



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310334-21

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| <b>Development</b>               | Open Cycle Gas Turbine plant and ancillary connection infrastructure                              |
| <b>Location</b>                  | Tynagh Power Station complex,<br>Derryfrench, Tynagh, Loughrea, Co.<br>Galway                     |
| <b>Prospective Applicant</b>     | Forestdream, Limited.   |
| <b>Planning Authority</b>        | Galway County Council   |
| <b>Type of Application</b>       | Pre-Application Consultation under<br>37B of the Planning and Development<br>Act 2000, as amended |
| <b>Site Inspection</b>           | 21 <sup>st</sup> July 2021  |
| <b>Pre – application meeting</b> | 22 <sup>nd</sup> July 2021  |
| <b>Inspector</b>                 | Sarah Lynch   |

## **1.0 Pre-Application Consultation**

- 1.1. The Board received a request on 19<sup>th</sup> May 2021 from Forestdream Limited to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, in relation to proposed development at Tynagh Power Station complex, Derryfrench, Tynagh, Loughrea, Co. Galway.

## **2.0 Site Location and Description**

- 2.1. The site is located within the Tynagh Power Station C. 1.5km north of Tynagh Village. The proposed development is c. 2.91ha and sits within the historic Tynagh mining complex. The site which is located adjacent to the power station building is currently utilised as a car park, warehouse and administrative building. The proposed development will necessitate the relocation of these buildings and uses within the overall power station site.
- 2.2. The site is currently screened by mature planting and the stacks are visible from the surrounding lands. There is a large water body to the southeast of the power station which formed part of the historic mine site.
- 2.3. The development site is accessed via a local road (L-4310) south of the N65 and is surrounded by agricultural fields. A limited number of rural houses are present in the vicinity of the power station with linear development increasing towards the N65.
- 2.4. The lands in the surrounding area are relatively flat and the predominant use is agriculture.

## **3.0 Proposed Development**

- 3.1. It is proposed to develop an Open Cycle Gas Turbine which will be fuelled by natural gas. The development will operate as a peaking plant which will be run for short periods of time when there is insufficient electricity being generated from renewable technologies to meet the country's needs.
- 3.2. The development will comprise a single gas turbine and a single alternating current generator which will be housed in separate acoustic enclosures with ventilation ducts. The turbine will have an exhaust stack the exact height of which will be determined

from air quality modelling. The turbine will have a containerised control module which will house the turbine controls and a containerised electrical module which will supply power to the turbine and associated auxiliary systems.

3.3. The overall footprint of the power generating unit and associated equipment will be approximately 3,800m<sup>2</sup>. A bunded diesel plant will be required under the Grid Code and an expansion of the current AGI of 1,347.5sqm will also be required to facilitate the development.

3.4. A 50 metre gas line is required within the site to connect to the proposed development.

#### **4.0 Planning History**

4.1. The development site forms part of the Tynagh Power Station which was permitted by Galway County Council under GCC planning reference 03/2943 and 04/2511.

4.2. The existing gas AGI was also permitted by Galway County Council under 04/2193

#### **5.0 Applicant's Case**

5.1. The prospective applicant's case can be summarised as follows:

- The maximum power output of the proposed OCGT will be 299MW, which does not constitute 'Seventh Schedule' energy development under the Planning and Development Act.
- Development as per 37(A)2 is not of a nature and scale that would constitute strategic infrastructure.
- The plant will be a peaking plant and will not contribute substantially to the fulfilment of national and regional planning objectives. It is not of strategic economic or social importance to the state or region.
- The development is wholly in the administrative area of Galway County Council and will not have a significant effect on the area of more than one planning authority.
- Connection infrastructure is ancillary and is of a lesser scale than similar development that has been confirmed as ancillary by ABP.

- The applicant submits that the proposed development does not constitute Strategic Infrastructure Development.

## 6.0 Consultations

- 6.1. One pre-application meeting was held with the prospective applicant on the 22<sup>nd</sup> July 2021. The Record of the meeting is attached to the file. One presentation was made to the Board's representatives at the meeting which is also attached to the file. The principal matters arising related to the need for the proposal, the planning history of the site, alternatives considered and the issues pertaining to the development in terms of local planning policy, community engagement, potential environmental impacts.

## 7.0 Legislative Provisions

- 7.1. Section 2(1) of the Planning and Development Act 2000, as amended ('the Act'), defines 'strategic infrastructure' as including, *inter alia*:

“any proposed development referred to in section 182A(1)”

- 7.2. Section 37A of the Act states that:

“(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

(c) the development would have a significant effect on the area of more than one planning authority.”

7.3. Under subsection 182A(1) of the Act, where a person (the ‘undertaker’) intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare, or cause to be prepared, an application for approval of the development under section 182B and shall apply to the Board for such approval accordingly.

