

An
Bord
Pleanála

Record of Meeting ABP-319717-24

Case Reference / Description	ABP-319717-24 (OC)		
Case Type	Pre-application consultation		
1st / 2nd / 3rd / 4th Meeting	1 st Meeting		
Date	4 th July 2024	Start Time	3:00pm
Location	MS Teams	End Time	4:45pm

Representing An Bord Pleanála
Stephen Kay (Assistant Planning Director) Chair
Jimmy Green (Senior Planning Inspector)
Conor Donnelly (Ecologist)
Ellen Moss (Executive Officer)
Jonathan Dunne (Administrative Assistant)

Representing the Prospective Applicant
Martin Ahern (NewFortress Energy)
Kieran O'Connor (NewFortress Energy)
Rachel Devine (AECOM)
Aiden O'Neill (Coakley O'Neill)
Shane O'Boyle (Aquafact)

Introduction

The Board referred to the letter received from the prospective applicant on the 13th May 2024, requesting pre-application consultations under section 287 of the Planning and Development Act 2000, as amended, ('the Act') and advised the prospective applicant that the instant meeting essentially constituted an information-gathering exercise for the Board; it also invited the prospective applicant to outline the nature of the proposed development and to highlight any matters that it wished to receive advice on from the Board. The Board's representatives mentioned the following general procedures in relation to the pre-application consultation process:

- The Board will keep a record of this meeting and any other meetings, if held. Such records will form part of the file which will be made available publicly at the conclusion of the process. The record of the meeting will not be amended by the Board once finalised, but the prospective applicant may submit comments on the record which will form part of the case file.
- As part of this consultation process the Board may provide its opinion regarding the making of an application concerning the Proposed Development as respects procedures, documentation, and some or all of the matters that the Board is likely to take into consideration (relating to the National Marine Planning Framework, objectives of maritime spatial planning, principles of proper planning and sustainable development and the environment or any European site) when making a decision under section 293 in relation to an application. .
- In accordance with section 287(3) of the Act, the decision to close a consultation rests with the Board. At the conclusion of the pre-application case the Board will consider the case file including the record of meetings held and the report of the reporting inspector detailing the issues arising in the consultation. The Board will issue a direction/order clarifying that the consultation has closed and that the prospective applicant may make an

application for permission under section 291 in the event that all relevant requirements are satisfied.

- A further meeting or meetings may be held in respect of the proposed development.
- The holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in any legal proceedings.

Presentation made by the prospective applicant:

The prospective applicant began their presentation by briefly discussing the meeting agenda. The project team was also introduced.

The prospective applicant briefly discussed the National Planning Framework 2020 and made reference to Section 12: Energy – Natural Gas Storage, Natural Gas Storage Policy 1 and Transmission Policy 6.

The prospective applicant quoted Minister Eamon Ryan from April 2023 – ““The world changed a year ago when those Nord Stream gas pipelines were blown up in the Baltic Sea. The concern about energy security and particularly gas pipelines was heightened. So we do need a form of storage and an alternative gas supply route and gas supply source so that, should anything happen, we have some protection”. The Prospective Applicant highlighted the declining indigenous gas supply stating that by 2030, the Corrib gas field will only be capable of providing 5% of gas required by Ireland during the peak day demand leaving , the state reliant on a single supply point from the UK (at Moffat In Scotland – via two subsea interconnectors) for 90% of its gas and 32% of its overall energy.

The prospective applicant advised that Ireland is the only EU member state that does not have access to gas storage in an emergency due to the lack of an LNG terminal or direct gas connection.

