national electricity grid when predicted/projected demands outstrips generation. While it is acknowledged that the operation of the development would generate greenhouse gas emissions, the need for additional conventional generation is recognised as a national priority in the Government Policy Statement on Security of Electricity Supply, notwithstanding the overall commitment in the Climate Action and Low Carbon Development (Amendment) Act 2021 to becoming a carbon-neutral economy by 2050. In this regard the Board acknowledges that the operational timeframe of the proposed development will stop at the end of 2029, thereby ceasing emissions from this site, while the proposed development will result in the cessation of the use of coal as a fuel at the Moneypoint Generation Station, and the use of Heavy Fuel Oil will result in fewer emissions arising from coal operations.



Due to the location of the proposed development within an existing operational industrial complex it is not considered that there will be any significant adverse visual or amenity effects. Furthermore, significant adverse ecological effects are not anticipated with direct impacts on habitats being limited and not considered to adversely affect the conservation objectives of European Sites.

The Board also considered that the proposed development was appropriate in the context of the provisions of the Clare County Development Plan 2023-2029, which has zoned the lands as "Marine Related Industry", which includes the use of land for industry which is dependent on marine transport, and also designates the site as "Strategic Development Location B – Moneypoint", the objectives of which include safeguarding the role and function of this site as a key strategic driver of economic growth in accordance with national and regional energy objectives.

Overall, therefore, it is reasonable to conclude that the consequences for the proper planning and sustainable development of the area would be acceptable. While there are negative impacts arising from the continued use of fossil fuels at the site, these are not regarded as outweighing the benefits arising (cessation of coal use, reduction in emissions from Heavy Fuel Oil fuelled generation in comparison to coal, and the provision of a sufficient back-up generator to support overall national societal and economic need for a defined duration pending the delivery of additional renewable and less-carbon intensive electricity generation) and accordingly particularly having regard to the limited operational hours and limited duration of proposed generation there is a clear justification for the proposed development. 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, 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. The mitigation measures contained in the submitted Environmental Impact Assessment Report, and Technical Landuse Planning Report, Revisions C, dated May 2024, shall be implemented.

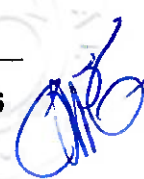
Reason: To protect the environment.

3. The mitigation measures contained in the submitted Natura Impact Statement, shall be implemented.

Reason: To protect the integrity of European Sites.

4. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a comprehensive document containing all mitigation and monitoring measures set out in the Environmental Impact Assessment Report, the Natura Impact Statement and Technical Landuse Planning Report (revision C, dated May 2024). The document shall incorporate the monitoring and implementation of proposals as appropriate.

Reason: In the interests of orderly development, public information, the protection of the environment and clarity.



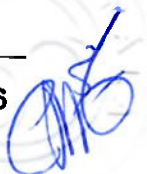
5. A suitably qualified ecologist shall be retained by the developer to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the Natura Impact Statement and Environmental Impact Assessment Report. The ecologist shall be present during site construction works. Prior to commencement of works an ecological report of the proposed scheduling, monitoring and relevant mitigation of the site works shall be prepared by the appointed ecologist and agreed in writing with the planning authority.

Reason: In the interest of nature conservation and the protection of biodiversity and the environment.

6. (a) The use of coal as a fuel source for energy generation at this site will cease by the 31st day of December 2025 and the use of Heavy Fuel Oil as a fuel source for energy generation at this site will cease by the 31st day of December 2029.
- (b) The number of future annual fuel deliveries by ship to the development here permitted shall not exceed 24 number throughout its operational phase, as set out in Table 4.2 of the Environmental Impact Assessment Report.
- (c) Vessels delivering Heavy Fuel Oil to Moneypoint shall follow the 2023 Guidelines for the Control and Management of Ships' Biofouling to Minimise the Transfer of Invasive Aquatic Species.

Reason: In the interests of clarity, to protect the environment and in the interests of proper planning and sustainable development.

7. Prior to the dismantling of the coal management equipment the developer shall prepare an Industrial Heritage Report by a suitably qualified individual, including a detailed photographic record and scaled drawings, in relation to the equipment to be removed to ensure a complete record of the nature and operations of this equipment is provided. A copy of this Industrial Heritage



Report is to be submitted to the planning authority for their agreement prior to the commencement of dismantling works.

