

An
Bord
Pleanála

Inspector's Report ABP-318119-23

Development

Proposed 220kV Grid Connection and
2 no. 220kV GIS substations.

Location

Ralappane, Kilcolgan Lower,
Carhoonakineely, Carhoonakilla,
Cockhill, Coolnagoonagh, Carhoona,
Farranawana and Kilpaddoge, Tarbet,
Co. Kerry.

Prospective Applicant

Shannon LNG Ltd T/A Shannon LNG.

Type of Application

Electricity transmission (pre-application
under section 182E).

Planning Authority

Kerry County Council.

Date of Site Inspection

23rd August 2023.

Inspector

Deirdre MacGabhann.

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1.0 Introduction

- 1.1. This case comprises pre-application consultations under section 182E of the Planning and Development Act 2000 (as amended) by Shannon LNG Limited for a proposed 220kV grid connection and 2 no. 220kV GIS substations, on lands to the west of Tarbert in County Kerry. The infrastructure is required to connect a proposed 600MW power plant and battery energy storage system to the transmission system (Shannon Technology and Energy Park, STEP), determined by the Board to be strategic infrastructure, under ABP 306518 (November 2023) and the subject of an application to the Board under ABP-319566 (April 2024).

2.0 Site Location and Description

- 2.1. The subject site is situated to the south of Shannon Estuary alongside and including the coast road (L1010) between Tarbert and Ballylongford, County Kerry. The rural landscape bounding the River Shannon comprises small fields, separated by hedgerows, one off houses and farm buildings, with some conifer plantations and broadleaf woodland.
- 2.2. The subject site comprises agricultural land to the north of the public road (L1010) at Ralappane, the public road extending for c.3km to the east of Ralappane and agricultural land to the north of the public road at Kilpaddoge.
- 2.3. The proposed substations are situated on agricultural land at Ralappane and will be adjacent to the site of the proposed power plant. The grid connection will run from the sub-stations across agricultural land to the L1010, along the L1010 to Kilpaddoge and across agricultural land to the north of the L1010 to the existing 220kV Kilpaddoge-Tarbet OHL, for loop-in connection.
- 2.4. The Board should note that in correspondence to the Board dated 29th April 2024, the location of the proposed sub-stations, route of the proposed grid connection and loop in connection are indicated in Figures 1.1 and 1.2. In the course of the pre-application consultations, the proposed sub-stations have been relocated from land to the southwest of the proposed power plant to land immediately west of the power plant. The site of substations is therefore partially within the application boundary of

the power plant and within the currently proposed temporary construction compound area (Figure 1.1, 29th April 2024).

2.5. In the wider area of the site is Money Point power station, c.3km to the north of the site, on the northern bank of the Shannon Estuary; Tarbert power station, c.5km to the east and the Rusal Aughinish Alumina refinery c.26k to the east at Foynes, where Shannon Foynes Port is also located.

2.6. The River Shannon to the north of the subject site is designated as a European site and national site of conservation interest:

- River Shannon and River Fergus Estuaries SPA (site code 004077).
- Lower River Shannon SAC (site code 002165).
- Ballylongford Bay proposed Natural Heritage Area (site code 001332).
- Tarbert Bay proposed Natural Heritage Area (site code 001380).

3.0 Description of Proposal

3.1. The subject development comprises:

- Two 220kV gas insulated switchgear (GIS) substations and associated transmission infrastructure. The sub-stations comprise an onsite EirGrid 220kV GIS sub-station, with two storey GIS building (up to c.18m), and a Power Plant 220kV GIS substation located alongside it.
- Approximately 4.6km of 220kV underground transmission cables to connect the sub-stations to the existing 220kV Kilpaddoge-Tarbet OHL, by loop in connection. The Board should note that in the prospective applicant's correspondence dated the 29th April 2024, it is stated that the 'works' associated with the underground cable along the L1010, relate solely to cable-pulling through the ducts and cable joint bays to be provided in a widening of 4.36km of the local road by Kerry County Council under Part 8 in order to enable access to the proposed power plant. It is stated that the prospective applicant anticipates that the road improvement works would be complete prior to the commencement of the main civil works for the proposed power plant.

