

An
Bord
Pleanála

Inspector's Report

ABP-315916-23

Development

Proposed development of a power plant comprising a Combined Cycle Gas Turbine (CCGT) unit and an Open Cycle Gas Turbine (OCGT) unit

Location

On land within the Derrygreenagh Bog group, Co. Offaly

Planning Authority

Offaly County Council

Prospective Applicant

Bord na Móna Powergen Ltd.

Type of Application

Pre-application consultation under s.37B of the Planning & Development Act, 2000 (as amended)

Date of Site Inspection

19th April 2023

Inspector

Anthony Kelly

1.0 Introduction

- 1.1. The Board received a written request on 24th February 2023 to enter into pre-application consultation under s.37B of the Planning & Development Act, 2000 (as amended), in relation to a proposed power plant development in Co. Offaly. The request was submitted by Gravis Planning on behalf of Bord na Móna Powergen Ltd.
- 1.2. A consultation meeting was held on 12th May 2023 between Board representatives and the prospective applicant. The primary purpose of the meeting was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the Act and to consider matters relating to the proper planning and sustainable development of the area or the environment, which may have a bearing on the Board's decision, and outline the procedures involved in making the application. The prospective applicant formally requested closure of the pre-application consultation process in a letter dated 9th June 2023.
- 1.3. This report provides an overview of the proposed project, a summary of the meeting and the advice provided by the Board's representatives, and the legislative provisions. It provides a recommendation that the Board determine that the proposed development does constitute strategic infrastructure within the meaning of the Act and recommends a list of prescribed bodies that should be forwarded copies of any application. This report should be read in conjunction with the meeting record that is on the Board's file.

2.0 Proposed Development

- 2.1. The proposed development includes:
 - a combined cycle gas turbine unit (CCGT) (approx. 570MW),
 - an open cycle gas turbine unit (OCGT) (approx. 140MW),
 - electricity grid connection infrastructure including an on-site 220kV substation, overhead line/below ground cable connecting to an existing 400kV transmission line, and 220kV/400kV substation at the entry point to the transmission network, and,

- associated buildings and infrastructure e.g. administration building, workshop, control room, stores, fuel storage, water storage, gas above ground installation (AGI) etc.
- 2.2. The proposed 710MW plant would have the ability to cover longer periods of low generation from renewable resources (CCGT) and also to operate as a rapid start-up 'peaking plant' (OCGT). It would allow more reliance on renewable generation when available, with a responsive and highly efficient alternative.
- 2.3. The proposed power plant is a substantial development with a maximum indicated height of 50 metres. The initial approximately two-thirds of the proposed grid connection from the 220kV substation is overhead line with the approximate final third of the length indicated as a buried cable.

3.0 Site Location and Description

- 3.1. The site is located in two separate areas in north east Co. Offaly connected by the proposed grid connection.
- 3.2. The proposed power plant and 220kV substation are to be located on either side of the R400 road, at the existing Bord na Móna facility at Derrygreenagh, approx. 3km south east of Rochfortbridge and approx. 5km north west of Rhode village. To the east of the R400 there is a Bord na Mona campus with a number of buildings, which are to be demolished as part of the proposed development. The area to the west of the road is largely open and undeveloped. It is relatively flat with a hardstanding surface. This is a rural area of primarily bogland with areas of quarrying to the north.
- 3.3. It is proposed to provide an approx. 7.3km long grid connection from the proposed power plant and 220kV substation to the proposed 220kV/400kV substation to the south through bogland and along private railway lines/roads. The proposed 220kV/400kV substation location is on bogland adjacent to the 400kV Oldstreet to Woodland transmission line and it is accessed by a private gravel track. It is approx. 2.5km south west of Rhode and approx. 400 metres north of the Grand Canal. There are some houses in the wider area.
- 3.4. The proposed total overall site boundary area is approx. 38.6 hectares.

4.0 Planning History

4.1. Of relevance to the proposed development is:

ABP Reg. Ref. 19.PA.0011 – In 2010 permission was granted on the same site as the proposed development for an electricity generating power station comprising a CCGT unit of approx. 430MW and an OCGT unit of approx. 170MW. An extension of duration was granted by Offaly Co. Co. with an expiration of 11th April 2025. The permission does not include for a grid connection.

