



An  
Bord  
Pleanála

## Inspector's Report ABP-313112-22

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<b>Development</b>	Construction of temporary emergency electricity generation
<b>Location</b>	North Wall, Alexandra Road, Dublin 1
<b>Planning Authority</b>	Dublin City Council
<b>Prospective Applicant</b>	Department of the Environment, Climate and Communications
<b>Type of Application</b>	Pre-application – under Section 181 (2R)(a).
<b>Date of Pre-Application Meetings</b>	5 April 2022 & 18 <sup>th</sup> May 2022
<b>Date of site inspection</b>	27 June 2022
<b>Inspector</b>	Una Crosse

## 1.0 Introduction

- 1.1. This report relates to pre-application discussions held with the Department of the Environment, Climate and Communications on behalf of the Minister in relation to the requirement under Section 181(2A)(b) of S.I. No. 418/2019 to seek the Boards approval where EIA and/or AA are required for development proposed to be carried out by or on behalf of a Minister of the Government or the Commissioners.
- 1.2. It should be noted at the outset that the prospective applicant is not seeking planning permission for the proposed development as this is provided for by way of the emergency provisions provided in Section 181(2)(a) of the Planning and Development Act 2000, as amended. For the Boards information, a draft order made by the Minister is required to accompany any application for approval under this section and following the approval of An Bord Pleanala, the Minister for Public Expenditure and Reform issue a Ministerial Order.
- 1.3. S.I. No. 418/2019 European Union (Environmental Impact Assessment and Habitats)(Section 181 of the Planning and Development Act 2000) Regulations 2019 provides at Section 181(2A)(b) that “*where development is proposed to be carried out by or on behalf of a Minister concerned pursuant to an order under subsection (2)(a) and the Minister concerned is satisfied, having had regard to Part X and Part XAB, that an environmental impact assessment or an appropriate assessment, or both such assessments of the proposed development is or are required, the Minister concerned shall prepare or cause to be prepared an application for approval, which shall include the documents and information referred to in paragraph (c), in respect of the development and shall apply to the Board for such approval*”.
- 1.4. This report describes the location and nature of the proposed development, the applicant’s submission, the consultations held and the legal provisions which are relevant to the development for which such approval is sought.

## 2.0 Site Location and Description

- 2.1. The subject site is located in the North Wall in Dublin Port. The site is accessed from Alexandra Road along its northern boundary and is adjoined to the south, east and

west by existing Port operations comprising warehousing, containers and other related facilities.

- 2.2. The site accommodates existing buildings and structures related to the generation of electricity by the ESB. The site was in use for electricity generation commencing in 1949 with a 270MW power plant developed in the 1980's with electricity fed into the national grid via an existing site substation.

### 3.0 The Proposed Development

#### Context

- 3.1. As outlined in the information presented to the Board, the CRU recently requested the Minister's consent for the construction of temporary emergency electricity generation to secure the State's security of electricity supply. It was outlined that EirGrid have commenced the procurement and, subject to CRU Direction and Ministers Consent, are expected to contract with an electricity generator to provide the required generation.

#### The Development

- 3.2. The proposed development, as outlined in the documentation provided to the Board includes the following:

- To provide c.200MWe of mobile temporary emergency generation capacity by way of:
  - Installation on a temporary basis of 6 modular gas turbine generation units
  - Installation of all associated 'balance of plant' equipment including transformers, pipes, cables, compressors, tanks, pumps etc.
  - Site preparation and demolition work.
  - Development relates solely to gas (no diesel).
- The heat output net of electricity gain is estimated as 338 MWth.
- 500 hour operation limit per annum assumed (and assessed for purposes of EIAR).

- Operations period expected to be between 36 & 60 months (to be confirmed by EirGrid).

## 4.0 Policy Context

### 4.1. National Planning Legislation - S.I No. 418/2019 - European Union (Environmental Impact Assessment and Habitats) (Section 181 of the Planning and Development Act 2000) Regulations 2019.

- 4.1.1. These Regulations came into effect in August 2019. The application for approval is made to the Board under Section 181(2)(b).

## 5.0 Planning History/History of Orders

### 5.1. Planning History

The subject site has been the subject of multiple planning applications made to Dublin City Council the most recent of which is as follows:

**Ref. 2697/20** – permission granted to the ESB for alterations to the existing North Wall Power Generating station, which include the replacement of existing indoor gas turbines with new and more efficient indoor gas turbines, the replacement of one of the two existing exhaust chimney stack's (approx. 70m tall) and its re-construction at a reduced height of 65m to mirror the second existing exhaust stack, the installation of new gas compressors with associated fan coolers, the replacement of existing roof-mounted fan coolers, a fuel oil pumphouse, a demineralised water pumphouse, a new 1,000m<sup>3</sup> demineralised water tank (approx. 10m tall), a new 1,000m<sup>3</sup> gas oil storage tank (approx. 10m tall), the repurposing of an existing 4,000m<sup>3</sup> fuel oil storage tank as a demineralised water storage tank of the same volume, a new fire water tank (approx. 10m tall), a new tanker unloading area comprising a concrete pad, emergency diesel generator, a new administration and welfare building, minor modifications to existing surface water drainage, a new entrance opening on to Alexandra Road and revised internal road layout and minor ancillary plant and equipment structures. The development will also comprise the removal of existing structures including; 70m tall stack and associated boiler, part of the administration building, canteen, stores building and water treatment buildings, gas compressor

building as well as a water storage tanks, a bottle storage area and other minor redundant installations.

