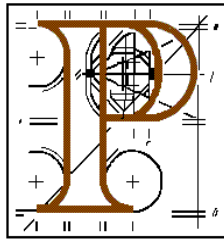


# An Bord Pleanála



## Inspector's Report

**APPLICANT:** ELECTRICITY SUPPLY BOARD

**PROPOSED DEVELOPMENT:** WEST OFFALY POWER STATION –  
TRANSITION TO BIOMASS

**LOCATION:** SHANNONBRIDGE, COUNTY OFFALY

**PLANNING AUTHORITY:** OFFALY COUNTY COUNCIL

**DATE OF SITE INSPECTION:** 2<sup>nd</sup> APRIL, 2018

**INSPECTOR:** KEVIN MOORE

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## **1.0 THE SITE OF THE PROPOSED DEVELOPMENT**

- 1.1 The proposed development relates to the site of the existing power station at Shannonbridge, County Offaly in the townland of Clonifeen and to the site of the existing ash disposal facility in the townlands of Clonfinlough, Clondelara, Leitra, and Derrylahan. The station site is on the eastern banks of the River Shannon and on the southern side of the village of Shannonbridge. It is separated into two areas – the power station, associated buildings and infrastructure operated by ESB and the fuel handling area operated by Bord na Móna. Each have separate vehicular entrances onto Regional Road R357. The power station site is approximately 35.5ha in area.
- 1.2 The station comprises a single boiler/turbine unit with an electrical output of 150 MWe. Its main features are the thermal generation plant and the peat handling facilities. The station is fired on milled peat at present, with a support facility for firing standard refinery fuel oil. The peat fuel is supplied to the station by Bord na Móna and is delivered via a dedicated rail line and also by road. The ash produced from the combustion process is transported by Bord na Móna via a dedicated rail system to a dedicated ash disposal facility.
- 1.3 The ash disposal site is 59.2 hectares of cutaway bogland in a remote location some 5.5km north-east of the power station and lies within the townlands of Clonfinlough, Clondelara, Leitra, and Derrylahan. It is accessed by road via the R357 Shannonbridge – Cloghan Regional Road. It comprises a number of lined landfill cells, each of which is filled, sealed and capped. Ash is transported from the station to the disposal facility on Bord na Móna's narrow gauge rail system on purpose-built saddleback wagons. Fly ash and bottom ash are both disposed of at the facility. This site is operated and managed on behalf of ESB by Bord na Móna.

1.4 The station and ash disposal sites are subject to an IPPC Licence (Licence No. P0611-02) from the Environmental Protection Agency (EPA). The station is operated in accordance with the EU's Emission Trading Scheme (ETS), which limits and controls greenhouse gas emissions from electricity generating plant. It operates under Greenhouse Gas Permit IE-GHG077-10385-4, which is administered by the EPA.

## 2.0 **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

2.1 The proposed development would comprise:

- the continued operation of the existing West Offaly Power Station and the ash disposal facility beyond the permitted date of 31<sup>st</sup> December 2020 as provided for under the current permission (ABP. Ref. PL 19.125575);
- the phased transition of the Station to firing exclusively on renewable biomass. The transition to 100% biomass will comprise initial phases of co-firing characterized by the combustion of reducing volumes of peat and associated reduction in carbon dioxide emissions;
- the development of fuel management and handling facilities on the Station site to facilitate the change in fuel type, including two concrete slabs for temporary outdoor storage of biomass, a 17m high pellet intake building and a 15m high storage silo for biomass pellets; and
- the development of additional landfill capacity at the existing dedicated ash disposal facility at Derrylahan, Co. Offaly to accept additional fly ash and bottom ash from the Station, with an additional five engineered landfill cells to accommodate c. 880,000 tonnes of ash on a larger 59.2 ha site and a new leachate lagoon.

- 2.2 The proposed changes would trigger a review of the IE Licence and an application would be made separately to the Environmental Protection Agency.
- 2.3 The proposed transition to operating solely on biomass would see both peat fuel and biomass being co-fired at the Station to the end of 2027, with the quantity of peat combusted reducing stepwise to that date. From 1<sup>st</sup> January, 2028, peat fuel would no longer be combusted at the Station for the purpose of commercial electricity generation. From the initial stage, there would be an immediate 40% reduction in the current usage of peat. Over the first four years, biomass annual usage is expected to be about 512,000 energy tonnes, equating to approximately 17,000 HGV deliveries per annum. The maximum quantity of peat that would be used during this period on an annual basis would be approximately 750,000 energy tonnes that would generate up to 670,000 tonnes of CO<sub>2</sub> annually. For the following three years biomass would increase and peat usage would reduce to an annual maximum of 500,000 energy tonnes, generating a maximum of 450,000 tonnes of CO<sub>2</sub> annually. Post this period the plant would be exclusively fuelled by biomass.
- 2.4 The biomass demand would be fulfilled by both indigenous biomass sources and imported biomass supply. It would comprise non-waste materials typically products, co-products, by-products and residues of the commercial forestry and agricultural sector. It would include materials like brash, thinnings and other residues from the active management and felling of commercial forests, and also materials from timber processing residues such as saw dust from timber mills and manufacturing processes. Biomass from the agricultural sector would include residues from plant materials like husks, shells, and pulp, and from energy crops such as willow plantation. Manufactured wood pellets would also be used.
- 2.5 It is expected that, in the early years, the bulk of the biomass would be sourced on the open market internationally, with 20-40% coming from the Irish forest industry sector. It is estimated that indigenous biomass would typically come



from sources within a 100km radius of the station. Imported biomass would be landed by bulk transporters at key ports such as Dublin and Greenore, County Louth or Foynes, County Limerick and Killybegs, County Donegal. The biomass would be delivered to the station by road, with an average of 100 HGV deliveries over a 16 hour day. Peat deliveries would be mainly by rail.

### 3.0 PLANNING HISTORY

#### 3.1 ABP Ref. PL 19.125575 (P.A. Ref. 01/187)

Permission was granted by the Board in 2002 for a development comprising a peat-fired electrical power generation plant, comprising a single unit having a nominal total electrical rating of 150 megawatts at Shannonbridge, County Offaly, in the townland of Cloniffeen, and an ash disposal facility for the deposit of peat ash in a landfill to accommodate up to 825,000 tonnes of dry ash at Derrylahan, County Offaly in the townlands of Leitra, Clonfinlough and Clondelara.

Condition No. 2 of the permission was as follows:

2. *This permission shall expire on the 31<sup>st</sup> day of December 2020, unless before the end of that period permission for the continuance of the use beyond that date shall have been granted.*

**Reason:** *In the interest of the proper planning and development of the area and to facilitate a review of the facilities at that time.*

## 4.0 SUBMISSION FROM OFFALY COUNTY COUNCIL

4.1 The Council's submission took the form of a report to elected members of the Council. It set out the purpose of the report, described the site and proposed development, referenced planning history, and set out national, regional and local policy. It also included reports from sections within the Council on the proposal. Considerations include:

### 4.2 Roads

- It was noted that over time all fuel would be delivered via the adjacent road network, including from the West on the regional road network through County Roscommon. It was submitted that the views of Roscommon County Council on the proposal should be considered by the Board.
- It is requested that the power plant contributes €15k/annum to the Council towards the management and upkeep of the road network from the commencement of the construction phase until the plant is decommissioned, on the basis that traffic to/from the plant will double.
- Precondition surveys of the route from the R357, Cloghan to Shannonbridge, are requested in advance of the construction phase and post construction.

### 4.3 Environment & Water Services

There is no objection to the proposal subject to the following:

#### *General*

- The Council supports the transition to indigenous biomass as soon as is practicable.

### *Water Framework Directive/Quality*

- It is noted that the status of the River Shannon in the vicinity of the station has remained unassigned since the beginning of the WFD implementation and the status of the Blackwater in the vicinity of the ash disposal facility has improved from moderate to good.

### *Peat Supply Bogs*

- The Council is satisfied with EPA inspection, with correction actions identified as required, for sites related to peat supply in proximity to waterbodies that are considered “at risk” of not achieving their WFD objectives.

### *Operational Phase*

- It is noted that there are no additional surface water discharge points, no instream or bank works, no change to potable water supply or to treatment of foul water, and that the thermal plume from discharged water is monitored under EPA licence.

### *Construction Phase*

- The Council is satisfied with continuing water quality monitoring during the construction phase and monitoring by the contractor.

### *Water Framework Directive Compliance*

- The Council is satisfied that, in accordance with mitigation measures proposed, the proposal should not cause the deterioration of water quality within water bodies adjacent to the development.

### *Flood Risk Assessment*

- The Council notes from the applicant's flood risk assessment that the proposal would be in overall compliance with the objectives of the Planning and Flood Risk Management Guidelines.

#### 4.4 Birr Municipal District Engineer

##### *Introduction*

- There is concern relating to the potential impact of increased HGV traffic on the road network in the region and the potential impact on safety and the amenity value of Shannonbridge. It is noted that the EIAR relies on estimated traffic figures from a 2001 planning permission to establish baseline conditions rather than the actual traffic arrangements in 2018.

##### *Existing Traffic Conditions*

- It is noted that the EIAR refers to an annual fuel usage of 1,200,000 metric tonnes in the existing development and proposed development in 2028. During a site visit in March 2018, it was stated that between 80% and 90% of the fuel is imported from nearby bogs via the railway. The Traffic and Transport Assessment note that on the day of surveys 34 peat deliveries were made to the station. 34 peat deliveries would represent approximately 15% of the daily fuel requirement, based on information provided in Section 12.3 of the EIAR.

##### *Impact on Structural Pavement*

- The increase in fuel coming by road equates to five times the current level of fuel being imported by road. The increase in HGV traffic will accelerate pavement deterioration and additional maintenance will be required. Before and after construction pavement condition surveys should be

carried out to determine if remedial works are required as a result of construction traffic. Therefore, the annual maintenance contribution to the Council should be increased to €50,000 per annum during the operational life of the plant.

#### *Impact on Safety/Amenity/Environment in Shannonbridge*

- Noting from the Traffic and Transport Assessment the utilization of Route A from Junction 14 on the M6 along the R357 across the single lane bridge over the River Shannon through Shannonbridge, it is submitted that the Delivery Management Plan should show a more balanced use of the R357 route both east and west to mitigate impact on the village, with the N62 12km to the east offering alternative routes to Dublin Port, Foynes and other ports.

#### 4.5 Chief Fire Officer

There were no objections to the granting of permission.

#### 4.6 Planner

The findings of the Appropriate Assessment Screening and Natura Impact Statement are outlined. An overview of the findings on a chapter-by-chapter basis of the EIAR is provided. Further considerations include:

#### *Environmental Carrying Capacity*

- There has been a power generating station at the site since 1965, with a sizeable piece of electricity generating plant with associated grid infrastructure on the site. The extension to the ash disposal facility is relatively minor. In relation to peat supply bogs, no new bogs are to be opened and the supply bogs are licensed by EPA. The Government is

currently working on a permitting regime for industrial bogs >30ha which will see them subject to EIAR.

*Assessment and Views in relation to the Board's Decision*

- Decommissioning of the station post-2020 would result in the non-availability of 137MW of readily dispatchable power to the national grid.
- The socio-economic impact on the local area and the wider Midlands would be very significant and immediate if the station was decommissioned post-2020.
- The cessation of peat burn and the 'mothballing' of the facilities post-2020 while awaiting the availability of indigenous biomass is an option.
- In terms of European and National policy, the proposed transition to 100% biomass over the 7-year timescale appears to be in line with, or exceeds, the timelines in the aspirations as set out. Regional and County Development Plan policies are supportive of the transition.
- HGV traffic and noise impacts are noted.
- The phased transition is in accordance with current National Energy and Climate Change policies, approved for REFIT3 in 2017. Reference in the National Mitigation Plan to the possibility of co-firing for Shannonbridge is noted. However, the strategy commits to overseeing a review of the future of peat generation plants in 2019 and this may affect the level of Government policy or fiscal support for the station. In the meantime, it is considered prudent to consider the various national policy documents which support co-firing and Offaly County Development Plan. The proposal for a total cessation of peat burn in electrical generation at the station by 2027 goes further than the co-firing envisaged by the Plan and other policy documents.

## *Conditions*

A recommendation on the matters in which conditions may be attached is offered, namely in relation to decommissioning, a construction and environmental management plan, noise levels during construction, archaeological monitoring, relevant mitigation measures in the EIAR and the NIS, and routes used and development contributions towards upkeep and repairs on the R357.

It is further submitted that the Council would favour the imposition of a community gain scheme along the lines of that often used for energy projects such as windfarms. Also, details of the relevant section 48/49 development contribution conditions and special contribution conditions in the event of a grant of permission are offered, as well as requesting the applicant to submit an estimate of decommissioning and demolition costs to aid in determining an appropriate bond.

The Council's submission included Draft Minutes of the January 2019 Monthly Meeting of Elected Members, which included observations that:

- welcomed the proposal from a climate change perspective,
- expressed concern about the increase in HGV traffic,
- recommended a substantial increase on the annual charge to ESB for roads purposes,
- offered consideration on alternative haul routes,
- agreed that a Community Gain condition should be attached,
- referenced a need for financial supports for farmers to grow energy crops,
- queried the merits of importing biomass over the longer term, and

- asked if there had been an examination of the potential to use existing Bord na Móna transfer stations to transfer biomass to the existing rail system.

## **5.0 SUBMISSIONS FROM PRESCRIBED BODIES**

### **5.1 Transport Infrastructure Ireland (TII)**

5.1.1 TII notes the transport analysis undertaken and has no objection to the findings presented in terms of the potential to impact on the safety and efficiency of the national road network. It was requested that any recommendations arising from the traffic analysis should be included as conditions in any decision to grant permission.

### **5.2 Health and Safety Authority (HSA)**

5.2.1 The HSA submits that, since the application appears to be outside the scope of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015, the Authority has no observations to forward.

### **5.3 Geological Survey Ireland**

5.3.1 GSI made a submission on behalf of Department of Communications, Climate Action and Environment. It notes that there is no envisaged impact on the integrity of County Geological Sites by the proposed development.



## **5.4 Department of Culture, Heritage and the Gaeltacht**

- 5.4.1 The Department submitted nature conservation observations on the proposed development. The impact of peat harvesting on European Sites was noted, particularly with reference to release of silt and ammonia to surface waters. Surface water mitigation in the submitted Natura Impact Statement (NIS) was alluded to. Reliance on the achievement of high level measures, as part of Ireland's River Basin Management Plan, within the timeframe of the proposed development's reliance on peat was queried. It was further noted that the applicant's EIAR and NIS acknowledged uncertainties in relation to peat extraction on water quality and mitigation proposed. The potential for surface water runoff from supply bogs to have an effect on the conservation objectives of water-dependent qualifying interests of European Sites was referenced. It was submitted that, where scientific doubts as to the impacts of peat harvesting on sensitive QIs in hydrologically connected Natura 2000 sites remain, mitigation by avoidance should be practiced.
- 5.4.2 Noting Bord na Móna's draft rehabilitation plans for peat supply bogs, it was submitted that care must be taken to ensure that conflict does not arise between the continued extraction from the supply bogs for the proposed development and the long-term rehabilitation plans for such bogs. The matter of the ash disposal facility impeding future plans for development of wetlands was provided as an example.
- 5.4.3 Finally, the Department noted that Article 10 of the Habitats Directive requires member states to protect landscape features that are of major importance for wild flora and fauna, where necessary, through land use planning and development policies.

## 5.5 An Taisce

### 5.5.1 An Taisce's submission includes the following:

- Biomass is problematic in its use of imported material (as shown by Bord na Móna use of palm kernels from south-east Asia in its Edenderry co-firing plant) and the lack of identification of the scale of sustainable indigenous biomass required, as well as the carbon efficiency of biomass burning for electricity generation. This places a particular onus to address the sustainability of any biomass-based proposal.
- The adverse climate impact arising from the CO<sub>2</sub> emission tonnage from the combustion of peat to 2027, the impact of the extraction from the supply bogs, i.e. greenhouse gas emissions, and the emissions impact from drying stockpiled peat are referenced.
- Biomass will not continue to be rated as zero carbon in nature, i.e. the burning of biomass is not carbon neutral. Reference is made to carbon emissions, air pollution from polluting diesel vehicle use, and the unsustainability of importing bio-material from across the world.
- The proposal is for the continued operation of a failed energy investment asset for the mass combustion generation of electricity without heat capture or integrated with Combined Heat and Power.
- The proposal is premature since Ireland does not have a national policy in place for maximizing the efficient use of the finite biomass supply.
- The impact on the delayed rehabilitation of peat supply bogs and the area around the ash disposal facility is noted. There is no rehabilitation plan in place.
- The unsustainability of sourcing biomass and its importation is reiterated.

- The EIAR does not meet the requirement of Article 5(1) of the EIA Directive in relation to alternatives. There is a need to assess more suitable alternatives for forest biomass and alternative means of reducing the climate impact of energy.
- The proposal is dependent on unquantified and non-time limited import of biomass and an unquantified Irish non-Coillte forest supply source, as the existing Edenderry plant is taking the entire available thinning and residue supply available from Coillte.
- The determination of appropriate buffers for continuing peat extraction is not resolved.
- Data is not in place to allow the assessment of impact of continued peat cutting to be determined. This means that mitigation measures cannot be determined, as is required under Annex IV(7) of the EIA Directive. There is a particular issue with regard to the evaluation of ammonia impact and the cumulative impact with third party harvesting.
- Concern is raised about the impact of cooling water discharge on aquatic ecology. There is a particular issue with regard to the evaluation of future climate impacts on the River Shannon water levels and flow variations.
- The applicant has failed to properly address international data on air pollution from peat and biomass power plants.
- The applicant has failed to meet the requirement of the EIA Directive to identify the transport impact of the proposal, thereby nullifying its ability to put forward mitigation measures. The implications of the progressively increased biomass delivery by road vehicles has major amenity implications on the local area, towns and villages. The traffic impact on the village of Shannonbridge is unresolved. It is not known what the ratio of

imported versus Irish-sourced biomass will be, what ports imported material will come in through, and where and how far from the catchment the Irish-sourced material will come.

5.5.2 It is concluded that An Bord Pleanála, in exercising its function as a Competent Authority, needs to satisfy itself on its regard to the application of national and EU law including Section 15 of the Climate Action and Low Carbon Development Act 2015, which requires all public bodies to have regard to climate mitigation.

## **5.6 Health Service Executive**

5.6.1 The HSE, in considering drinking water sources, recommends that all information be gathered by means of a site survey as desktop studies are seen not to always accurately reflect the current use of water resources.

