



An
Bord
Pleanála

Record of 4th Meeting ABP-304007-19

Development	Proposed alteration to Shannon LNG regasification terminal at Ballylongford, Co. Kerry.		
Location	Via MS Teams		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	4 th		
Date	25/03/21	Time	12 p.m.

Attendees		
Representing An Bord Pleanála		
Rachel Kenny, Director of Planning (Chair)		
Ciara Kellett, Assistant Director of Planning (Chair)		
Una Crosse, Senior Planning Inspector		
Maeve Flynn, Inspectorate Ecologist		
Kieran Somers, Executive Officer	k.somers@pleanala.ie	
Representing the Prospective Applicant		
Brannen McElmurray, Chief Development Officer, NFE		
Simon Duncan, Senior Vice-President, Head of Marine Operations, NFE		
Martin Ahern, Project Manager, NFE		

Barry Sheridan, Technical Director, AECOM
Brendan O'Connor, Lead Ecologist, Aquafact
Carl Dixon, Terrestrial Ecologist, Dixon Brosnan
Aiden O' Neill, Director, Coakley O'Neill Town Planning

Introduction:

The Board's representatives opened the meeting by referring to its previous meetings with the prospective applicant (most recent of 22nd May, 2020) and noted the prospective applicant's opinion that this may be an IROPI case. The Board's representatives noted the procedural position with regard to this particular process and the fact that the Board itself is the competent authority. The Board's representatives suggested that any forthcoming planning application should be made with regard to Article 6(3) and that the prospective applicant may wish to include such other information as required under Article 6(4) in the event that the Board were to form the view that IROPI would apply to this particular case. The Board's representatives emphasised that this is a multi-stage process (see below) and that such an approach by the applicant might serve to better expedite the processing and eventual determination of the case. The prospective applicant noted this suggested approach.

Presentation by the prospective applicant:

The prospective applicant recapped on the nature and extent of the proposed development which relates to the LNG Terminal and Power Plant. Constituent elements of the proposed development were outlined.

The prospective applicant referred to the zoning of the site for industrial and marine development in the current Kerry County Development Plan, the sheltered position within the deep-water estuary with safe navigational access and proximity to permitted and existing gas and electricity grids. The prospective applicant referred to the already-consented 26-kilometre pipeline (under Board case reference numbers GA0003 and DA0003) which would provide a connection to the gas grid

and an expected 220kV electrical connection at a substation five kilometres to the east.

The prospective applicant referred to the proposed onshore AGI which would facilitate the connection of the LNG Terminal to the already consented Shannon Pipeline (GA0003 and DA0003) and the proposed jetty which includes an unloading platform and marine structures to facilitate berthing and mooring. The proposed FSRU would provide for LNG storage capacity of up to 180,000m³ with the LNG vaporisation equipment to regasify the LNG to natural gas on board the FSRU with the heat required for LNG regasification taken from seawater via a heat exchanger. It is proposed that the loading of LNG onto the FSRU will be achieved by ship to ship transfer from an LNG carrier ship berthed alongside. A 20kV back-up power supply is also proposed.

The prospective applicant referred to the proposed power plant in more detail and said that the proposed design of three blocks of CCGT would facilitate the provision of a flexible multi-shaft power plant facility. The prospective applicant said that the proposed power plant would generate power for its own needs and for the LNG Terminal, as well as for sale to the market via a 220kV connection with a connection offer from EirGrid expected. It is anticipated that the proposed cable would run five kilometres east under the L-1010 road to the existing Killpaddock 220kV substation. The prospective applicant also stated that this proposed connection would be the subject of a separate design and planning consent once the connection point is formally confirmed but that it will be considered as part of the cumulative and in-combination assessments to be undertaken as part of proposed SID application. In addition to the grid connection, the prospective applicant added that the cumulative and in-combination assessment will also consider the permitted Shannon gas pipeline and the proposed 320-megawatt data centre.

With respect to its previous meeting with the Board's representatives of the 22nd May, 2020, the prospective applicant identified the key changes which have taken

place with regard to the proposed development; these include a reduced and consolidated footprint and the omission of the proposed materials jetty.