It has been outlined that the ESB **do not** propose to undertake the permitted development.

## 5.2. **Previous Orders on this Site**

While orders have been made in respect of the above mentioned regulations elsewhere in the Port area with a previous approval submitted to the Board (ABP-305687-19 & ABP-307352-20), none have previously been made on this site.

Ref. ABP-310756-21 - Withdrawn

A request for pre-application consultation in respect of temporary electricity generation was withdrawn on 24<sup>th</sup> June 2022.

## 5.3. **European Sites**

The following sites are in close proximity to the subject site:

- South Dublin Bay & River Tolka Estuary SPA
- North Bull Island SPA
- North Dublin Bay cSAC
- South Dublin Bay cSAC

## 6.0 **The Applicant's Submission and Consultation**

6.1. Two pre-application meetings were held with the prospective applicant (5 April 2022 & 18<sup>th</sup> May 2022). Minutes are attached to the file.

6.2. A presentation was made to the Board's representatives at the first meeting (attached to the file). The matters discussed included, inter alia:

- Context of proposed development and emergency provisions under Section 181(a) and the Draft Order accompanying any application for approval,
- Overview of the EirGrid procurement process,
- Key stakeholders,
- Location and historical context of the site,

- Description of equipment, layout and electrical and thermal power;
- Overview of the proposed EIAR and matters related to EIA,
- Screening for AA and preparation of an NIS
- Procedures under Section 181.

6.3. The second meeting related specifically to procedures in respect of the approval process including public consultation, documentation to be submitted and prescribed bodies to be notified. It was also advised that a copy of the draft order should be submitted with the approval documentation.

## 7.0 Legislative Context & Considerations

### 7.1. Environmental Impact Assessment

- 7.1.1. S.I. 418 - European Union (Environmental Impact Assessment and Habitats) (Section 181 of Planning and Development Act 2000 Act) Regulations 2019 came into effect in August 2019.
- 7.1.2. Section 181(2A)(d) of the Planning and Development Act, 2000 (as amended) requires that *“the environmental impact assessment report and the Natura impact statement provided under paragraph (c) shall, as appropriate, comply with the requirements of Parts X and XAB respectively”*.
- 7.1.3. In respect of the ‘Class’ of development for the purposes of EIA, the prospective applicant outlined that the proposal would come within Class 2 (a) of Part 1 of Schedule 5 of the Planning and development Regulations 2001 as amended. Class 2 (a) of Part 1 is as follows: a thermal power station or other combustion installation with a heat output of 300 megawatts or more. An EIAR is therefore mandatory as the output exceeds the 300 MW threshold.
- 7.1.4. The matters discussed in respect of the preparation of the proposed EIAR included, inter alia:
- Consideration of reasonable alternatives including location, layout and design
  - Interactions and cumulative impacts within the Port area.
  - Major Accidents.

## 7.2. **Appropriate Assessment**

- 7.2.1. The proposed development is in close proximity to Natura 2000 sites. The applicant has indicated that it is their intention to include an NIS with the application which is considered to be appropriate.

## 7.3. **Prescribed Bodies**

- 7.3.1. In view of the scale, nature and location of the proposed development, as described in this report, it is recommended that the prospective applicant should consult with the prescribed bodies listed in the attached Appendix in respect of any future application for approval.

## 7.4. **Other Matters**

- 7.4.1. I would also note, for the Board's information, the provisions of subsection 2Q. It is stated, therein, that nothing in subsections (2A) to (2AA) of Section 181 shall require the disclosure of a Minister of the Government, the Commissioners or the Board of details of the internal arrangements of a proposed development which might prejudice the internal or external security of the development or facilitate any unauthorised entrance to, or exit from, the development of any person when it is completed.

## 8.0 **Conclusion**

- 8.1. Having regard to the above, I recommend that the Board issue a Direction to the prospective applicant noting the pre-application consultation undertaken including the record of the meetings and acknowledging that the pre-application consultation process has been concluded.

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Una Crosse  
Senior Planning Inspector

27<sup>th</sup> June 2022

# Appendix

## Prescribed Bodies

- Minister for the Housing, Local Government and Heritage (Development Applications Unit)
- Minister for Agriculture, Food and the Marine
- Minister for Environment, Climate Action and Communications
- Commission for Regulation of Utilities, Water and Energy
- Dublin City Council
- Eastern and Midland Regional Authority
- Fáilte Ireland
- An Taisce
- The Heritage Council
- An Chomhairle Ealaíon
- Transport Infrastructure Ireland
- Environmental Protection Agency
- Health and Safety Authority
- Inland Fisheries Ireland
- Irish Water