5.6.2 In reference to noise, the HSE notes that there is a considerable change in the predicted hourly and daily noise levels for the operation of the proposed biomass power station when compared with the existing noise levels, in some cases as high as 14dB. It is further noted that the applicant explains that the difference is due to delivery, unloading and loading of biomass to the storage slab areas and pellet silos. It is submitted to the Board that it is clear that the proposed biomass operations will generate a very significant negative long term effect. Proposed mitigation measures to address these impacts are acknowledged. The HSE is of the opinion that adherence to specified noise limit values does not always protect sensitive receptors from noise nuisance. It is recommended that the impacts of noise are assessed using the methodology in BS4142 and are examined, not just to ensure compliance with absolute noise limits, but assessed against the likelihood of complaints and nuisance occurring to nearby residences. It is also recommended that the tonal and impulsive nature of the noise source be taken into account.

5.6.3 It is noted that, notwithstanding the applicant's position that there would be no change to the current night-time operational noise levels, the EIAR references the possible requirement for night-time deliveries and, thus, there is the potential to cause a significant noise nuisance and this should be avoided.

5.6.4 In conclusion, the HSE recommends that evidence be provided to verify the effectiveness of the noise mitigation measures proposed in the EIAR and that a formal complaints procedure be implemented to resolve possible issues or community concerns in relation to traffic, dust, noise, water or nuisance complaints.

## **6.0 THIRD PARTY SUBMISSIONS**

### **6.1 Rosanne Walker**

6.1.1 Ms. Walker's concerns include the following:

- The impact of traffic required to supply the facility with biomass fuel has not been adequately assessed. Reference is made to insufficient legal title and poor sightlines.
- The burning of peat to generate electricity produces harmful emissions and is not economically viable.
- The application as submitted represents "Project Splitting". Biomass crops may require environmental assessments and would be considered a separate project. The biomass sources must be defined and may be subject to AA and NIS.
- There is an incomplete evaluation of cumulative effects in relation to transport of biomass to the sites.

- There is an incomplete evaluation of alternatives such as solar with energy storage.
- The existing supply bogs have not been subject to EIA or AA. There is no rehabilitation plan in place.

## **6.2 Kieran Rock**

6.2.1 Mr. Rock objects to the granting of a licence for the power station. He refers to damage done to his boat at the jetty in Shannonbridge from ash and to noise from the existing power station.

## **6.3 Friends of the Earth**

6.3.1 Friends of the Earth object to the proposed development for reasons relating to the adverse impacts arising from the extraction and burning of peat on the local environment and the climate and concerns that the source of the additional biomass has not been adequately identified. It is also submitted that there is the potential for adverse impacts to arise in the locations where the biomass would originate. Use of indigenous biomass supplies are considered unrealistic and it is contended that this does not reflect the reality of the quantities of biomass available in Ireland currently or projected over the next decade.

## **6.4 Dogwood Alliance**

6.4.1 It is submitted that Ireland's peat power stations must be shut down, not gradually converted to biomass. Wood pellets from forests and pine plantations in the southern US are stated to be the most likely biomass source and it is

claimed that this would further increase forest degradation and conversion to monoculture tree plantations in a region that is the world's 36<sup>th</sup> biodiversity hotspot. It is further submitted that the upfront carbon emissions of burning wood for electricity are even greater than those of burning peat or coal. It is stated that there is no realistic prospect of Ireland producing enough biomass from energy crops for industrial-scale burning in peat power stations. Finally, it is argued that, if the station was to run on woodchips or pellets, it would require more wood than Ireland produces annually.

## **6.5 Friends of the Irish Environment**

### **6.5.1 It is submitted:**

- The proposal is incompatible with achieving the aims of the UNFCCC and Paris Agreement and it will contribute to dangerous climate change. The Board's attention is drawn to the appeals by An Taisce and the Dogwood Alliance and to the changes in circumstances since 2015, namely climate legislation and the 2015 Planning Policy Guidelines. It is argued that the proposed extension of the power plant flies in the face of "mitigating greenhouse gas emissions" through its continued extraction (and drainage) of peat and through delaying the point at which Ireland's peatlands can be rewetted and restored to reduce their carbon source effect.
- Biomass emits more carbon per unit of energy than most fossil fuels and puts an undue burden on forests that serve as carbon sinks. It is also noted that the only significant source of biomass in Ireland (Coillte's contribution) is utilized by the permitted Edenderry co-firing plant. It is maintained that the future lies in producing sufficient energy from wind, solar and other renewable sources.

- It is not possible for Bord na Móna, the ESB or the Board to hide behind the argument that since the plant is part of the EU ETS, its operation is effectively immune from challenge on any climate policy or climate law grounds. It is submitted that the EU ETS sets a floor not a ceiling, that the findings in the *Urgenda v State of the Netherlands* case are relevant, and that Ireland has repeatedly endorsed the Intergovernmental Panel on Climate Change's conclusion from AR4 that emissions reductions of 25-40% by 2020 and 80-95% by 2050 (both against 1990) are required from Annex I countries in order to achieve an emissions trajectory and carbon budget that stands a chance of staying below 2C above the pre-industrial limit.
- The 'Climate and Air Quality' chapter of the EIAR is particularly bad and is reliant on an outdated Met Éireann paper, neglecting to cite the EPA's 2017 report "*A Summary of the State of Knowledge on Climate Change Impacts for Ireland*".
- Any decision by the Board to grant permission to allow the power plant to continue operating will breach the fundamental rights of citizens.
- Having regard to Appropriate Assessment and EIA, it is noted that investigations on a number of sites to determine appropriate buffers between designated sites and production area boundaries have only commenced. Thus, the applicant is not in a position to rule out adverse impacts on site integrity. Furthermore, the sources of biomass to be used are entirely unclear and, thus, it is impossible for the Board to carry out a legally compliant EIA and Appropriate Assessment. EIA of the biomass production and supply needs to be carried out just as EIA of the peat extraction needed to be carried out (but was not) in Edenderry. It is further submitted that the Forest Service never carries out EIA in respect of afforestation applications and screens out EIA for sub-threshold forests.



Therefore, the Board must ensure that a proper EIA and Appropriate Assessment of biomass production and supply is undertaken in respect of the specific biomass sources that are to be used to fuel the plant.

## **7.0 ENVIRONMENTAL IMPACT ASSESSMENT**

### **7.1 Introduction**

7.1.1 This application falls under Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (i.e. the 2014 EIA Directive). I have examined the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal. I have considered whether the information contained in the EIAR and the supplementary information provided by the applicant to date in the application process adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with relevant legislative provisions.

7.1.2 A range of third party and prescribed body submissions have been received. The principal concerns relate to climate change and the fuel for firing at the power generating facility. These issues will be addressed in detail in my planning assessment.

7.1.3 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality to allow consideration as to whether the information contained in the EIAR and any supplementary information provided by the applicant adequately identifies and describes the direct, indirect and cumulative effects of the proposed development and complies with article 94 of the Planning and Development Regulations 2000, as amended.

### **7.2 Alternatives**

7.2.1 The applicant considered a wide range of alternatives, which included the following:

- a 'Do Nothing' scenario

- seeking permission for continued use of peat fuel solely at the site
- switching immediately to electricity generation using biomass only
- achieving transition to biomass only at a later date (2030)
- alternative energy uses for the site
- seeking alternative ash disposal options
- alternative fuel transport options, and
- alternative designs for the proposed project.

7.2.2 It is my submission to the Board that the range of alternatives considered was comprehensive and the alternative types constituted logical and reasonable alternatives that value consideration. However, a number of the options need to be assessed in this report in response to submissions received and to address the issue of the sustainability of the preferred option now before the Board. My general considerations on alternatives are as follows:

- The ‘Do Nothing’ scenario may prove to be a sustainable option at this time. One must seriously question the applicant’s heavy reliance on the socio-economic impact of such an option for the wider community resulting from the closure of the operation to put its case for the preferred option, having regard to the timeframe within which the applicant had a clear understanding of the need to put alternative arrangements in place to avoid the burning of peat beyond 2020. While one may take the view that a failure to utilize the existing plant for alternative energy uses would be unsustainable, one must place responsibility back on the applicant for failing to make timely provisions for the avoidance of further burning of peat to generate electricity from 2020.

- Generating electricity from peat is now not a viable option from 2020. The application before the Board arises from the obligation to acquire alternative fuel sources to meet international obligations. One cannot take up this responsibility by any 'transition' arrangements.
- Transitioning to biomass appears not to be a viable option for a number of reasons. The issue of phasing out the burning of peat is not a sustainable option, thus any 'transitioning' is unacceptable. The applicant is obligated at this plant to cease its use as a fuel by the end of 2020. The sourcing, acquisition and delivery of biomass as an alternative fuel to the plant will be discussed in more detail later in this assessment. Suffice to indicate at this time that, based on the details provided in this application, there is no reliable biomass source available to feed the Shannonbridge plant.
- I note again the applicant's concerns about a significant negative impact on the region if the 'Do Nothing' option was pursued. In the context of the period over which the operator has known that alternative provisions for this plant were required and the obligation which the State has to reduce greenhouse gas emissions, one cannot reasonably accept this as a defining reason for not pursuing this option. Having regard to this, it would be my submission to the Board that, if a reliable source of renewable energy fuel was available on an ongoing basis at the time of the completed development being ready to accept such an alternative fuel, immediate transition to this fuel alone could potentially be a preferred option.
- Over and above the inability to have a reliable biomass supply, it is very clear that the applicant has failed to get in place the economic conditions to support a wholesale move to the burning of biomass alone. The applicant has clearly stated in the EIAR that the co-firing stage is necessary to ensure project viability because REFiT3 supports for

biomass firing at the station are insufficient to cover the fixed and variable operating costs of the station. I would submit that ultimately this failure has led to a request now to the Board to extend the life of the power plant to continue to burn an available peat supply, which is clearly not a sustainable option in the context of taking necessary measures to address climate change.

- Based upon the above considerations on the issue of 'Alternatives', it appears that the applicant requires the level of biomass financial support to substantially increase and that there is the provision of a buffer period such that there may be an opportunity to allow a sufficient supply of indigenous biomass to be produced. In this context, the applicant's preferred option is, indeed, premature.
- The alternative option of delaying transition to biomass to 2030 is clearly not a sustainable option, having regard to the State's responsibilities relating to the reduction in greenhouse gas emissions. One cannot reasonably delay the transition where continued unacceptable CO<sub>2</sub> emissions prevail.
- Alternative energy uses for the site, in the form of a gas-fired operation, for solar electricity generation or for energy storage, may be feasible options. However, they potentially cannot prove to be as sustainable as an option that would utilise existing infrastructure using an alternative fuel source that requires very limited changes to the functioning of an established plant. Notwithstanding this, the issue of fuel type remains a concern. There may also be site constraints potentially for other such alternatives. Finally, and importantly, the nature of these alternatives would mean that such options would not necessarily deliver 'dispatchable' renewable energy, as many of these would be reliant on climatic conditions.

7.2.3 It is my submission to the Board that the utilization of the existing plant for the burning of an alternative fuel source is potentially a sustainable option available for this existing establishment. The pursuit of the development in the manner proposed, where an immediate, sufficient local indigenous renewable energy fuel supply would be available in the immediate term, is one of the desirable options. The viability of the applicant's fuel choice will be discussed later in this assessment.

7.2.4 With regard to alternative ash disposal arrangements in the event that burning of a fuel is pursued, I first acknowledge the established functioning disposal facility and its ability to adequately accommodate the residual ash arising from the burning of fuel, an operation that is subject to licence and monitoring by the Environmental Protection Agency. Accepting environmental measures and appropriate management is in place to control emissions from such a facility, consideration of an alternative site for the disposal of ash is not likely to be a more sustainable option where the developability and expansion of an existing functioning ash disposal site is available, as is the case in this instance.

### **7.3 Population and Human Health**

7.3.1 The applicant's EIAR considered impacts on land use, population, socio-economic activity and employment, tourism, amenities and recreation, health and safety, and human health. My considerations are as follows:

- The proposed development would be sited within the existing footprint of the established power station, on a site where power generation is the established land use, and at the existing ash disposal facility. The proposed development would, thus, not have any additional significant land use impact as the proposal intends to utilise an established power

station site and ash disposal facility for energy generating and ash disposal purposes.

- It is noted that the ash disposal facility is established and is located in an isolated area of primarily cutaway bog.
- The existing station directly employs 41 staff. 317 permanent and seasonal Bord na Móna employees are involved in the fuel supply to the station and the management of the ash disposal facility. 13 staff linked to external contractors are employed in the road haulage of peat. An additional 96 jobs are supported by direct and induced employment. The continuation of a power facility at this location would result in continued direct employment associated with the established land uses. It is acknowledged that the gradual change to biomass as a sole fuel would result in a gradual reduction of people employed in peat supply activities.
- The applicant submits that the nature and extent of the proposed development would encourage the potential development of an indigenous biomass industry in the country by providing a ready market for the products. This claim is refuted in my planning assessment.
- Tourism, leisure, amenity and recreational activities of the area function within an environment where the power station operates in the immediate vicinity of the River Shannon. The Shannon waterway, immediately to the west of the power station, and Clonmacnoise, some 6km from the power station site, are two of the significant tourism resources of this area. Given the nature of the proposed activities following on from established activities, the proposal would likely have, with the exception of increased HGV traffic on public roads impacting other road users, limited impacts on tourism, amenity and recreational resources of the area. The haulage routes for the fuel supply are intended to avoid Regional Road No. R444

and, thus, would likely avoid impacts on Clonmacnoise. The proposal would also seek to avoid use of local roads serving nearby Clonfert and, thus, it is understood that the increased traffic generated would not likely have any significant direct impacts on this tourist location.

- The most significant and notable direct change would result from an increase in HGV movements on the road network relating to transportation of biomass. The impact on the community of Shannonbridge would be significant and adverse arising from this substantial increase in HGV movements due to the change of fuel type. The applicant has proposed a Delivery Management Plan to mitigate against potential adverse impacts arising from increased HGV deliveries.
- I acknowledge that works would be carried out in accordance with the requirements of statutory Health and Safety Acts and Regulations.
- It is acknowledged that continued peat extraction would occur on bogs currently licensed and in production. The gradual reduction in use of such bogs as a fuel supply would, undoubtedly, result in a significant reduction in direct and indirect employment associated with this activity. The move to biomass is unlikely to have any notable impact on employment retention for those affected by this change in fuel type.

## **7.4 Biodiversity**

7.4.1 The applicant's EIAR considered impacts with respect to habitats, breeding/feeding/roosting areas, routes, mammals, birds, fish, insects, reptiles, population stability/management, critical resources, terrestrial and aquatic ecology, seasonality, existing management, and designations. My considerations are as follows:



- Having regard to the form and character of the existing power station site, the habitats therein do not comprise those of significant biodiversity or of conservation value. The additional development of this site would be limited primarily to artificial habitats.
- The River Shannon abutting the western site boundary is both an SAC and SPA (River Shannon Callows SAC / Middle Shannon Callows SPA) and supports a wide range of habitats and species of conservation value. The continued operation of the plant would facilitate ongoing aquatic impacts on the River Shannon arising from water abstraction and discharge of cooling waters. I note that there is no chemical or organic enriching aspect to the cooling water discharge.
- The ash disposal facility is located within an area that is surrounded by large tracts of cutaway bog of low ecological value within the Blackwater Bog. I note that large areas at this location are being harvested for peat and that the site abuts areas of bare peat.
- The majority of the supply bogs relate to commercial production areas. These generally would comprise bare peat and would consequently be of low ecological value. I note that the applicant has submitted that intact and/or degraded raised bog areas would not be subject to harvesting. The impacts of the continued uses of supply bogs on European Sites will be addressed later in this assessment.

7.4.2 I acknowledge that the power station and the ash disposal facility are subject to IE Licence, while the supply bogs are subject to environmental protection measures set out in the IPC licensing regime for the respective supply bog groupings, as regulated by the EPA. With any reduction and final cessation of use of bogland for the supply of peat as a fuel, the impact on habitats and plant, mammal and bird species can only be viewed as positive. The impact arising

from the continued use of the power plant site and the ash disposal facility can reasonably be viewed as not having a significant biodiversity impact on these sites.

7.4.3 My considerations on the applicant's Screening for Appropriate Assessment and Natura Impact Statement and the impact on European Sites are set out after my considerations on EIA.

## **7.5 Land, Soil, Geology and Hydrogeology**

7.5.1 I note that the applicant's EIAR has provided results from a desk study, field surveys that included boreholes and trial pits, and water quality monitoring. The power station and ash disposal facility operate under EPA Industrial Emissions Licence P06121-02, reporting groundwater quality annually to the EPA as part of its Annual Environmental Report. Having regard to the established nature of the operation, the potential impacts on land, soil, geology and hydrogeology relate to additional construction activities arising from the new development by way of potential pollution of soils and groundwater from silt and polluting substances by accidental spills. It is acknowledged that the majority of excavated soils and subsoils would be re-used for landscaping at the station site or for construction of cell embankments, capping layers and composite drainage layers at the ash disposal facility.

7.5.2 The potential construction impacts would reasonably be addressed by the implementation of good construction management measures and the application of established engineering practices to ensure that there would be no release of polluting substances. Furthermore, the application of ongoing water monitoring would apply in accordance with the requirements of EPA licensing.

- 7.5.3 I note that the operation of the facility would result in no direct discharges to groundwater and, thus, no impacts are predicted to occur. EPA licensing will require continued monitoring of emissions from the operation. Measures at the ash disposal facility during operation would include installation of an impermeable liner, capping of each cell when full, and groundwater monitoring.
- 7.5.4 Based on the details provided in this application, it cannot be determined if there are any significant impacts arising from the peat supply and biomass supply as they affect the power station site and ash disposal facility. I note, however, that the testing undertaken to inform the EIAR suggests that peat harvesting gives rise to ammonia release which impacts on water quality. The need for mitigation to address adverse impact requires reference. I note that the IPC Licence for the ash disposal facility has no groundwater monitoring requirement covering these supply bogs. The applicant submits that biomass will be sourced from demonstrably sustainable sources only, which will be audited and certified, and yet the applicant does not know the locations within Ireland where the biomass is to be sourced. It is clear that the impacts arising from obtaining these sources cannot be understood at this time, i.e. prior to determining the planning application.
- 7.5.5 The decommissioning of the operation would be subject to a Decommissioning Management Plan for the station and a Closure Restoration and Aftercare Management Plan for the ash disposal facility. I note that groundwater monitoring is proposed for a period of up to 10 years following closure.