The Prospective Applicant went on to review the findings of 'Securing Ireland's Gas Supplies', by the Department of the Environment, Climate and Communications (DECC), which recommends an offshore gas emergency reserve provided through a Floating Storage and Regasification Unit (FSRU) as an appropriate measure to address the identified risks to gas security of supply while also being compatible with the Climate Act requirements. The prospective applicant also summarised the DECC documents commentary in relation to the appropriate location of any future transitional FSRU in Ireland. It would need to have access to the gas network, be at a coastal site suitable for development with sheltered deep-sea access, the receiving environment must be capable of accommodating the required infrastructure while having regard to environmental considerations, proximity to high energy use clusters and future hydrogen production should also be considered and would be a further advantage in terms of location. The Prospective Applicant also noted section 8.3 of the DECC document which states that there is a limited number of locations in Ireland that are likely to meet the required site conditions for berthing a transitional FSRU.

The prospective applicant, Shannon LNG Limited, is a subsidiary of NewFortress Energy. NewFortress Energy is a world leader in developing strategic gas storage facilities and owns/operates one of the largest global fleets of LNG ships, FSRUs and Floating Storage Units. They developed and operate strategic gas storage facilities in Mexico, Miami, Jamaica and Brazil. In 2022, they developed a FSRU facility in the Netherlands. This facility is called the Eemshaven Energy Terminal. It took 26 weeks to complete the development.

The proposed development is located in sheltered and deep-water. The site is zoned for a gas import terminal under the Local Development Plan. Planning permission was previously approved under PL08.GA003 for the gas pipeline to connect to the grid. The prospective applicant stated that they have carried out a site selection process which concluded the proposed site is the most suitable location. The prospective applicant has carried out surveys on onshore and offshore ecology over numerous years to support the EIAR and NIS.

The prospective applicant has an existing foreshore lease and licence:

- Foreshore lease (Ref. No. 9597) granted by the Minister for Environment, Heritage and Local Government on 21 December 2010 that permits Shannon LNG to enter into, use and occupy an area of foreshore, the Leasehold Area, for the purpose of construction of a jetty to be used for mooring and offloading LNG Carriers ("LNG jetty lease"). By deed of variation dated 16 April 2012, made with the Minister for the Environment, Community and Local Government, the Term of the lease was extended to 99 years;
- Foreshore licence (Ref. No. 9599) granted by the Minister for Environment, Heritage and Local Government on 21 December 2010 that permits Shannon LNG to enter into, use and occupy an area of foreshore, the Licensed Area, for the purpose of the provision of a drainage outfall pipe to discharge surface water, groundwater, treated process and foul water and used firewater from the then proposed LNG terminal ("drainage outfall licence"). By deed of variation dated 16 April 2012, made with the Minister for the Environment, Community and Local Government, the Term of the lease was extended to 99 years.

The prospective applicant provided an overview of the proposed development will include the provision of the following components:

- Gas and electricity grid connections,

- Gas metering, pressure and flow control equipment, including an odourisation facility. These items, along with a gas heater building and chromatography system shall be included in an Above Ground Installation (AGI),
- A jetty with an access trestle,
- A Floating Storage and Regasification Unit (FSRU) to store gas,
- Onshore receiving facilities including a nitrogen generation facility, a control room, a security building, workshop and maintenance buildings, instrument air generator, backup power generators and fire water system.

The prospective applicant advised that an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be prepared and that the proposal will constitute an establishment for the purposes of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 ('COMAH Regulations') .

The construction of the proposed development, if granted, is intended to commence in January 2026 and will take 22 months (with commissioning requiring an additional 6 months prior to becoming operational) The prospective applicant advised that the intended date for commence of operations is Q3 of 2027.

The prospective applicant concluded the presentation with a video demonstrating the operation of a LNG vessel.

Discussion:

The Boards representatives noted the extensive planning history on site and in particular ABP-311233-21 for a power plant, battery energy storage system (BESS), FSRU, and associated works, which was previously refused on being contrary to government policy and the current application for a power plant, BESS and Above Ground Installation under ABP-319566-24. When asked, the Prospective Applicant confirmed that (a) the current pre-application discussions related to those parts of the previously refused application associated with the LNG terminal, FSRU, jetty and AGI etc, (b) that these elements were broadly similar to the previously proposed infrastructure, and that (c) government policy has been further clarified since the previous decision to support the provision of a strategic gas emergency reserve facility such as that proposed.

