



An
Bord
Pleanála

Inspector's Report

ABP-311877-21

Development	Construction of a 293 MW Power Station and all associated site works.
Location	Lands at Kilshane, Co Dublin
Prospective Applicant	Kilshane Power Ltd
Planning Authority	Fingal County Council
Type of Application	Pre-Application Consultation under 37B of the Planning and Development Act 2000, as amended
Inspector	Una Crosse

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 4th November 2021 from Kilshane Power 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 lands at Kilshane, Co. Dublin.

2.0 Site Location and Description

- 2.1. The subject site is located within a 28.87-hectare landholding and is located on lands at Kilshane Cross which is west of the N2 and Dublin Airport and is adjoined by agricultural lands. The Huntstown Power Station is situated c.800 metres to the southeast of the subject site.

3.0 Proposed Development

- 3.1. The development as proposed by the prospective applicant in the documentation received comprises the following elements:
- Realignment of a portion of the Old Ashbourne Road Finglas within the site boundary and inclusive of the roundabout and entrance;
 - A gas-fired combined cycle gas turbine electricity generation station with an output of 293 Megawatts which includes:
 - a turbine,
 - 28 metre high exhaust stack,
 - two air cooled condenser units,
 - administration and control building,
 - workshop,
 - stores,
 - above ground installation block,
 - fuel gas area,
 - electrical module for fuel gas area,

- step up transformer,
- black start diesel generator,
- transfer compound,
- three reserve fuel storage tanks and recessed bund area,
- miscellaneous plant and equipment,
- 27 staff car parking spaces,
- site and landscaping works,
- wastewater treatment plan, and
- all other engineering elements

4.0 Planning History

4.1. None of relevance to the site.

4.2. Ref. [ABP-310334-21](#) – the Board determined in September 2021 that the proposed development of an Open Cycle Gas Turbine plant and ancillary connection infrastructure at Tynagh Power Station in County Galway did not fall within the scope of Section 37A as the output at 299MW was less than the 300MW threshold.

5.0 Applicant's Case

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

- Proposal considered in context of National Planning Framework, Regional Spatial Economic Strategy, Fingal Development Plan and other applicable S28 Guidelines.
- Lands are zoned HI – Heavy Industry in current Fingal Development Plan and are located within Noise Zones A & B as per Variation 1 of the Fingal Development Plan.
- The proposal does not constitute 'Seventh Schedule' energy development under the Planning and Development Act as it is below the threshold in the criteria listed.

- The proposal provides for a 293 Megawatts output (less than the 300 megawatts limit) and there are no overhead cables proposed
- For this reason, the prospective applicant submits that the proposed development does not constitute Strategic Infrastructure Development.
- Noted that an application for a Gas Insulated Switchgear station on the landholding is proposed to be lodged under a separate Strategic Infrastructure application.

6.0 Consultations

6.1. None required.

7.0 Legislative Provisions

7.1. 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.

7.2. The Seventh Schedule includes the following in respect of energy Infrastructure:

- *A thermal power station or other combustion installation with a total energy output of 300 megawatts or more.*
- *An industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more.*

7.3. Section 37A(2) states 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.”

8.0 Planning Policy

8.1. Project Ireland 2040: National Planning Framework

National Planning Objective 54 seeks to *“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 Eastern and Midland Region

In relation to Energy, the RSES states at Section 10.3 that *“a secure and resilient supply of energy is critical to a well-functioning region, being relied upon for heating, cooling, and to fuel transport, power industry, and generate electricity. With projected increases in population and economic growth, the demand for energy is set to increase in the coming years”*.

RPO 10.20 seeks to *“support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process”*.

8.3. Fingal County Development Plan 2017-2023

8.3.1. Zoning

The site is zoned HI – the objective of which is to provide for heavy industry. The vision for the zone is to “*facilitate opportunities for industrial uses, activities and processes which may give rise to land use conflict if located within other zonings. Such uses, activities and processes would be likely to produce adverse impacts, for example by way of noise, dust or visual impacts. HI areas provide suitable and accessible locations specifically for heavy industry and shall be reserved solely for such uses*”.

8.3.2. Other Relevant Considerations

The site is within Noise Zones A& B for Dublin Airport as per Variation 1 of the current Plan.

9.0 Assessment

9.1. Strategic Infrastructure

9.1.1. This pre-application consultation concerns the development of a gas-fired combined cycle gas turbine electricity generating station with an output of up to 293 megawatts. It is stated by the prospective applicant that the proposed development will generate a maximum of 293MW of power. Thresholds within the 7th Schedule to which Section 37B refers, specify that development for the purpose of 37A or 37B include a number of development types. The prospective applicant highlights three types from the energy infrastructure set out in the 7th Schedule within their documentation. I would consider that the proposal would comprise *an industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more*.

9.1.2. While there is little by way of detail provided by the applicant in respect of the proposed development, it is clear from the documentation that the proposed development would not exceed 293MW of power generation and is therefore below the threshold outlined within the 7th Schedule of 300MW. It is not clear if the installation will be designed such that it is limited to produce the specific energy output proposed of 293MW. It is not specifically stated by the prospective applicant that it will not be physically possible for the unit to exceed this output.

- 9.1.3. While it is not specifically stated, but it would appear that there is no heat output in the form of steam or hot water produced by the proposal, the only useful energy produced being electricity.
- 9.1.4. With regard to electricity transmission, it is specifically stated that the proposal does not include any cables and that a separate application will be made in respect of the proposed GIS station.
- 9.1.5. Having 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 283MW power station with no new transmission infrastructure, that the proposed development would fall below the 7th Schedule threshold in respect of Energy infrastructure. Furthermore, it is considered 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.
- 9.1.6. 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. I conclude that the proposed development consisting of a 293MW power station with associated works does not fall within the scope of section 37B of the Planning and Development Act 2000, as amended.

10.0 Recommendation

I recommend that Kilshane Power Ltd be informed that the proposed development consisting of a 293MW power station as set out in the plans and particulars received by An Bord Pleanála on the 4th November 2021, does not fall within the scope of section 37A of the Planning and Development Act 2000, as amended, and that a planning application should be made in the first instance to Fingal County Council.

Una Crosse

Senior Planning Inspector

December 2021