## **7.6 Water**

- 7.6.1 The applicant's EIAR considered the potential impact of the proposed development on rivers and streams in the vicinity of the station and ash disposal

facility. The assessment included a desk study, field surveys and water quality monitoring. My considerations are as follows:

- The River Shannon is the principal waterbody in this area and lies adjacent to the power station site. The River Gowlan is adjacent to the ash disposal facility.
- Both components of the existing facility operate under EPA Industrial Emissions Licence P0611-02.
- At the construction phase, there is the potential for pollution from sediment and polluting substances by way of runoff and/or accidental spillage. The applicant proposes a number of controlling measures, including the use of silt fences, silt curtains and settlement lagoons, as well as monitoring of discharges during this phase.
- The construction of cells at the ash disposal facility would continue in line with the existing Operating Plan and in line with EPA licence requirements.
- The drainage design would incorporate measures to attenuate and treat runoff from new hardstanding areas.
- Operational phase discharges would include cooling water, storm water, boiler blowdown, treated sewage wastewater, treated water effluent, and storm water and leachate from the ash disposal facility. I acknowledge these operational discharges are consistent with the existing operation and that EPA licensing would continue to apply.
- At this time and based upon the information available in the application to the Board, it is unknown if there would be any significant impacts as a result of the peat supply and biomass supply for the power station site and the ash disposal facility. I note from the applicant's EIAR that a number of

waterbodies in proximity to the peat supply bogs are considered “at risk” of not achieving their Water Framework Directive objectives and that many of these waterbodies are considered to be under significant pressure from the extractive industry (Section 8.4.10). I acknowledge that the supply bogs are licensed by the EPA. The applicant submits that biomass will be sourced from the Irish forest sector but does not know the location of such sources. It is clear that the impacts arising from obtaining these fuel sources cannot be understood at this time, i.e. prior to determining the planning application.

- A flood risk assessment was included as part of the application and it is noted and accepted that the flood risk arising would be low. I acknowledge that the site of the new works within the station and the ash disposal facility are located within Flood Zone C as defined by the Flood Risk Management Guidelines.

## **7.7 Noise & Vibration**

7.7.1 It is understood that the continued operation of the facility as a power station would result in ongoing operational noise impacts for neighbouring noise sensitive locations. A baseline noise level from the operation of the plant and from associated rail and road transportation was determined by the applicant and it is noted that processes within the power station will not change significantly. The most notable change in the noise environment would relate to activities associated with fuel type and related handling, loading and unloading. I acknowledge that the predicted changes to fuel delivery and to handling operations were quantified in the EIAR and have been added to the base noise level. The estimated noise impacts arising from the activities at proposed Storage Slab B indicate adverse noise impacts arising for neighbouring residential

properties. Proposed mitigation measures include the provision of a noise barrier, alternative reversing alarm systems for wheeled loaders, and limited wheel loader use on Storage Slab B. The noise conditions and limits would be subject to a revised EPA licence and the identified measures intend to ensure no significant impact would occur when they are implemented.

- 7.7.2 I contend that the existing noise environment could potentially be significantly impacted by the proposed development, by way of the very substantial increase in HGV deliveries of biomass and the length of time over the average day in which such deliveries would occur, up to 11pm. The operation would potentially have a significant long-term effect on the nearest sensitive receptors. This potentially would have very significant impacts on the local community and would require a comprehensive delivery plan to erode likely substantial noise increases on neighbouring properties. I acknowledge that the Health Service Executive identifies such likely noise impacts and requests a range of specific measures to be put in place over those proposed in the EIAR.
- 7.7.3 I acknowledge also that the construction phase would bring with it a phase of activities that would generate increased noise and vibration and that impacts may vary depending on the choice of ground bearing foundations or piled foundations. The temporary nature of these activities, the limited nature of the works, along with an appropriate construction management plan, should result in this phase of the development having no significant impact on noise sensitive locations in the vicinity.
- 7.7.4 Further to the above, I note the isolated location of the ash disposal facility and the lack of any likely significant increase in noise impacts arising from the continued activities at this location.

## **7.8 Climate and Air Quality**

7.8.1 The applicant submits that the proposed development would make a notable contribution to addressing greenhouse gas emissions from the operating plant by the transitioning away from fossil fuels. It is noted that, under EU rules, biomass is considered carbon neutral. Thus, with the full transition to the burning of biomass, the electricity generated would be counted as zero carbon for the biomass element under the EU Emissions Trading Scheme. Evidently, over the transitioning period there would be a declining scale of contribution of CO<sub>2</sub> emissions annually if the development is pursued in the manner proposed by the applicant. I note that the intended date for full transition by 2027 would be in advance of the carbon reduction target of 43% below 2005 by 2030 as set out in the EU Council 2030 Climate and Energy Policy Framework. The applicant submits that the proposed development would be an important contributor in meeting the national objective of mitigating greenhouse gas emissions.

7.8.2 In terms of air quality, emissions are controlled under the EPA licensing system. The operation is required to comply with emission limits for air quality parameters that include sulphur dioxide, nitrogen oxides and dust. The modelling undertaken by the applicant indicates that no impairment of air quality would occur. In relation to dust, construction impacts would be temporary and construction methodologies should likely address any potential adverse emissions beyond the affected footprint. The functioning of the existing ash disposal facility would apply established methodologies for control of emissions from new cells. Potential decommissioning effects would be short term, with measures provided to limit impacts on sensitive receptors.

7.8.3 Overall, it may be considered that the need for the reduction of the emission of greenhouse gases from the established plant is one of the most significant planning and environmental issues to be considered in this application. I discuss the question of biomass as a viable alternative fuel to peat and the sustainability

of the sourcing of this alternative fuel in sections of my planning assessment to wholly address the likely impact on climate. Further to this, I note the requirement under the previous decision of the Board (ABP Ref. PL 19.125575) to cease the continuance of the plant as provided for under that permission by the end of 2020. I acknowledge that this application does not achieve the outcome of the cessation of peat burning but rather pushes forward the date of the cessation, in conflict with the necessity to seek appropriate and timely action to eliminate the emission of greenhouse gases from the burning of this fossil fuel at this station.

## **7.9 Material Assets**

7.9.1 The applicant considered energy and fuel supply, major utilities, and ownership and access in the EIAR. It is accepted that the proposed development would conceptually have a positive impact by utilizing existing infrastructure for energy generation. The existing facility is connected to the national grid via five 110kV lines and one 220kV line. The proposed development does not require alterations to major existing utilities and services. I note that all development would take place on lands within the ownership of the ESB and the ash disposal facility would continue to be served by the Bord na Móna rail line. Overall, the proposed development is not likely to have any significant effects on the material assets as referenced in the EIAR.

## **7.10 Traffic and Transport**

7.10.1 During the co-firing stage of the operation, peat would principally continue to be delivered by rail. This part of the proposed development would continue to use the existing access junctions and would not involve any new works on the road network.



- 7.10.2 The construction phase of the development is estimated to generate an additional 100 vehicle movements daily and it is likely that the short-term construction period would not have a significant impact on the established road network.
- 7.10.3 The operational phase of the development is estimated to result in 199 vehicular movements per day for staff, non-fuel deliveries, visitors, etc. (existing) and 100 deliveries per day on average of biomass/peat. It is estimated as a consequence that, based on a maximum of 74 deliveries by road per day relating to the previous EIS (February 2001) for development permitted, the proposed operation would result in an average of 26 additional HGV deliveries by road per day. Deliveries would occur between 07.00 and 23.00 and would utilise both of the existing entrances to the site, depending on routes chosen. A Delivery Management Plan is proposed to manage the routing of delivery traffic. The applicant estimates that the 95<sup>th</sup> percentile hourly delivery flow would be 15 HGV deliveries per hour or lower. The applicant has demonstrated that the development would result in a very minor increase in the ratio of flow to capacity (RFC) of the national road network (1% or less) and a minor increase in the RFC of the regional road (less than 5%). The applicant's analysis has also shown that the road junctions and the bridge in Shannonbridge would continue to operate satisfactorily within capacity.
- 7.10.4 The functioning of the ash disposal facility would continue as exists and there would not be any significant traffic and transportation impact.
- 7.10.5 It can reasonably be determined that the impact at decommissioning phase would be negligible relative to the operational phase of the facility.
- 7.10.6 Overall, given the substantial increase in HGV movements arising from the gradual dependence on biomass to fire the power station, it can reasonably be determined that this would have a notable increased adverse impact on the

amenity of the village of Shannonbridge and on the nearest residents to the delivery and handling areas of the station. I also note that the regional road network to serve the proposed development has particular constraints, such as a village centre that facilitates parking along both sides of the street, a River Shannon bridge crossing that is restricted by its one-way system due to width, limited width in sections, poor alignment in places , etc. The carrying capacity of this road network to facilitate the ongoing delivery of biomass will be addressed further in my planning assessment.

7.10.7 Finally, it is acknowledged that the peat supply rail network which serves the existing station could be considered as established infrastructure that has the capacity to accommodate transportation of biomass into the future from its peat loading sites in various locations off the established road network. It is acknowledged, however, that this established infrastructure is provided by Bord na Móna and not the applicant.

## **7.11 Cultural Heritage**

7.11.1 The applicant's EIAR examined the impacts on archaeology, architectural heritage, folklore and history.

7.11.2 It is first noted that the proposed development seeks to utilize the existing plant and other components associated with the established facility. There are no known features of archaeological interest that could be impacted by the proposed development at the power station site and at the ash disposal facility. I note that an archaeological monitoring programme would be implemented at the construction stage and this would be an appropriate measure to monitor potential impacts on any archaeological features heretofore unknown.

7.11.3 There are no structures or features of architectural interest on or in the vicinity of the proposed development sites.

7.11.4 No significant historical events are associated with the sites on which the power plant and ash disposal facility are located.

## **7.12 Landscape**

7.12.1 The existing site for the proposed energy generation by use of biomass as a fuel is the site of an established power plant. The site for ash disposal is at a location where there is an ash disposal facility that is set within extensive cutaway bog. The physical impacts on the landscapes of tourism, amenity and other value in the vicinity of these sites, such as the River Shannon and Clonmacnoise, would be negligible by the continued use of the established infrastructure and the conversion to biomass.

## **7.13 Major Accidents and Interaction of Impacts**

7.13.1 Given the power station's proximity to the River Shannon, the impact of severe weather conditions and associated extreme weather conditions, such as flooding and flash flooding, were examined by the applicant. It is considered that these represent the likely events at which the plant would be at risk of major accidents or natural disasters. It is reasonable to conclude that, given the understanding of the functioning of the established facility, the vulnerability of this site to such risks would be low.

7.13.2 Setting aside the issue of climate change and matters discussed elsewhere in this assessment, it is reasonable to determine that, having regard to the established power station and established ash disposal facility, the interaction of

anticipated effects arising from these would not culminate in significant environmental impacts.

## **7.14 Cumulative Impacts**

7.14.1 The EIAR considered the cumulative impacts of the proposed development with existing and approved developments in the wider area, inclusive of Lough Ree Power and Edenderry Power Stations, the proposed development of an electricity battery storage project (Lumcloon Energy Ltd.), and third party harvesting of peat. The potential cumulative impacts of note that arise relate to the impacts of utilising the same supply bogs and the consequential impact on the natural environment. A key issue is the sourcing of biomass. It is noted that Edenderry Power Plant is currently co-fired with biomass and it is proposed to convert Lough Ree Power to fire with biomass. This critical issue is considered in sections of my planning assessment. For the West Offaly Power plant and the ash disposal facility components of the development, it is accepted that cumulative impacts with existing and permitted development in the area would not likely be significant.

## **7.15 Reasoned Conclusion**

7.15.1 It is my submission to the Board that there are potentially very significant adverse impacts likely to arise from the development of West Offaly Power to a biomass burning energy facility. These include climate impacts by way of continued burning of peat, transportation impacts, impacts on water from continued peat exploitation, and noise. What is of serious concern is what is not known about the biomass fuel as well as the greenhouse gas impacts arising from continuing the

burning of peat. I cannot reasonably conclude that the main direct and indirect effects of the proposed development on the environment would be mitigated.

7.15.2 My planning assessment will address a wide range of issues, many of which are pertinent to the EIA process. Unacceptable direct and indirect effects arising from the proposed development will be addressed in detail.

## 8.0 APPROPRIATE ASSESSMENT

### 8.1 Screening for Appropriate Assessment

8.1.1 The applicant undertook a Screening for Appropriate Assessment. The following is noted from this Screening:

- The proposed development is not directly connected with or necessary to the management of any European Site.
- The existing and proposed development is described with regard to the power station site, the ash disposal facility, and peat harvesting areas.
- Relevant European Sites in the area and their qualifying interests and conservation objectives are identified.
- Consideration is given to the assessment of likely direct, indirect and cumulative effects.

8.1.2 A review of the applicant's considerations included the following findings:

- A full IE Licence Review will be required to licence the proposed activity.
- The vast majority of European Sites within 15km radius of the WOP Station and the ash disposal facility can be ruled out on the basis of separation distance and due to the absence of feasible impact pathways, such as being located upstream or in a separate river sub-catchment.

8.1.3 *Direct Impacts*

- The WOP Station:
  - The River Shannon Callows SAC and Middle Shannon Callows SPA directly abut the western boundary of the WOP site, while the Suck River Callows SPA is located one kilometre to the west. Given the minor works

required to facilitate the reception and storage of biomass, only these three European Sites are considered to be within the Zone of Influence of the proposed development works at the WOP Station.

- The scope of the construction works are considered to be relatively minor. There is potential for pollution of surface waters at this phase. There will be no instream or bankside works. The pathway to surface water receptors would be via the existing drainage network on the site. Site activities, through noise and human activity, could contribute to increased levels of disturbance. As the potential for significant effects upon the three European Sites is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.
- At the operational phase, there is the potential, in the absence of environmental control measures, for accidental leaks and spills of polluting substances to impact European Sites. Anthropogenic polluting substances could have an impact on water quality of the River Shannon. Noise may also cause disturbance to species of conservation interest. As the potential for significant effects upon the three European Sites is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.
- The primary direct impact pathway related to the ongoing operation of the Station during the biomass transition is associated with the cooling water abstraction from and discharge to the River Shannon. The thermal plume arising from the cooling water discharge disperses in the water column downstream of the outfall within the River Shannon Callows SAC and the Middle Shannon Callows SPA. This has the potential to directly impact on the aquatic ecology of the receiving water as a result of changes in water column temperature. The cooling water outfall is located downstream of

the River Suck confluence and is not expected to affect the habitats associated with the Suck River Callows SPA. The proposed biomass transition will not result in any change to the cooling water discharge to the River Shannon. Thus, the absence of a significant impact to the aquatic habitats associated with the River Shannon Callows SAC and the Middle Shannon Callows SPA is expected to persist throughout the proposed development. Potential impacts are ruled out and no further assessment is deemed necessary.

- A number of other emission points exist on the site which also discharge to the River Shannon. These discharges are currently licensed under IE Licence P0611-02. As the potential for significant effects upon the European Sites is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.
- With regard to atmospheric emissions, ambient pollutant concentrations are well below the applicable air quality limit values at all off-site receptors. The results of the air dispersion modelling study with respect to traffic emissions indicate that impacts on air quality are predicted to be imperceptible. None of the European Sites are considered likely to be significantly impacted as a result of air emissions from the site.
- The Ash Disposal Facility:
  - The site development will be restricted to within the proposed planning boundary of the facility and is limited to localised conversion of cutover bog habitats into bare ground during the active ash deposition phase before capping and colonisation by grassland.
  - No European Sites will be directly impacted by the earthworks associated with the development and operation of the facility.



- As the potential for significant effects upon the European Sites from operation discharges to the surface water catchment of the River Shannon Callows SAC and the Middle Shannon Callows SPA is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.
- No European Site within the zone of influence of the facility is considered likely to be significantly impacted as a result of atmospheric emissions arising as a result of the continued operation and cell development at the facility.

#### 8.1.4 *Indirect Impacts*

##### WOP Supply Bogs:

- Potential indirect impacts as a result of ongoing peat extraction are identified as hydrological impacts on Qualifying Interest or Special Conservation Interest habitats due to drainage, water quality impacts due to harvesting, and the generation of airborne dust.
- As the potential for significant effects upon the European Sites of the River Shannon Callows SAC, Middle Shannon Callows SPA, Suck River Callows SPA, Fin Lough SAC, and River Barrow and River Nore SAC in relation to disturbance to habitats is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.
- As the potential for significant effects upon the Pilgrim's Road Esker SAC in relation to dust impacts is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.

- As the potential for significant effects upon the Middle Shannon Callows SPA and Suck River Callows SPA in relation to disturbance to species is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.
- As the potential for significant effects upon the River Shannon Callows SAC, River Barrow and River Nore SAC, and River Boyne and River Blackwater SAC in relation to surface water discharges is uncertain in the absence of mitigation, impacts and any associated mitigation are required to be further assessed in a Natura Impact Statement.

Sourcing of Biomass:

- With the application of the Forest Service Licencing procedure and adherence to the Forestry Biodiversity Guidelines, no indirect impacts are envisaged.
- Biomass supply from agricultural lands will only occur in the context of the existing agricultural legislation and within the implementation framework of the measures set out in the River Basin Management Plan for Ireland. No European Sites are considered likely to be significantly impacted as a result of the proposed supply of biomass to the station.

8.1.5 *In-combination Effects*

Existing Plans and Projects:

- It is not envisaged that there is any interaction between Shannonbridge wastewater treatment plant and the power station discharges which could negatively impact on European Sites.

- In-combination effects arising from the operation of Edenderry and Lough Ree Power stations are ruled out on the basis of physical separation and the absence of hydrological connections.

#### Proposed Plans and Projects:

- The applicant's screening process concluded that there were no other projects within an identified Zone of Influence with the potential to interact to a sufficient degree with the proposed development that could significantly impact upon any European Site.

#### 8.1.6 *Conclusion*

The applicant concluded that an Appropriate Assessment under the Habitats Directive was required for the proposed development, to include the harvesting and supply of peat during the transition period.

## 8.2 **Natura Impact Statement**

8.2.1 The following is noted from the applicant's NIS:

#### 8.2.2 *River Shannon Callows SAC*

- Potential impacts on the respective Qualifying Interests may arise as a result of discharges to surface waters from the station and ash disposal facility, excavation of peat, and dust generation during peat harvesting.
- Assessment of impacts on the Qualifying Interests of *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils, Lowland hay meadows, and otter was undertaken.

