An Bord Pleanála

Inspector's Report ABP-317184-23

Development	Proposed transition and conversion of the existing 900MW electricity generating station from coal to heavy fuel oil and associated ancillary development.
Location	Moneypoint Generating Station, Moneypoint, Co. Clare.
Planning Authority	Clare County Council
Prospective Applicant(s)	ESB
Date of Site Inspection	2nd August 2023
Inspector	Susan Clarke

Contents

1.0 Introduction

1.1. ESB (the prospective applicant) submitted a pre-application consultation request to An Bord Pleanála seeking a determination as to whether or not development that it proposes to undertake would constitute strategic infrastructure within the meaning of section 37A and 37B of the Planning and Development Act 2000, as amended (hereinafter 'the Act').

1.2. The development would comprise the transition and conversion of the 900MW existing electricity generation station from coal to heavy fuel oil (HFO) with limited run hours from mid-2025 until late 2029 and associated ancillary development located at Moneypoint Generating Station, Moneypoint, Co. Clare, V15 R963.

1.3. There was one pre-application meeting held between representatives of An Bord Pleanála and the prospective applicant on 11th August 2023, whereby the details of the proposed development were presented. A site inspection was carried out by the reporting inspector, and this was facilitated by representatives of the prospective applicant.

2.0 Site Location and Description

2.1. Moneypoint Power Station complex, a coal burning thermal electricity generating station, is located in south County Clare, on a promontory on the Shannon Estuary. The prospective applicant outlines in their submission for pre-application consultations that the coal-fired power station was developed in the 1970s and that electricity generation occurs at three c.300MW rated coal-fired power units (Units 1 to 3), which entered service between 1985 and 1987. A service road was developed beneath the N67, linking the station with the northern 50ha parcel of land, where the station's ash disposal was developed. Today, the facility, which is licenced by the EPA under an Industrial Emissions Licence, is a large industrial facility (a total area of 180ha of onshore land and 65ha of foreshore area) including *inter alia*: the power station including two station chimneys, substations, two heavy fuel oil storage tanks, a jetty, coal yard, reservoirs, an ash storage area, wind turbines, and synchronous compensators on the northern shore of the estuary. The area in the vicinity of the facility includes overhead powerlines and towers, and agricultural holdings.

2.2. The facility operates as Ireland's only coal fuelled power station and meets on average 25% of national electricity demand. It is the largest energy store on the Island, with a capacity to store sufficient coal for three months. HFO is currently used as a start-up fuel and in limited circumstances. Coal and HFO are delivered to the site by ship using the jetty.

3.0 Proposed Development

3.1. The proposed development would comprise of the transition and conversion of the 900MW existing electricity generation station from coal to heavy fuel oil (HFO) with limited run hours (described in terms of generating hours, per unit, per year) from mid-2025 to late 2029 when Moneypoint would cease generation.

3.2. The development would also include:

- provision of two additional HFO tanks (bringing the total volume of HFO on site from 50,000 tonnes to 100,000 tonnes) and additional bunding, to be located beside the two existing HFO tanks.
- construction of two auxiliary boilers (c. 16MW thermal) and associated boiler house to supply steam for start-up and HFO heating.
- changes to the Flue Gas Desulphurisation (FGD) by-product and ash landfill to utilise spare capacity in the existing ash storage area (ASA), when the existing FGD "by-product" landfill reaches capacity. Ash reclamation from the existing ASA for onsite process requirements and associated plant modifications to feed recovered ash into the FGD absorber, Pulverised Fly Ash (PFA) silos and the batching plant for landfill capping blending.
- Decommissioning and removal of coal handling plant and demolition of associated buildings with the removal of structures to ground level.

3.3. As the existing generation units have been designed to be fired either partly or fully using HFO, there are no alterations/amendments proposed to these units. Furthermore, the prospective applicant explained during the meeting that there would be no changes envisaged to the number of shipments on site as a result of the proposed development (i.e. circa 24 No. per annum), however the size of these shipments would be smaller than currently the case. In addition, the prospective

applicant confirmed that the proposed development would not include works to the loading jetty or impact on the high-water mark (i.e. no foreshore works are proposed).

3.4. The prospective applicant advised that the decommissioning of the station would be subject to a separate grant of planning permission.

4.0 Planning History

4.1. There is an extensive planning history relating to the Moneypoint site. However, I do not consider the cases are pertinent to the subject determination. I highlight that there is pre-application consultation ongoing with the Board in relation to the development of a fabrication facility on site for the construction and assembly of floating offshore wind turbines (ABP Reg. Ref. 312734-22).

5.0 Precedent Decisions

5.1. **Reg. Ref. ABP: 300774-18**: The Board determined in 2018 that modifications to, and the continued operation of, an existing peat-fuelled power station known as West Offaly Power located at Shannonbridge in County Offaly together with the phased transition from firing the station with milled peat fuel to exclusively firing it with biomass fuel, to be Strategic Infrastructure Development.

5.2. **Reg. Ref. ABP: 310334-21**: The Board determined in September 2021 that the proposed development of an Open Cycle Gas Turbine plant and ancillary connection infrastructure at Tynagh Power Station in County Galway did not fall within the scope of Section 37A as the output at 299MW was less than the 300MW threshold.