7.4. Subsection 182A(9) states that:

“...‘transmission’, in relation to electricity, shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of—

(a) a high voltage line where the voltage would be 110 kilovolts or more, or

(b) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.”

7.5. The following definitions, as set out in section 2(1) of the Electricity Regulation Act, 1999, as amended, are noted:

- **‘Transmission’:**

“...the transport of electricity by means of a transmission system, that is to say a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity from a generating station to a substation, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board<sup>1</sup> may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board.”

- **‘Distribution’:**

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<sup>1</sup> For clarity, references to the ‘Board’ in this instance relate to the Electricity Supply Board.

“...the transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switch gear and which is used for conveying electricity to final customers.”

- **‘Electric plant’:**

“...any plant, apparatus or appliance used for, or for the purposes connected with, the generation, transmission, distribution or supply of electricity other than —

(a) An electric line

(b) a meter used for ascertaining the quantity of electricity supplied to any premises, or

(c) an electrical appliance under the control of a consumer”

- **‘Electric Line’:**

- Section 2(1) of the 1999 Act, as amended, states that ‘electric line’ has the meaning assigned to it by section 4(1) of the ESB (Electronic Communications Networks) Act 2014. The definition set out in s. 4(1) of the 2014 Act is as follows:

“...any line which is used solely or amongst other things for carrying electricity for any purpose and as including—

(a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line may be supported, carried or suspended,

(b) any apparatus connected to or associated with any such line for the purpose of carrying electricity or electronic communications services, whether such apparatus is owned by the Board or by any company referred to in section 2 or by a company which has been provided access or services referred to in section 3, or

(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) which is used for the purpose of carrying electricity or electronic communications services and which surrounds or supports or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line.”

## 8.0 Planning Policy

### 8.1. Project Ireland 2040: National Planning Framework

#### 8.1.1. National Planning Objective 54:

“Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.”

### 8.2. Regional Spatial Economic Strategy for the Southern Region 2040

#### RPO 96 - Integrating Renewable Energy Sources

It is an objective to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate a renewable energy sources and ensure our national and regional energy system remains safe, secure and ready to meet increased demand as the regional economy grows.

### 8.3. Galway County Development Plan

- Section 7.5 Energy and Renewable Energy Policies and Objectives

**Policy ER 3** – Security of Supply Facilitate the strategic goal of effective balanced regional development through the implementation of policies that will deliver reliable and effective energy networks and electricity grid for the West Region including County Galway, minimising environmental impact by: a) Promoting and supporting the provision of secure and efficient energy supply and storage including electricity, gas, and renewable energy including wind, wave/tidal, solar, bio-energy and heat energy distribution; b) Supporting infrastructural renewal, strengthening and development of strategic electricity networks within the County, as provided for under Eirgrid’s Grid25 Strategy, including Eirgrid’s Grid West project;

**Objective ER 1** – Electricity and Renewable Energy Infrastructure Support the development and expansion of infrastructure for the generation, storage, transmission and distribution of electricity, renewable energy and other renewable energy proposals in suitable locations in County Galway.

**Objective ER 2** – Priority Transmission Infrastructure Projects Facilitate the progression of and implement improvements to the existing electricity networks

and facilitate the development of new transmission infrastructure projects in accordance with EirGrid's Grid25 Strategy that might be brought forward during the lifetime of this plan, subject to relevant Irish planning and European environmental legislation including Article 6 of the Habitats Directive and/or other environmental assessment.

## 9.0 Assessment

### 9.1. Strategic Infrastructure

9.2. This pre-application consultation concerns the development of an Open Cycle Gas turbine which will operate as a peaking plant for short periods of time when there is insufficient electricity being generated from renewable technologies. The development will occur within an area of 2.9ha which will be entirely located within the existing Tynagh Power Station site.

9.3. It is important to note at the outset that the prospective applicant submitted written clarification following the pre application meeting, clarifications referred to the operating of the plant and the means by which the power generated from the plant would be restricted mechanically. This clarification also referred to 7<sup>th</sup> Schedule development thresholds which will be examined hereunder.

9.4. It is stated by the prospective applicant that the proposed development will generate a maximum of 299MW of power when required 297MW of which will be directly exported onto the grid. Thresholds within the 7<sup>th</sup> Schedule to which Section 37B refers, specify that development for the purpose of 37A or 37B include the development of 'a *thermal power station or other combustion installation with a total energy output of 300 megawatts or more*'. The prospective applicant stated at the pre application meeting that the proposed development would not exceed 299MW of power generation and is therefore below the threshold outlined within the 7<sup>th</sup> Schedule. Further written clarification was submitted to the Board following the meeting in which it is stated that the key components of the electrical system will be designed for a maximum export load of 297MW net output (299MW gross power generation) and will not be rated to exceed this amount.

