An Bord Pleanála

Inspector's Report

ABP-318540-23

Development	10-year planning permission for the proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) and associated buildings, plant, site works and services.
Location	at Tarbert Island, Tarbert, Co. Kerry. (www.ssetarbertnextgen.com)
Planning Authority	Kerry County Council
Applicant(s)	SSE Generation Ireland Limited
Type of Application	Strategic Infrastructure, Section 37E of the Planning and Development Act 2000, (as amended)
Prescribed Bodies	1. Kerry County Council 2. Uisce Éireann (UE) 3. Transport Infrastructure Ireland (TII) 4. Environmental Protection Agency (EPA) 5. Environmental Health Service (EHS) 6. Health Safety Authority (HSA)
Third Party Observers	1. Tarbert Development Association 2. Cllr Michael Foley 3. John Fox
Date of Site Inspection	31st May 2024
Inspector	Laura Finn

Contents

1.0 Introduction

1.1. Context

This is a direct application to the Board under Section 37E of the Planning and Development Act, 2000. The application is being made by SSE Generation Ireland Limited for a Proposed Open Cycle Gas Turbine (OCGT) power plant (350MW) fuelled by Hydrotreated Vegetable Oil (HVO) along with associated buildings, plant, site works, services and ancillary development on land within the existing SSE Tarbert Power Station site at Tarbert Island, Tarbert, Co. Kerry.

1.2. Pre-Application SID Consultations

As provided for under Section 37B of the Planning and Development Act 2000, as amended, the applicant entered into discussions with the Board, which are detailed on File Reference ABP-316229-23. The application meets the threshold of *'a thermal power station or other combustion installation with a total energy output of 300 megawatts or more'* as set out in the 7th Schedule of the Planning and Development Act 2000 (as amended).

On foot of an assessment and recommendation from the reporting inspector that the proposed development did constitute Strategic Infrastructure within the meaning of the Acts, the Board issued a direction on the 12th of October 2023 that the development as proposed constitutes Strategic Infrastructure. The current application is made on foot of this decision.

1.3. Site Location and Description

The Proposed Development Site (the Site) is situated on the southern shore of Shannon Estuary within the administrative boundary of Kerry County Council. The Site measures c. 15.18ha and is situated on the previously developed area of the Tarbert Heavy Fuel Oil (HFO) Power Station Site, which is located on Tarbert Island, c. 1.8km north of the town of Tarbert, adjacent to the operational pier of the Tarbert-Killimer ferry in Co. Kerry.

The Site is accessed via the N67, a National Secondary Route which connects the Site to the N69 Tralee/Limerick Road, located c. 1.8km to the south. There are a number of dwellings located to the east of the site off the N67.

The existing Power Station site measures c. 42 hectares and includes Tarbert HFO Power Station, Temporary Emergency Generation (TEG) Power Plant (under construction), the National Oil Reserves Agency (NORA) tank farm and an existing jetty facility (Referred to as SSE Tarbert). The generation station at SSE Tarbert was originally developed in the 1960's.

The Development Site is surrounded by the following;

- **North** – Outbuildings, storage tanks, Tarbert Lighthouse and the Shannon Estuary;
- **East** – The existing Tarbert HFO Power Station, staff car parking and visitors car parking areas, the northern site entrance and the Shannon Estuary;
- **South-east** – Existing site reservoir, the Tarbert – Killimer ferry terminal and the N67 national Secondary road;
- **South** – 110kV and 220kV electrical transmission substations and a lagoon draining the Shannon Estuary and agricultural lands further south;
- **South-west** – the TEG site and the National Oil Reserves Agency (NORA) tank farm;
- **West** – HFO fuel storage tanks.

The Site is located adjacent to the Lower River Shannon Special Area of Conservation (SAC) and the River Shannon and River Fergus Estuaries Special Protection Area (SPA). Tarbert Bay is a proposed Natural Heritage Area (pNHA).

1.4. Site History

The Tarbert HFO Power Station at SSE Tarbert was developed in the 1960's as a 626 MWe Heavy Fuel Oil (HFO) fired power plant, which has been operational since 1969. The Tarbert HFO Power Station was constructed in two stages, units one and two commissioned in 1969 and units three and four commissioned in 1976 and 1977 respectively. There are four generating units at the station, two with a capacity of 57MWe each and two with a capacity of 256MWe each. Generating Units three and four (256Mwe each) were refurbished in 2003 and 2004 and are fuelled by HFO with both Gas Oil and propane used as a start-up fuel.