5.3. **Reg. Ref. ABP: 311877-21**: The Board determined in December 2021 that the construction of a 293MW gas-fired combined cycle gas turbine electricity generation station at Kilshane Cross, west of the N2 and Dublin Airport did not fall within the scope of Section 37A as the output at 293MW was less than the 300MW threshold.

5.4. **Reg. Ref. ABP 301594-18**: The Board determined in September 2018 that the modifications to, and continued operation of, the existing peat-fuelled power station and a phased transition to exclusive firing with biomass at Lough Ree Power Station did not fall within the scope of Section 37A as the output at 245MW was less than the 300MW threshold.

5.5. **Reg. Ref. ABP 302052-18:** The Board determined in December 2018 that while a 110kV substation was SID, the construction of a proposed peaker power plant with an output of 208MV at Platin, Carranstown, Co, Meath, was not SID under section 37A.

6.0 Pre-Application Consultation Meeting Held

6.1. One pre-application meeting was held on 11th August 2023 between the prospective applicant and the Board's representatives. Minutes are attached to the file. In summary, the prospective applicant outlined the rationale for the proposed development and argued that the development should be considered as Strategic Infrastructure Development. In addition, the Board's representatives outlined matters to be considered in an application to the Board for the proposed development (planning and environmental). See written records of the meeting.

7.0 Prospective Applicants case

7.1. Seventh Schedule

7.1.1. The prospective applicant outlined in their submission that the proposed development could be considered within one or more of the following classes in the Seventh Schedule:

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).*
- *An installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes.*

Environmental Infrastructure

- *An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.*

7.1.2. The prospective applicant stated that the proposed development is a change in the primary fuel supplying a thermal power station with a total energy output of c.900 MW. As such, it is argued that the project is of this type specified under 'Energy Infrastructure' in the Seventh Schedule and the relevant threshold – total energy output of 300MW is exceeded.

7.1.3. The prospective applicant argues that based on precedent (reference SID Screening Ref. ABP 300774-18), it is understood that the class listed above referring to "*an industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more*", is intended to mean industrial installations (other than dedicated thermal power stations or combustion installations), which produce electricity, steam or hot water. It is submitted that on this basis, the project is not of this type specified under 'Energy Infrastructure' in the Seventh Schedule.

7.1.4. The prospective applicant highlights that the existing station and therefore the proposed HFO fuelled station is connected to the national grid via pre-existing transmission infrastructure (substations and overhead transmission lines) with voltages of up to 400kV. However, the proposed development incorporates no additional transmission infrastructure. It is stated that minor ancillary works may be required to divert on-site cables etc. but these do not constitute new installations for the transmission of electricity by overhead lines. As such, it is argued that the project does not fall within the class of 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)*".

7.1.5. In terms of a project which constitutes "*an installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes*", the prospective applicant states that the proposed development would include for the construction of two HFO tanks with an additional cumulative capacity of 50,000 tonnes, bringing the total volume of HFO storage on site to 100,000 tonnes. The prospective applicant highlights that there are two distillate storage tanks with a capacity of 300 tonnes each.

As such, there would be a cumulative oil storage capacity of 100,600 tonnes as a result of the proposed development. The prospective applicant states that it is understood that this category of development is intended to relate to the installations for the storage of oil or coal, rather than a thermal power station with ancillary storage capacity. As such, the prospective applicant argues that the project is not of a class relating to the installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes.

7.1.6. The prospective applicant has examined whether the proposed development constitutes "*an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes*". Ash and FGD are by-products of combustion and require disposal. The volume of ash and FGD generated at Moneypoint will vary over the proposed time period changing as the station transitions from coal to exclusive fuelling with HFO and depending on the run-time of the station. FGD will be the primary by-product of HFO fuelled generation. Disposal of this material and capping of the landfill will require the excavation and use of previously disposed ash from the ASA and 5% cement. Allowing for this, it is anticipated that the volume of material being finally disposed of within the landfill may exceed 100,000 tonnes per annum. As such, it is argued that the project is of a type specified under 'Environmental Infrastructure' in the Seventh Schedule ("an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes".)

7.1.7. Having regard to the foregoing, the prospective applicant states that the project is of two types on the Seventh Schedule: "*a thermal power station or other combustion installation with a total energy output of 300 megawatts or more*", and "*an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes*".

7.2. **Section 37A(2)**

7.2.1. The prospective applicant argues the project is of strategic, economic and social importance to the Irish State and the Southern Region. It is contended that Moneypoint is a significant economic driver in the economy at a local, regional and national scale. At a local level, the prospective applicant highlights the importance of the existing facility in terms of employment, and financial contributions. In addition, it is outlined

that the facility provides a reliable source of electricity which directly supports economic activity across all sectors and as such the station is of national significance. The prospective applicant states that the proposed development will alter the operating profile of the station, progressively decarbonising it, while ensuring the station continues to operate as a strategic asset sustained by stored HFO – supporting energy security during times of forecast constraint.

7.2.2. The prospective applicant advises that Eirgrid has forecast significant generation capacity constraints in the period to 2030, when large-scale renewable generation is expected to become available, and as such the energy security of the Irish State is vulnerable during that period, which will impact negatively on economic growth and development as well as broader society.