The Boards representatives queried the existing connection consent for the provision of a gas line connecting the site to the national gas network. The prospective applicant advised that this was consented in 2009 under section 182C and accordingly there is no specific duration for the permission. The prospective applicant advised that, if required, they would share their legal counsel's letter on the gas connection, including the reference number associated.

The Boards representatives noted this and advised that any future application for the Proposed Development would have to consider any potential cumulative effects with the 2009 consented gas pipeline and in this regard updated surveys or assessments of effects may be required as the Environmental Impact Statement for the gas connection application was granted in 2009. The applicant advised that the project team are aware of this and that updated surveys to support any cumulative impact assessment reporting are being worked on. Furthermore, it was stated that the applicants have been involved in surveying the site in support of various applications since 2007.

The Boards representatives queried if the previous permission for the gas connection application in 2008 included an AGI. The prospective applicant advised that two AGI's had been approved however, in consultation with Gas Network Ireland they have updated the AGI design which will be reflected in the new application.

The Boards represent advised that while similar to the Strategic Infrastructure Development procedure, the current pre-application procedure differs slightly as the onus is on the Board to close out the pre-application stage for Marine cases. The applicant noted this variation but confirmed that they were anxious to proceed to the application phase as they are satisfied that they have a good understanding of the processes, have engaged fully in all necessary studies and assessments required as established through the planning history on site.

The Boards representatives noted that the prospective applicant has a number of the foreshore licences and leases, however, they also stated that these are not fully available on the Departments website. The Boards representatives noted that while a recommendation report was available, the detail/terms/conditions of the relevant foreshore licences and leases were unavailable, and that similarly maps of the foreshore licenses/leases were not on the Departments website. The prospective applicant advised they would forward a copy of the relevant licences/leases and maps. The Boards representatives noted that this would be important and that the documents could be provided in response to the record of the meeting that would be circulated.

The Boards representatives noted that there are four foreshore leases/licences associated with the site and quoted in the initial pre-application consultation request. The applicant stated that only two were required for this development and advised that they would issue a letter to clarify this matter when submitting copies of the

relevant foreshore licence/lease documentation and maps in response to the circulation of the meeting record.

The Boards representatives noted that they would review the documentation on receipt but in the interim enquired whether the Prospective Applicant was satisfied that the relevant issued foreshore licence/lease terms and mapping provided for the scope of the proposed development. The Prospective Applicant advised that it was satisfied that the proposed development was within the scope and terms of the issued foreshore licence.

The Boards representatives noted that the extent of the red line boundary set out in the pre-application consultation mapping/layout submitted includes the entirety of the ABP-319566-24, which is a current Strategic Infrastructure Development (SID) application for a proposed 600MW power plant, battery energy storage system, and AGI currently under the consideration of the Board. It was also noted that that application and the works subject to the current pre-application discussions have been stated by the Prospective Applicants to be capable of operating independent of the other. In the interests of clarity, to avoid confusion and to ensure that the Board have a clear and full understanding of the extent and nature of works subject to this pre-application consultation (and any future section 291 application that may arise), the Boards representatives requested that an updated layout plan should be submitted detailing the extent of the proposed development subject to the current section 287 pre-application consultations. The Boards representatives noted the Prospectives Applicants contention that both facilities (i.e. the power plant application and the LNG terminal works) will not be reliant on each other and be capable of independent operations, and accordingly advised that each planning application should similarly be capable of independently delivering its required infrastructure. Accordingly, it was noted that certain elements of infrastructure may be included within both applications (for example vehicular access roads, and/or the AGI), so these elements could be provided in the event of favourable consideration of either application, thus ensuring that any infrastructure required for both facilities

was not reliant on a separate application/consent. The Prospective Applicant confirmed that it would submit an updated layout and details following circulation of the record of the meeting.

The Board representatives noted that any EIAR submitted with a future application for the Proposed Development supported by an EIAR should include a comprehensive assessment of cumulative effects/impacts.

