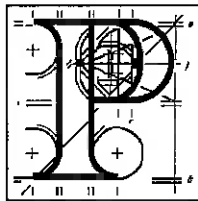


An Bord Pleanála



Inspector's Report.

Case Ref. No: ABP-316229-23

Issue: SID Pre-application – whether project is or is not strategic infrastructure development.

Proposed Development: 350MW Low Carbon Open Cycle Gas Turbine (OCGT)

Location: Tarbert Power Station, Tarbert, County Kerry

Applicants: SSE Generation (Ireland) Limited

Planning Authority: Kerry County Council

Inspector: Kevin Moore

1.0 Introduction

- 1.1. The Board received a request on 11th April, 2023 from SSE Generation (Ireland) Limited to enter into pre-application consultation under section 37B of the Planning and Development Act 2000, as amended, in relation to the development of a low carbon OCGT at Tarbert Power Station, Tarbert, County Kerry.
- 1.2. A Pre-Application Consultation meeting took place between An Bord Pleanála (the Board) and the prospective applicant on 28th August, 2023.
- 1.3. This Report is prepared following the request by the prospective applicant to close the Pre-Application Consultations between the applicant and the Board. This Report provides an overview of the proposed project, details relevant legislative provisions, provides a summary of the meeting and the advice provided by the Board, makes a recommendation on whether the proposed development is or is not Strategic Infrastructure for the purposes of the Planning and Development Act, 2000, as amended, and recommends a list of Prescribed Bodies who should be forwarded copies of any future Strategic Infrastructure application to An Bord Pleanála.

2.0. Site Location

- 2.1. The site is located within the existing Tarbert Power Station complex which is located on Tarbert Island, 1.8km north of Tarbert village in north County Kerry. Tarbert Island is a man-made island that is connected to the mainland by way of a causeway. The power station includes a generation plant, a reservoir, two tank farms, two substations, and supporting infrastructure. The site for the proposed development is at the northern end of the island and comprises a land area of almost 4 hectares. It was previously used as a contractor's compound and there

are a number of existing structures proposed to be demolished. It is located west of the power station. It is bounded to the west by fuel storage tanks, to the south by the substations and access road, and to the north by the Shannon Estuary. Development in the vicinity includes houses and a public house close to the entrance off the N67 National Secondary Road. The estuary in the immediate vicinity of the site comprises part of the Lower River Shannon Special Area of Conservation and the River Shannon and River Fergus Estuaries Special Protection Area. Tarbert Bay is a proposed Natural Heritage Area.

3.0. The Proposed Development

- 3.1. The proposed development would comprise a 350MW Open Cycle Gas Turbine (OCGT). It would be run on hydrotreated vegetable oil (HVO) biofuel that is produced by processing waste oils. It is intended to be run as a 'peaking plant', and would spend most of the time on standby, running when there is insufficient electricity being generated by renewable technologies. The proposed development would include a new administration building, a workshop, parking and two tanks for HVO storage. The original proposal submitted to the Board included the placing of pipework on the existing jetty to facilitate HVO refuelling. This component of the proposal has since been omitted following confirmation that the use of the existing jetty for fuel delivery would not form part of the project and that delivery of biofuel to the site would be by road. There would be no alterations to the electricity network outside of the site as electricity would be carried from the main transformer to the existing 220kV electrical substation to the south.
- 3.2. The OCGT unit would comprise:

- a single gas turbine and a single alternating current (AC) generator which may be external or may be housed within an acoustic enclosure with appropriate ventilation;
- an exhaust stack, approximately 55m in height, fitted with a continuous emissions monitoring system;
- a containerised control module housing the turbine controls and a containerised electrical module supplying power to the turbine and associated auxiliary systems;
- a step-up transformer;
- a skid adjacent to the turbine to provide final conditioning of the fuel before entering the gas turbine;
- forced air cooling radiators to manage waste heat from lubrication oil and other systems; and
- ancillary systems in containers and enclosures.