- It is stated that the off-road sections of the underground cable, indicated in Figure 1.2, may be subject to refinement based on landowner agreement.
- It is stated that the application boundary to the east, shown in Figure 1.2, is split to accommodate an existing farm track which is proposed to be utilised as a construction access track and for the proposed underground cable route, with one proposed 220kV cable connecting to an existing Line Cable Interface Mast on the Tarbert to Kilpaddoge circuit and the other 220kV underground cable ultimately connecting to the Kilpaddoge substation, situated to the north west of the proposed loop-in connection (see Proposed Cable Route drawing, submitted on the 28th September 2023 for location of existing Kilpaddoge substation).

3.2. It is stated by the prospective applicant that the sub-stations and 220KV grid connection is not of itself a development which requires EIA, but as the proposed power plant (ABP-316518) has been deemed to require EIA, it is their preliminary view that an EIA may be required to accompany the application for consent for the subject development.

3.3. The applicant's legal interest to enable it to carry out the subject development is the recent award of a capacity contract from EirGrid to deliver 400MW of electricity generation capacity at the development site and for connection of the proposed power plant to the EirGrid network (600 MW maximum export connection).

4.0 Planning History

4.1. The planning history of the adjoining power plant site was set out in the Inspector's report under ABP-316518 and is summarised here:

- PL08.PA0002 – Permission granted in 2008 by the Board for proposed LNG regasification terminal at Ralappane and Kilcolban Lower, Co. Kerry. Subsequent minor amendment granted in 2013.
- PL08.GA0003 - Approval granted by the Board in 2009 under section 182D of the Planning and Development Act, 2000 (as amended) for the construction of a 26km below ground natural gas pipeline with associated above ground infrastructure (AGIs) to connect the Shannon LNG Regasification Terminal at

Ralappane, County Kerry to the existing natural gas network at Leahys, County Limerick.

- PL08.DA0003 – Order granted by the Board in 2009 for acquisition of relevant lands for the construction, operation and maintenance of gas pipeline, 'Gas Act, 1976, as amended, Shannon Pipeline Acquisition Order, 2009', to connect the Shannon LNG Regasification Terminal at Ralappane, County Kerry to the existing natural gas network at Leahys, County Limerick.
- PL08.PA0028 – Permission granted by the Board in 2013 for a combined cycle heat and power plant (500MW capacity, water cooled combined cycle gas turbine) on the site of the approved Shannon LNG Terminal on lands at Ralappane and Kilcolban Lower, County Kerry.
- PC08.304007 – Pre-application consultation in respect of proposed Shannon LNG regasification terminal, together with already permitted CHP Plant (PA00028). The Board decided, in 2021, that the subject development comprised strategic infrastructure development under the Planning and Development Act 2000, as amended.
- ABP-311233-21 – Application for 10-year permission, refused by the Board on the 13th September 2023, for Shannon Technology and Energy Park consisting of power plant, battery energy storage system and regasification unit, jetty, offshore receiving facilities, above ground installation and all ancillary structures/works. The development was refused on the grounds that it would not be appropriate to permit or proceed with the development of any LNG terminals in Ireland pending the completion of the review of the security of energy supply of Ireland's electricity and natural gas systems.

4.2. In addition to the foregoing:

- Under ABP-316518 - In November 2023, the Board decided that a 600MW power plant and 120MW battery storage facility on land adjoining the subject site, at Kilcolgan Lower and Ralappane, constituted development that falls within the Seventh Schedule of the Planning and Development Act 2000 (as amended) and was considered to be development of strategic importance to the State, by reference to sections 37A(2)(a), (b) and (c) of the Act.

Consequently, it was determined that an application for permission must be made directly to the Board.

- Under ABP-319566 – On foot of the decision made by the Board under ABP-316518, an application was made to the Board by Shannon LNG Ltd on the 19th April 2024, for a proposed development comprising a 600MW power plant, 120MW battery energy storage system, above ground installation and associated ancillary works, located within the townlands Kilcolgan Lower and Ralappane.

5.0 The prospective Applicant's Case

- 5.1. In their correspondence to the Board dated 28th September 2023 and the 29th April 2024, the applicant refers to relevant legislation in respect of electricity development and strategic infrastructure and states that, having regard to these provisions, the proposed development clearly falls within the definition of transmission set out in section 2(1) of the Electricity Regulation Act, 1999 and therefore comprises strategic infrastructure development under Section 182A(1) of the PDA, 2000 as amended.