7.2.3. ESB is pursuing a Net Zero by 2040 strategy whereby the Body will progressively reduce the carbon intensity of its generation fleet – 63% by 2030 and 100% by 2040 – and delivering more than a five-fold increase in its renewable generation portfolio to 5,000MW. As such, it is argued that decarbonisation of existing thermal stations need to be phased to ensure they occur within minimal delays and no disruption of supply, while maintaining a focus on realising strategic renewable objectives, in-line with both corporate and public policy. It is stated that the proposed development meets all objectives in terms of public policy and ESB's corporate commitments. In the period to 2030, the CRU and EirGrid's capacity assessments indicate a requirement for intermittent generation, to meet electricity supply needs during periods of low wind generation and when there is a shortage of other sources of generation. Moneypoint can provide up to 900MW of electricity to the national grid to late 2029 using HFO. As such the proposal is guaranteeing energy security and supply in the timeframe and decarbonising the existing station and will be beneficial for economic activity and society in the State and southern region.

7.2.4. The prospective applicant argues that the project would contribute substantially to fulfilling the objectives of the:

National Planning Framework:

- Strategic Outcome 8: Transition to a Low Carbon and Climate Resilient Society. It is stated in the NPF that the National Climate Policy Position establishes the national objective of achieving transition to a competitive, low carbon, climate-

resilient and environmentally sustainable economy by 2050. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework. New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand.

- National Policy Objective 1b: Southern Region: 340,000 - 380,000 additional people i.e. a population of almost 2 million.
- National Policy Objective 1c: Southern Region: around 225,000 additional people in employment i.e. 880,000 (0.875m) in total.
- National Policy Objective 54: 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.
- 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 Regional Spatial and Economic Strategy for the Southern Region (RSES):

- RPO 87: The RSES is committed to the implementation of the Government's policy under Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective to promote change across business, public and residential sectors to achieve reduced GHG emissions in accordance with current and future national targets, improve energy efficiency and increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture
- RPO 97: It is an objective to support the sustainable technology upgrading and conversion of power stations in the Region to increase capacity for use of energy efficient and renewable energy sources.

The Shannon Region and the Shannon Integrated Framework Plan (SIFP)

- SIFP MRI 1.2.2: To safeguard the role and function of ESB Moneypoint as a key strategic driver of economic growth in the Region, encouraging its sustainable growth, operational expansion and diversification in accordance with national and regional energy objectives.
- SIFP MRI 1.2.3: To support and facilitate the development of marine related industry on lands adjacent to Moneypoint, which is compatible with the primary use of this SDL, as a Strategic Energy Location, subject to compliance with the criteria in SIFP MRI 1.2.

7.2.5. The prospective applicant argues that the proposed development would have a significant effect on the area of more than one planning authority. It is argued that Moneypoint is a nationally significant strategic generation asset. It is argued that the proposal supports security of supply, while aligning with the broader objectives of developing Moneypoint as a renewable energy hub and a strategic resource for the offshore wind industry. This impact will be realised across a multitude of planning authorities and will support the attainment of national targets in respect of sustained economic activity, decarbonisation of the electricity sector and guaranteeing energy security. It is argued that the proposed development will have a permanent, significant and positive effect on a national scale in terms of climate change and the attainment of targets for the energy sector.

8.0 Strategic Infrastructure – Legislative Provisions

8.1. The Seventh Schedule sets out infrastructure developments for the purposes of sections 37A and 37B, including the following classes:

Class 1 '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).

- *An installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes.*

Environmental Infrastructure

- *An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.*

8.2. Under Section 37A(1) of the Act, an application for permission for any development specified in the Seventh Schedule shall, subject to Section 37A(2), is made to An Bord Pleanála under section 37E and not to a planning authority.

8.3. The condition is set out under Section 37A(2) and provides that, following consultation under Section 37B, the Board serves on the prospective applicant a notice in writing 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 situated;

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situated;

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

9.0 Assessment

9.1. Is the Development specified in the Seventh Schedule?

9.1.1. As set out in Section 37A of the Planning and Development Act (As amended), the first test is whether the form of development proposed meets the classes of development set out in the Seventh Schedule. As outlined above, the prospective applicant considered the following classes in its submission for pre-application consultations:

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).*
- *An installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes.*

Environmental Infrastructure

- *An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.*

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

As outlined above, the Moneypoint thermal power station is a coal fuelled facility with an energy output of approx. 900MW. HFO is currently used as a start-up fuel and in limited circumstances. The proposed development would involve the transition and conversion from coal to HFO with limited run hours from mid-2025 to late 2029. The energy output of the facility would remain unchanged (i.e. approx. 900 MW). As such, I am satisfied that the nature of the proposed development is such that it meets the requirement of the Seventh Schedule and falls to be assessed under the criteria set out in S.37A(2) of the Act.

9.1.3. *An industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more*

As outlined above, the prospective applicant states that this class is not relevant to the proposed development having regard to the Board's previous determination in relation to Ref. Ref. 300774-18. To reiterate, that development related to modifications to, and the continued operation of, an existing peat-fuelled power station together with the

phased transition from firing the station with milled peat fuel to exclusively firing it with biomass fuel. I have reviewed the Inspector's Report and Direction relating to the referenced case and note that the Board considered the development to be SID under the class of *A thermal power station or other combustion installation with a total energy output of 300 megawatts or more* and not *An industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more.* For ease of reference, I have attached the Inspector's Report and Direction for Ref. Ref. 300774-18 to this Report. Having regard to the foregoing, I concur with the prospective applicant's interpretation of this class of development under the Seventh Schedule and I do not consider it relevant to the subject case.