- It was concluded that there would be no direct land take of *Molinia* meadows arising from the construction or operational activities of the station or ash disposal facility, that dust deposition arising from peat harvesting is not likely to alter vegetation composition and structure, and that localised drainage associated with peat supply bogs is not expected to adversely affect the *Molinia* meadows component of the callows habitat. In the absence of mitigation measures relating to waterborne peat silt, adverse effects could not be ruled out and the release of pollutants to surface waters during the construction or operational phases may effect vegetation composition.
- With regard to impact on Lowland hay meadows, it was concluded that there was no potential for adverse effects on habitat area or distribution or physical structure and that dust deposition arising from peat harvesting is not likely to alter vegetation composition and structure. In the absence of mitigation measures relating to waterborne peat silt, adverse effects could not be ruled out and the release of pollutants to surface waters during the construction or operational phases may effect vegetation composition.
- With regard to otter, it was noted that there would be no land take outside the station boundary, there would be no physical alterations to any watercourses, the ongoing operation of the cooling water discharge is likely to promote an improved localised foraging resource, and the development would not lead to any barriers to foraging or commuting otters. A pollution event during construction or operational phases, in the absence of mitigation and leading to a fish kill and aquatic discharges from supply bogs are seen to have potential effects on the otter population.

### 8.2.3 *Middle Shannon Callows SPA*

- Potential impacts on the respective Conservation Interests may arise as a result of excavation of peat, emissions to surface waters, and noise arising from construction and operational activities.
- Assessment of impact on the population trend of Special Conservation Interest species and wetland habitat was undertaken. It was concluded that a pollution event during construction or operational phases has the potential to lead to a localised drop off in aquatic vegetation and fish and that aquatic discharges from the supply bogs have the potential to reduce foraging resources. It was further concluded that noise at the construction and operational phases would not result in significant disturbance, while ongoing peat harvesting activities are not predicted to result in significant permanent loss of wetland habitat associated with this SPA.

### 8.2.4 *Suck River Callows SPA*

- Potential impacts on the respective Special Conservation Interests may arise as a result of excavation of peat and emissions to surface waters.
- Assessment of impact on the population trend and distribution of Special Conservation Interest species and wetland habitat was undertaken. It was concluded that aquatic discharges from supply bogs have the potential to reduce foraging resources and that ongoing peat harvesting activities are not predicted to result in significant permanent loss of wetland habitat associated with this SPA.

### 8.2.5 *Pilgrim's Road Esker SAC*

- Dust generated during peat harvesting at Bloomhill Bog may be deposited inside the SAC.

- It is submitted that measures relating to dust management are conditioned under the IPC licensing regime which mitigate against the potential adverse effects.

#### 8.2.6 *Fin Lough SAC*

- Excavation of peat leading to hydrological impacts on adjacent habitats within the Fin Lough SAC may result in potential impacts on the Qualifying Interests of the SAC, namely Alkaline fens and *Vertigo geyeri* (Geyer's Whorl Snail).
- Ongoing peat extraction within the area of the active harvesting area of Blackwater Bog will not significantly further affect the existing hydrological regime in the SAC.

#### 8.2.7 *River Boyne and River Blackwater SAC*

- Emissions to surface waters leading to impacts on water quality in the surface water catchment of the SAC constitute potential impacts on the Qualifying Interests of Alkaline fen, Alluvial forests, River Lamprey, Salmon and Otter.
- In the absence of mitigation, there is potential for surface water run-off from Ballybeg, Toar and Drumman bogs to have an effect on the conservation objectives of River Lamprey, Salmon and Otter in the SAC.

#### 8.2.8 *River Barrow and River Nore SAC*

- Emissions to surface waters leading to impacts on water quality in the SAC constitute potential impacts on the Qualifying Interests of White-clawed Crayfish, Brook and River Lamprey, Salmon and Otter.

- In the absence of mitigation, there is potential for surface water run-off from Monettia Bog to have an effect on the conservation objectives of White-clawed Crayfish, Brook and River Lamprey, Salmon and Otter.

#### 8.2.9 *Other Plans and Projects*

No in-combination impacts with other plans and projects were identified and no additional mitigation is thus proposed as part of the NIS.

#### 8.2.10 *Mitigation*

The applicant's NIS outlines measures to reduce the potential for adverse effects on European Sites from the construction and operational phases of the proposed development and from the associated harvesting and supply of peat fuel.

The measures for the station at the construction phase include the application of surface water construction protocols, the implementation of a Construction and Environmental Management Plan and the monitoring of water quality. The measures at the operational phase include IE Licence environmental control measures relating to drainage, surface water monitoring, attenuation, etc., as well as noise controls.

The measures for the ash disposal facility at the construction/operational phase include IE Licence environmental control measures relating to surface water.

The measures for the supply bogs relating to peat harvesting include IPC surface water licence measures, the provision of a network of managed silt ponds, compliance with the requirements of the River Basin Management Plan, dust control, and noise and lighting controls.

#### 8.2.11 *Conclusion*

The applicant concludes that, with the implementation of the proposed mitigation measures, the proposed development will not, either alone or in combination with

other projects and plans, adversely impact the integrity of any relevant European Site.

### **8.3 Considerations on Appropriate Assessment**

#### **8.3.1 Introduction**

- The Board will note that the proposed development is not directly connected with or necessary to the management of any European Site.
- I note the existing development is subject to an IE Licence issued by the EPA and it is acknowledged that an IE Licence Review would be required to licence the proposed activity.
- I accept that the vast majority of European Sites within 15km radius of the WOP Station and the ash disposal facility can be ruled out on the basis of separation distances and the absence of feasible impact pathways.

#### **8.3.2 The Station Site**

- The construction works to accommodate the transition to the fuelling of the power station by biomass would be minor in nature and extent.
- It is reasonable to accept that the River Shannon Callows SAC and Middle Shannon Callows SPA, which directly abut the western boundary of the power station site, and the Suck River Callows SPA a kilometre to the west, constitute the European Sites within the Zone of Influence of the proposed development works at the Station.
- At the construction stage, there would be no instream or bankside works and the pathway to surface water receptors would be via the existing drainage network on the site. At the operational phase, there is the



potential, in the absence of environmental control measures, for accidental leaks and spills of polluting substances to impact European Sites.

Ongoing noise may also cause disturbance to species of conservation interest.

- The primary direct impact pathway related to the operation of the Station during the biomass transition would continue to be the cooling water abstraction from and discharge to the River Shannon. I accept that the proposed biomass transition would not result in any notable change to the cooling water discharge to the River Shannon.
- As there would be no land take outside the boundary of the station site, there would be no direct impact on the Qualifying Interests of adjoining European Sites.
- Having regard to the proposed measures for the station at the construction phase, including surface water construction protocols, the implementation of a Construction and Environmental Management Plan, and water quality monitoring, as well as the IE Licence environmental control measures relating to drainage, surface water monitoring, attenuation, etc. and noise controls at the operational phase, it is anticipated that the proposed development, deriving from an established facility, would not have any significant impacts on the Qualifying Interests and Special Conservation Interest species of European Sites in the vicinity.

### 8.3.3 The Ash Disposal Facility

- I note that the site of the existing facility would be used and that no European Sites would be directly impacted by the earthworks associated with the development and operation of the facility.

- I accept that the potential for significant effects on European Sites arises from operation discharges to the surface water catchment of the River Shannon Callows SAC and the Middle Shannon Callows SPA.
- The proposed development includes the provision of a new lagoon and it would require compliance with the IE Licence environmental control measures relating to surface water.
- It is anticipated that the proposed development, deriving from an established facility, would not have any significant impacts on the Qualifying Interests and Special Conservation Interest species of European Sites in the wider area.

#### 8.3.4 The Supply Bogs

- Ongoing peat extraction at the supply bogs has significant potential hydrological impacts on the Qualifying Interests and/or Special Conservation Interest habitats of European Sites in the vicinity of these bogs due to drainage, water quality impacts due to harvesting, and the generation of airborne dust. Noise also could have adverse impacts by way of disturbance.
- Due to the geographical spread of these supply bogs, there is the potential to impact on the River Shannon Callows SAC, Middle Shannon Callows SPA, Suck River Callows SPA, Fin Lough SAC, River Barrow and River Nore SAC, and the Pilgrim's Road Esker SAC.
- I note that peat harvesting is subject to IPC surface water licence measures, that the applicant would provide a network of managed silt ponds, and that it is intended to comply with the requirements of the River

Basin Management Plan, whilst dust control and noise and lighting controls would be put in place.

- The supply bogs do not form part of any European Sites. However, the peat resource to be further exploited forms part of an integrated network of bogland throughout this area. It is not simply a case of determining that the supply bogs are part of the worked bogs of the area, that there would be no direct effect on any undeveloped bogland, and that a buffer would be provided between these worked bogs and areas of sensitive ecological value in the vicinity. It is very clear that the ongoing exploitation must cease in the short term to ensure the integrity of sensitive habitats of conservation value and species of conservation interest are protected. Continuance of peat extraction brings with it continuance of adverse effects on the ecology and biodiversity of the area affected.
- It is my opinion that the Department of Culture, Heritage and the Gaeltacht's submission reinforces my conclusions drawn on this issue. The Department noted the impact peat harvesting has on European Sites, particularly with regard to release of silt and ammonia to surface waters. Surface water mitigation in the submitted NIS and the reliance on the achievement of high level measures, as part of Ireland's River Basin Management Plan, has been queried by the Department. It was also noted that the applicant's EIAR and NIS acknowledged uncertainties in relation to peat extraction on water quality. The potential for surface water runoff from supply bogs to have an effect on the conservation objectives of water-dependent qualifying interests of European Sites was referenced. The Department is of the view that, where scientific doubts as to the impacts of peat harvesting on sensitive QIs in hydrologically connected Natura 2000 sites remain, mitigation by avoidance should be practiced. I consider that this places significant weight on the objective of ceasing the

exploitation of the peat resource in the immediate term and most definitely queries any continuation of peat extraction beyond that period limited by the Board in its previous decision under ABP Ref. PL 19.125575 to serve this power station.

#### 8.3.5 Sourcing of Biomass:

- It is my submission to the Board that the biomass sources are not known and, thus, their impacts cannot be known based upon the information provided in this application. Indeed, it is very clear that the applicant is unsure of (or does not know) where the biomass would be sourced. There would be no value in speculating as to whether or not the biomass sources would affect the integrity of European Sites in this instance. To suggest, in isolation, that the application of the Forest Service Licencing procedures and adherence to the Forestry Biodiversity Guidelines would result in no indirect impacts is at the very least premature.

#### 8.3.6 In-combination Effects

I accept that there is unlikely to be any significant interaction between Shannonbridge wastewater treatment plant and the power station discharges in a manner that could negatively impact on European Sites. Furthermore, there would be no in-combination effects arising from the operation of Edenderry and Lough Ree Power stations with the existing Shannonbridge station due to the extensive separation distances and the absence of any hydrological connections. The in-combination effects of utilising supply bogs and the unknown effects of firing of biomass in each of these plants in the immediate term are very significant concerns relating to the allowance of the proposed development to

continue beyond 2020 to fire peat and to be dependent upon unknown sources of biomass, much of which may unsustainably derive from locations beyond the island of Ireland for many years to come.

### 8.3.7 Conclusion

I am satisfied to conclude that, with the implementation of the proposed mitigation measures, the proposed development of the station and the ash disposal facility would not, either alone or in combination with other projects and plans, adversely impact the integrity of any European Sites. However, one cannot separate the functioning of these facilities from the fuel supply sources. It is very clear that the indirect effects on European Sites arising from the utilisation of the supply bogs cannot be conclusively determined. However, their continued exploitation as part of an integrated network of sensitive raised bogland in the Midlands area, wherein there are European Sites, cannot reasonably be supported. Furthermore, in light of the lack of any substantial and meaningful information on the sources of biomass, I consider that no-one is in any position to determine the effects of the sourcing of this fuel on European Sites.

As a final note, I acknowledge that the assessment of traffic impacts as part of the AA process was raised by third parties at the Oral Hearing. I note that atmospheric emissions were considered in the application for the power station site and the ash disposal facility. Based upon what is not known about the sourcing of biomass, such impacts, if seen as contributing to adverse impacts on any European Sites, could not be assessed at this stage of the application process.

## **9.0 PLANNING ASSESSMENT**

### **9.1 Introduction**

9.1.1 The appeals and submissions by prescribed bodies have raised a wide variety of planning and environment issues for consideration. The intention of this assessment is to address the significant issues before the Board. The Board will note that this assessment ties in with a wide range of matters discussed in the context of Environmental Impact Assessment and Appropriate Assessment. Thus, this assessment, the EIA and AA set out in this report represent the comprehensive, integrated planning assessment of the proposed development the subject of this planning application

### **9.2 The Development in the Context of Legislation and Policy**

The context for the proposed development includes the following legislative and policy-driven provisions:

#### *9.2.1 International Objectives*

##### **The Paris Agreement**

In December 2015, global agreement on climate change was agreed in Paris. The Agreement aims to restrict global temperature rise to well below 2 degrees above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees. Low greenhouse gas emissions development is fostered under the Agreement. Under this Agreement, the EU commits to reduce greenhouse gas emissions by at least 40% by 2030, compared with 1990 levels.

## 9.2.2 EU Policy

### **EU Renewables Directive 2009/28/EC**

This Directive required each Member State to increase its share of renewable energies to 20% by 2020 and a 10% share of energy from renewable sources in each Member State's transport energy consumption by 2020 (Article 3). It established the requirement for Member States to adopt a national renewable energy action plan (NREAP) to set out national targets for the share of energy from renewable sources consumed in transport, electricity and heating and cooling in 2020 (Article 4). It set a series of interim targets, known as 'indicative trajectories', in order to ensure steady progress towards the 2020 targets. Each Member State had flexibility to set targets across the heating, transportation and electricity sectors to meet the overall renewable energy targets. Annex I indicates that the national target for Ireland for the share of energy from renewable sources in gross final consumption of energy in 2020 was set at 16%.

These targets will not be met in Ireland.

### **Renewable Energy Directive (2018/2001) (RED II)**

The Preamble of the recast Directive of 11<sup>th</sup> December 2018 includes the following:

- (2) ... The increased use of energy from renewable sources or 'renewable energy' constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and comply with the Union's commitment under the 2015 Paris Agreement on Climate Change following the 21<sup>st</sup> Conference of the Parties to the United Nations Framework Convention on Climate Change (the 'Paris Agreement'), and with the Union 2030 energy and climate framework, including the Union's

binding target to cut emissions in the Union by at least 40% below 1990 levels by 2030...

- (7) The ambition set out in the Paris Agreement as well as technological developments, including cost reductions for investments in renewable energy, should therefore be taken into account.
- (8) It is thus appropriate to establish a binding Union target of a share of at least 32% of renewable energy. Moreover, the Commission should assess whether that target should be reviewed upwards in light of substantial cost reductions in the production of renewable energy, the Union's international commitments for decarbonisation, or in the case of a significant decrease in energy consumption in the Union ...
- (10) In order to ensure consolidation of the results achieved under Directive 2009/28/EC, the national targets set for 2020 should constitute Member States' minimum contributions to the new 2030 framework. Under no circumstances should the national shares of renewable energy fall below those contributions ...
- (25) Member States should avoid distortive situations resulting in the extensive importation of resources from third countries. A life-cycle approach should be considered and promoted in that respect.
- (45) The coherence between the objectives of this Directive and the Union's other environmental law should be ensured. In particular, during assessment, planning or licensing procedures for renewable energy installations, Member States should take account of all Union environmental law and the contribution made by energy from renewable sources towards meeting environmental and climate change objectives, in particular when compared to non-renewable energy installations.



- (93) In order to exploit the full potential of biomass, which does not include peat and material embedded in geological formations and/or transformed to fossil, to contribute to the decarbonisation of the economy through its uses for materials and energy, the Union and the Member States should promote greater sustainable mobilisation of existing timber and agricultural resources and the development of new forestry and agriculture production systems, provided that sustainability and greenhouse gas emissions saving criteria are met.
- (94) Biofuels, bioliquids and biomass fuels should always be produced in a sustainable manner. Biofuels, bioliquids and biomass fuels used for compliance with the Union target laid down in this Directive, and those which benefit from support schemes, should therefore be required to fulfil sustainability and greenhouse gas emissions savings criteria ...
- (96) The production of agricultural raw materials for biofuels, bioliquids and biomass fuels, and the incentives provided for in this Directive, should not have the effect of encouraging the destruction of biodiverse lands. Such finite resources, recognised in various international instruments to be of universal value, should be preserved. It is therefore necessary to provide sustainability and greenhouse gas emissions savings criteria ensuring that biofuels, bioliquids and biomass fuels qualify for the incentives only when it is guaranteed that the agricultural raw material does not originate from biodiverse areas or, in the case of areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, the relevant competent authority demonstrates that the production of the agricultural raw material does not interfere with such purposes.
- (97) Forests should be considered to be biodiverse in accordance with the sustainability criteria where they are primary forests in accordance with

the definition used by the Food and Agriculture Organisation of the United Nations (FAO) in its Global Forest Resource Assessment, or where they are protected by national nature protection law ...

(101) It is appropriate to introduce Union-wide sustainability and greenhouse gas emissions saving criteria for biomass fuels used in the electricity sector and in the heating and cooling sector, in order to continue to ensure high greenhouse gas emissions savings compared to fossil fuel alternatives, to avoid unintended sustainability impacts, and to promote the internal market.

(102) To ensure that, despite the growing demand for biomass, harvesting is carried out in a sustainable manner in forests where regeneration is ensured, that special attention is given to areas explicitly designated for the protection of biodiversity, landscapes and specific natural elements, that biodiversity resources are preserved and that carbon stocks are tracked, woody raw material should emanate only from forests that are harvested in accordance with the principles of sustainable forest management that are developed under international forest processes such as Forest Europe and that are implemented through national law or the best management practices at sourcing area level. Operators should take the appropriate steps in order to minimise the risk of using unsustainable forest biomass for the production of bioenergy. To that end, operators should put in place a risk-based approach.

(103) Harvesting for energy purposes has increased and is expected to continue to grow, resulting in higher imports of raw materials from third countries as well as an increase of the production of those materials within the Union. It should be ensured that harvesting is sustainable.

(105) Biomass fuels should be converted into electricity and heat in an efficient way in order to maximise energy security and greenhouse gas emissions savings, as well as to limit emissions of air pollutants and minimise pressure on limited biomass resources.

The following is noted from the Directive itself:

Article 1 states that the Directive establishes a common framework for the promotion of energy from renewable sources. It sets a binding Union target for the overall share of energy from renewable sources in gross final consumption of energy in 2030. It lays down rules on financial support for electricity produced from renewable sources, on self-consumption of renewable electricity, and on renewable energy use in the heating and cooling and transport sectors, on regional cooperation between Member States and with third countries, on guarantees of origin, on administrative procedures and on information and training. It establishes sustainability and greenhouse gas emissions savings criteria for biofuels, bioliquids and biomass fuels.