There are a number of fuel storage tanks adjacent to the existing Tarbert HFO Power Station. The 'Island Tank Farm' within the Proposed Development Site comprises four HFO tanks, each with the capacity of 25,000 tonnes, only two of which are currently in use.

The 'Mainland Tank Farm' located 350m to the west of the Proposed Development Site includes four tanks which are not related to the power generation that occurs at SSE Tarbert and are under the control of the National Oil Reserves Agency (NORA) providing a national reserve.

1.5. Planning History

1.5.1. Tarbert Generating Facility, Tarbert Island

- **File Ref. 23350: Tarbert 220KV Substation** - Permission granted on 17/01/2024 for the decommissioning of some equipment/cables, and installation of new equipment/cable layouts to accommodate the replaced 220KV submarine cable circuits crossing beneath the Shannon Estuary on a site of 6.9ha.
- **ABP-316229-23**. SID Pre application consultation for the current application, i.e. 350MW Low Carbon Open Cycle Gas Turbine (OCGT). The Board determined that the development was strategic infrastructure.
- **ABP-315838-23:** Permission granted to SSE Generation Ireland Limited on 29/03/2024 for an application under Section 4 of the Development (Emergency Electricity Generation) Act 2022 (the Act) 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.
- **ABP-313661-22**: SID Pre-application consultation request in respect of the proposed upgrading of the Prospect – Tarbert 220 kV Underground Cable across the estuary, and associated infrastructure. The Board determined that the development was not strategic infrastructure.

- **File Ref. 18/392**: **Battery Storage Facility** – A ten-year planning permission was granted to SSE Renewables on 15/01/2019 to construct a battery storage facility, to include 50 no. self-contained battery container units, a single-storey substation/control building, a cable route grid connection to the existing substation and associated infrastructure on a site of c. 2.27ha.
- **File Ref. 13/477:** Permission granted on 23/09/2013 to alter the existing 220KV Station. An extension of duration was granted under PA Ref. 13/9477.
- **ABP Ref. PA08.PA0017**: 10-year permission was granted on 6/12/2010 for a 450MW Gas-fired Combined Cycle Power Plant on the western side of the generation station. Conditions Included;

  5. No development to take place prior to the implementation of an agreed traffic management plan including provision for signalised junctions and parking management at Bridewell St.

  12. Prior to the commencement of any other works, the proposed flood defence measures shall be completed. An emergency plan shall make provision for maintenance of access along the Ferry Road during seasonal and extreme flood events.

  16. Measures to facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site.

  20,21. A community gain fund to be managed by a Community Liaison Committee.

- **File Ref. 05/3882**: Permission granted to install an electrostatic precipitators and ancillary plant and facilities to abate dust in compliance with conditions of the IPC licence from the EPA.
- **File Ref. 97/2500**: Permission granted for the erection of a sewage effluent treatment plant.

2.0 Proposed Development

2.1. Documentation

The following documents accompany the planning application;

- Cover Letter & Appendices
- ABP SID Planning Application Form and Appendices
- Planning Statement
- Environmental Impact Assessment Report (EIAR)
- AA Screening and NIS (Appendix 9B of EIAR)
- Landowner Consent from ESB Networks
- Site Notices & Newspaper Notices
- Letters to Prescribed Bodies
- Application Drawings

The EIAR, which was prepared by AECOM, 2023 is presented as follows;

- Non-Technical Summary
- Volume I: Environmental Impact Assessment Report (EIAR) (Main Text)
- Volume II: Appendices
- Volume III: Figures

2.2. Development Description

The Proposed Development consists of an Open Cycle Gas Turbine (OCGT) (350MW) plant fuelled by Hydrotreated Vegetable Oil (HVO). The Proposed Development will connect via an overhead cable 75m in length, to an existing electrical substation to the south of the OCGT building within the Site boundary. There will be no alterations to the electricity transmission system outside of the Site as part of the Proposed Development. To accommodate the Proposed Development, demolition works of ancillary buildings/structures and foundations associated with the existing Tarbert HFO Power Station will be carried out. The Tarbert HFO Power Station will be decommissioned prior to commencement of the construction phase of the Proposed Development.