9.1.4. *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).*

The proposed development solely relates to the fuelling of the existing power station. There are no alterations or works proposed to the transmission network infrastructure, with the exception of minor ancillary works to divert on-site cables. As such, I am satisfied that this class under the Seventh Schedule is not applicable in this instance.

9.1.5. *An installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes.*

As outlined above, there are currently two HFO tanks on site with a cumulative capacity of 50,000 tonnes and the proposed development would see two additional tanks being located on site, bringing the total HFO storage to 100,000 tonnes. The prospective applicant also highlighted that there are two distillate storage tanks on site with a capacity of 300 tonnes each. The prospective applicant contends that this class is not applicable to the subject development as the HFO tanks would be an ancillary element of the thermal power station, rather than an installation specifically for the storage of oil or coal. Whilst I consider that there is merit to this interpretation, in my view, the class does not make a clear distinction as to whether or not such an installation would be standalone or an ancillary element of another project/infrastructure. As such, I consider that the provision of the two additional HFO tanks, resulting in a combined on-site capacity of 100,000 tonnes, meets the

requirement of the Seventh Schedule and falls to be assessed under the criteria set out in S.37A(2) of the Act.

9.1.6. *An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.*

The prospective applicant outlined in their submission that the volume of ash and FGD generated at Moneypoint will vary over the proposed time period, changing as the station transitions from coal to exclusively HFO and depending on the run-time of the station. However, it is stated that it is anticipated that the volume of material being finally disposed of within the landfill may exceed 100,000 tonnes per annum. There were no further details presented to the Board in this regard. Acknowledging the uncertainty in this regard, I am not satisfied that this class under the Seventh Schedule is applicable in this instance.

9.1.7. **Conclusion on Section 37A(1) (Seventh Schedule)**

I consider that the proposed development comprises a category of development which fits within Class 1 (Energy Infrastructure) under the 3rd indent, being '*a thermal power station or other combustion installation with a total energy output of 300 megawatts or more'* and under the 9th indent being 'an installation for the surface storage of oil or coal, where the storage capacity would exceed 100,000 tonnes'. Accordingly, I consider the proposed development should be assessed under the criteria set out in S.37A(2) of the Act.

9.2. **Section 37A(2)**

9.2.1. *(a) Whether the development would be of strategic economic or social importance to the State or the region in which it would be situated.*

The prospective applicant highlights in their submission that the Moneypoint power station operates as the largest electricity generating station in the State, meeting on average 25% of national electricity demand. During the pre-application meeting, it was explained that the primary purpose for the proposed development was security of electricity supply and as a result of the Commission for Regulation of Utilities (CRU) and EirGrid having identified a need for continued capacity at Moneypoint station beyond 2025. It was stated that EirGrid have identified a projected capacity shortfall in its All Island Generation Capacity Statement 2021-2030. It also stated that the CRU

Security of Electricity Supply paper of September 2021 and the Department of Environment, Climate and Communications policy statement of November 2021 had identified a 750 – 1,000MW deficit in generating capacity from 2026 onwards and hence the medium-term need for the extended operation of older generators (such as the Moneypoint station) in order to ensure the security of electricity supply. It was submitted during the meeting that a service agreement is imminent outlining the required power from the generation facility up to 2030.

The prospective applicant stated that with offshore power unlikely to be available until after 2030, HFO would provide flexibility and diversity (in comparison to coal) to allow Moneypoint station to supply electricity in times of a capacity shortfall. The prospective applicant submitted that this operation would experience limited running hours of approximately 9,000 hours per year over the 3 units (3,000 hours per year each) and would therefore be a significant reduction on the existing total run time of 26,280 hours per year.

In addition, the prospective applicant highlighted in their submission for pre-application consultations that at present the power station can operate with no limit on annual hours of operation and is permitted to continue to operate in perpetuity. Moneypoint has been identified by ESB as the location for a new renewable energy hub – the Green Atlantic @ Moneypoint, which plans for the development of the site as a strategic resource for the offshore wind industry and as a location for key grid services. The Company aims to achieve zero carbon generation by 2040.

Furthermore, I note the arguments made by the prospective applicant as outlined in Section 7.0 above in relation to the economic and social benefits of the project to the region and Country.

In summary, I consider that the prospective applicant has made a favourable case that the project will be of strategic economic importance to the State and the region.

9.2.2. *(b) Whether 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 situated,*

As stated by the prospective applicant, the proposed development is consistent with a number of key policy objectives of the NPF including *inter alia* Objective 55, which 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" and National Strategic Outcomes (8) in relation to the "Transition to a Low Carbon and Climate Resilient Society". Furthermore, as outlined above, the RSES promotes Ireland's transition to decarbonising the energy sector. In my view, the proposed development contributes substantially to the fulfilment of several objectives contained in both the NPF and the RSES relating to decarbonising the energy sector and securing energy supply.

