



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315213-22

---

<b>Development</b>	Open Cycle Gas Turbine power plant and ancillary buildings
<b>Location</b>	Derryfrench, Tynagh, Loughrea, Co. Galway.
<b>Prospective Applicant</b>	EP Energy Development Limited
<b>Planning Authority</b>	Galway County Council
<b>Type of Application</b>	Pre-Application Consultation under 37B of the Planning and Development Act 2000, as amended.
<b>Inspector</b>	Jimmy Green

## 1.0 Pre-Application Consultation

- 1.1. The Board received a request on 22<sup>nd</sup> November 2022 from Gravis Planning on behalf of EP Energy Developments Limited, (3<sup>rd</sup> Floor, The Crescent Building, Northwood Park, Santry, Dublin 9, D09FD45) to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, (“the Act”) in relation to the proposed development of a 350MW Open Cycle Gas Turbine and associated works on lands to the north of the existing Tynagh Power Station in the townland of Derryfrench, Co. Galway.
- 1.2. A virtual meeting was held with the prospective applicant on 18<sup>th</sup> January 2023. A record of the meeting is attached to the file. The presentation made to the Board’s representatives at the meeting is also attached to the file. Closure of the pre-application consultation was requested in correspondence dated 25<sup>th</sup> January 2023.

## 2.0 Site Location and Description

- 2.1. The proposed site is located in the townland of Derryfrench to the north of the existing Tynagh Power station and existing 220kV substation which occupies a part of the former Tynagh lead and zinc mine. The site of the proposed development is also located on the grounds of the former mine and was subsequently used as the construction compound for the existing power station. The site remains occupied by the remains of various structures and tanks, as well as being traversed by an existing 220kV overhead line. The site also accommodates an existing (disused) works shed.
- 2.2. The site has three broad levels, with the southeast corner being lowest proximate to a large boundary drain that serves as the eastern boundary of the site. The site rises towards the west and levels out around the location of the disused works shed and extant OHL tower. To the north of the works shed there is a slope which rises to a level higher level compound area. The site therefore is broadly provided over three levels with sloping ground in between each.
- 2.3. The site is bounded to the south by the existing Tynagh power plant and its associated electrical substation and gas networks compound, to the east by a large drain and remnants of the former mine and tailing ponds, to the north and west by existing forestry and agricultural lands, and further to the southwest by an existing industrial

premises (Sperrin Galvanisers). The site has an industrial context albeit it is located in a relatively isolated rural location. The wider area is characterised by agricultural activities with a typical rural settlement pattern.

- 2.4. Vehicular access to the proposed development will be via the existing power station access road, via a link to the east of the existing substation. Following the virtual meeting the prospective applicant provided updated layouts and mapping received by the Board on the 23<sup>rd</sup> of January amending the red-line site boundary to incorporate the connection to the existing access road. This access road will run from the proposed development, connect to the access within the existing power plant before running generally west and south (past Sperrin Galvanisers) to join the local public road network (the L-4310) to the west. The village of Tynagh lies approximately 1.5km to the south of the proposed development, while Loughrea is located approximately 12.8km to the northwest.
- 2.5. There are no proximate Natura 2000 designated sites in the immediate vicinity of the site, although there are several such sites in the wider area, these include:
- Slieve Aughty Mountains SPA (approx. 6.2km to the southwest),
  - Ardgraique Bog SAC (approx. 8.4km to the east),
  - Barroughter Bog SAC (approx. 10.3 km to the southeast),
  - Lough Derg, North-east shore SAC (approx. 11.5km southeast)
  - Lough Derg (Shannon) SPA (approx. 11.5km southeast)

The most proximate National Heritage Areas are the Eskerboy Bog NHA and Cloonoolish Bog NHA which are located approx. 4.9km and 7.5km respectively to the northeast of the proposed development.