The Proposed Development will run on Hydrotreated Vegetable Oil (HVO), which is a type of biofuel that is produced by processing waste feedstocks to create a fossil-free alternative to distillate-oil in accordance with European Union (EU) sustainability standards. Biofuels provide a transitional step away from fossil fuels and towards low-

carbon electricity. It has lower greenhouse gas emissions profile across its lifetime when compared to alternatives such as diesel combustion.

The plant will operate as a 'peaking plant', spending most of its time on standby and will be run to complement renewable power generation technology. The objective of the development is to provide support to the electricity network during periods when there is a gap between renewable power generation and power demand.

The Proposed Development will be available to operate 24-hours per day, seven days per week, with the exception of periods of scheduled and unscheduled outage such as for maintenance activities. It is expected the plant will operate as and when required during periods when other sources of electricity generation are not available but will not exceed1,800 operational hours per annum.

The proposed development will include the following components;

- OCGT power plant (350MW) and associated building (40m x 57m x 30m high) including air intake;
- Emissions stack 55m in height (external diameter 9m) with continuous emissions monitoring systems (CEMS) platform;
- Selective Catalytic Reduction (SCR) with air intake filters, dilution fans, and skid;
- Generators fin fan coolers (OCGT) (23m x 6.4m x 6m high);
- Lube oil fin fan coolers (7m x 7.5m x 5m high);
- One unit transformer and one grid transformer with a firewall (20m x 0.6m x 15m high) separating;
- Fire suppression skid;
- Aqueous ammonia tank (2.5m diameter x 5m length);
- Propane gas tank and compound (2m diameter x 4.6m length);
- Demineralised water treatment plant (15m x 30m x 12m high);
- Demineralised water tanks (23m diameter x 18m high) (2 No. x 7,500m3 capacity);
- Raw water and fire storage water tank (21m diameter x 17 high) (5,900m3 capacity);
- Fire water module (10m x 10m x 8m high);
- HVO fuel storage tanks 3 No. tanks in total, 1 x 1500m3 capacity (14m diameter by 10m high) and 2 x 4,400m3 capacity (20m diameter x 14m high) with two unloading bays;
- Fuel polishing and transfer system building (20m x 15m x 8m high). HVO pipework (approximately 200m) underground in culverts;

- Electrical connections from main transformer (unit) to an existing 220Kv substation (75m overhead cables);
- New wastewater treatment plant (underground);
- Administration building and workshop (40m x 13m x 5m high);
- Stores (25 x 12.5m x 10m high);
- Carparking (eight x spaces to the front of the administration and workshop building totalling 100m2);
- Flood defence wall and gates; and
- Demolition works (removal of existing buildings/structures including Carpenters workshop (1200sqm), Contractor/Canteen building (3300sqm), Boiler wash open top storage tank (5,500sqm, Lube oil store (2,800sqm, Site toilets (33sqm), Mechanical workshop, Wastewater treatment plant (9,500sqm)).

The application relates to development for the purposes of an activity requiring a licence form the Environmental Protection Agency (EPA) under the Industrial Emissions Directive.

The Tarbert HFO Power Station is registered under "the COMAH Regulations 2015" as an "Upper Tier" establishment. The Proposed Development plans to store volumes of Hydrotreated Vegetable Oil (HVO) in a quantity which is above the 'Lower Tier' COMAH threshold. In combination with other storage on the SSE Tarbert site this may cross the threshold for an 'Upper Tier' COMAH site overall.

The Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015, Schedule 1 outlines the thresholds for Lower and Upper Tier COMAH sites. The regulations apply to companies where dangerous substances are present in quantities equal to or above specified thresholds. There are two thresholds for 'alternative fuel', a lower one of 2,500 tonnes (Lower Tier Sites) and a higher one of 25,000 tonnes (Upper Tier Sites).

2.3. EIA Screening

The proposed development falls within the definition of a project under the EIA Directive 2011/92/EU as amended by EIA Directive 2014/52/EU and falls within the scope of Class 2 (a) under Part 1 Schedule 5 of the Planning and Development Regulations 2001 (as amended) '*a thermal power station or other combustion installation with a heat output of 300 megawatts or more'*.

The maximum power output of the proposed OCGT will be 350MW, which is in excess of the threshold set out under Schedule 5 for a thermal power station. A mandatory EIA is therefore required. An EIAR accompanies the application. (See Form 1 – Appendix 1)

2.4. Natural Heritage Designations

There are three European sites within 15km of the Site; River Shannon and River Fergus Estuaries SPA [004077] (Special Protection Area) (0km – SPA within site boundary), Lower River Shannon SAC [002165] (Special Area of Conservation) (0km – immediately adjacent to site), Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA [004161] (c. 6.6km south-east) and one proposed Natural Heritage Areas (pNHA); Tarbert Bay pNHA [001386] (0km – pNHA immediately adjacent to site).