9.2.3. *(c) Whether the development would have a significant effect on the area of more than one planning authority.*

Finally, as to whether or not the development would have a significant effect on the area of more than one planning authority, the site of the proposed development is located on a promontory on the Shannon Estuary which forms the administrative boundary of Clare County Council to the north and Kerry County Council and Limerick City and County Council to the south. I note from my site visit that there are a number of outfall pipelines located along the site servicing the existing facility. In addition, I note the prospective applicant's arguments in relation to strategic nature of Moneypoint in terms of energy supply across the State. Having regard to the foregoing, I conclude that the development will have a significant effect on the area of more than one planning authority.

10.0 Environmental Considerations

10.1. The proposed development comprising of the transition and conversion of the 900MW existing electricity generation station from coal to heavy fuel oil would come within the projects outlined within Annex I to Directive 2011/92/EU as amended by 2014/52/EU and class 2(a) as set out in Part 1 of Schedule 5 (Planning and Development Regulations 2001, as amended) and therefore an Environmental Impact Assessment Report (EIAR) is required.

10.2. The site adjoins the River Shannon, a Special Area of Conservation and a Special Protection Area. As stated above, there are a number of outfall points located along the river servicing the existing site. The prospective applicant has indicated that an Appropriate Assessment Screening Report and a Natura Impact Statement will be

prepared. The prospective applicant is advised to undertake a robust screening to determine whether the proposal is likely to have a significant effect individually or in-combination with other plans or projects on relevant European sites in view of the sites conservation objectives.

10.3. In terms of matters which might influence the decision of the Board I note that there is potential for indirect effects, interactions and cumulative impacts which would be relevant to consideration in an EIAR and under AA Screening and/or NIS reports.

11.0 Conclusion

11.1. In conclusion, I am satisfied that the proposed development does come within the provisions of Part 1 of the Seventh Schedule of the Planning & Development Act 2000 (as amended), Energy Infrastructure, necessitating an application direct to the Board. I also consider that the proposed development would satisfy the requirements of paragraph (a) (b) and (c) of section 37A(2) of the Planning & Development Act 2000 (as amended).

12.0 Recommendation

I recommend that ESB be informed that the proposed development comprising of the transition and conversion of the 900MW existing electricity generation station at Moneypoint from coal to heavy fuel oil (HFO) with limited run hours from mid-2025 to late 2029 as set out in the plans, particulars and correspondence received by An Bord Pleanála on 24th May 2023, falls within the provisions of the Seventh Schedule of the Planning & Development Act 2000 (as amended), Energy Infrastructure. I also consider that the proposed development would satisfy the requirements of paragraph (a), (b) and (c) of section 37A(2) of the Planning & Development Act 2000 (as amended) and that a planning application should be made directly to the Board.

13.0 Prescribed Bodies

13.1. 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 notify the prescribed bodies listed below in respect of any future application for approval:

Minister for Housing, Local Government and Heritage

Minister for Environment, Climate and Communications

Commission for Regulation of Utilities, Water and Energy

Clare County Council

Kerry County Council

Limerick City and County Council

The Southern Regional Assembly

Environmental Protection Agency

Health and Safety Authority (Seveso)

Transport Infrastructure Ireland

Uisce Eireann

An Chomhairle Ealaion

Fáilte Ireland

An Taisce

The Heritage Council

Inland Fisheries Ireland

Ireland Commission for Energy Regulation

Further notifications should also be made where deemed appropriate.

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.

Susan Clarke
Senior Planning Inspector

31st October 2023

Appendix A: Inspector's Report and Direction for Ref. Ref. 300774-18

An Bord Pleanála

Board Direction
BD-001094-18
ABP-300774-18

At a meeting held on 11/09/2018, the Board considered the report of the Inspector and the documents and submissions on file generally including the records of the various meetings held during the pre-application process.

The Board decided that the proposed development is Strategic Infrastructure Development and that an application for permission should be made directly to An Bord Pleanála.

Reasons and Considerations as follows:

Having regard to the total energy output of the facility (as stated by the applicant as 365 MW) and the nature of the facility, the Board is satisfied that the proposed development comes within the scope of the seventh schedule of the Planning and Development Act 2000 as amended, *namely a thermal power station or other combustion installation with a total energy output of 300 megawatts or more*. The Board was also satisfied, taking into consideration the scale, location and status of the facility on a regional level, as detailed in the application letter received by the Board on January 25th 2018, that the proposed development met the criteria set out at section 37A (2)(a) and 37A (2)(a) of the Act. The proposed development is therefore considered to comprise strategic infrastructure development.

In deciding not to accept the inspector's recommendation, the Board considered that the total energy output stated in the aforementioned category of development relates

to the total (thermal and electrical) energy output, which is the appropriate means by which to consider the scale of a facility in relation to this class of development.

Note: SIDs section to liaise with inspector in relation to list of consultees.