Article 2 defines 'biomass' as follows:

*'biomass' means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, from forestry and related industries, including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin.*

Article 3(1) requires Member States to collectively ensure that the share of energy from renewable resources in the Union's gross final consumption of energy in 2030 is at least 32%, with a view to submitting a legislative proposal by 2023 to increase it where there are further substantial cost reductions in the production of renewable energy, where needed to meet the Union's international

commitments for decarbonisation, or where a significant decrease in energy consumption in the Union justifies such an increase.

Article 3(2) requires Member States to set national contributions to collectively meet the binding overall Union target set in paragraph 1 of the Article.

Article 3(4) requires that, from 1 January 2021 onwards, the share of energy from renewable resources in each Member State's gross final consumption of energy shall not be lower than that shown in the third column of the table in Part A of Annex I of the Directive. Ireland's national target is set at 16% in Annex I.

Article 29 sets out the sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels.

Article 36 requires Member States to bring into force laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2021.

As can be seen from the obligations under this Directive, there are substantial implications for the energy sector in Ireland, implications which have very significant impacts on consideration of the sustainability of the proposed development now before the Board. A national renewable energy target is set for Ireland. While biomass is determined to be a renewable energy source, there are stringent sustainability and emission-saving criteria for biomass fuel. It is evident that renewable energy projects need to continue to be a major part of investment in the energy sector. It is clear that the EU Emission Trading Scheme (ETS) in the immediate term will play an increasing role in providing for stronger investment in low carbon technologies, with a distinct and immediate movement away from the burning of fossil fuels such as peat.

The Board will note that since the original 2009 Directive obligations relating to the increase in the share of renewable energies required has become more burdensome, with Member States such as Ireland greatly failing in achieving reductions in greenhouse gas emissions. I submit that, in light of rapid climate change impacts and the urgency to address such impacts, the duty to proceed with measures and to achieve minimum targets is paramount. There can be no avoidance by the applicant associated with the application now before the Board meeting its responsibilities as part of the national effort to ensure EU requirements are met in compliance with the Directive in a timely manner.

The intent of the recast Directive is clear:

- There is a binding Union target of a share of at least 32% of renewable energy and this is to be reviewed upwards.
- Member States must avoid distortive situations resulting in the extensive importation of resources from third countries.
- Biofuels, bioliquids and biomass fuels must be produced in a sustainable manner. Sustainability and greenhouse gas emissions saving criteria for biomass fuels used in the electricity sector are required to be applied.
- The destruction of biodiverse lands is to be avoided in the development of forestry.

It is evident from the recast Directive that these are key questions that the assessment of this proposed development must address. If there is no knowledge about the sources of biomass, if there is no available indigenous biomass to avoid extensive importation, and, indeed, if the operation of the power station is dependent upon the continued use of peat as a fuel source beyond 2020 then the application before the Board cannot proceed.

### 9.2.3 National Policy

#### **Renewable Energy Feed-in Tariff Schemes**

Ireland's first National Renewable Energy Action Plan (NREAP) was published in 2010. This established the context for continued State Aid in the form of Renewable Energy Feed-in Tariff Schemes (REFIT). The most recent support scheme, REFIT3, was approved by the European Commission in October 2011. Its purpose was to incentivise the addition of 310MW of renewable energy capacity to the Irish grid, comprising high-efficiency Combined Heat and Power, biomass combustion and biomass co-firing. In 2017, West Offaly Power received approval from the Department of Communications, Climate Action and Environment for REFIT3 support for co-firing with peat and biomass to 2030.

I note that the current REFIT schemes are now closed. It is my understanding that a new renewable energy support scheme is expected to be introduced in 2019.

#### **The Strategy for Renewable Energy 2012-2020**

This Strategy was published by the Department of Communications, Energy and Natural Resources in 2012. It set out five Strategic Goals. Strategic Goal 2 was: *"A sustainable bioenergy sector supporting renewable heat, transport and power generation."* It anticipated that REFIT would underpin the development of a robust and sustainable biomass supply sector in Ireland as it would provide a stable demand for biomass. It was noted that REFIT3 is designed to support a range of technologies, including co-firing of biomass in peat power plants. It stated: *"REFIT III will also provide supports for the co-firing of biomass with peat at the peat plant at Edenderry and potentially in future, subject to technical acceptance, at Lanesborough and Shannonbridge."*

I note from the application to the Board that there are no details on the actual indigenous biomass supplies and suppliers available to serve the proposed development. This issue was addressed at the Oral Hearing. The applicant confirmed that there is currently no surplus willow biomass available, that there is no surplus private forestry biomass currently available, and that there is no surplus biomass available from sawmills. It was submitted that across all of these markets the supply and demand are balanced. It was also confirmed that there is no knowledge of incentivisation for the delivery of biomass in the agricultural sector, such as in willow growing. It is, therefore, evident from the lack of indigenous biomass that would be available to fire at the Shannonbridge power station that there is a serious question mark over the delivery of the proposed development as submitted to the Board. In this context, one must question the sustainability of pursuing further the principle of co-firing beyond Edenderry at this time. The planning permission issued for the Edenderry power plant is limited until 2023. There is no indication that there could be any sustainable indigenous supply of biomass to feed the existing Edenderry plant, West Offaly Power and Lough Ree Power, which is clearly the intention for these power stations in the immediate term. REFIT has not (and appears will not) underpin the development of a robust and sustainable biomass supply sector in Ireland in the medium term.

***Low Carbon Energy Roadmap for Ireland 2013***

The purpose of this report, commissioned by the Department of Environment, Community and Local Government, was to provide technical advice and guidance on the development of a low carbon roadmap for Ireland, with the aim of achieving transition to a low carbon, climate resilient and environmentally sustainable economy up to 2050. The report notes that the EU's Energy Roadmap suggests, if investment in low carbon technologies is postponed, it will ultimately lead to greater costs and disruption in the longer term. It states: "*Acting*

*now with 2050 targets in mind can avoid costly changes in later decades and reduces lock-in effects. If investment is postponed to the latest possible time there will be a relatively narrow window in which investment must occur both for large scale projects (e.g. power plants) as well as residential level investments.”*

The report examines three scenarios – Business as Usual, a CO2-80 scenario (i.e. emissions are constrained across the entire time horizon to be no greater than 80% below 1990 levels in 2050), and a CO2-95 scenario (i.e. emissions are constrained across the entire time horizon to be no greater than 95% below 1990 levels in 2050).

With regard to biomass under both the CO2-80 and the CO2-95 scenarios, it was noted that the majority of this fuel would be wood-based and that some 60% of biomass fuel would need to be imported. Use of indigenous biomass is projected to grow rapidly. The primary destinations are seen as being the residential sector and power generation. In reference to generation facilities, it is stated “*The location of biomass fuelled power generation plants will significantly affect the number of associated traffic movements. To minimise the impact on the road network it would be preferable if new-build biomass power plants are located proximate to a sea port.*”

I note that there is no reference in this report to utilising existing infrastructure. I also note that it is evident from this report that there is an understanding of the likely significant dependence on the importation of biomass in this country if this fuel is to be pursued to feed power stations and the residential sector. It is even clearer that the location of the power plant the subject of the application before the Board could reasonably be determined as being strategically misplaced, notwithstanding any retrofitting of an established plant. The siting away from a main port and the consequential extensive haulage of fuel from a port to this site by road via HGV is categorically unsustainable.



### **Climate Action and Low Carbon Development Act, 2015**

This Act provides for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a low carbon economy by 2050 and to provide for the establishment of the Climate Change Advisory Council. It provides for the making of a national mitigation plan and a national adaptation framework on which the Advisory Council advises and makes recommendations. Section 15 of the Act requires a ‘relevant body’ (i.e. a prescribed body and public body), in the performance of its functions, to have regard to the most recent approved national mitigation plan, the most recent approved national adaptation framework and approved sectoral adaptation plans, the furtherance of the national transition objective, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

### **Ireland’s Transition to a Low Carbon Energy Future 2015-2030**

This White Paper by the Department of Communications, Energy & Natural Resources sets out a vision for transforming Ireland’s fossil-based energy sector into a clean, low carbon system by 2050, i.e. meaning that greenhouse gas emissions from the energy sector will be reduced by between 80% and 95% compared to 1990 levels by 2050. With respect to implementation (Para. 48) it notes that a low carbon future will include:

*“... generating our electricity from renewable sources of which we have a plentiful indigenous supply;*

*moving to lower emissions fuels (e.g. moving initially from peat and coal to gas) and ultimately away from fossil fuels altogether ...”*

It is clear that the proposed development does not sit comfortably with this White Paper's provisions. The proposed development would not generate electricity from indigenous renewable fuel supplies in any meaningful manner as the heavy reliance on imported fuel is a definitive feature of the functioning of the plant. There is no known adequate and reliable indigenous source to feed this plant along with the Edenderry plant, setting aside any intention of Lough Ree Power also proposing to use biomass as a fuel source in the immediate future.

I further note from this White Paper (Para. 133) that it is stated:

*"...expanding the uptake of bioenergy involves several challenges, including the availability of sufficient sustainably-sourced biomass, competition with other land uses such as food production, and the cost of support. Consideration must be given to the most prudent uses for bioenergy."*

The White Paper noted the co-firing of biomass at the Edenderry power station. It also referenced an analysis that has considered biomass usage (Para. 134). On this the White Paper states:

*"A Government-commissioned technical analysis considered biomass usage and concluded that Ireland's limited biomass resource would be more efficiently deployed in the heating sector."*

I put it to the Board that the provisions in the White Paper clearly do not support the proposed operation at Shannonbridge in the form of transitioning and demonstrate that the utilisation of this plant for fuelling by biomass, with greatest reliance on importation of this fuel, is not the desirable approach for renewable energy provision.

## **National Mitigation Plan 2017**

This Plan, adopted pursuant to the Climate Action and Low Carbon Development Act 2015, sets out the context for transitioning to a low carbon, climate resilient and environmentally sustainable economy by 2050.

The Plan notes that Public Service Obligation (PSO) support for the Edenderry peat-fired station expired in December 2015, PSO support for West Offaly and Lough Ree power stations will expire in December 2019, and, thus, security of supply subsidies for electricity generated from peat will no longer be supported under the PSO. It further notes that, in 2020, a reformed Emissions Trading Scheme (ETS) will be in place that will deliver an appropriate carbon price signal to advance the decarbonisation of the ETS sector. It states that the existing renewable electricity support schemes (REFIT) will remain in place and a new support scheme will also be operational. It is submitted that peat burning generation will gradually be replaced by sustainable biomass and that, aside from the converted peat burning stations, the role of biomass will largely be confined to the heating sector.

Annex 2 of the Plan comprised mitigation measures presented in the SEA Environmental Report and Natura Impact Statement. It includes a mitigation measure comprising undertaking a feasibility study to address the measures required to discontinue the combustion of peat for electricity. It is stated that environmental criteria should be the primary driver for the decision making process and it is further stated that this study should be undertaken within the next five years to inform decision making for the next National Mitigation Plan. It is acknowledged that West Offaly is technically capable of co-firing with biomass and it is repeated that the subsidies currently operating for West Offaly and Lough Ree Power supporting generation of electricity from peat is due to cease by the end of 2019. Noting that this will provide a key incentive for the owners of

these plants to convert to co-firing, it is stated that an issue to be overcome is the development of more cost-effective supply chains of biomass.

This Plan, while clearly indicating provision for co-firing of peat and biomass at West Offaly Power, once again calls into question the viability of reliance on an indigenous supply of biomass. There appears to be no known reliable indigenous supply chain for biomass to serve this power plant nor are there any foreseeable provisions being made into the future in tangible, physical, real terms. The issue of transporting of biomass from around the world to ports in Ireland and then delivering biomass by road to a power station in the centre of Ireland is somewhat delusional in sustainability terms, in my opinion, when one considers that environmental criteria is required to be the primary driver for the decision making process. The cost-effectiveness of this has to be called into question.

Overall, the delivery of the National Mitigation Plan must be based on the principle of sustainability. In the knowledge of the lack of an indigenous biomass supply to fire the power station, the sustainability of the proposed operation at Shannonbridge is completely refuted. It begs the question as to why, in terms of the urgency to address adverse climate change impacts, a National Mitigation Plan would contemplate what is proposed for the power station, i.e. ongoing burning of peat after 2019 and the extensive importation of biomass from many different countries and sources outside of the State and transportation to a midland site. In my opinion, the up-to-date position of the Climate Change Advisory Council, set up under the Climate Action and Low Carbon Development Act, 2015, must be acknowledged to allow an informed understanding of the sustainability of the operation now proposed for West Offal Power. This informed opinion is reviewed below.

## **National Adaptation Framework 2018**

This Framework, adopted pursuant to the Climate Action and Low Carbon Development Act 2015, specifies the national strategy for the application of adaptation measures in different public sectors and by local authorities in order to reduce the vulnerability of the State to the negative effects of climate change and to avail of any positive effects that may occur. It requires Ministers to submit sectoral adaptation plans for Government approval and for local authorities to adopt local adaptation strategies.

## **Ireland's Greenhouse Gas Emission Projections 2017-2035**

This EPA Report was published in May 2018. In Section 3, 'Key Trends – Emissions projections out to 2030', two emissions projections scenarios are presented which show potential outlooks to 2035 - *With Existing Measures* and *With Additional Measures*. It is noted that the PSO levy supporting the use of peat for power generation no longer applies after 2019 and consequently peat use significantly reduces under a *With Existing Measures* scenario (prior to 31<sup>st</sup> December, 2016). It is stated that thereafter the fuel type used for electricity generation is influenced by fuel price and in this case gas largely replaces peat as one of the main fuels for power generation leading to lower emissions. It further notes that emissions are higher in a *With Additional Measures* scenario on the basis of the peat power plants receiving permission to run on the basis of supports provided for under REFIT III, including the co-firing of peat and biomass for power generation, thus meaning more peat is needed after 2019. It is estimated that there will be a biomass co-firing share of 30% up to and including 2026 and peat would decrease year-on-year to 0% by 2030. It is noted that the decision for co-firing at the relevant peat power plants was made in April 2017.

The Report's 'Key Insights' include:

- Latest EPA greenhouse gas emissions projections indicate an overall increase in greenhouse gas emissions from most sectors.
- Ireland is not projected to meet 2020 emissions reduction targets and is not on the right trajectory to meet longer EU and national emission reduction commitments.
- Fossil fuels such as coal and peat continue to be key contributors to emissions from the power generation sector and the extent of their use will be a key determinant in influencing future emissions trends from this sector.

It is my submission to the Board that the findings of this report clearly demonstrate that there is no justification for any ‘transitioning’ of West Offaly power station. The use of peat after 2019 cannot be considered acceptable as part of any ‘transitioning’. This report is a further indictment of the continued use of the West Offaly power plant for the firing of peat beyond 2019.

#### **Climate Change Advisory Council Annual Review 2018**

The Council has been set up as an independent advisory body established under the Climate Action and Low Carbon Development Act 2015. The Annual Review was submitted to Government in July 2018. The ‘Key Messages’ include:

- *Irish greenhouse gas emissions are rising rather than falling. Ireland is completely off course in terms of achieving its 2020 and 2030 emissions reduction targets. Without urgent action that leads to tangible and substantial reductions in greenhouse gas emissions, Ireland is unlikely to deliver on national, EU and international obligations and will drift further from a pathway that is consistent with transition to a low-carbon economy and society.*

- *The Council welcomes the commitment to end the burning of coal at Moneypoint by 2025. However, the Council is concerned that planned support for biomass co-fired with peat has the effect of supporting the continued burning of peat for electricity generation, thus contributing to higher emissions. There is an urgent need to bring coherence to this aspect of energy policy and climate change policy by closing peat-fired generation as soon as possible.*

The Review notes that, while Ireland can comply with EU policy and regulation for 2020 and 2030 by purchasing emissions allowances, this use of public funds – with no environmental benefit – would leave Ireland with a bigger and more expensive task to meet its future targets to 2030 and beyond. It is further noted that the Government has not provided a pathway for the decarbonisation of the economy and society by 2050. Acknowledging that proposed support for biomass co-fired with peat would subsidise continued peat-fired electricity, it is stated:

*“This would be an environmentally harmful subsidy resulting in substantially higher emissions of greenhouse gases at significant direct cost to the nation.”*

Noting that the current National Development Plan references conversion of peat power plants to more sustainable low-carbon technologies to 2030, the Review submits that the plan for the interim period between now and 2030 is not encouraging. The Review expresses a definitive view on co-firing of peat with biomass as follows:

*“The Council is very concerned by the plans for the continued support for peat indirectly through a subsidy for biomass co-fired with peat. Support for electricity generation from co-firing of peat with biomass is projected to lead to an increase in greenhouse gas emissions up to 2030 and will not assist in meeting climate change targets. Peat is a high-carbon fuel whether burned alone or co-fired with biomass. Government resources should not support measures that lead to increases in emissions.” (p. 57)*

I put it to the Board that the message from the Advisory Council is very stark. This Review places the notion of continuing the burning of peat after 2019 in the most serious context. One cannot determine that it is in any way sustainable or in the national interest to be facilitating any burning of peat at West Offaly power plant beyond 2019. A distinctive message from those most informed on the need to respond to Ireland's failure to address greenhouse gas emissions is clearly forming from the reality of the unacceptability of any further use of peat as a fuel source for energy supply. This, coupled with the associated transportation by very significant volumes of HGV traffic delivering imported biomass on an ongoing basis from the ports around the country to this site in the Midlands, has to call into question the sustainability of the project now before the Board. One must take a responsible decision at a time when there is an urgent need to face up to the facts on the nation's greenhouse gas emissions dilemma and to our international duties in relation to climate change. One cannot avoid, or put off into the future, the obligation to cease the burning of peat by the end of 2019.

#### 9.2.4 *National Spatial Plans*

##### **National Planning Framework**

The Framework's National Strategic Outcomes include the goal: "*Transition to a low carbon, climate-resilient society.*" The NPF notes that new energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system. Chapter 9, 'Realising Our Sustainable Future', sets out environmental and sustainability goals, with reference to a low carbon economy and emphasising the need to accelerate action on climate change. National Policy Objective 53 supports the bio economy, including the greater use of renewable resources. The development of sustainable supply chains in the bio economy is referred to. National Policy Objective 54 seeks the



reduction of our carbon footprint by integrating climate action in the planning system. National Policy Objective 55 promotes renewable energy use and generation at appropriate locations within the built and natural environment.

I note that the NPF supports the reduction of greenhouse gas emissions from the energy sector by at least 80% by 2050. Clearly, a proposed development at an appropriate location that would promote renewable energy to reduce greenhouse gas emissions by utilising a sustainable supply of biofuel would be seen as a coherent approach to energy generation under the NPF. Given the lack of any known 'sustainable' supply chain, the location of the proposed biomass firing power station, and given the extensive array of policies, plans, frameworks, advice, etc. that undoubtedly call into question the proposed co-firing of peat, the proposed development could not be seen to be the correct option at this time when urgent remedial action on climate change is required.