### **3.0 Proposed Development**

- 3.1. The proposed development comprises a 350MW Open Cycle Gas Turbine (OCGT) which will operate as a 'peaking plant', i.e. it will predominantly be on standby only running for short periods of time when there is insufficient electricity on the network to cater for demand. The various elements of the proposed development include the following:

- OCGT unit comprising a single gas turbine and alternating current generator and exhaust stack (which is expected to be 9m in diameter and 40m in height); containerised turbine control module; containerised electrical control module; outdoor transformer; fuel gas conditioning skid, forced-air cooling radiators, and all ancillary development. The power generating unit and associated equipment is proposed to have a footprint of approx. 5,300m<sup>2</sup>.
- Secondary fuel storage facility with an approx. 8,750 tonnes capacity in banded tanks, a fuel treatment plant, and a fuel forwarding pump. The fuel storage facility is proposed to have a footprint of approx. 2,000m<sup>2</sup>.
- A raw fire water tank and pumps and demineralised water tank.
- All associated ancillary works – pipe works, cables, site drainage, site roads hardstandings, laydown areas, open storage areas, perimeter fencing, external lighting, and CCTV.

The proposed development will also require the provision of an Independent Gas Above Ground Installation (AGI), to provide a connection to the new plant from the existing gas pipeline, as well as an additional electrical bay within the existing substation through which to export the energy generated to the grid. Neither of these elements form part of the current consideration as these will be subject to detailed design and consent by others.

- 3.2. The gross total energy output from the proposed development will be 350MW, with a net total energy output of approx. 347MW, and it will be a gas-fuelled plant which will only use the secondary fuel source in the event of the gas supply not being available and the electricity demand on the network exceeding supply.

## 4.0 Planning History

- 4.1. There are several planning applications pertaining to the site and its immediate environs given its development history, the most relevant applications are listed below:
- **03/2943:** Permission granted for a 400MW electricity generating station by the Planning Authority to the south of the current proposal. The planning application included an Environmental Impact Statement (EIS). The emissions

from this now operational facility are governed by an Industrial Emissions licence issued by the EPA.

- **04/1974:** Permission granted by the Planning Authority for a 220kV overhead transmission line from ESB Transmission network (i.e., from the Ballynaheskeragh to Cashla Substation line (00/5409) which runs in a general northwest-southeast direction approx. 1km north of the current proposal at its closest point) to the Tynagh power station. This overhead line connection has been constructed and passes over/through the site of the current proposal.
- **04/2193:** Permission granted by the Planning Authority for a natural gas pressure reducing station comprising single storey buildings, fenced area and associated pipework, on a site to the south of the current proposal.
- **04/2511:** Permission granted by the Planning Authority for amendments to buildings and structures previously permitted under 03/2943, as well as construction of a gate house, car park, pump building and other structures and plant.
- **04/4554:** Permission refused to construct a temporary road (approx. 2km in length) to facilitate the delivery of abnormal loads of generating equipment to the 400MW generating plant which was at the time under construction to the south of the current proposal. Site of this proposed road was to the east of the current proposal.
- **21/2192:** Application by EP Energy Developments for an Open Cycle Gas Turbine power plant and all associated infrastructure on a site immediately neighbouring the current proposal to the southwest. The application was granted permission by Galway County Council (following pre-application consultations with the Board confirming that the proposed development did not constitute Strategic Infrastructure Development (SID), ABP-310334-21). The Planning Authority's decision was appealed and remains under the consideration of the Board at time of writing (ABP-313538-22 refers).

4.2. Other applications in the wider area refer to older permissions relating to the previous Tynagh Mines operations, the neighbouring steel galvanising/fabrication facility to the southwest, and telecoms monopole structures (on higher ground to the south of the existing power plant).

