



An
Bord
Pleanála

Inspector's Report

ABP-315479-23

Development

Proposed construction of a new Gas Turbine Generation Station with an output of up to 293 megawatt

Location

Luddenmore, Luddenbeg & Inch St Laurence South townlands, Ballyneety, Co. Limerick

Prospective Applicant

Kilshane Energy Ltd.

Planning Authority

Limerick County Council

Type of Application

Pre-Application Consultation under 37B of the Planning and Development Act 2000, as amended

Inspector

Alaine Clarke

1.0 Pre-Application Consultation

1.1. The Board received a request on 6th January 2023 from Genesis Planning Consultants on behalf of Kilshane Energy Ltd to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, in relation to proposed development at Luddenmore, Luddenbeg & Inch St Laurence South townlands, Ballyneety, Co. Limerick. Specifically, the applicant requests a determination as to whether the proposed development is strategic infrastructure, specifying the Seventh Schedule of the Planning and Development Act, 2000, as amended.

2.0 Site Location and Description

2.1. The site, on a former quarry, is located in the rural area of County Limerick, c. 12km south east of Limerick city centre in the townlands of Luddenmore, Luddenbeg & Inch St Laurence South. The settlements of Ballyneety is c. 2.8km to the north-west and Caherconlish is c. 2.4km to the east.

2.2. There is an existing vehicular access to the adjoining public road and internal site tracks. There are large bodies of water on the site of the former quarry, proximate to the site of the proposed development.

2.3. The general area, beyond the quarry, is characterised by farmlands, farm buildings and rural housing.

3.0 Proposed Development

3.1. It is proposed to construct a new gas-fired combined cycle gas turbine electricity generation station with a maximum output of 293MW.

- The proposed power generation station will consist of:
 - 1 no. gas turbine,
 - 1 no. 28m high exhaust stack partially enclosed by a 12m high acoustic wall,
 - 1 no. single storey Admin Building and Warehouse (c. 926m²),

- 1 no. single storey packaged electronic/electrical control compartment,
 - 1 no. single storey continuous emission monitoring system shelter,
 - 1 no. fuel oil tank, 1 no. raw/fire water tank, 1 no. demin water tank and miscellaneous plant equipment.
- The construction of entrance gates and a private internal road;
 - Security lighting columns and CCTV;
 - Hard and soft landscaping;
 - New on-site wastewater treatment system;
 - Underground surface water attenuation areas.
- 3.2. The pre-application documentation states that an application for a Gas-Insulated Switchgear (GIS) Station will be lodged under a separate strategic infrastructure application.

4.0 Planning History

4.1. On site

- Ref. ABP PL13.222087 / Limerick County Council 06/3689: Retention for removal of soil and top soil and permission for the extension of quarrying activities including the extraction of rock.

4.2. Similar Cases

- Ref. ABP-310334-21 – the Board determined in September 2021 that the proposed development of an Open Cycle Gas Turbine plant, with a maximum power output of 299MW and ancillary connection infrastructure at Tynagh Power Station in County Galway did not fall within the scope of Section 37A.
- Ref. ABP-311877-21 - the Board determined in December 2021 that the proposed development of a 293 MW Power Station and all associated site works at Kilshane, Co. Dublin did not fall within the scope of Section 37A.
- Ref. 314003-22 - the Board determined in August 2022 that the proposed development of an Open Cycle Gas Turbine plant, with a maximum power

output of 299MW and ancillary connection infrastructure at Aghada ESB Power Station in County Cork did not fall within the scope of Section 37A.

5.0 Applicant's Case

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

- The maximum power output of the project will be 293MW, which does not constitute 'Seventh Schedule' energy development under the Planning and Development Act.
- There are no overhead cables proposed as part of the development.
- The applicant submits that the proposed development does not constitute Strategic Infrastructure Development.

6.0 Legislative Provisions

6.1. 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.

(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."

6.2. 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.*
- *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(1).*

7.0 Planning Policy

7.1. Government's Policy Statement on Security of Electricity Supply, December 2021

7.1.1. The Government has approved, among other measures, that "*the development of new conventional generation (including gas-fired and gas oil 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.*"

7.2. Project Ireland 2040: National Planning Framework National Planning

7.2.1. 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.*"

7.3. Regional Spatial & Economic Strategy for the Southern Region

7.3.1. The following Regional Policy Objectives are noted:

- RPO 96 – Integrating Renewable Energy Sources - to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure to integrate 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.

- RPO 219 - New Energy Infrastructure - to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers....
- RPO 222 - Electricity Infrastructure - to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects...

7.4. Limerick Development Plan 2022-2028

7.4.1. The following Objectives are noted:

- Objective IN O13 Energy and Gas Networks
- Objective IN O15 Electricity Grid Development
- Objective IN O16 Gas Development
- Policy CAF P2 Transition to a Low Carbon Economy
- Objective CAF O14 Energy Generation
- Policy CAF P6 Renewable Energy
- Objective CAF O38 Emerging Technologies

8.0 Assessment

8.1. Strategic Infrastructure

8.2. This pre-application consultation concerns the development of a *“gas-fired combined cycle gas turbine electricity generation station with a maximum output of 293MW.”* The development will be located within a former quarry.

8.3. It is stated by the prospective applicant that the proposed development will generate up to 293MW of electricity. Thresholds within the 7th 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;*

- *An industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more;*
- *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(1).*

- 8.4. A letter from Kilshane Energy accompanies the pre-application documentation and states that it has “*received confirmation from the original Equipment Manufacturer that 293MW is the maximum, technically possible output of the open cycle gas turbine referred to in this application.*” The prospective applicant state in their pre-application documentation that the proposed development would not exceed 293MW of power generation and is therefore below the threshold outlined within the 7th Schedule.
- 8.5. The prospective applicant further states that there are no overhead cables as part of this development proposal and further states that an application for a gas-insulated switchgear (GIS) station will be lodged under a separate Strategic Infrastructure Application.
- 8.6. I draw the Board’s attention to determinations reached by the Board in respect of similar developments, such as ABP Ref: 311877, ABP Ref. 310334 and ABP Ref. 314003. In these instances, the Board determined that sub-threshold gas turbine plant/power station did not fall within the scope of section 37A of the Planning and Development Act 2000, as amended.
- 8.7. 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 associated overhead cabling, that the proposed development would fall below the 7th Schedule threshold in respect of ‘Energy Infrastructure’.
- 8.8. I conclude that the proposed development consisting of a combined cycle gas turbine electricity generation station with a maximum output of 293MW, as described in the ‘Project particulars’ of the pre-application consultation documentation received by the Board on 6th January 2023, does not fall within the scope of section 37A of the Planning and Development Act 2000, as amended.

9.0 Recommendation

I recommend that Kilshane Energy Ltd be informed that the proposed development consisting of a combined cycle gas turbine electricity generation station with a maximum output of 293MW as set out in the plans and particulars received by An Bord Pleanála on the 6th January 2023, 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 Limerick County Council.



Alaine Clarke

Inspector

26th January 2023