#### **National Development Plan 2018-2027**

The Plan references the National Strategic Outcomes set out in the NPF and refers to Public Investment Priorities in Chapter 5. It is recognised that Ireland's energy system requires a radical transformation in order to achieve its 2030 and 2050 energy and climate objectives. It states that, by 2030, peat and coal will no longer have a role in electricity generation, with the use of peat progressively eliminated by 2030 by converting peat power plants to more sustainable low-carbon technologies. It identifies measures that include those required to decarbonise energy generation and enhance energy efficiency, which include decarbonising electricity generation. It notes that ESB, Bord na Móna and Coillte are active in the power generation sector and are currently planning to continue to invest in renewable energy technologies. It is acknowledged that the main renewable energy technology that the companies have invested in to date is on-

shore wind and that these companies plan to continue to invest in these technologies over the coming years, with some investments expected to be delivered on a joint-venture basis. The Plan expects this investment to be predominantly in wind generation assets but notes opportunities in other renewable technology options will also continue to be explored. It also acknowledges that, given the intermittent nature of wind power technology, a proportion of Ireland's electricity needs will likely continue to be generated from gas over the medium to longer term and that it will therefore remain necessary for a certain level of gas fired generation to continue to be available to ensure continuity of supply and the integrity of the electricity grid during the transition towards a low-carbon energy system. The Plan notes that the West Offaly and Lough Ree power stations are required to be converted to more sustainable low carbon technologies following the expiry of the Public Service Obligation in respect of the plants at the end of 2019.

It is apparent from the above that the National Development Plan recognises the need for the West Offaly plant to move to a low carbon technology in the immediate term. It is clear that the promotion of renewable energy is to the forefront. While the Plan does not identify the low carbon technology to be utilised, a sustainable approach would evidently be a fundamental requirement. The issue of a continued use of peat beyond 2019 and the ability to source and supply a sustainable alternative fuel are critical matters to be determined to demonstrate that an alternative meets with the National Strategic Outcome relating to transitioning to a low carbon, climate-resilient society.

### 9.2.5 *Regional Guidelines*

#### **Midlands Regional Planning Guidelines 2010-2022**

These Guidelines, due in the immediate term to be replaced by the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly, notes the role of the Shannonbridge power station in energy production and Government policy on electricity generation from renewable energy. Policies include:

***TIP33*** *Support the sustainable development of the infrastructure required to assist the Midland Region in the delivery of renewable energy particularly in the context of the existing energy infrastructure in the region and the need to make a transition from peat to renewable energy.*

The Guidelines evidently promote alternatives to the peat burning operation at the existing power station to ensure the provision of renewable energy in electricity generation.

### 9.2.6 *Local Policy*

#### **Offaly County Development Plan 2014-2020**

The Plan acknowledges the role of the West Offaly plant in electricity generation and notes the ongoing role of the non-renewable energy sector in the medium term. It also notes that co-fuelling is envisaged during the life of the Plan for Edenderry and Shannonbridge stations. The role of bio-energy crops as alternatives to tillage crops are referenced. Policies include support for initiatives for limiting greenhouse gas emissions (Policy EP-01), facilitating the continued development of renewable energy sources (Policy EP-02), and facilitating the continuance of power generation stations within the county as appropriate,

including the consideration of co-fuelling and in line with National Policy Guidelines (Policy EP-08).

It is evident that the Offaly County Development Plan supports the transition of its established power generation stations to renewable energy plants. A proposed development that provides a sustainable, low-carbon technology would be seen to fit with the local objectives of the County Plan.

### 9.2.7 *Policy Overview*

In 2020, Ireland will fail its requirements under the EU Renewables Directive 2009/28/EC to provide at least a 16% share of energy from renewable sources in gross final consumption of energy.

The recast Directive of December 2018 (Renewable Energy Directive 2018/2001) places even greater demands on EU Member States by requiring the Union to ensure that the share of energy from renewable resources in the Union's gross final consumption of energy in 2030 is at least 32%. Under this recast Directive, from 1 January 2021 onwards, the share of energy from renewable resources in Ireland's gross final consumption of energy is required to be not lower than 16%. Given this nation's failure to date on renewable energy, there is not only an obligation, but a duty, to take the tough decisions on energy initiatives and to not only curtail, but to eliminate, the use of fuels that contribute most to our intolerably high levels of greenhouse gas emissions if we are to take seriously our responsibilities to comply with the EU Directive. Our actions to date have not demonstrated a commitment to realistically achieve our targets.

I submit to the Board that the wide range of policies, plans, frameworks, reviews, etc. that pervade national policy categorically do not support the burning of peat as a fuel source for electricity generation. Indeed, there is an urgency to cease

such burning in the immediate term. The Board, in its previous decision under ABP Ref.PL 19.125575, required the cessation of the use of the peat-fired electrical power generation plant at Shannonbridge by the end of 2020. Despite this decision being made in 2002 and despite the plethora of legislation and policy documentation over a lengthy period demanding the cessation of the burning of peat for power generation, ESB have not until recently sought to address this issue and, in my opinion, to attempt to partly address the issue by a proposal that entails ‘transitioning’ from the burning of peat. In the immediate term, this proposal does not in any way address the issue because it is pursuing the continued burning of peat up to 2027 and not its cessation by the end of 2019.

Legislation and public policy demands the cessation of peat burning at the West Offaly station. All informed opinion demands the cessation in the immediate term and demands the replacement by a sustainable alternative to ensure the deliverance of renewable energy. The informed opinion and policy guidance demands the alternative to be ‘sustainable’. While biomass is determined to be a renewable energy source, the ‘sustainability’ of this alternative in Ireland is seriously in question due to its limited availability, indeed due to its lack of availability and the lack of any physical manifestation of the production of adequate biomass for firing in power stations in Ireland into the future.

I put it to the Board that Ireland does not have a sustainable strategy for the provision of indigenous biomass to serve the energy sector. Ireland does not have a sustainable indigenous biomass product base to serve the West Offaly power station. The presumption that demand by the station will incentivise a credible supply would appear somewhat illusionary, given the comprehensive failure to achieve any meaningful supply to serve the energy sector to date. The applicant at no time has demonstrated that the power station would be fed by a credible, sustainable indigenous biomass market. This leaves a power plant sited

in the middle of the country reliant upon the importation of biomass to ports dotted around the country from markets across the world, followed by continuous HGV delivery of biomass by road to permit the plant to generate electricity. Is this sustainable?

While West Offaly Power received approval from the Department of Communications, Climate Action and Environment for REFIT3 support for co-firing with peat and biomass to 2030 in 2017, there can be no denial that, with regard to public policy and the most recent informed opinion such as from the Climate Change Advisory Council and the EPA, such co-firing is wholly misplaced. One cannot simply 'kick the can down the road' and suggest revisiting the issue in 2030. It is very clear that continuing burning of peat will add to, not reduce, our greenhouse gas emissions. This is very definitively recognised in the studies, the reviews, and the policy statements of those informed today who have provided the most recent critical assessment of the peat-fired stations. Thus, one must ask: Why would one continue to support the burning of peat past 2019? In my opinion, from the Board's decision in 2002, the 'transition' period to the cessation of peat burning is required to be ending at the end of 2019. There can be no stop-gap, no further delays, and no further unnecessary, excessive greenhouse gas emissions from this power station by allowing any further burning of peat.

There is clearly no appetite for a continued use of peat in power generation after 2019. The burning of peat is continuing to contribute substantially to the State's greenhouse gas emission levels and is wholly unsustainable. In my opinion, it is very clear that the cost of carbon will continue to grow as the EU pursues a drive towards low carbon technologies. Emissions reductions clearly must be pursued in a cost-efficient manner. Fuels such as peat, with a high carbon content, are more costly and require replacement. There can be no reasonable public acceptance of penalties arising from any continued use of peat burning to service

the energy sector. The Public Service Obligation for the West Offaly power station expires at the end of 2019. It would be irresponsible to continue peat burning beyond 2019.

There is clearly no adequate indigenous biomass supply in Ireland. There is no discernible strategy to develop a biomass industry in the State. Edenderry Power Plant appears to be acquiring the available Coillte biomass in the State for co-firing. There is clearly no practical understanding of the extent of any potential remaining available supplies in the current market and there is a complete lack of understanding of what may be otherwise available to service the proposed development in terms of volumes, where it is coming from and who will be supplying the biomass. The siting of the existing plant away from ports is clearly misplaced as it would lead to unsustainable high volumes of HGV movements across the State. In environmental terms, there is clearly no support for the development of a rejuvenated peat-burning power plant to transition to biomass in isolation of an adequate indigenous supply of biomass to fuel the plant. The unsustainably high dependence on imported biomass is not supported by EU and national policy.

Having regard to the above assessment and conclusions, I can only reasonably determine that the proposed development cannot be accepted as a proposal that would be in the interest of proper planning and sustainable development. I repeat that burning of peat after 2019, the lack of an indigenous supply of biomass and the consequent dependence on importation of biomass, and the transportation to the proposed site from remote ports around the State result in this proposal contradicting any meaningful understanding of the term 'sustainable development'.

### **9.3 Minimising the Socio-Economic Impact**

- 9.3.1 One of the principal reasons given by the applicant for the justification of the project is minimising the socio-economic impact on the Midlands region. The applicant's considerations note the historical reliance on the peat industry in the area in terms of direct employment and contributions, including to the County's rates base. Bord na Móna's commitment to move away from commercial peat harvesting is acknowledged. The ESB's role as a key consumer of peat is also referenced. The application states that the station provides direct and supported employment for 454 people – 298 full time and 156 seasonal. The closure of the station would result in the loss of 358 jobs. This is considered to constitute a significant, permanent, negative, socio-economic impact on the region. The loss of the annual rates payment in excess of €1.6 million is also considered to constitute a significant, permanent, negative, socio-economic impact on the county and region. It is argued that the economic impact associated with the phased transition away from peat to biomass would have a reduced impact on employment. It is maintained that the economic contribution that the transition would make to the region strongly justifies the relatively short-term peat use while the station transitions to becoming a low-carbon renewable station.
- 9.3.2 I note the sensitivity of this issue. However, this cannot, and should never, constitute a significant planning issue to merit the justification of this project now before the Board. The Board granted permission for the existing power plant in 2002 and this permission is due to expire on 31<sup>st</sup> December, 2020 unless the continuance of the use beyond that date is granted. The continuance of the use of the power station for the burning of peat is unquestionably unsustainable in the form of a 'transition' or in any other form. The applicant has known the supports for the burning of peat cannot be sustained and will not be sustained. This proposal counters any true commitment to addressing greenhouse gas



emissions from this plant. It can have no rational public support for the continued use of such materials for burning and further investment of public monies in such a scenario. The heavy reliance on the continued burning of peat cannot be ignored as an indigenous supply of biomass is evidently not available nor is there a coherent strategy to achieve a sustainable supply.

9.3.3 It is my submission to the Board that there should be no peat-related employment associated with this power plant after 2019. From a short time after the Board's previous decision the applicant should have been planning the delivery of the alternative to peat burning. That was the appropriate 'transition' period in my opinion. To use the socio-economic impact of job losses now is unacceptable. If there is a necessity to 'mothball' the use of this station as a power generating facility pending the availability of a sustainable alternative fuel, the responsibility for this lies with the applicant and the socio-economic consequences lies with the applicant. No such untimely reference to job losses or loss of rates can be considered acceptable in support of the continued burning of peat and where there is no known sustainable supply of an alternative fuel to provide renewable energy. This is the time for taking measures to address the urgency associated with greenhouse gas emissions and the State's continuing failure to meet climate change targets. There can be no hiding behind the untimely use of the justification for this proposal based on the socio-economic impact on the region.

#### **9.4 The Issue of 'Transition'**

9.4.1 Setting aside the lack of any acceptance in principle of a 'transition' away from peat as a fuel source as alluded to earlier in this assessment, I propose to briefly address the timing issue further.

9.4.2 The EIAR states:

*“The timeframe for this transition is limited by two factors - the need to manage the socio-economic impact of the move away from peat on the Midlands Region, and the financial feasibility of the transition.” (p. 2-15).*

9.4.3 The Board will note that I have addressed this first reason in the previous section of this assessment. With regard to the second reason, I note the following from the applicant’s Planning Report submitted with the application:

*“The proposed transition to biomass is rendered commercially viable only by the availability of a fiscal support for co-firing generating stations. The existing fiscal support – the peat PSO, expires at the end of 2019. Beyond that date there is no subsidy for combustion of peat.*

*The REFIT3 scheme, approved in 2017 and in place until 2030, will then be available for a co-fired facility, supporting the biomass burn up to a limit of 30% of the annual generation capacity of the station, with no support for peat. At WOP Station, REFIT3 will provide biomass support for up to 394 GWhrs per year (30% of the station’s installed generation electrical capacity). Increased electrical generation fuelled by biomass – above that proposed in the co-firing stage, would require additional support, because at present the cost of generating power from biomass is significantly in excess of the current wholesale electricity prices. Therefore even with the support provided by REFIT3, the revenue from peat generation is necessary to make the project commercially viable. There are currently no supports in place to support any faster transition.” (p. 29)*

9.4.4 I put it to the Board that any continued burning of peat after 2019, whether within or outside of any ‘transition’ period, is wholly unacceptable from a planning and environmental perspective, most notably in the context of the State’s responsibilities in relation to greenhouse gas emissions reductions and further public funding of such an operation. This is completely unacceptable in my opinion. I cannot see that the development could be viewed as a sustainable

operation when it cannot function in a manner that otherwise depends on continued support for the use of peat. The proposed development cannot be depended upon to provide a crossover to a sustainable alternative fuel source.

9.4.5 I further note that the applicant argues that carbon credits would be taken up elsewhere in Europe arising from the failure to pursue the proposal now before the Board. This, in my opinion, is entirely irresponsible in the international and EU context of the duty of the State to reduce greenhouse gas emissions.

9.4.6 The issue of 'Transition', to allow for the continued burning of peat, is wholly contrary to the concept of renewable energy production and clearly ignore the requirement to take immediate action to address greenhouse gas emissions. There can be no acceptable timeframe for a 'transition' in this instance.

## **9.5 The Availability of Biomass/Security of Supply**

9.5.1 This assessment has already alluded to the serious concern about the availability of biomass to allow the development to function as proposed. Details provided at the Oral Hearing reiterated the concerns that there is no understanding of exactly from where the sources of biomass will derive. It reinforced the concern that the reliance on imported biomass will be particularly significant. It clarified that there is no strategy to develop the biomass product in the State to generate a reliable and consistent supply of indigenous biomass for the energy sector. The applicant's submitted documentation in the application has also reinforced these observations. I note that Ireland has a low forest cover of some 11% compared with the level of 33% across Europe and, thus, the State starts from a very low base in the forestry sector as a supplier of biomass. There must be a very serious concern about the security of supply of such a fuel to service the power station.

#### 9.5.2 Examples of the applicant's acknowledgement of the supply issue include:

- *“There have been a number of false starts for the biomass industry in Ireland with a reluctance in the agricultural sector to move towards biomass production in the absence of a guaranteed market underwritten by multi-annual contracts.”* (p. 88 Planning Report). It is apparent from details provided at the different stages of this application process that there is no evidence to suggest that anything has changed. Clearly, there has been no stimulation of the agricultural sector to diversify into biomass production in Ireland and no strategy to so do.
- *“Currently, there is insufficient indigenous biomass available to supply the projected biomass need of the Midland peat stations in the initial years of co-firing and imported biomass will be required. It is anticipated that in the early years indigenous biomass will provide between 20-40% of the required feedstock, with the balance coming from imported biomass. Indigenous biomass will mainly arise from commercial forestry operations and timber processing – which are both dependent on the market and the development of the national forests.”* (p. 33, Screening for Appropriate Assessment). It is clear that the figure of 20-40% cannot be relied upon. It is apparent that there is substantial volatility associated with the supply markets.
- *“... trials with miscanthus have shown that it is unsuitable as a fuel due to technical constraints* (p. 4-18 of the EIAR). The reliance, therefore, on alternatives such as willow would appear likely to be very significant, in the event that sawmill residues and forest by-product availability is limited (which it appears to be based on details provided in this application process). In light of no known incentivisation for the production of willow, one would call into question the effectiveness of the biomass market to meet supply needs for this station.

- The applicant's Screening for Appropriate Assessment (p. 22) states that the maximum amount of biomass that could be used annually at the station is c. 1.2 million energy tonnes. The applicant clarified at the Oral Hearing that the proposed development, with the full firing of biomass, would use approximately 1.3-1.4 million tonnes of biomass annually. In light of the functioning of Edenderry power plant (i.e. co-firing of biomass) and the intention to fire biomass at Lough Ree, I must seriously question the issue of delivering on a sustainable indigenous biomass supply to serve the Midlands power stations into the future based upon what is known in this planning application, or indeed, more importantly, based upon what is not known. There can be no reliance on the ability of the indigenous biomass industry to provide the fuel source adequately throughout the transition period and to respond to the fuel needs of the facility to serve its needs through its operating life as is proposed in this application.

9.5.3 The applicant's EIAR further provides numerous comments to raise concerns about the indigenous supply of biomass:

- *"... the quantity of biomass which is likely to be used in the early years will be constrained for commercial, transport and supply-chain reasons. (p. 4-8)*
- *"Currently, there is insufficient indigenous biomass available to supply the projected biomass need of the Midland peat stations in the initial years of co-firing and imported biomass will be required." (p. 4-23)*
- *"Biomass will be transported to the WOP Station site by road transport ... indigenous biomass ... will typically come from sources within a 100 kilometre radius of WOP Station but could be sourced at greater distance depending on economic factors. (4-28 – 4-29)*

- *“The exact location of biomass source within Ireland has not yet been identified ...”* (p. 6-51, 7-36, 8-27)

9.5.4 At the Oral Hearing, the Inspector asked the applicant when consideration was first given by ESB to plans for co-firing and use of biomass as a fuel at the power station. It was submitted that it was as far back as 2000 when the previous planning application was under consideration. The applicant also clarified under questioning that there is currently no surplus willow biomass available in the Irish market, that any surplus private forestry biomass being produced in the country is likely being exported, and that there is no current surplus of biomass in the sawmill industry. The applicant submitted that the current supply and demand are balanced and that if there was surplus it would be mounting up. It is my submission to the Board that it is clear that the indigenous biomass market remains very limited and that there has been no stimulation of the indigenous market to produce biomass to serve the heat and power sectors since 2000. In the White Paper *Ireland’s Transition to a Low Carbon Energy Future 2015-2030* it is stated: *“A Government-commissioned technical analysis considered biomass usage and concluded that Ireland’s limited biomass resource would be more efficiently deployed in the heating sector ...”* (Appendix 5, p. 24). Such informed opinion raises further concerns about the future for an indigenous biomass market for the power generating sector.