## 5.0 Legislative Provisions

5.1. Section 2(1) of the Act defines the meaning of Strategic Infrastructure Development (SID), as including inter alia:

*“(a) any proposed development in respect of which a notice has been served under section 37B(4)(a), .....*

5.2. Section 37B of the Act states the following:

*“(4) Where, following consultations under this section, the Board is of the opinion that the proposed development would, if carried out—*

*(a) fall within one or more of paragraphs (a) to (c) of section 37A(2), it shall serve a notice in writing on the prospective applicant stating that it is of that opinion, or*

*(b) not fall within any of those paragraphs, it shall serve a notice in writing on the prospective applicant stating that it is of that opinion.”*

5.3. Section 37A of the Act states as follows:

*“(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.*"

- 5.4. The Seventh Schedule of the Act lists the infrastructure developments for the purposes of Section 37A and 37B, and includes the following under the "Energy Infrastructure" section:

*"A thermal power station or other combustion installation with a total energy output of 300 megawatts or more."*

## 6.0 Policy Context

### 6.1. Climate Action Plan, 2023

- 6.1.1. As part of its functions the Board must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State<sup>1</sup>.
- 6.1.2. The Climate Action Plan, 2023 (CAP) has a target for the delivery of at least 2GW of new flexible gas plant for electricity generation. This additional conventional dispatchable generation is required to facilitate and increase the penetration of renewable energy onto the national grid to allow the grid to develop as a flexible system to support the intermittent nature of renewables.

### 6.2. National Energy Security Framework, April 2022

- 6.2.1. The National Energy Security Framework sets out a single overarching response to address Ireland's energy security needs in the context of the war in Ukraine, co-ordinating work connected to energy security across the electricity, gas, and oil sectors. Section 2.3.3 of the Framework states the following in relation to electricity:

---

<sup>1</sup> Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) refers.

*“The level of dispatchable electricity generation capacity (i.e. capacity that does not rely on wind or solar energy) needs to increase significantly over the coming years due to the reduced reliability of existing plants, anticipated new power stations not being developed as planned, expected strong growth in demand for electricity, and the closure of existing generation.”*

### **6.3. Circular Letter PL12.2021 and Government Policy Statement on Security of Electricity Supply, (Nov. 2021)**

6.3.1. Circular Letter PL12.2021 issued from the Department of Housing, Local Government and Heritage on the 10<sup>th</sup> of December 2021. It seeks to ensure security of electricity supply which is at short to medium term risk due to inter alia - lower than expected availability of some existing power stations, anticipated new power stations not being developed as planned, expected growth in electricity demand due to increased activity by high energy consuming industries, and the expected closure of some power stations which make up approx. 25% of existing conventional electricity generating capacity. The circular letter states:

*“Planning authorities are advised that where planning applications are submitted for electricity infrastructure or infrastructure that may impact on electricity supply –including for existing conventional electricity generation – that they should, until further notice, be considered having regard to the [Government] Policy Statement [on security of Electricity Supply, November 2021]. Furthermore, it is requested that the determination of all such planning applications should be prioritised as much as possible in light of the current circumstances relating to electricity supply.”*

6.3.2. The Government Policy Statement on Security of Electricity Supply, issued from the Department of the Environment, Climate and Communications in November 2021. Within the Policy Statement the Government recognises inter alia that ensuring security of electricity supply continues to be a national priority as the electricity system decarbonises towards net zero emissions and that there is a need for very significant investment in additional flexible conventional electricity generation, electricity grid infrastructure, interconnection, and storage in order to ensure security of electricity supply.



#### 6.4. National Planning Framework, 2018-2040

- 6.4.1. The National Planning Framework (NPF) sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level. It contains several National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) related to transitioning to a low-carbon and climate resilient society (NSO8), protecting the environment (NPO52), supporting national targets or emissions reductions through supporting renewables (NPO54), and promoting renewable energy use (NPO55). In relation to the NSO 8 the NPF acknowledges the need to *“Reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres.”*

#### 6.5. Regional Spatial & Economic Strategy for the North and West Region 2020-32

- 6.5.1. The Regional and Economic Strategy for the North and West Region 2020 – 32 (“the RSES”) supports the delivery of the programme for change set out in the National Planning Framework and it sets out a strategic vision and policy objectives for the Northern and Western Region. One of its five growth ambitions relates to infrastructure and states: *“Provision and maintenance of economic infrastructure, such as energy, water, and wastewater, are key to delivering compact growth and a connected, vibrant, inclusive , resilient and smart region.”*
- 6.5.2. The Regional Policy Objectives include the following:
- RPO 8.1: *“The Assembly support the development of a safe, secure and reliable electricity network and the transition towards a low carbon economy centred on energy efficiency and the growth projects outlined and described in this strategy.”*
  - RPO 8.2: *“Support the reinforcement and strengthening of the electricity transmission network with particular reference to the regionally important projects contained within Table 11<sup>2</sup>.”*

---

<sup>2</sup> Note - The proposed development is not listed within the referenced table 11.