Board Member: _____ **Date:** 12/09/2018

Conall Boland

An Bord Pleanála

Inspector's Report ABP-300774-18

Type of Application	Strategic Infrastructure pre-application (Seventh Schedule).
Development	Modifications to, and continued operation of, the existing peat-fuelled power station and a phased transition to exclusive firing with biomass. Additional capacity is also proposed at an existing ash disposal facility.
Location	Existing West Offaly Power Station, Shannonbridge and the existing Ash Disposal Site at Derrylahan, Co.Offaly.
Issue	SID Pre-application – whether proposed development is or is not strategic infrastructure development.
Planning Authority	Offaly County Council.
Applicant	Electricity Supply Board (ESB).
Type of Application	Strategic Infrastructure pre-application.
Date of Site Inspection	30th May 2018.
Inspector	Patricia Calleary.

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1.0 Introduction

1.1. ESB International submitted a pre-application consultation request to An Bord Pleanála on behalf of ESB (the prospective applicant), seeking a determination as to whether or not development that they propose to undertake would constitute strategic infrastructure within the meaning of section 37A and 37B of the Planning and Development Act 2000, as amended (hereinafter 'the Act').

1.2. The development would include modifications to, and the continued operation of, their existing peat-fuelled power station known as West Offaly Power (LRP) located at Shannonbridge in County Offaly together with the phased transition from firing the station with milled peat fuel to exclusively firing it with biomass fuel. Works are also proposed to an existing ash disposal facility (ADF) which would continue to operate.

1.3. The initial pre-application meeting was held between representatives of An Bord Pleanála and the prospective applicant on the 27th February 2018. Two further meetings were subsequently held thereafter. Three other meetings were held between representatives of An Bord Pleanála and (i) the EPA, (ii) the Regional Waste Office and (iii) Offaly County Council. Records of these meetings are on file. A site inspection was carried out by the reporting inspector and this was facilitated by representatives of the prospective applicant and their consultants.

2.0 Site Location and Description

2.1. The site is located adjacent to the River Shannon in Shannonbridge, Co. Offaly. It was originally occupied by a peat fuelled station, which commenced operations in 1965 with an initial 40 MW unit and there has been continuous production of electricity at the site since. The initial station was decommissioned in 2003 and replaced by the current power station, WOP, commissioned in 2005. WOP has a stated electricity generation capacity of 150 MW.

2.2. The site is accessed off the R357 regional road. It comprises the existing power station and associated structures together with ancillary services including water treatment, management systems, offices and administration areas. At present, WOP is exclusively powered by milled peat, all of which is supplied by Bord na Móna. Most of the milled peat is delivered to the power station via a narrow gauge private railway

which extends to the bogs and the on-site harvested milled peat stockpiles. Milled peat is also delivered by road transport.

2.3. The existing ADF is located c.8km from the power station in an area of cutaway bog at Derrylahan, also in County Offaly. It is accessed along a 3km roadway connecting with the R357. Ash is currently transposed from WOP to the ADF via a dedicated narrow-gauge railway line.

3.0 Proposed Development

3.1. The proposed development would consist of the continued operation of the power station at Shannonbridge beyond 2020, its permitted period. It is proposed to operate by co-firing peat and biomass immediately post 2020, with a phased transition and a reduced reliance on peat, leading to exclusive firing by biomass fuel by a defined date, anticipated to be 2030.

3.2. It is intended that the power station would operate at its maximum electrical generation capacity which is 150 MW.

3.3. The development of infrastructure and use of the existing facilities on the site would generally comprise the following:

- Use of existing open-air, hard surfaced areas within the existing power station to accommodate deliveries and storage of bulk biomass;
- The development of new areas of hard-standing and dedicated silos, to facilitate biomass deliveries and storage;
- The development of new handling facilities to convey the biomass from new silos to the existing fuel handling systems.

3.4. The development would also utilise the existing facility and develop additional landfill cells at the ADF in order to accept increased volumes of ash associated with the extended operational life of the power station. It is stated that the power station operates under the IE licence issued by the EPA to ESB and the ADF site is managed and operated by Bord na Móna, in accordance with the IE licence requirements.

3.5. Only peat and biomass ash from the WOP station would be disposed of at the ADF. It is stated that consent for peat harvesting by Bord na Móna would not be included in a

planning application submitted by ESB, however environmental impacts associated with the activity would nonetheless be considered in the planning application and the supporting documentation, including an Environmental Impact Assessment Report and screening for Appropriate Assessment.

3.6. In their submission and through the pre-application process, the prospective applicant outlined that the biomass fuel to be used would comprise of non-pelleted woody biomass, products, co-products, by-products and residues from energy crops, products, co-products, by-products and residues from agricultural industries and manufactured wood pellets.

4.0 Prospective Applicants case

4.1. Seventh Schedule

4.1.1. It is the prospective applicant's view that the project is of a type specified in the Seventh Schedule but lies below the mandatory threshold specified. Specifically, the prospective applicant references Class 1 (Energy Infrastructure – 3rd indent) of the Seventh Schedule of the Act is relevant:

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

4.1.2. The prospective applicant stated that the proposed development is currently and would remain a thermal power station, initially co-firing by peat and biomass from 2020, before moving to firing exclusively by biomass by the end of 2030.

4.1.3. Of the stated 150 MW of electricity produced at the power station, 13 MW is stated to be required as a house load to power fans and pumps resulting in 137 MW electricity output which is ultimately exported from the power station to the national electricity grid at an overall efficiency of approximately 36%.