6.0 Pre-Application Consultation Meetings Held

- 6.1. One pre-application consultation meeting was held with the prospective applicant on the 1st December 2023. As set out in the record of the meeting, the prospective applicant's presentation:
- Set out the case for an uplift in the delivery of flexible gas-fired power generation capacity in the state and strengthening of the gas network.
 - Referred to the electricity generation capacity contract awarded by EirGrid to Shannon LNG to deliver a 400MW power plant at the subject site and the successful application by Shannon LNG for connection of the proposed power plant to the EirGrid network (600MW maximum export connection).
 - Referred to the strategic infrastructure determination from the Board on the 16th November 2023 that the proposed 600MW power plant, battery storage facility at Kilcolgan Lower and Ralappane was strategic infrastructure (ABP-316518).

- Described the nature of the proposed substations and connection to the 220kV Kilpaddoge-Tarbert 220kV circuit, c.5km to the east of the site.
- Advised that the cable route did not pass through any designated sites.
- Advised that the applicant anticipated a submission date of May 2024, for the lodgement of an application to the Board, should SID status be confirmed.
- Indicated that work had commenced in relation to planning drawings, an Environmental Impact Assessment Report, Appropriate Assessment (screening), Construction Environmental Management Plan and Traffic Management Plan. It was stated that an NIS would be completed if deemed necessary following screening.

6.2. In discussions, the Board's representatives advised the applicant in certain matters to be considered in making an application to the board in terms of rational for the development (new sub-stations), rural restructuring, site constraints, connectivity to wider environment, integration and cumulative effects with the proposed energy plant, phasing, mitigation measures and potential requirement for a NIS. It was also advised that in advance of closing the pre-application procedure, that the prospective applicant provide clarity on the full extent of the proposed cable route.

6.3. In subsequent correspondence to the Board (13th December 2023 and 29th April 2024), the applicant clarified or confirmed a number of matters, including the following:

- The 26km gas pipeline (to supply gas to the power plant) was approved by the Board under PL08.GA0003, with no expiry date.
- An application to CRU would be made in Q2 or Q3 2024, under section 39 of the Gas Act, 1976, to construct the pipeline.
- The applicant had in engaged with Kerry County Council, the NPWS and representatives from the National Monuments Service and Department of Housing Local Government and Heritage.
- The final route for the 220k V underground cable and location of GIS substations (Figures 1.1 and 1.2, submitted on 29th April 2024).

7.0 Legislation

- 7.1.1. Section 182A(1) of the Planning and Development Act, 2000 (as amended) requires, where a person (referred to as the 'undertaker') intends to carry out development comprising or for the purposes of electricity transmission, the undertaker shall prepare an application for approval of the development to the Board. Section 182A(9) of the Act states that the term 'transmission' shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999, but for the purposes of section 182A, shall also be construed as meaning the transport of electricity by means of a high voltage line (equal to or greater than 110 kilovolts).
- 7.1.2. Section 2(1) of the Electricity Regulation Act, 1999 defines transmission as '*...the transport of electricity by means of a transmission system, ... a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying of electricity from a generating station to a sub-station, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, ...specify as being part of the distribution system ...*'
- 7.1.3. Electric plant is defined in Section 2 as '*any plant, apparatus or appliance used for, or for purposes connected with, the generation, transmission, distribution or supply of electricity, other than by (a) an electric line, (b) a meter..., or (c) an electrical appliance..*'

8.0 Assessment

- 8.1. Having regard to the legislation referred to above, it is evident that:
- a) The proposed sub-stations, underground cable and loop-in connection comprise 'electric plant' as defined under Electricity Regulation Act, 1999, as they comprise plant/apparatus used for or for purposes connected with the generation, transmission and supply of electricity.
 - b) Consistent with section 182(9) of the Planning and Development Act 2000 (as amended), the sub-stations, underground cable and loop-in connection comprise infrastructure for the transport of electricity at a voltage of 220kV, a

voltage which exceeds the 110kV threshold for transmission infrastructure set out in section 182A(9) of the Act.