- RPO 8.4: *“That reinforcements and new electricity transmission infrastructure are put in place and their provision is supported, to ensure the energy needs of future population and economic expansion within designated growth areas and across the region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs. Ensure that development minimises impacts on designated areas.”*

## 6.6. County Galway Development Plan 2022 - 2028

6.6.1. The energy policy objectives of the Galway County Development Plan 2022 – 2028 (“the CDP”) include the following:

- **EG 1** Enhancement of Electricity Infrastructure (Section 7.7): *“Support and promote the sustainable improvement and expansion of the electricity transmission and distribution network that supply the County, while taking into consideration landscape, residential, amenity and environmental considerations.”*
- **EG 3** Power Capacity (Section 7.7): *“To support and liaise with statutory and other energy providers in relation to power generation, in order to ensure adequate power capacity for the existing and future needs of the County.”*
- **EG 1** Gas Network and Generating Capacity (Section 14.7.3): *“To support the development of the gas network and associated generating capacity in order to sustainably support and augment renewable electrical energy generated in County Galway.”*
- **EG 3** Natural Gas and Synthetic Networks (Section 14.7.3): *“To facilitate the delivery and expansion of the Natural Gas and Synthetic Gas infrastructure for storage, transmission and energy generation throughout the County for both domestic and business/industry use and to have regard to the location of existing gas infrastructure pipeline in the assessment of planning applications.”*

6.6.2. Under the provisions of the CDP the site of the proposed development is located within the Central Galway Complex Landscape Character Area and within the Kilcrow Basin Unit which is described as a *“working landscape, locally elevated”* classified as being of *“Low”* landscape sensitivity. The site is not located in the

vicinity of any designed views and prospects and is located within a “*structurally weak*” area in terms of rural settlement. The site is also within an area considered “*not normally permissible*” in relation to wind farm and solar development.

## 7.0 Applicant’s Case

7.1. The prospective applicant’s case can be summarised as follows:

- The proposed development is of a class specified under the “Energy Infrastructure” section of the Seventh Schedule of the Act.
- The maximum power output of the proposed OCGT will be 350MW, which is in excess of the threshold set within the seventh schedule for a thermal power station (300 MW). Prospective Applicant’s correspondence dated 25<sup>th</sup> January 2023 clarifies that the “*...proposed power plant will have a gross total energy output of 350MW. The net total energy output (i.e. maximum export capacity) will be c. 347MW. As such the proposed development very clearly constitutes Seventh Schedule Energy Infrastructure*”.
- The proposed development will be of strategic economic and social importance to the state and region as it will contribute to the security of the electricity supply on the national network which has been identified as a national priority by Government.
- The proposed development would contribute substantially to the fulfilment of the objectives of the National Planning Framework and RSES. Furthermore, it is stated that the proposed development will have a significant effect on more than one planning authority as it will provide electricity supply beyond the borders of county Galway.

7.2. The applicant has stated that an Environmental Impact Assessment Report (EIAR) will be prepared for the proposed development as it exceeds the relevant threshold for a thermal power station (300MW) established in Schedule 5 of the Planning and Development Regulations, 2001 (as amended) (“the Regulations”). In this regard the prospective applicant has confirmed that the proposed 299MW OCGT currently under appeal with the Board will be considered within all relevant cumulative assessments along with the established baseline and that future proposed gas and

electrical connections to the respective networks will also be considered within the EIAR.

- 7.3. The applicant has also stated that any future application will be supported by the relevant ecological reporting in terms of the Habitats Directive requirements.