The Board representatives noted the development description set out in the pre-application consultation request (i.e. Proposed Strategic Gas Emergency Reserve Facility) and noted that any public notices in relation to a future proposed development should include a detailed description of the various components of the Proposed Development to fully inform the public and any interested parties.

The Board representatives queried the scope of commercial operations of the Proposed Development outside the maintenance of the Strategic Gas Reserve. The prospective applicant advised that a certain level of gas storage would always be held within the FSRU vessel in accordance with any future contract that may be entered into with the Commission for Regulation of Utilities (CRU) and that this would be reserved. In tandem with this reserve, the FSRU would also process additional LNG from tankers to input into the national gas network. The national gas network would be connected to the site via the approved gas pipeline (PL08.GA0003). In this regard the Prospective Applicant intends to apply for a further licence with the CRU to construct the pipeline under the Gas Act in quarter three or quarter four 2024 and are in the process of developing an EIAR and design package.

The Board representatives queried if eight days storage would be efficient and how often LNG tanker vessels would come in to deliver to the FSRU. The prospective applicant advised that the Minister proposed the volume of gas to be held, and it is not for a prescribed number of days. If the UK gas interconnectors to Moffat were to

be out of action, further LNG tankers vessels would come in and offload into the FSRU and from there onto the national Gas network. The Boards representatives queried how many ships annually they would expect. The prospective applicant advised that approximately 60 ships annually could arrive (i.e. approximately 1 every 5 days).

The Boards representatives advised that in that context photomontages should be included in the application of what the tanker ships would look like when docked beside the FSRU

The prospective applicant advised that if the proposed development is granted, two contracts would be involved: a storage contract and a commercial contract. The applicant advised that the State's gas reserve would be under the Minister's control, and they would be responsible for the release. In this regard the DECC document 'Securing Ireland's Gas Supplies' acknowledges that private firms can be contracted to provide and operate a strategic gas reserve. The prospective applicant advised they would be introducing commercial competition with the existing UK Gas Interconnectors to Moffat which should lower prices for the consumer while offering choice and providing more security to the supply.

The Boards representatives queried what the FRSU intake and heat exchange involved, as it requires the intake and output of seawater having regard to potential impacts on the estuary. The prospective applicant advised there would be no chemicals involved. There would be an electro-chlorination plant which exchanges seawater to chlorine. The FRSU would take in seawater to heat the LNG. Cold water will be dispersed. The prospective applicant advised that the range of processes, impacts, effects and mitigation measures this will be set out and assessed in the application documentation.

The Boards representatives queried the noise involved with the FRSU. The prospective applicant advised they modelled noise in the Shannon and modelled

disturbance levels by using an underwater hydrophone on their FRSU unit in Jamaica. There will be noise generated, however, monitoring carried out of similar facilities have shown that the impact will be minimal. It was noted that Dolphins inhabit the area however, the proposed site is in a transit area and impacts are not considered to be significant. The prospective applicant advised that they are working closely with the Irish whale and dolphin group. The prospective applicant sponsored an estuary bird survey in the River Shannon and they have been sponsoring underwater noise surveys and dolphin surveys since 2007.

In relation to site selection the prospective applicant referred to best practice international standards for FRSU operations and locations. The Prospective Applicant advised that the site of the proposed development satisfies all relevant navigation and shipping safety standards and requirements and that the site is the most suitable site available for a development of the nature proposed. The Boards representatives advised the prospective applicant should provide full details of the site selection process and in particular the environmental reasons supporting this location.

The Boards representatives reminded the prospective applicant that the application needs to be compliant with the Climate Act, Carbon Budget and the Climate Action Plan 2024. The prospective applicant advised that the Climate Action Plan 2024 calls for a secure gas supply to support renewable energy.