4.1.4. In addition, the prospective applicant submits that during the electricity generation process, heat produced in the boiler from the burning of fuel is lost through two outlets, with 34 MW of heat exhausted up the stack and 194 MW dissipated through cooling of low-grade exhaust steam back to water using cooling water from the River Shannon. It is their case that the total energy output comprises the electricity which

leaves the power station and the heat which is lost during the generation process. The breakdown of the electricity produced and heat lost are set out in Table 1 below.

4.1.5. Table 1 - Electricity produced and heat exhausted/lost in electricity generation process.

A	B	C	D	E	F
Total Electricity generated at the power station	**Electricity used in the generation process** for powering fans and pumps (house load)	**Electricity which leaves the power station** and is exported to the national electricity grid (A-B)	**Heat** exhausted / lost up the stack	**Heat** lost through cooling of exhaust steam to water using cooling water from River Shannon	**Total Heat Lost** in the electricity generation process (D+E)
150 MW	**13 MW**	**137 MW**	**34 MW**	**194 MW**	**228 MW**

4.1.6. In this regard, it is the prospective applicant's case that the **total energy output** is 365 MW comprising electricity exported (137 MW) and heat which is lost in the generation process (228 MW) and that on that basis, the proposed development fits the category and meets the stated threshold and is therefore a development type specified in the Seventh Schedule of the Act.

4.1.7. The prospective applicant also considers that the proposal could potentially fall within the following category of the same class (Energy Infrastructure):

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

4.1.8. It is their case that the calculated heat output referenced in this category varies depending on whether the heat output from the boiler or the heat output from the power station is the relevant figure.

4.1.9. The prospective applicant submits that the amount of **heat output from the boiler** during the generation of electricity is 378 MW (based on 150 MW gross electricity produced and 228 MW of heat subsequently lost) which is greater than the stated threshold in this category.

4.1.10. The prospective applicant also submits that the **heat output from the power station** is the sum of the heat lost up the stack (34 MW) and that which is dissipated during cooling process using water from the River Shannon (194 MW) equating to a combined **heat output from the power station** of 228 MW and which is less than the stated threshold.

4.1.11. The prospective applicant sought the Board's interpretation on whether or not the total heat output from the boiler which they submit to be 378 MW or the heat output from the station which they submit to be 228 MW would be the relevant figure.

4.1.12. A breakdown of the biomass fuel proposed to be used was provided by the prospective applicant, which is set out under Section 3.6 above. It was also submitted that none of the biomass would constitute waste, that there are no plans to utilise waste for the generation of energy and that therefore the development type would not fit any category of Class 3 (Environmental Infrastructure) particularly that set out under the 3rd indent of this class *'An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes'.*

4.2. **Section 37A(2)**

4.2.1. The prospective applicant is of the opinion that the proposed development would comply with the provisions of section 37A(2) (a), (b) and (c) of the Act, putting forward their views as follows:

37(2)(a)

- The proposed development is of strategic economic and social importance to the State and the Eastern and Midland region in which it is situate in that the alternative would result in the closure of the existing power station, which in turn would lead to job losses and negative socio-economic impacts for the region.
- The proposed development would provide dispatchable low carbon renewable generation capacity which is of national and regional

significance. There would be significant benefits to the indigenous forestry, timber processing, biomass industries and the agricultural sector. Decarbonisation of the energy sector is a national priority, as reflected in national policy documents.

37(2)(b)

- The proposed development would strongly align with the regional level policies as set out in the Midlands Regional Planning Guidelines (MRPGs), 2010-2022.
- The proposed development is also in line with the objectives of the recently published National Planning Framework under Project Ireland 2040.

37(2)(c)

- The proposed development may have a significant effect on a catchment beyond County Offaly given that the proposal is intended to be carried out in parallel with a similar but smaller scale proposal at ESB's Lough Ree Power station in Lanesborough in County Longford with potential for significant impacts on the Midlands Region. It is also considered that diversification and decarbonisation of the energy generation sector would meet the objectives of more than one planning authority in the region and the project would assist each of these authorities in attaining that objective. The use of biomass from both indigenous and international sources has the potential to have economic and environmental impacts on areas that extend beyond the boundaries of a single planning authority.

5.0 Planning History

5.1. **PL19.125575** (Offaly County Council Ref 01/187) – Permission granted by An Bord Pleanála (2002) for the current power station and ADF, both of which operate under an IE Licence granted by the EPA.

5.2. **ABP-301594-18 (current)** - The prospective applicant has entered into discussions with the Board in relation to a similar but smaller scale proposal at their Lough Ree power station (LRP) located in Lanesborough in County Longford.

6.0 Strategic Infrastructure – Legislative Provisions

6.1. Under Section 37A(1) of the Act, an application for permission for any development specified in the Seventh Schedule shall, subject to Section 37A(2), is made to An Bord Pleanála under section 37E and not to a planning authority.

6.2. The Seventh Schedule sets out infrastructure developments for the purposes of sections 37A and 37B, including the following classes:

Class 1 'Energy Infrastructure'

A thermal power station or other combustion installation with a total energy output of 300 megawatts or more including a category listed in the 3rd indent as follows:

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

Class 1 'Energy Infrastructure' also includes a category set out as the 4th indent in this class as follows:

> —An industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more.