The prospective applicant set out the rationale, justification and need for the proposed development. It said that the proposed development would serve to enhance energy security, especially in the event of a supply disruption from the UK, that it would address electricity capacity shortfalls and would also support the target of 70% of electricity to be generated from renewable sources by the year 2030 as set out in the Climate Action Plan.

With regard to the Seventh Schedule of the Planning and Development Act 2000, as amended, the prospective applicant said that the proposed development would qualify under the criteria set out under energy infrastructure as it comprises an LNG facility and also a power station with a total output of 300 megawatts or more. The prospective applicant also stated its opinion that the proposed development would comply with the tests set out under section 37A(2)(a), (b) and (c) of the Planning and Development Act 2000, as amended, insofar that it would be of strategic economic or social importance to the State or region in which it would be located, it would contribute substantially to objectives set out under the National Planning Framework and the Regional Spatial and Economic Strategy for the Southern Region and may have potential effects on the functional areas of Limerick City and County Council and Clare County Council.

The prospective applicant referred to the Programme for Government 2020 and in particular the matter of 'fracked gas', noting that most LNG in the world is not sourced from fracked gas. The prospective applicant stated that the proposed development is not dependent on fracked gas noting it is confident that it can source gas from non-fracked sources in order to meet the energy demand and security of supply in Ireland. The prospective applicant said that the proposed development would not be seeking State or EU funding and also advised that the proposed power plant and LNG terminal would be future-proofed by having the ability to transition to

hydrogen fuel once the technology and public policy are fully developed to facilitate same and subject of a future planning approval.

The prospective applicant provided the Board's representatives with an update on ecology and marine issues. In particular, the prospective applicant referred to its meeting with representatives of the National Parks and Wildlife Service (NPWS) which took place on the 19th January, 2021; the prospective applicant referred to some of the key discussion points which had arisen during the course of this meeting. With regard to its stated opinion that a permanent loss of qualifying interest habitat may result in an adverse effect on the integrity of a subject site, the NPWS advised the prospective applicant that further examination of Article 6 may be required. It also pointed out that, under Article 6(3) of the Habitats Directive, proposed mitigation measures cannot be used to address the issue of the permanent loss of Qualifying Interest Habitat.

In terms of ecology and marine, the prospective applicant reported on survey work which has been completed, including surveys relating to otters, bats, birds and badgers. With regard to Bottlenose Dolphin monitoring, the Irish Whale and Dolphin Group have been contracted to monitor the use of the subject site on the south side of the Shannon Estuary by bottlenose dolphins with their conclusions that while dolphins regularly pass by the subject site, they rarely stop for a prolonged period and that the site is likely used as a transition corridor. The IWDG also noted that there is no evidence that the subject site is a critical habitat for bottlenose dolphins. In relation to underwater noise modelling, the prospective applicant reported that scenario-based noise modelling for a number of project-related noise sources has been completed and that on-site measurements of ambient underwater noise were performed in May 2020 with the IWDG reviewing the model results prior to the submission of a planning application.

The prospective applicant provided the Board's representatives with an overview of the on-going EIAR and NIS preparation.

With regard to on-going consultations, the prospective applicant reported that meetings have taken place with relevant stakeholders and prescribed bodies

including Kerry County Council, the EPA, the CRU, the Health and Safety Authority, the Shannon Foynes Port Company and residents' groups.

In relation to future steps in the pre-application consultation process, the prospective applicant expressed its intention to complete consultations with relevant stakeholders and prescribed bodies and to then formally seek closure of the instant pre-application consultation process. The prospective applicant indicated its current intention to lodge an application for the proposed development circa .Q.2 of 2021.

Discussion:

The Board's representatives noted the content of the prospective applicant's presentation. In respect of the stated opinions on the criteria under section 37A(2) of the Act; the Board clarified that should same be accepted in the determination of the pre-application process, this would have no bearing on any IROPI process which may or may not materialise during the application process.