9.5.5 Finally, I note the following references in the applicant’s EIAR:

*“Biomass will be sourced internationally on a commercial basis in accordance with ESB sustainability criteria ... and will come from Europe, Africa, Australia, and North and South America but may also come from Asia.”* (p. 4-28)

*“Biomass will be transported to the WOP Station by road principally from imported sources until such time as indigenous biomass is available to meet the demand of the project.”* (p. 8-15)

It is evident that these are the markets from which West Offaly Power, located in the Midlands, away from ports and reliant upon road haulage of the product, will be acquiring its fuel ultimately into the foreseeable future. The security of such a supply is a concern in my opinion. I further question the sustainability of this and I can have no confidence in any reliable supply of biomass from an indigenous market based on the information provided in this planning application process.

## **9.6 Biomass - a Zero-Carbon Fuel**

9.6.1 The application references biomass as a zero-carbon fuel. It is noted that energy production from the station would be accounted for by the EU as “zero-carbon” under the EU Emission Trading Scheme because biomass is considered carbon neutral. It is further noted that the use of sustainable biomass fuel for energy generation purposes is considered to be carbon neutral under both the UN and European Union emission inventory guidelines. The provisions of RED II have also been acknowledged and were reiterated at the Oral Hearing. The applicant states in Section 10-43 of the EIAR that biomass material sources are considered to be neutral as carbon emissions arising from their combustion are reabsorbed back into the re-growing crop and so may be considered to be part of the global cycle of biogenic carbon and have no overall effect on the amount of atmospheric carbon dioxide in circulation. The applicant also notes that key to the use of biomass for energy generation is its sustainability and that, in order for the increased consumption of biomass to result in a genuine and significant CO<sub>2</sub> reduction, the biomass must be sustainable.

9.6.2 It is my submission to the Board, firstly, that it is common sense to acknowledge that the burning of biomass will result in carbon being emitted and, thus, its burning will contribute to climate change. There is no neutrality or decarbonisation involved with this burning process. The issue of whether

biomass does or does not emit more CO<sub>2</sub> than other fossil fuels such as coal or gas may be debated but one must still acknowledge that, under RED II, energy from biomass may be taken into account for the purposes of contributing towards EU renewable energy targets under the Directive.

9.6.3 The issue here in relation to the biomass fuel supply is determining and achieving the Directive's sustainability and greenhouse gas emissions saving criteria. This determines the acceptability of the proposal under RED II. It remains unknown in this application where the supply base is. The sustainability of biomass as a fuel source is dependent upon a re-growing crop and, in the case of importation, the nature and the replaceability of the crop (as referenced by the applicant) is key. In the context of the appeal by Dogwood Alliance, the latter unknown factor must be acknowledged. In relation to a re-growing crop associated with an indigenous supply, it is known in this application that one does not know from where this supply will derive and that there is no strategy to sustain any supply. It is very clear that imports would continue to be the main component of the fuel supply and that significant competition is likely to arise within Ireland for any available indigenous supply (i.e. from the established panel board manufacturers, Edenderry Power, CHP plants, etc.). It is also known that there are no Irish standards for biomass sustainability and that the applicant is deciding upon its own standards. The acceptability of such an approach and oversight of this remains an unknown.

9.6.4 I put it to the Board that there is no understanding of the use of 'sustainable biomass' in this application to ensure renewable energy in the manner espoused by RED II will be produced at West Offaly Power.



## **9.7 Impact of the Development on the Village of Shannonbridge**

- 9.7.1 The proposed development primarily seeks to use the established power plant facilities. It will add two concrete slabs for temporary outdoor storage of biomass, a 17m high pellet intake building and a 15m high storage silo for biomass pellets. The construction and physical manifestations arising from these additions would be negligible on the functioning of the village in my opinion. It is my submission that the primary concern arising from the proposed development centres on the increase in HGV traffic associated with the delivery of biomass. The capacity of the road network to accommodate the additional traffic and the effect of the delivery of this fuel by way of noise impact constitute the main issues to be addressed.
- 9.7.2 In terms of the traffic context, I note that there is no understanding of where the biomass would come from and, thus, there is no understanding of which sections of the road network would be most susceptible to increased volumes of traffic. It is evident that approaches from the east, west and north of Shannonbridge would be utilised as they will provide the principal links to the national road network. The approaches using the main entrance would demand HGV traffic to travel through the village. The main village street permits parking along both sides. The main entrance off the village centre street to the power station site is flanked to the east by a church and to the west by a children's playground. I acknowledge that the approaches and access to the site are well established and continue to be used by a range of vehicle types including HGVs. Clearly, increased HGV volumes will not be a positive attribute of the proposed development for the functioning of the village. It will increase the potential traffic hazard associated with the regularity of large vehicles navigating the main street and using a main entrance flanked by community facilities that will have varying periods of intensity of activity themselves. This increased HGV activity will be substantial, not alone

in terms of volumes of traffic movement but in terms of the regularity and timing over a lengthy average day.

9.7.3 With regard to the other entrance, whose approach lies to the east of the village via a narrow minor road network off the R357, I again note that this is an established approach and access to the power station. I would first submit to the Board that, in my opinion, acknowledging the established nature of this, and without the lack of any evidence to support the claim that the ownership of a private access road is in question and without any such owner contending that there is a title issue, one can determine that the issue of insufficient legal interest raised by the appellant Roseanne Walker cannot reasonably be upheld as an issue meriting refusal of permission in this instance. Further to the proposed use of this access and entrance, I note that the minor road network off the R357 constitutes a couple of narrow roads that serve as access to a Bord na Móna depot, to the power station site and to agricultural lands in the vicinity. Given the nature and extent of the road, one may question its carrying capacity when it would be used with distinct regularity for HGV movement associated with the transportation of biomass to serve the station as intended (up to 20% of HGV delivery via this access). The ongoing utilisation of the junction of the minor road with the R357 may also be called into question in terms of limited visibility in a westerly direction due to roadside vegetation, the ability to maintain the structural integrity of the roads at this location on an ongoing basis, the narrow road widths confining and restricting vehicular turning movements, etc. The outcome of prohibiting the use of such an approach and access would evidently increase the use of the main entrance to the north of the site, with associated increased HGV movements into and out of the village centre. I am of the opinion that the access and approach to the east of the site would reasonably have to be considered deficient for the nature of the use and regularity intended and, thus, it should be avoided in the interest of traffic safety. The applicant has submitted at the Oral Hearing that, if the operator was unable to use this entrance, all HGV deliveries

entering and exiting from the main northerly access junction would be acceptable from a traffic and capacity perspective. I submit to the Board that the HGV delivery of biomass would require the use of the main entrance only and, as a consequence, this would have increased adverse impacts on the amenity of the village and potentially on the safety of all road users within the village.

9.7.4 With regard to the potential impact on the bridge on the west side of the village, one has no understanding of the volume of additional HGV traffic that would access the power station via an approach over the bridge because there is no knowledge of where the biomass would actually come from. Clearly, this narrow bridge, with its controlled system, functions satisfactorily at present. I believe that it is reasonable to determine that some likely limited proportion of the increased volumes of HGV traffic coming to and from the Ballinasloe direction to the station would not constitute any significant traffic or structural threat to the functioning of this bridge.

9.7.5 With regard to the impact by way of noise, I note that the increased volumes of HGV traffic throughout the delivery day would be greatest at the point of delivery at the site associated with loading and unloading. This is acknowledged in the submission from the Health Service Executive, where concerns were raised about the considerable change in the predicted hourly and daily noise levels for the operation of the proposed biomass power station when compared with the existing noise levels. This was noted to be in some cases as high as 14dB and the HSE have submitted that the proposed biomass operations would generate a very significant negative long term effect. In the absence of mitigation, it is reasonable to determine that nuisance would arise and that complaints would result. Clearly, any prolonged delivery day, leading to night-time deliveries on an ongoing basis, would constitute potential significant intrusion for the nearest noise sensitive receptors, inclusive of the village centre. I note that the applicant has submitted that no deliveries of biomass would occur after 11pm and has

submitted at the Oral Hearing that, with the mitigation proposed in the EIAR, any noise impact at night would not be no more than exists at present. Mitigation measures include the provision of a noise barrier, limited wheel loader use on Storage Slab B to daytime hours only, fitting wheeled loaders with 'white sound' reversing alarms, and compliance with EPA licensing. The predicted operational noise levels set out in Table 9-9 of the EIAR, showing noise level increases of between 7.6dB and 14.2dB, would suggest the application of these mitigation measures would be essential as these are significant increases in noise levels for the village centre, notwithstanding the established nature of the facility at this site. I remain concerned that the feeding of this plant by HGV transported biomass over a prolonged period during the day and into the night time, located in close proximity to the village centre, has significant potential to culminate in a nuisance. I am not satisfied that the very significant importation of biomass via ports and the transportation of all biomass via the national road network and then onto the regional road network to this site in close proximity to this village centre can be so readily managed over the delivery day to ensure increased disturbance to the village residents can be ameliorated, particularly in the period reasonably understood to constitute the night-time period.

9.7.6 Overall, I see the feeding of the power plant by biomass delivered by HGV via the road network would culminate in a potential significant impact for the amenity of the village of Shannonbridge and for its residents. This would be a power plant sited effectively behind a village centre, away from ports, away from the State's main road networks that would demand a regularity and consistency of delivery of biomass to allow it to function. This calls into question the pursuit of such an operation in such a location.

## 9.8 Traffic Impact

- 9.8.1 I first note that all biomass fuel to service the power station will be delivered via the public road network, as opposed to the principal method of delivery of peat fuel currently by rail.
- 9.8.2 The applicant's predicted traffic volumes onto the existing road network using the 95<sup>th</sup> percentile for HGV deliveries of fuel is estimated at 129 HGV deliveries per day. It is estimated that there would be 100 deliveries per day on average of biomass/peat. The applicant has submitted in Section 12.6.3 of the EIAR that the previous EIS (February 2001) outlined an average number of deliveries by road per day and a maximum number of 74 per day. The applicant submits that, comparing the proposed application to the existing operation, means that on average there will be 26 additional HGV deliveries by road. Notwithstanding predicted estimates of HGV deliveries over a predicted 16 hour day, it is clear that, to replace the fuel type from railway-delivered peat into the site by road-delivered biomass, this will demand a significant increase in HGV deliveries by road to the site if this power station is to function to its required capacity.
- 9.8.3 It is again acknowledged that there is no understanding of where the biomass will be coming from within Ireland or from what specific ports imported biomass will then be delivered by road. Notwithstanding the carrying capacity of the national road network, it is clear that all HGV movements will ultimately end up on the regional road network in this area before accessing the power station site. While I have no particular concerns about the carrying capacity of the national road network, it is the capacity of the regional roads to accommodate the constant delivery of biomass which is the issue of concern.
- 9.8.4 It is noted that Offaly County Council are requiring pre- and post-condition surveys of the R357 associated with the construction phase. The condition of the road, necessary improvement works, and other investment to ensure the

functioning of the road would be expected to be ascertained by such surveys. The regional road network in this area is one that constitutes a series of roads that are frequently narrow, with poor horizontal alignment, and varying degrees of structural condition. The applicant has determined that the R357 would be the main access from the national road network. I note the nearest approach to the M6 motorway to and from the east from Shannonbridge would be via the R444 linking to Clonmacnoise and Moate. This is a very narrow, seriously deficient road in terms of alignment and structure. The applicant has submitted that the use of this road would not form part of the delivery management associated with the development. Noting its accessibility to the M6, I submit to the Board that this road would have to be avoided in any delivery programme due to its serious deficiencies.

9.8.5 I submit that the regional road network east and west of Shannonbridge (R357) is marginally better, with extensive stretches of narrow roads, bridge width restrictions, often poor horizontal alignment and varying degrees of structural condition. Seeking to solely deliver fuel by HGV to fire the power station using this road network once again indicates that this location is anything but ideal in public infrastructural terms and it again questions the selection of such a site for the burning of biomass derived from unknown and varying locations throughout and beyond the State.

9.8.6 The proposed development has been determined to constitute strategic infrastructure. The questions that must be asked are:

Is this a strategically located facility to be accommodating the type of traffic that is integral to the functioning of such a plant?

Are the road links to this site suited to the ongoing, continued, regular servicing of this power station?

It is my submission to the Board that I cannot reasonably give a positive answer to these questions. The change from railway-delivered peat fuel into the site to road-delivered biomass will have significant impacts on the road network in the vicinity of Shannonbridge if the power station is to function to the capacity demanded.

## **9.9 Miscellaneous Issues**

### **9.9.1 Impacts on the Locations where Biomass would originate**

A number of the appellants and An Taisce have raised the issue of the potential impacts on the locations from where biomass would derive. In reality, the Board is in no position to assess any such impacts as there is no understanding of where the biomass proposed to be used would be sourced.

In the context of the Dogwood Alliance referring to a region that is the world's 36<sup>th</sup> biodiversity hotspot, the duties under Article 29 of the recast RED II in relation to sustainability and greenhouse gas emissions saving criteria for biomass fuels, and the need to avoid areas designated for nature protection purposes or for the protection of rare, threatened or endangered ecosystems or species, it is evident that there is no opportunity to consider such impacts in the context of the available information in the application now before the Board.

### **9.9.2 Financial Contributions**

At the Oral Hearing, Offaly County Council pointed out an inconsistency relating to an annual financial contribution being sought in respect of the upkeep of the road network in the vicinity. It was clarified that the contribution being requested was €50,000.

I note that the applicant submitted at the Oral Hearing that the request for a contribution of €50,000 as set out in the Chief Executive's report was considered to be reasonable.

### 9.9.3 Community Gain

I note that Elected Members of Offaly County Council favour the attachment of a community gain condition in the event of a grant of permission for the proposed development. This was reiterated by Cllr. Leahy in his submission to the Oral Hearing.

When deciding to grant permission for strategic infrastructure development, the Board may attach conditions in the normal manner. Such conditions can include one providing for 'community gain' (see section 37G(7)(d) of the Planning and Development Act). This condition could, for example, require the construction or the financing, in whole or in part, of a facility or the provision of a service in the area in which the proposed development would be situated and which the Board considers would constitute a gain to the community. The attachment of such a condition is at the Board's discretion.

I note that West Offaly Power is an established facility. The proposed development seeks ultimately to replace the fuel being burned at the power station, requiring some additional facilities that include storage. It is evident that the most notable change for the local community associated with the proposed development would arise from the delivery of the fuel and a consequential significant increase in vehicular traffic on the public road network. The impact of such development on the structural condition of this road network in the vicinity of the power station would be addressed by the requirement for a financial contribution to maintain the upkeep of this network. A further financial contribution would be unreasonable and excessive, in my opinion.



#### 9.9.4 Delivery Management Plan

Offaly County Council requests that the applicant's Delivery Management Plan shows a more balanced use of the R357 route (Ballinasloe-Blueball via Shannonbridge) both east and west of the village to mitigate impact on the village, with the N62 12km to the east offering alternative routes to Dublin Port, Foynes and other ports. Based upon the information available, there is no true understanding from where the biomass would be coming. Thus, this issue cannot be satisfactorily addressed.

#### 9.9.5 The Main Competitors in the Irish Biomass Market

For an understanding of the biomass market in Ireland, the applicant clarified at the Oral Hearing who the main competitors currently using biomass are. It was submitted:

- The four main panel board manufacturers in the State take approximately 1m tonnes per annum;
- Bord na Móna/Edenderry Power takes approximately half a million cubic metres of biomass per annum; and
- 5 or 6 small scale CHP plants take up 100,000 tonnes per annum.

#### 9.9.6 The Impact of Wind Borne Ash

The appellant Kieran Rock refers to damage done to his boat at the jetty in Shannonbridge from ash associated with the established power generation facility. The applicant in response has noted its obligations under the IE Licence

and that the appellant's complaint had been logged and reported to the EPA. It was noted that the ESB and the EPA investigated the complaint separately and that the EPA subsequently closed the complaint on its system.

I acknowledge that the appellant's concern relates to the functioning of the existing facility and not to the functioning of the proposed development the subject of this appeal. The functioning of the proposed operation now before the Board would be subject to a review of the IE Licence and the control of emissions would be a matter for consideration by the Environmental Protection Agency.

#### 9.9.7 Adequacy of Licensing and Legislative Provisions

Concerns have been raised by third parties in the appeal submissions and at the Oral Hearing relating to the IPC licensing regime and the adequacy of the European Union (Environmental Impact Assessment) (Peat Extraction) Regulations 2019. I note that the adequacy of such provisions are not a matter for the Board to determine in this planning application.

#### 9.9.8 Procedural Issue

Friends of the Irish Environment raised a preliminary procedural point in its submission to the Oral Hearing concerning the time pressure on the third party to address the points raised by the applicant at the Hearing and hence to participate effectively.

The Board will note the following procedures adopted for the Hearing included:

- The applicant was permitted to give a very brief overview of the proposed development and to provide responses to the individual written third party appeals and observations that have been received by the Board. The

applicant was expressly requested to focus on its responses to the appeals and to note that the complete application and all submissions to date could be taken as read. Thus, the applicant was not permitted to give an overview of the content of the Application, the EIAR, the NIS or other such application details.

- The third parties were requested to give responses to the Applicant's response at the Oral Hearing. Each Third Party was afforded the opportunity to raise any outstanding questions after the making of their individual submissions.

The logic of this approach was to ensure that the Inspector's obligations under Section 135(2) of the Planning and Development Act were met and, therefore, to ensure that there was no repetition of information that was already before the Board at that stage of the application process. I note for the Board that no other parties to the appeal raised any such procedural points. The appellant was accommodated throughout the Oral Hearing in terms of attaining hard copies of information, facilitated in the timing and conclusion of its deliberations, and in addressing outstanding matters with the applicant.

#### 9.9.9 Observer Fee

Mr. Sweetman raised a concern that the observer fee paid by him will be credited to the ESB, notwithstanding the decision of the Board, and argued that this is contrary to European law. He submitted that the Board has no right to take the fee off him.

As a new observer to the planning application process when permitted to make an observation at the Oral Hearing, an observer is required to pay a statutory fee. The observer did so in accordance with legislative requirements. Matters such as

how fees collected are subsequently utilised by the Board do not form part of my deliberations in this planning assessment.