Class 3 'Environmental Infrastructure' includes a category set out as the 3rd indent in this class as follows:

> —An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

6.3. In addition, Section 37A(1) of the Act, as amended, provides that any development specified in the Seventh Schedule of the Act, shall, if the following condition is satisfied, be made to the Board under Section 37E and not the planning authority.

6.4. The condition is set out under Section 37A(2) and provides that, following consultation under Section 37B, the Board serves on the prospective applicant a notice in writing 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 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.

7.0 Assessment

7.1. Is the Development specified in the Seventh Schedule?

7.1.1. In my assessment on the matter as to whether or not the proposed development would constitute strategic infrastructure within the meaning of the Act, I firstly consider if the development type would fit within any category set out under Class 1 (Energy Infrastructure) of the Seventh Schedule. I also consider if it might fall within any other class within the seventh schedule.

7.1.2. In relation to Class 1 (**Energy Infrastructure** – 3rd indent) 'a thermal power station or other combustion installation with a total energy output of 300 megawatts or more', I am satisfied that the total energy output is the total amount of electricity produced at the power station, stated to be 150 MW, of which 13 MW is used as house load to power fans and pumps during the generation process and 137 MW is exported to the national electricity grid.

7.1.3. In relation to the amount of heat stated to be lost in the generation process in the form of 34 MW lost up the stack and 194 MW lost during cooling, I am satisfied that this represents 228 MW of waste energy in the form of heat lost to the surrounding environment rather than energy output. Waste heat is a form of thermal energy which is an inherent feature of electricity generation in a thermal power plant. The amount of waste energy lost as heat compared to the energy input from the fuel are factors that make up thermal efficiency of the power station. This waste energy (lost heat) is not recovered or further utilised to generate more electricity or heat and therefore should not be included as part of the total energy output figure. Accordingly, noting that the total energy output of 137 MW of electricity lies below

the stated 300 MW threshold, the proposed development is not of a type specified within this category of Class 1 (Energy Infrastructure).

7.1.4. In relation to the category set out under Class 1 (**Energy Infrastructure** – 4th indent), 'an industrial installation for the production of electricity, steam or hot water with a heat output of 300 megawatts or more', I am satisfied that this category is intended to mean industrial installations (other than dedicated thermal power stations or combustion installations) which produce electricity, steam or hot water. Accordingly, consideration of this category does not need to be pursued as the development is clearly a thermal power station which is a development type specified under Class 1 (Energy Infrastructure – 3rd indent). Notwithstanding my view on this category as outlined above, I am also of the view that the heat lost should not be included in calculating the heat output which I am satisfied is intended to mean (useful) heat output rather than waste energy lost as heat in the electricity generation process.

7.1.5. In discussions at the pre-application meetings, questions arose in respect of the type of biomass fuel which would be utilised and whether the proposal might also fit within Class 3 (Environment Infrastructure – 3rd indent) being 'an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes' noting that biomass can also comprise 'waste'. The omission of reference to 'waste' in this category of Class 3 (Environment Infrastructure) could be read to allow other categories of development whose primary purpose is not a dedicated waste installation, but which can nonetheless also function as an installation to dispose, treat or recover waste. In this regard, the prospective applicant stated that the proposed biomass fuel would not include any waste.

7.1.6. In addition, while details of quantities of ash that would arise from the co-firing of peat and biomass and subsequently disposed of at the associated ADF were not presented to the Board by the prospective applicant, it can be reasonably assumed based on scientific data available and noting the annual intake of the fuel streams which at peak would not exceed c.1250,000 tonnes per annum that the amount of ash arising from peat production in the boiler and disposed of at the ADF would not exceed 100,000 tonnes per annum.

7.1.7. Accordingly, further consideration of Class 3 (Environment Infrastructure) is not required.

7.2. Conclusion on Section 37A(1) (Seventh Schedule)

7.2.1. The proposed development does not comprise a category of development which fits within Class 1 (Energy infrastructure) under the 3rd indent, being 'a thermal power station or other combustion installation with a total energy output of 300 megawatts or more' as it does not meet the mandatory threshold applicable to the class, as specified in the Seventh Schedule of the Act. Neither is it considered to fall within any other category of development specified in either the same class or any other class within the Seventh Schedule. Therefore, in conclusion on Section 37A(1) the development is not of a type specified in the Seventh Schedule.

7.3. Section 37A(2)

7.3.1. As the proposed development is not of a type specified in the Seventh Schedule, consideration of Section 37A(2) is not required.

8.0 Conclusion and Recommendation

8.1. Having regard to the nature and scale of the proposed development and given that the total energy output would consist of 150 megawatts of electricity, it is considered the development type would not fit within the definition of Class 1 (Energy infrastructure) in the Seventh Schedule of the Planning and Development Act 2000, as amended, under the category of 'a thermal power station or other combustion installation with a total energy output of 300 megawatts or more'. Furthermore, it is not considered that the development type would fit within any other category of development specified in either the same class or any other class within the Seventh Schedule. I therefore recommend that the Board should determine that the development in question does not constitute strategic infrastructure development within the meaning of sections 37A and 37B of the Planning and Development Act 2000, as amended, and that the prospective applicant be informed accordingly. An application for permission for the proposed development must therefore be made directly to Offaly County Council.

Patricia Calleary
Senior Planning Inspector

3rd September 2018.