With respect to the proposed 220kV connection, the Board sought clarification on the grid offer from EirGrid. The prospective applicant stated that a 220kV export grid offer from EirGrid is imminent and should be received in the coming months. The Board noted this and enquired, from a cumulative point of view, as to whether EirGrid have to carry out any enabling works. The prospective applicant replied that it is not aware that any such enabling works have to be carried out by EirGrid.

With regard to the matter of fracked gas, the Board's representatives suggested that the prospective applicant might wish to address this issue in the planning application and noted that information provided on this point would be of particular importance from a public perspective. The prospective applicant noted the Board's comments and said that this matter would be addressed in the planning application. With regard to the Programme for Government (2020), the prospective applicant

reiterated that it is the intention of the applicant to comply with Government policy in relation to fracked gas and outlined that the LNG terminal is not dependent on same.

With respect to the planning application generally, the Board said that a list of the various consents required for the overall project should be provided within a planning report.

The Board enquired as to whether any discussions have taken place between the Department and the prospective applicant with regard to the forthcoming Maritime Area Planning Bill. The prospective applicant replied that it would need to follow up on this matter having regard to any requirements in terms of its assessments.

The Board noted the meeting which took place between the prospective applicant and representatives of the NPWS in January 2021; it also noted the advice provided by the NPWS at this meeting. The Board advised the prospective applicant that any information provided within the planning application which falls outside the scope of the Article 6(3) process should not be contained in the NIS which will accompany the planning application. The Board added that any such information should be provided in a separate document for the Board's information as it is outside the remit of the Inspector's assessment. For clarity, the process/steps in respect of Appropriate Assessment under Article 6 (3) and any derogation under 6 (4) of the Habitats Directive are provided below as follows:

Article 6 (3)

Stage 1: Screening for Appropriate Assessment

Stage 2: Appropriate Assessment

Article 6 (4)

Stage 3: Alternative Solutions

Stage 4: Imperative Reasons of Overriding Public Importance (IROPI)

Note: Article 6(4) allows for exceptions to the general rule of Article 6 (3) but its application is not automatic. It is up to the competent authority, An Bord Pleanála, to decide whether a derogation from Article 6(3) can be applied. Article 6(4) must be

applied in the sequential order established by the Directive - that is after all the provisions of Article 6(3) have been undertaken in a satisfactory manner (from European Commission Notice 2018: Managing Natura 2000 sites, The Provisions of Article 6(3) of the Habitats Directive 92/43/EEC).

With regard to the NIS generally, the Board advised that it would expect an in-depth/robust scientific analysis in relation to habitats conservation objectives, targets and attributes which may be most greatly affected by the proposed development (i.e. potential habitat loss). With respect to the qualifying interest species, bottlenose dolphin, the Board noted that survey work was on-going. With regard to noise modelling, the Board noted that in-combination effects should be given particular consideration. The Board advised the prospective applicant generally that all ecological assessments carried out should be as robust and exhaustive as possible and survey data should be included with the application documentation.

In response to the Board's query on the matter, the prospective applicant advised that the aforementioned Shannon pipeline has not yet been constructed and would serve the proposed development as a connecting pipeline to Foynes for nationwide distribution.

Conclusion:

With regard to the intended planning application timeline, the Board enquired as to whether the lodgement of this would await the formal grid connection offer from EirGrid. The prospective applicant responded that it would not as the timeline for same was unknown.

The prospective applicant said that its current intention was to close out the pre-application process imminently and to then await the Board's formal SID determination. The Board's representatives advised that this might take a few weeks from the time of receipt of the prospective applicant's letter in this regard.

In a general context, the Board's representatives emphasised to the prospective applicant the importance of providing robust information with the planning application (including ecological data and surveys) so as to minimise the possibility or requirement of a further information request. With respect to the prospective

applicant's query on likely timeline for the planning application as a whole, the Board advised that this would be predicated on a number of factors, including the level of submissions received and whether an oral hearing might be held.

The record of the instant meeting will issue to the prospective applicant in the meantime and it is then open to the prospective applicant to seek formal closure to the process.

The meeting concluded at 1.15 p.m.

Ciara Kellett

Assistant Director of Planning