5.0 Legislative Provisions

5.1. The Board is asked to decide if the proposal as outlined is or is not strategic infrastructure development (SID). S.37A (1) of the Act provides that an application for permission for any development specified in the Seventh Schedule shall be made directly to the Board if the proposed development would fall within one or more of the following paragraphs as set out in subsection (2):

- (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 (NPF) or in any regional spatial and economic strategy (RSES) 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.

5.2. Class 1 of the Seventh Schedule relates to energy infrastructure and includes the following category of development which the applicant cites:

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

5.3. The applicant also refers to another category of energy development; ‘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)'. Specifically the applicant considers the '*transmission of electrical energy by overhead cables, where the voltage would be 220 kilovolts or more*' element of the category to be relevant.

6.0 Prospective Applicant's Case

- 6.1. The prospective applicant states that maintaining security of energy supply is a key national priority underlined by government. Technology such as that proposed is essential and its delivery must be prioritised, as emphasised in Circular Letter PL 12/2021. The proposed plant will provide flexible generation capacity, support the transition to a low carbon economy, and help replace generation capacity that will be lost through the retirement of more carbon-intensive power stations.
- 6.2. The capacity of the proposed plant will be 710MW. It would also provide for transmission of electrical energy by 220kV overhead cables. Therefore, it would be a Seventh Schedule development. The grid connection infrastructure may also be viewed as a s.182A (transmission of electricity) development. However, this element is ancillary to the proposed power plant and as such it is not considered a separate SID application is appropriate or necessary.
- 6.3. The proposed development is clearly SID under s.37A. It is of strategic economic importance to the state and region, it would contribute significantly to the fulfilment of national and regional objectives, and it would have a significant effect on the area of more than one planning authority given its proximity to Westmeath Co. Co. jurisdiction and the requirement for a connection to the high-pressure gas transmission line which traverses that jurisdiction.

7.0 Pre-Application Consultation

- 7.1. One online consultation meeting was held on 12th May 2023. Full detail of the meeting and matters raised are contained in the Board's Record.

7.2. The meeting's Chair outlined the general procedures in relation to the pre-application consultation process. In its presentation the prospective applicant outlined, inter alia, the background to the proposed application, the project elements, the planning context, EIA and AA, and detail of consultations. The prospective applicant submitted that the proposed development would comprise strategic infrastructure and it was hoped to make an application in September.

7.3. Some matters discussed after the presentation included:

- the most appropriate specific category of Seventh Schedule energy infrastructure. The thermal power station exceeding 300MW category is likely adequate for determination as SID without also referencing part of a second category. However, this is a matter for the prospective applicant.
- the prospective applicant stated an IPC licence would be in place and there has been discussions with the EPA.
- peat extraction would be required along the grid connections and at the proposed 220kV/400kV substation, and would be addressed in relevant EIAR chapters.
- no detail on water usage has yet been determined from on-site borehole(s), though the previous permission considered that 630m³ per day would be required.
- the underground cable would follow existing Bord na Móna railway line(s) between the interface compound and the proposed 220kV/400kV substation.
- an on-site wastewater treatment plant would be required.
- topographical surveys are ongoing in relation to vehicular entrances, but the existing main entrance would be used.
- Studies and surveys are ongoing. There has been initial engagement with Offaly Co. Co. and the prospective applicant would be engaging with Westmeath Co. Co. in the coming weeks. Statutory consultees would also be contacted in the coming weeks for comments on the proposed development.

8.0 Assessment

8.1. Section 37A (1) – Is the proposed development specified in the Seventh Schedule of the Planning & Development Act, 2000 (as amended)?

8.1.1. Based on the information submitted by the prospective applicant, including at the meeting, the proposed development would comprise 'A thermal power station or other combustion installation with a total energy output of 300 megawatts or more'. As the expected total output of the proposed plant would be 710MW, the proposed development would exceed the relevant threshold set out in the Energy Infrastructure grouping of the Seventh Schedule. Therefore, I consider that the proposed development is SID within the meaning of the Seventh Schedule of the Planning & Development Regulations, 2001 (as amended).