3.3. The HVO storage tanks would provide 84 hours of storage capacity, up to 8820m³.

3.4. The proposed development would also include flood defence walls, internal roads, lighting, security fencing and gates, and utility provisions.

4.0. **Planning History**

4.1. Tarbert Power Station was developed in the 1960s and is a 626Mwe Heavy Fuel Oil fired power plant.

ABP-315838-23

Under section 4 of the Development (Emergency Electricity Generation) Act 2022, the Board, having undertaken environmental assessment and appropriate

assessment of a proposal by SSE Generation (Ireland) Limited for a proposed development comprising the installation and operation of temporary emergency electricity generating plant, recommended a number of conditions to be attached to any approval for the development to be issued by the Minister for the Environment, Climate and Communications.

There is a partial overlap of this site with that of the proposed development the subject of the pre-application consultation relating to the construction compound / laydown areas for the temporary emergency generating plant.

P.A. Ref. 18392

Permission was granted in 2019 to SSE Renewables (Ireland) Limited for a battery storage facility.

P.A. Ref. 13477

Permission was granted to EirGrid Plc for the alteration of an existing 220kV station in 2013.

PA0017

Proposed construction of a 450MW natural gas-fired combined cycle gas turbine by Endesa Ireland Limited. CPO confirmed in 2010.

P.A. Ref. 972500

Permission was granted to ESB for a sewage treatment plant in 1998.

P.A. Ref. 921738

Permission was granted to ESB for an office extension in 1993.

5.0. Legislative Provisions.

5.1. *Planning and Development Act, 2000, as amended*

Section 37A

Section 37A refers to the Board's jurisdiction in relation to certain planning applications and refers 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 consultation 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 Spatial Strategy or in any regional planning guidelines 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.*

Seventh Schedule – Infrastructure Developments for the Purposes of Sections 37A and 37B

The following class of development in the Seventh Schedule, under *Energy Infrastructure*, is inserted into the Planning and Development Act 2000 by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006:

Energy Infrastructure

1.—*Development comprising or for the purposes of any of the following: ...*

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

6.0. Applicant's Submission

6.1. The Prospective Applicant considers that the proposed development should be regarded as Strategic Infrastructure Development. It is submitted:

Seventh Schedule

- As the energy output of the proposed development would be 350MW, it constitutes 'Seventh Schedule' development under the Planning and Development Act.
- The proposed development is of strategic economic importance to the State and the Region.

- It will contribute significantly to the realisation of national and regional planning objectives.
- It will, in delivering a nationally significant quantum of flexible, fast start-up, low-carbon generation capacity to the grid, have effects far beyond the local planning authority in which it is situated.

7.0. Outline of Pre-Application Consultation

- 7.1. At the meeting held on 28th August, 2023, the prospective applicant provided an overview of the project, including the components of the OCGT and the nature of the biofuel. The planning history relating to the site, the need for the development, and the planning policy context were also addressed. It was confirmed that the application would include an Environmental Impact Assessment Report and Natura Impact Statement. Reference was made to stakeholder engagement to date.
- 7.2. The discussion following the prospective applicant's presentation primarily focused on the use of the jetty for delivery of the biofuel and the nature of the biofuel.
- 7.3. The prospective applicant submitted that there would be no work in the nearshore in the application and that a Maritime Area Consent (MAC) may also be required. The issue of project splitting was alluded to, having regard to the proposed omission of works on the jetty as part of the application to the Board and the intention to submit a separate application for these works to the Minister. It was confirmed that, in the event of the proposed development being determined to constitute strategic infrastructure by the Board, the application to be submitted to the Board would comprise an OCGT plant served solely by HVO delivered to the site by road and that it would not be an application to include for delivery by sea using the existing jetty infrastructure. The Board will note that this

has since been reaffirmed in the prospective applicant's letter seeking closure of pre-application consultations, whereby it is stated:

"... due to the 'peaking plant' nature of the proposed development and the infrequent and variable fuelling requirements that will arise as a result, the use of the jetty for fuel delivery will not form part of the project. No pipeline connection to the existing jetty is to be proposed accordingly."