- c) The proposed infrastructure (substations, 220kV underground cable and loop-in connection to existing 220kV OHL), is brought forward for the purpose of conveying electricity generated by a proposed power plant (the generating station) via high voltage lines (>110kV) and electric plant, to final customers. The development is therefore consistent with the definition of transmission set out in Section 2(1) of the Electricity Regulation Act, 1999.

- 8.2. Having regard to the foregoing, I am satisfied that the proposed development comprises development for the purposes of electricity transmission, as defined in section 2(1) of the Electricity Regulation Act, 1999 and section 182(9) of the Planning and Development Act, 2000 as amended. The proposed development therefore falls under section 182A of the Act and an application for approval should therefore be made to the Board under section 182B of the Act.

9.0 Environmental Impact Assessment

- 9.1. Part 1 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, includes in Class 20, '*Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres*' and in Part 2, Class 3(b) '*Industrial installations for ... transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more*'. In this instance, proposed power lines will be placed underground and therefore these classes of development do not apply. Further, there are no classes of development which refer to electricity sub-stations. Accordingly, the development of itself does not require environmental impact assessment.
- 9.2. Notwithstanding the foregoing, the subject development will serve a power plant which the board, under ABP-316518, has concluded that EIA is required. EIA includes consideration of cumulative effects with other permitted and planned development in the area. In any subsequent application to the Board, the cumulative effects of the subject development and the power plant should be addressed. In this regard it is noted that the applicant intends to submit an EIAR in respect of the development.

10.0 Appropriate Assessment

10.1. The subject site lies south of the River Shannon where it is designated as a SPA and SAC, the River Shannon and River Fergus Estuaries SPA (site code 002165) and the Lower River Shannon SAC (site code 002165). Having regard to the source, pathway target approach, the development site may be connected to these European sites by:

- a) Providing habitat which is used by mobile species of conservation interest connected with the European site (Qualifying Interests), or
- b) Watercourses and field drains lie in proximity to the site of the proposed substations (as revised in April 2024). These are likely to discharge to the River Shannon with the potential for adverse effects on water quality dependent species of conservation interest occurring within the European sites (Qualifying Interests).

10.2. Screening for appropriate assessment should therefore be carried out.

10.3. Further, if the subject development relies on the surface water management infrastructure associated with the power plant, or other mitigation measures, a Natura Impact Assessment is likely to be required. The prospective applicant has indicated in discussions that appropriate assessment screening exercise will be completed, and an NIS prepared if necessary.

11.0 Prescribed Bodies

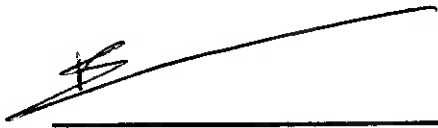
11.1. Attached in Appendix I are relevant prescribed bodies.

12.0 Recommendation

12.1. Based on the above assessment, it can be concluded that the proposed development consisting of two no. sub-stations and 220kV grid connection in the townlands of Ralappane, Kilcolgan Lower, Carhoonakineely, Carhoonakilla, Cockhill, Coolnagoonagh, Carhoona, Farranawana and Kilpaddoge, Tabet, Co. Kerry, as described in the documents received by the Board on the 28th September 2023, 13th December 2023 and 29th April 2024 fall within the scope of section 182A of the

Planning and Development Act, 2000, as amended, and that a planning application should be made directly to the Board.

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.

A handwritten signature in black ink, appearing to be 'Deirdre MacGabhann', is written over a horizontal line.

Deirdre MacGabhann
Senior Planning Inspector

7th May 2024

Appendix I – Prescribed bodies

- Department of Planning and Local Government and Heritage.
- Minister of Environment and Climate & Communications.
- Kerry County Council.
- Clare County Council.
- Transport Infrastructure Ireland/ National Transport Authority.
- An Chomhairle Ealaíon (Arts Council).
- The Heritage Council.
- Fáilte Ireland.
- An Taisce.
- Southern Regional Assembly.
- Irish Water.
- Inland Fisheries.
- Waterways Ireland.
- Department of Agriculture, Food & Marine.
- Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media.
- HSE.
- Health and Safety Authority.
- The Commission for Energy Regulation.
- Office of Public Works.
- ESB.
- EirGrid.