9.5. It is further stated that the gas turbine will be designed to produce the specific energy output that is proposed (up to 299MW gross output) and will be limited to this maximum



output via a hard-wired control system. It is stated by the prospective applicant that it will not be physically possible for the unit to exceed this output.

9.6. The 7<sup>th</sup> Schedule also refers to a number of thresholds which the prospective applicant has addressed within the written clarification submitted and includes the following:

- *'an industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more'.*

9.7. It is stated that there is no heat output in the form of steam or hot water produced by the OCGT the only useful energy is electricity.

- *An industrial installation for carrying gas, steam or hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables, where the voltage would be 220 kilovolts or more, but excluding any proposed development referred to in section 182A*

9.8. The prospective applicant states again that there is no heat output in the form of steam or hot water produced by the OCGT. With regard to electricity transmission, cabling is entirely ancillary to the OCGT, is within the site redline boundary only and will extend a short distance carrying electricity underground from the OCGT main transformer to a new bay of the existing on-site electrical substation. It is submitted that the proposed development does not fall within this criterion.

9.9. The prospective applicant referred to the need for a secondary fuel storage area within the site in the case of an emergency power failure and examined the relevant threshold of the 7<sup>th</sup> Schedule in this regard within the written clarification submitted.

- *An installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes.*

9.10. It is stated by the prospective applicant that the OCGT Plant Secondary Fuel Storage Capacity is 5,125 tonnes (6,000 m<sup>3</sup>) this is in addition to the CCGT plant which maintains its own separate secondary fuel store will a capacity of 10,600m<sup>3</sup>. Combined fuel storage is significantly below 7<sup>th</sup> Schedule threshold and is therefore not relevant to the proposed development.

9.11. It is of note that there is no storage of natural gas proposed and in terms of the cumulative output of power it is stated that the proposal is not to increase the capacity of the power station, it is for a new separate installation which will operate entirely

independently, supplying power to the grid independently through separate transformers and substation bays.

- 9.12. With regard to transmission, the proposed development will connect to existing infrastructure on the site such as the gas pipeline and the electricity substation is stated to be ancillary to the proposed OCGT and the prospective applicant has confirmed that no new transmission infrastructure is being created. I draw the Board's attention to the prospective applicant's contentions that the proposed development is similar to a number of previous proposals in other locations where the Board determined that the development of such infrastructure was ancillary to the overall development and did not fall within provisions of section 182A of the Act ABP Ref: 307081 and 307080.
- 9.13. In this regard I note that the proposed development will not create a new node on the network and merely distributes electricity from the OCGT to the existing substation and associated transmission lines on site and is therefore ancillary infrastructure to the existing power station. Given that the proposal does not comprise of transmission within the meaning of the Act I am satisfied that it does not constitute strategic infrastructure as per section 182A of the Planning and Development Act 2000, as amended.
- 9.14. Having regard to the foregoing and taking into account the relevant thresholds outlined within the 7<sup>th</sup> Schedule and the parameters set out in section 182 A of the Planning and Development Act 2000, as amended, I consider that the elements of the proposed development do not fall within either section 182A of the Act or within the 7<sup>th</sup> Schedule thresholds.
- 9.15. With regard to Section 37A of the Planning and Development Act, as amended, I consider given the nature of the proposed development which seeks to provide a peaking plant within an existing power station in which no new transmission infrastructure is proposed, and which will operate independently of the power station, that the proposed development would not be of strategic economic or social importance to the State or the region in which it would be situate.
- 9.16. I further note that the proposed development would not have a significant effect on the area of more than one planning authority and it would not contribute **substantially** to the fulfilment of any of the objectives in the National Planning Framework or in any

regional spatial and economic strategy in force in respect of the area or areas in which it would be situate.

- 9.17. I conclude that the proposed development consisting of the Open Cycle Gas Turbine plant and ancillary connection infrastructure within the Tynagh Power Station complex, Derryfrench, Tynagh, Loughrea, Co. Galway does not fall within the scope of section 37 B or section 182A of the Planning and Development Act 2000, as amended.

## 10.0 Recommendation

I recommend that Forestdream Ltd be informed that the proposed development consisting of Open Cycle Gas Turbine plant and ancillary connection infrastructure as set out in the plans and particulars received by An Bord Pleanála on the 19<sup>th</sup> May 2021, does not fall within the scope of section 37A or section 182A of the Planning and Development Act 2000, as amended, and that a planning application should be made in the first instance to Galway County Council.

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Sarah Lynch  
Senior Planning Inspector

18/08/21