It is noted that a revised layout plan was enclosed with this submission which omits connection to the jetty.

7.4. Regarding the biofuel, the nature of the HVO was discussed. It was submitted by the prospective applicant that the fuel would likely be delivered from a storage area in County Cork and there would be road-based delivery to the new plant. Matters relating to the source of the fuel, its wider origin, and its import dependence from global markets were referenced. Note was also made of the need to address the issue of sustainability, including transport emission impacts, inadvertent contribution to tropical deforestation, and the need for traceability of the fuel source.

7.5. Other matters discussed included the need for consultation with prescribed bodies, in particular National Parks and Wildlife Service, Development Applications Unit, and An Taisce, as well as the nature and extent of proposed flood prevention measures, the proposed stack height, and the adequacy of water supply to serve the proposed development.

8.0. Assessment

8.1. I note that the proposed Open Cycle Gas Turbine would have a predicted energy output of 350 megawatts (MW) and, thus, the proposed development would fall

within the class of infrastructure set out in the Seventh Schedule that is referenced above.

- 8.2. Having regard to the provisions of section 37A(2) of the Planning and Development Act, my considerations are as follows:

Strategic Economic Importance to the State

The proposed development would be a peaking plant, ensuring supply is maintained when there is a gap between renewable energy generation and demand. It would spend most of its time on standby, running for relatively short periods of time when there is insufficient electricity being generated from renewable technologies. Thus, in principle, a development of this nature (i.e. a peaking plant) plays a key role in the security of electricity supply at a national level.

The Fulfilment of any of the Objectives in the National Spatial Strategy or in any Regional Planning Guidelines

The following National Policy Objectives are noted from the National Planning Framework:

National Policy Objective 53

Support the circular and bio economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development.

National Policy Objective 55

Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

The following Regional Policy Objectives are noted from the Regional Spatial & Economic Strategy for the Southern Region:

RPO 219 New Energy Infrastructure

It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) 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.

RPO 222 Electricity Infrastructure

It is an objective 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 that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy (subject to appropriate environmental assessment and the planning process) to serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity.

As the proposed development seeks to support the continued development of renewable energy and to maintain security of electricity supply, it is considered that the development of a peaking plant would be consistent with the provisions of the NPF and the RSES.

Effect on the area of more than one Planning Authority

The purpose of the proposed peaking plant would be to form part of the infrastructure to provide security of electricity supply at a national level, with supply to areas beyond the area of County Kerry. Furthermore, the Board will note that the delivery of the fuel would be via the national road network to an existing, long-established power plant site. The fuel would be sourced from storage facilities beyond Kerry. Following the initial filling of fuel tanks on the site, it is understood the facility would be only running for short periods of time and fuel deliveries would form top-up as and when required.

9.0. Conclusion

- 9.1. Having regard to the above considerations, I am satisfied that the proposed development falls within the class of environmental infrastructure relating to energy infrastructure as set out in the Seventh Schedule of the Planning and Development Act 2000, as amended. Furthermore, I am of the opinion that the proposed development would satisfy the conditions contained in section 37A (2) (a), (b) and (c) of the Planning and Development Act, 2000, as amended. Therefore, I conclude that the proposed development constitutes a strategic infrastructure development for the purposes of the Planning and Development Act.
- 9.2. The Board may consider recommending to the prospective applicant a list of Prescribed Bodies who should be forwarded copies of the application documentation. A recommended list is as follows:

An Chomhairle Ealaíon
An Taisce
Commission for Regulation of Utilities

Cork County Council
Department of Agriculture, Food and the Marine
Department of the Environment, Climate and Communications
Department of Housing, Local Government and Heritage
Environmental Protection Agency
Fáilte Ireland
Health Service Executive
Irish Water
Kerry County Council
Southern Regional Assembly
Transport Infrastructure Ireland



Kevin Moore
Senior Planning Inspector
20th September, 2023.