## 8.0 Strategic Infrastructure Assessment

- 8.1. This pre-application consultation concerns the development of a gas-fired OCGT and associated works, which will operate as a peaking plant for short periods of time when there is insufficient electricity being generated from renewable technologies and other conventional base-loading generators to satisfy energy demands on the national network. The proposed development is therefore a power station which will derive its power from the combustion of gas (with a secondary fuel source in place if required). It is anticipated that the plant will have an operational lifespan of approximately 25 years. The development is proposed on a site immediately north of an existing substation and the existing Tynagh power plant. There is another 299MW OCGT peaking plant currently under the consideration of the Board on appeal (ABP-313538-22) to the immediate southwest of the subject proposal.
- 8.2. It is stated by the prospective applicant that the proposed development will generate a gross total energy output of 350MW, (net total energy output of approx.. 347MW). Thresholds within the Seventh 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 proposed development satisfies this project description (i.e. power station or combustion installation) and exceeds the relevant total power output threshold established within the Seventh Schedule.
- 8.3. As the proposed development exceeds the relevant seventh schedule threshold, I now move on to consider the requirements of Section 37A(2) of the Act. In this regard the proposed development must satisfy at least one of the following criteria, it must:
- (a) Be of strategic economic or social importance to the State or the region in which it would be situate,

(b) Contribute substantially to the fulfilment of any of the objectives of the NPF, or RSES in force in respect of the area that the development will be situated, or

(c) Have a significant effect on the area of more than one planning authority.

- 8.4. I note the prospective applicant has stated that the proposed development satisfies all three of these requirements. In my opinion the proposal is of economic and social importance to the state, given the scale of the proposal (350MW – exceeding the seventh schedule threshold) and the Departmental Circular PL12/2021 which clearly states that *“the development of new conventional generation (including gas-fired and gasoil distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation.”*
- 8.5. In relation to the objectives of the NPF and RSES, the delivery of additional flexible conventional electricity generation onto the national grid improves its dynamism and its ability to deal with the fluctuations in renewable energy generation. The provision of additional peaking power plants such as that proposed facilitate the penetration of additional renewables onto the national grid, and the proposed development will therefore contribute to the fulfilment of NSO 8 of the NPF (i.e. transition to a low-carbon and climate resilient society) notwithstanding the fact that the proposed thermal power plant will run off fossil fuels. Similarly, the proposed development will contribute to RPO 8.1 of the RSES which seeks to ensure a safe, secure and reliable electricity supply. Furthermore, I consider that the contribution of the project towards these objectives will be substantial given that the proposed development exceeds the relevant seventh schedule threshold.
- 8.6. I note that the prospective applicant has stated that the proposed development will also satisfy 37A(2)(c), in that as electricity will be supplied throughout the region the proposed development will have a significant effect on the area of more than one planning authority. While I acknowledge the logic being applied, in this context I do not consider that the proposed development satisfies this criterion. In planning terms, I do not consider the effect of the transmission of electricity over and through existing lines and throughout an existing network to be of significance in this instance as physical and material effects on areas outside Galway County Council will in essence be limited, negligible and intangible in planning terms.

8.7. Having regard to the above I conclude that the proposed development does fall within the scope of section 37B of of the Planning and Development Act 2000, as amended because it exceeds the relevant seventh schedule threshold and satisfies two of the three criteria established under S37B(2). In this regard I consider that the proposed development will be of strategic economic and social importance to the state, as it will enhance the security of the national electricity supply, and furthermore it will substantially contribute to the objectives of the NPF and RSES for the area in terms of the climate change and low-carbon transition objectives of these documents.

## 9.0 Recommendation

I recommend that EP Energy Development Limited be informed that the proposed development consisting of Open Cycle Gas Turbine plant and ancillary buildings as set out in the plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> of November 2022, and augmented in the updated location and layout details received 23<sup>rd</sup> January 2023 falls within the scope of Section 37A of the Planning and Development Act 2000, as amended, and that a planning application should be therefore be made in the first instance to An Bord Pleanála.

---

Jimmy Green  
Senior Planning Inspector  
30<sup>th</sup> January 2023