8.2. Section 37A (2) – Does the proposed development fall within one or more of sections 37A (2) (a), (b), or (c)?

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

8.2.1. In relation to this subsection, the prospective applicant refers to Circular Letter PL 12/2021. This states, inter alia, 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'. I also note the reference to, inter alia, the Climate Action Plan 2023. This includes, as a key target, the delivery of approximately 2GW of new flexible gas-fired power generation.

8.2.2. Having regard to the content of the circular letter and the Climate Action Plan 2023, and the nature and scale of the proposed development, with an expected power output of 710MW, I consider that the proposed development would be of strategic economic and social importance to the state and the region and would therefore satisfy s37A (2) (a) of the Act.

(b) The development would contribute substantially to the fulfilment of any of the objectives in the NPF or in any RSES in force in respect of the area or areas in which it would be situated

8.2.3. The applicant's position in this regard is that the proposed development would contribute significantly to national and regional objectives by helping to maintain security of supply and facilitating the integration of renewable generation into the electricity network.

NPF

8.2.4. National Policy Objective (NPO) 47 of the NPF relates to enhancing the security of the electricity supply. However, it does so in the context of all-island co-operation so I do not consider it to be directly and specifically relevant to the proposed development. The proposed development would be broadly consistent with the provisions of National Strategic Outcome 8 (Transition to a Low Carbon and Climate Resilient Society). This includes a more renewables focused energy generation system. While I acknowledge the applicant's position that the proposed development would provide flexible generation capacity, I do not consider that the proposed development is explicitly supported by any of the NPOs in the NPF.

RSES

8.2.5. Notwithstanding my previous comments in relation to the NPF I consider that Regional Policy Objective (RPO) 10.20 would support the proposed development. It states: '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 ...' Therefore, I consider that the proposed development would contribute substantially to an objective in the RSES and would therefore satisfy s37A (2) (b) of the Act.

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

8.2.6. The applicant states that the proposed development would have a significant effect on the area of more than one planning authority because of the project requirement for connection to the high pressure gas transmission line which is located within the

jurisdiction of Westmeath Co. Co. This would be subject of a separate consent by Gas Networks Ireland according to the applicant, though it would be assessed as part of the accompanying environmental impact assessment report.

- 8.2.7. As a result of the requirement for notable construction works in a neighbouring planning authority jurisdiction to facilitate the proposed development, I consider that this would satisfy a reasonable threshold for a 'significant effect' and would therefore satisfy s37A (2) (c) of the Act.

9.0 Conclusion

- 9.1. Based on the above assessment, it can be concluded that the proposed development would exceed the threshold set out in the Seventh Schedule of the Act and therefore satisfies the requirements of s.37A (1) of the Act. It can also be determined that the proposed development is of strategic importance by reference to the requirements of sections 37A(2)(a), (b), and (c) of the Act. Accordingly, the proposed development constitutes strategic infrastructure.

10.0 Recommendation

- 10.1. I recommend that the Board serve a notice on the prospective applicant, pursuant to s. 37B (4) of the Planning & Development Act, 2000 (as amended), stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of section 37A of the Act for the reasons and considerations set out below.

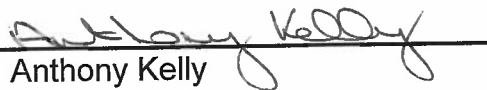
11.0 Reasons and Considerations

- 11.1. Having regard to the anticipated energy output of the proposed thermal power station it is considered that the proposed development constitutes development that falls within the relevant definition of energy infrastructure in the Seventh Schedule of the

Planning & Development Act, 2000 (as amended), thereby satisfying the requirements set out in section 37A(1) of the Act.

- 11.2. The proposed development is also considered to be of strategic importance by reference to the requirements of sections 37A(2)(a), (b), and (c) of the Planning & Development Act, 2000 (as amended). An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Planning & Development Act, 2000 (as amended).

I confirm that this report represents my professional planning assessment, judgement, and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Anthony Kelly

Planning Inspector

19th June 2023

APPENDIX

The following prescribed bodies are considered relevant for the purpose of s37E(3)(c) of the Act:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Offaly County Council
- Westmeath County Council
- Eastern and Midland Regional Assembly
- EirGrid
- Transport Infrastructure Ireland
- Inland Fisheries Ireland

- Irish Water
- Commission for Regulation of Utilities
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- The Heritage Council

Further notifications should also be made, where deemed appropriate.