The Boards representatives noted that the DAU submitted an observation on the previous application recommending additional underwater archaeological surveys. The Boards representative queried if the surface was rocky or muddy where the jetty is proposed and whether any additional engagement or study had taken place in relation to underwater archaeological surveys since the previous application decision. The prospective applicant advised that the surface is rocky and further surveys were conducted in February 2024 in the vicinity of the surface water outfall

pipe and jetty. Nothing of significance was recorded and a copy of the report has been submitted to the relevant offices.

The Boards representatives queried the recoverability and rehabilitation of the SAC and SPA. The prospective applicant advised that the area is quite dynamic and will recover quickly with minimal impact. The Boards representatives advised that full details of surveys, impacts, and mitigation should be included in the NIS

The Boards representatives queried the facility's operational timeframe and permanence. The prospective applicant advised that the facility would be in commission for 25 years, after which time they may either apply for a licence for use of hydrogen or decommissioning.

The Boards representatives queried what would happen if an LNG tanker was to rupture. The prospective applicant advised that in the 70 years of LNG vessel operations there has never been a ship rupture. If a rupture were to happen, the heat would evaporate and there would be a flammable cloud that would disperse. The prospective applicant advised that this would be modelled and details set out within any future application.

The Board representatives queried whether the prospective applicant had engaged with the NPWS or any other public consultations and/or fisheries. The prospective applicant advised that the NPWS were engaged in May 2023 and Inland Fisheries Ireland in June 2024, and they have been in constant communication with Kerry County Council, they further noted that this area was not a busy location in terms of fisheries

The prospective applicant queried if the Board consults with other prescribed bodies during the pre-application stage. The Boards representatives advised that it is open to the Board to consult, should a particular issue arise however, it does not occur in every case and they generally do not.

The Boards representatives noted the policy objectives of the National Marine Planning Framework (NMPF) and advised that any future application should have regard to all the relevant policies and objectives of that document as well as the relevant terrestrial County Development Plan(s). The Boards representatives also noted the provisions of the NMPF in relation to supporting additional natural gas transmission and infrastructure where it does not involve the importation of fracked gas. The prospective applicant queried at what stage they should address the issue of fracked gas. The Boards representatives advised it was not required at this pre-application consultation stage but any future planning application and associated impact assessments should provide sufficient clarity on the issue to ensure compliance with the relevant policy framework.

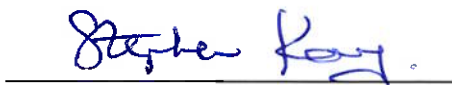
The Boards representatives noted that the Prospective Applicant was submitting an updated description and site layout in relation to the exact extent and nature of the Proposed Development and in this context requested the Proposed Applicant to also clarify the relevant applicability of the classes of development set out in the the Eighth Schedule of the Act. Prospective applicant advised they would provide this in writing.

In closing the Board's representatives again noted the extent of the planning history on the site and in particular the most recent decision carried issued under ABP-ABP-311233-21. The Prospective Applicant was advised that while any future application would be assessed by a different team within the Board, the issues previously considered of note within ABP-311233-21 in relation to environmental impacts/effects, policy considerations, Appropriate Assessment, as well as proper planning and sustainable development, would continue to be matters that the Board is likely to take into consideration in any future application for the Proposed Development.

Conclusion:

The Board's representatives advised that the record of the instant meeting will be issued and that the prospective applicant can submit any comments it may have in writing. The Boards representatives noted the extent of surveying, assessment and study carried out on the site, and acknowledged there is a broad understanding of the nature of the site and proposed works. In this context, pending the submission of the details discussed (including: copies of foreshore licences/leases and relevant mapping, development description, as well as updated layouts delineating the extent and location of subject works) the Prospective Applicant was advised that the Board is inclined towards closing out the pre-application consultation process at this stage. In the interim, should any issue arise and/or the Prospective Applicant require a further meeting or consider that it is not appropriate to close the pre-application consultations (following receipt of the discussed details) then they should contact the Board and advise accordingly.

The Meeting concluded at 4:45pm.



Stephen Kay

Assistant Director of Planning