Reason: In the interests of orderly development, clarity and to maintain an appropriate record of the on-site industrial heritage.

8. If, during the course of site works any archaeological material is discovered, the planning authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government, and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

9. 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. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of lighting (which is to be sited and designed in line with mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement), site security fencing, and hoardings.
 - (d) The appointment of a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project.
 - (e) Details of on-site car parking facilities for site workers during the course of construction.



- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (k) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, orderly development, public health and safety and environmental protection.

- 10. (a) Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a detailed Construction Traffic Management Plan for the construction phase of the development. The agreed Construction Traffic Management Plan shall be implemented in full during the course of construction of the development.
- (b) Pre- and post-construction phase surveys of the public road network to be used as haul routes, shall be carried out by the developer, to include inspections of bridges, structures and culverts at locations to be agreed with the relevant roads authorities to confirm their capacity to accommodate any abnormal weight load proposed.



- (c) Abnormal load licences shall be secured by the developer in advance, if required, for the transportation of components, units and materials. Consultation with the road authority, An Garda Síochána and all necessary stakeholders shall be carried out in advance of transportation of abnormal loads.

Reason: In the interest of traffic safety and promoting sustainable travel during the construction period.

11. Prior to the commencement of development, the developer and/or any agent acting on its behalf shall submit an Invasive Species Management Plan to the planning authority for written agreement, which includes details of a pre-construction survey to be carried out. The plan shall include full details of the eradication of such invasive species from the development site prior to construction or if discovered during construction as soon as is practicably possible.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development, details to be agreed with the local authority prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

13. Noise monitoring shall be carried out during the construction phase of the proposed development by the developer to ensure that equipment used during construction does not exceed the corrected combined $L_{Aeq, 10min}$ dB noise generation levels set out in Table 9.7 (Details of noise-emitting equipment considered for the construction of the proposed development and reference noise levels used for noise calculations) of Chapter 9 (Noise and Vibration) of

the Environmental Impact Assessment Report. During the construction phase, noise monitoring shall be carried out to evaluate and inform the requirement and/or implementation of noise management measures. Noise monitoring shall be conducted in accordance with ISO 1996–1 (ISO 2016) and ISO 1996–2 (ISO 2017).

Reason: In the interest of management of construction noise and protection of adjoining amenities and the environment.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.


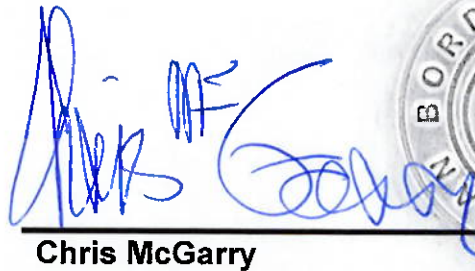
Reason: To ensure that the public road is satisfactorily reinstated, if necessary.



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 refunded to the applicant is €16,699.

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

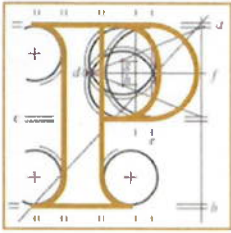


Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this  day of  2024



An
Bord
Pleanála

**Board Order –
Appendix 1**

ABP-319080-24

Strategic Infrastructure Development

Costs of determining the Application

Case Number: ABP-319080-24 (PA)

Proposed Development: Proposed transition and conversion of the existing 900MW electricity generating station from coal to heavy fuel oil and associated ancillary development at Moneypoint Generating Station, Moneypoint, Co. Clare.

| Board Costs | | |
|-------------|---|----------------|
| (1) | Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €7,528.50 Inspector 2 (application) €74,448.50 Ecologist (application) €2,424 | €84,401 |
| (2) | Costs invoiced to Board | N/A |
| | Total chargeable costs | €84,401 |
| Board Fees | | |
| (3) | Application Fee - €100,000 Pre-application Consultation Fee- €1,000 | €101,000 |
| (4) | Observer fees paid | €100 |
| | Total | €101,100 |
| | Net amount due to be refunded to the applicant | €16,699 |


Chris McGarry

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this  day of  2024