## 10.0 CONCLUSION

Having regard to my assessment above, my principal findings are as follows:

- Arising from the Environmental Impact Assessment, I note that there are potentially very significant adverse impacts likely to arise from the development of West Offaly Power to a biomass burning energy facility. These include impacts on climate change by way of continued burning of peat, transportation impacts, impacts on water from continued peat exploitation, and noise. The unknown factor relating to biomass fuel as an alternative fuel is a significant concern also. It cannot reasonably be determined that the main direct and indirect effects of the proposed development on the environment would be mitigated.
- In relation to Appropriate Assessment, while the proposed development of the station and the ash disposal facility to allow for the facility to function would not, either alone or in combination with other projects and plans, adversely impact the integrity of any European Sites, the indirect effects on European Sites arising from the utilisation of the supply bogs cannot be conclusively determined. Furthermore, in light of the lack of any information on the sources of biomass, one cannot determine the effects of the sourcing of this fuel on European Sites.
- In 2020, Ireland will fail its requirements under the EU Renewables Directive 2009/28/EC. The recast Directive of December 2018 (Renewable Energy Directive 2018/2001) places even greater demands on the State. Given the failure to date on renewable energy, there an

obligation to eliminate the use of fuels that contribute most to the State's high levels of greenhouse gas emissions. The wide range of plans, frameworks, reviews, etc. that inform national policy do not support the burning of peat as a fuel source for electricity generation. There is an urgency to cease such burning in the immediate term. The proposed development does not facilitate this as it is pursuing the continued burning of peat up to 2027.

- Whilst West Offaly Power has received approval from the Department of Communications, Climate Action and Environment for REFIT3 support for co-firing with peat and biomass to 2030 in 2017, reporting from national authorities on climate change and their most recent informed opinion, such as from the Climate Change Advisory Council and the EPA, consider co-firing of peat to be wholly misplaced. Continuing burning of peat will add to, not reduce, greenhouse gas emissions.
- Greenhouse gas emissions reductions must be pursued in a cost-efficient manner. Fuels such as peat, with a high carbon content, are more costly and require replacement. There can be no reasonable public acceptance of penalties arising from any continued use of peat burning to service the energy sector.
- Legislative provisions and policy guidance demands any alternative fuel to be used at West Offaly Power to be 'sustainable'. While accepting biomass is determined under RED II to be a renewable energy fuel, the 'sustainability' of this alternative is seriously in question. There is no adequate indigenous biomass supply in Ireland. There is no discernible strategy to develop a biomass industry in the State. There is no practical understanding of the extent of any potential remaining available biomass supplies in the current market and there is a complete lack of understanding of what may be otherwise available to service the proposed

development in terms of volumes, where it is coming from and who will be supplying the biomass.

- There can be no support for the development of a rejuvenated peat-burning power plant to transition to biomass in isolation of an adequate indigenous supply of sustainable biomass to fuel the plant.
- The unsustainably high dependence on imported biomass is not supported by EU and national policy.
- The siting of the existing plant in the Midlands, away from ports, and as a facility dependent on the importation of biomass from global markets, is misplaced. It would lead to unsustainably high volumes of HGV movements across the State to serve this development.
- The applicant has known for a number of years that the supports for the burning of peat would not be sustained into the future and that this would result in a significant impact on employment for those associated with the harvesting, handling, and delivery of peat. To use the socio-economic impact of job losses at this time is unacceptable as a significant planning issue in this application to deliver on a 'transition' to biomass burning.
- A 'Transition' that allows for the continued burning of peat is contrary to the concept of renewable energy production and ignores the necessity to take urgent action to address greenhouse gas emissions. There is no acceptable timeframe for a 'transition' in this instance.
- The feeding of the power plant by biomass delivered by HGV via the village centre of Shannonbridge and the power plant's main entrance would culminate in a potential significant impact for the amenity of the village of Shannonbridge and for its residents by way of traffic impact, nuisance and disturbance. The siting of the power plant behind a village

centre, away from ports, and away from the State's main road networks, with a regularity of delivery of biomass demanded to allow it to function, calls into question the pursuit of such an operation in such a location.

- Replacing the fuel type from railway-delivered peat into the site by road-delivered biomass will demand a significant increase in HGV deliveries by road to the site if the power station is to function to its required capacity. All HGV movements will be required to use the regional road network in this area before accessing the power station site. The regional road network in this area is one that constitutes a series of roads that are frequently narrow, with poor horizontal alignment, and varying degrees of structural condition. Notwithstanding its accessibility to the M6 motorway, the R444 Regional Road linking to Clonmacnoise and Moate, due to its width restrictions, and poor alignment and structure, would require to be avoided in any delivery programme in the interest of traffic safety. In addition, the eastern entrance to the power station site, due to its width restrictions and inadequate junction with the R357 would require to be avoided in any delivery programme in the interest of traffic safety. The R357 has infrastructural deficiencies in terms of sections of narrow roadway, bridge width restrictions, sections of route with poor horizontal alignment and varying degrees of structural condition. Seeking to solely deliver fuel by HGV to fire the power station using this road network indicates the unsuitability of the location in terms of the adequacy of public infrastructure to meet the needs of this development in a sustainable manner into the future. The proposed change from railway-delivered peat fuel into the site to road-delivered biomass will, therefore, have significant impacts on the road network in the vicinity of Shannonbridge if the power station is to function to the capacity demanded.

## 11.0 RECOMMENDATION

I recommend that permission is refused for the proposed development in accordance with the following reasons and considerations:

### Reasons and Considerations

1. It is considered that the provision of a regionally significant power generating facility, dependent upon the burning of a fuel imported into the facility, needs to be associated with and aligned with strategic energy management, planning and renewable energy policies and plans in order to achieve balanced, orderly development. Furthermore, it is considered that the development of such energy infrastructure pursuing optimum sustainable utilisation of renewable energy emanating from the power production process is required in order that such development positively contributes to the environment and that the siting of such development, with accessibility to the supply network of the intended fuel sources, is appropriately located. Finally, it is considered that the cessation of the use of peat as a fuel is essential in addressing the generation of excessive greenhouse emissions from the established facility to assist in meeting the State's climate change obligations in the energy sector.

Having regard to:

- The national requirements under the EU Renewables Directive 2009/28/EC relating to the share of energy from renewable sources and to the increased obligations under the recast Renewable Energy Directive (2018/2001);
- National policy provisions supporting the cessation of the burning of peat as a fuel source for electricity generation;



- The dependence of the proposed development on the continuance of peat burning and adding to greenhouse gas emissions, notwithstanding any transition period;
- The requirement for the alternative fuel to be used to be 'sustainable' to produce renewable energy;
- The inadequacy of the indigenous biomass supply in the State to serve the proposed development;
- The lack of any discernible strategy to develop a biomass industry in the State to serve the proposed development;
- The unsustainably high dependence on imported biomass contrary to EU and national policy;
- The siting of the existing power plant in the Midlands, away from ports, and as a facility dependent on the importation of biomass from global markets, leading to unsustainably high volumes of HGV movements across the State to serve the development; and
- The likely significant impact for the amenity of the village of Shannonbridge and for its residents by way of traffic impact, nuisance and disturbance due to the servicing of the power station by transported biomass,

it is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to:

- the nature and scale of the proposed development,
- the proposed replacement of the fuel type from railway-delivered peat to road-delivered biomass,
- the quantity of biomass proposed to be used at the facility,
- the transportation movements generated in the sourcing of the biomass and in the distribution of end product,
- the deficiencies in the regional road network to serve the ongoing delivery by HGVs of biomass to the plant due to the extent of narrow road widths, bridge width restrictions, poor horizontal alignment, and structural condition, and
- the inadequacy of the access provisions to the east of the site and the consequent reliance on the main entrance resulting in significant volumes of HGV traffic through the village centre of Shannonbridge,

it is considered that the proposed fuelling of the power plant by biomass would give rise to unsustainable transportation movements on a substandard regional road network and would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore

Senior Planning Inspector

7<sup>th</sup> May, 2019.

## APPENDIX 1 - OUTLINE REPORT OF THE ORAL HEARING

***An Bord Pleanála Ref.:*** ABP-303108-18

***Development Proposal:*** West Offaly Power – Transition from Peat to Biomass Fuel

***Venue:*** Tullamore Court Hotel, Tullamore, Co. Offaly

***Dates:*** 16<sup>th</sup> April, 2019

***In Attendance:***

**FIRST PARTY**

**Electricity Supply Board**

Mr. Rory Mulcahy	Senior Counsel
Mr. Jim Murray	ESB Station Manager, West Offaly Power
Mr. Paul Cullen	Commercial Workstream Project Manager, ESB
Dr Paddy Kavanagh	Air & Climate Consultant
Mr. Martin Deegan	Traffic and Transportation Consultant
Mr. Geoff Hamilton	Ecology Consultant
Dr Andrew R. McKenzie	Noise Consultant

**PRESCRIBED BODIES**

Offaly County Council	Mr. Andrew Murray, Senior Planner
	Mr. John Mitchell, Birr Area Engineer
National Parks and Wildlife Service	Ms. Ciara Flynn, Divisional Ecologist
An Taisce	Mr. Ian Lumley, Built Environment & Heritage Officer

## **APPELLANTS**

Friends of the Irish Environment

Mr. John Kenny, Barrister

Friends of the Earth

Mr. John Kenny, Barrister

## **OBSERVERS**

Cllr John Leahy, Offaly County Council

Mr. Michael Hoey

Mr. Peter Sweetman, Environmentalist

**NOTE 1:** All of the proceedings of the Oral Hearing are recorded and the recording is available on the Board's network. What follows below is a brief outline of the proceedings. This outline is proposed to function as an aid in following the recording.

**NOTE 2:** The Applicant responded to each of the Prescribed Bodies, third party and observer submissions at the Oral Hearing and this was followed by clarifications from the Applicant that were sought by the Prescribed Bodies and third parties.

**NOTE 3:** The assessment in my main report makes reference to details submitted in evidence at the Oral Hearing.

**NOTE 4:** For a list of prepared texts and other submissions given to the Inspector at the Oral Hearing see the end of this brief outline. These submissions have been numbered and references to same in the outline below directly relate.

## **Opening of Hearing**

At the outset of the Hearing I outlined the nature and extent of the proposed development, the prescribed bodies' and third party appeals' submissions received by the Board, and set out the Order of Proceedings.

## **The Proceedings**

### ***The Applicant's Submissions***

#### **Opening Submission**

Mr. Rory Mulcahy SC noted that the observer objections submitted to the Board fell under three broad categories, namely policy/principle, legal/procedural, and environmental. Compatibility with established policy and REDII, adequate consideration of alternatives, the supply bogs and the environmental effects of the use of biomass, the adequacy of Appropriate Assessment, and clarification on road ownership were addressed.

#### **Project Description**

Mr. Jim Murray provided an overview of the existing power generation facility and detailed the provisions of the proposed development.

#### **Biomass**

Mr. Paul Cullen addressed submissions received by the Board relating to biomass sustainability, the biomass sources, biomass and greenhouse gas emission saving, and the EU Emissions Trading Scheme.

In response to questions from the Inspector, Mr. Cullen produced documentation that included information on REFIT 3, a Department of Communications, Energy & Natural Resources publication “Consultation on amendments to the REFIT 3 terms and conditions”, and a copy of Annex VI of recast RED II.

#### **Air & Climate**

Dr Paddy Kavanagh addressed submissions received by the Board relating to wind borne dispersal of hot ash, the adverse climate impact of the proposed development, the necessity for the Board to have regard to the Climate Action and Low Carbon Development Act 2015, and air pollution.

#### **Biodiversity / Natura Impact Statement**

Mr. Geoff Hamilton addressed submissions received by the Board relating to the impact of the cooling water discharge, the status of bog rehabilitation plans, the extent of a required buffer between supply bogs and protected sites, impact of surface water quality from discharges from supply bogs, cumulative impacts arising from third party peat extraction, and meeting River Basin Management Plan objectives.

Further to the raising of river quality data raised by NPWS, Mr. Hamilton provided details of selected waterbody examples across four supply bogs groups.

#### **Traffic and Transport**

Mr. Martin Deegan addressed submissions received by the Board relating to traffic estimates, financial contributions, traffic impact on the existing bridge at Shannonbridge, the proposed Delivery Management Plan, the impact of HGV



traffic on the village of Shannonbridge, the wider traffic impacts, the safety of the northerly route into the power station, and the HGV supply route traversing a private road.

## **Noise**

Dr Andrew R. McKenzie addressed submissions received by the Board relating to Chapter 9 of the EIAR, mitigation measures, attachment of conditions, the potential for noise nuisance at sensitive receptors and assessment of impacts, noise impacts at night, and HSE recommendations.

### ***Submissions from Prescribed Bodies***

#### **Offaly County Council**

Mr. Andrew Murray referenced the Chief Executive's report to the Board and Elected Members' views. Clarification was given on a financial contribution relating to the upkeep of the road network.

Mr. John Mitchell noted the context of the accesses from Shannonbridge village to the power station, namely the main junction adjoining a church and playground, and the unknowns in relation to delivery of biomass with regard to the indigenous supply.

#### **National Parks and Wildlife Service**

Ms. Ciara Flynn noted that the River Basin Management Plan was referenced as mitigation in the NIS. Acknowledging Mr. Hamilton's submission on water quality in reference to Monettia Bog, she requested that similar water quality information

could be provided on other waterbodies close to other peat extraction bogs associated with the development.

(The Board will note that the applicant provided further details on other waterbodies – see *Additional Submission G*).

### **An Taisce**

Mr. Ian Lumley made a submission referencing the need for Strategic Environmental Assessment arising from a national programme developing for biomass transition, the energy efficiency of the proposed development, EIA and AA in the context consideration of alternatives, the rehabilitation of supply bogs, the adequacy of the assessment of ecological impacts of the ash disposal facility, the ecological impact of continued peat extraction, including the adequacy of supply bog surveys and the prematurity of the application pending a new licensing regime.

### ***Appellants' Submissions***

Mr. John Kenny BL, on behalf of Friends of the Irish Environment, initially raised a preliminary procedural point relating to the adequacy of time given to consider the applicant's submissions to the hearing and a preliminary substantive point relating to the applicant's framing of the climate aspects of the proposal being misconceived and misleading. It was argued that the choice facing the Board is not between a plant that burns 100% peat and permitting a plant that burns some biomass and some peat but rather is between permitting a peat and biomass plant on the one hand and refusing permission on the other, i.e. between using the most carbon intensive form of fuel known to man and no emissions at all. The submission also referenced the question of project-splitting and a recent

Supreme Court judgement, biomass provisions of RED II being under challenge before the EU General Court, the lack of consideration by the applicant of FIE's point that the climate change section of the EIAR is inadequate, the lack of consideration of the fundamental rights arguments, and obligations under the Climate Action and Low Carbon Development Act 2015.

Mr. John Kenny BL read into the record a prepared submission on behalf of Friends of the Earth. This referenced the inadequacy of the environmental assessment of impacts of the extraction and burning of peat, particularly the contribution of peat burning to climate pollution, the unsustainability of peat in electricity generation, the lack of information on the sources of biomass and the potential impacts resulting from this, and concerns about an indigenous biomass supply.

The Board will note that there were no third party submissions made to the Oral Hearing by Rosanne Walker, Kieran Rock, or Dogwood Alliance.

### ***Observer Submissions***

Three new observations were made at the Oral Hearing as follows:

Cllr John Leahy, Offaly County Council, made an observation relating to the need for a financial contribution for the public road network, the timing of HGV movements, recording HGV volumes, and the need for a local contribution fund for additional inconvenience that would be experienced by residents.

Mr. Michael Hoey raised concerns that included matters relating to the nature and extent of the application, the direct and indirect effects of the proposal, the

need for a remedial EIS, the need for SEA, cumulative effects, the fuel source, alternatives, and connectivity with the Barrow Nore SAC.

Mr. Peter Sweetman referenced the Board's requirement to adhere to European law, the EU peat extraction regulations being non-compliant with the law, the inadequacy of the applicant's AA screening, the lack of screening of the traffic, non-compliance of IPPC licensing with European law (the Habitats Directive), and he disputed the fee of his observation being credited to the ESB as it was not in accordance with European law.

### ***Concluding Remarks***

Concluding remarks were received from Mr. John Kenny BL on behalf of Friends of the Irish Environment, Mr. Ian Lumley on behalf of An Taisce, Mr. Andrew Murray on behalf of Offaly County Council, and Mr. Rory Mulcahy on behalf of ESB.

The inspector informed the parties to the Oral Hearing that a report would be prepared, would be forwarded to the Board and the Board would issue its decision to all parties and observers in due course.

The Oral Hearing was then formally closed.

## **SUBMISSIONS AT ORAL HEARING**

The following is a complete schedule of copies of prepared submissions to the Oral Hearing and other references given to the Inspector:

### **Applicant's Submissions**

1. Mr. Rory Mulcahy – Opening Submission
2. Mr. Jim Murray – Project Description
3. Mr. Paul Cullen - Biomass
4. Dr Paddy Kavanagh – Air & Climate
5. Mr. Geoff Hamilton – Biodiversity / Natura Impact Statement
6. Mr. Martin Deegan – Traffic and Transport
7. Dr Andrew R. McKenzie - Noise

### **Prescribed Bodies' Submissions**

1. Mr. Andrew Murray – Offaly County Council Opening Statement
2. Mr. Ian Lumley – Submission by An Taisce to West Offaly Power Oral Hearing, April 2019
3. Mr. Ian Lumley – An Taisce Concluding Remarks

### **Appellants' Submissions**

1. Mr. John Kenny BL – Friends of the Irish Environment's reply to points raised by the ESB (Applicant) at oral hearing regarding West Offaly Power Station
2. Mr. John Kenny BL – FIE's Closing Statement

### **Observers' Submissions**

1. Cllr John Leahy – Submission
2. Mr. Michael Hoey - Submission

#### *Additional Submissions:*

- A. An Taisce – Article: *"Farmers dismayed as future of power plant in question after poor energy rating"*
- B. Mr. Paul Cullen, ESB - Additional information on Biomass
- C. ESB - Additional Information: *Renewable Energy Feed in Tariff: A Competition for Energy Generation – from Biomass Technologies 2010-2015*
- D. ESB - Additional Information: Department of Communications, Energy & Natural Resources *Consultation on amendments to the REFIT 3 terms and conditions*

- E. ESB - Additional Information: *Important Notice for REFIT 3*
- F. ESB - Additional Information: Annex VI, RED II - *Rules for Calculating the Greenhouse Gas Impact of Biomass and their Fossil Fuel Comparators*
- G. ESB - Additional Information: Review of Hydrometric Areas
- H. ESB – Biomass Samples

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Kevin Moore

Senior Planning Inspector

7<sup>th</sup> May, 2019