2.5. Appropriate Assessment (AA) Screening

An AA Screening was carried out and Natura Impact Statement submitted by the applicant in Section 9B of the EIAR. The report screened-in five European Sites for Stage 2 Appropriate Assessment, including River Shannon and River Fergus Estuaries SPA, Lower River Shannon SAC, Blasket Islands SAC, Kilkieran Bay and Islands SAC and Slyne Head Islands SAC.

It concluded as follows;

> *'Noise and visual disturbance to SCI bird species of River Shannon and River Fergus Estuaries SPA and QI Annex II species of Lower River Shannon SAC, Blasket Islands SAC, Kilkieran Bay and Islands SAC, and Slyne Head SAC were identified within the Screening as potential impacts causing likely significant effects on these European sites. However, following assessment of the Proposed Development considering the impact pathways between construction works and QI / SCI, no significant effects are considered likely, and thus no specific mitigation measures to protect European sites is considered necessary. General mitigation measures employed as industry standard best practice have been outlined. There will be no direct or indirect impacts of the*

project on European sites, or their mobile selection features, due to the following:

- *The impacts from the construction of the Proposed Development will be of a temporary nature, and on a small scale in comparison with the size of the European sites.*
- *No resources will be required from within the European sites.*
- *No excavation of resources will be required from the European sites. Transportation of materials will be delivered to the site on the normal road network.*
- *Any emissions from construction will be managed through mitigation.*

Provided the general mitigation measures are implemented, it is considered that the Proposed Development will have no adverse effects on the integrity of any European site, either alone or in-combination with other plans or projects.'

Mr Eoin Kelleher, Ecologist, Kerry County Council provided a report which indicates that subject to implementation of appropriate water quality protection and flood risk management protection measures, there will be no adverse effect on any European Site during the construction, operation or decommissioned of the Proposed Development.

An AA Screening and Natura Impact Statement is presented in Appendix 2 and Section 21 of this report.

3.0 Policy Context

Regard is had to the following Local, Regional, European, National and Other Relevant Policy documents:

Local and Regional Policy

- Strategic Integrated Framework Plan for the Shannon Estuary (SIFP)
- Regional Spatial & Economic Strategy for the Southern Region 2020
- Kerry County Development Plan 2022 – 2028 (KCDP)
- Listowel Municipal District Local Area Plan 2020 – 2026
- Kerry County Council Climate Change Adaptation Strategy 2019-2024

European Policy

- RED III (European Renewable Energy Directive (EU/2023/2413))
- REPowerEU Plan 2022 and Directive EU 2018/2001, as amended 18.05.2022

- European Green Deal 2020

National and Other Energy Sector Policy, Reports and Legislation

- National Planning Framework 2018-2040 (NPF)
- The National Development Plan 2021-2030
- Climate Action and Low Carbon Development (Amendment) Act 2021
- Climate Action Plan 2024 (CAP 2024)
- Energy Security in Ireland to 2030, Energy Security Package, Nov. 2023
- National Energy Security Framework, April 2022
- Policy Statement on Security of Electricity Supply, November 2021
- Long-Term Strategy on Greenhouse Gas Emissions Reductions (April 2023)
- National Climate and Energy Plan 2021-2030 (NCEP)
- National Biodiversity Action Plan
- All-Island Generation Capacity Statement 2022 – 2031

3.1. Local and Regional Policy Context

3.1.1. Strategic Integrated Framework Plan for the Shannon Estuary (SIFP)

The Framework Plan (SIFP) was commissioned in 2011 by Clare, Kerry and Limerick City and County Councils, Shannon Development and Shannon Foynes Port Company, as a marine and land use plan. The SIFP has been incorporated into the County Development Plan of these counties.

Nine Strategic Development Locations (SDL's) are identified, including Site G, Tarbert Power Plant, which is identified and prioritised for marine related industry. Development objectives include:

- **MRI 1.2.11 Tarbert Strategic Energy SDL:** To safeguard the role and function of the Power Plant Hub at Tarbert, including the NORA Strategic Oil Reserves Plant
- **MRI 1.2.12 Tarbert Marine Related Industry:** To facilitate and promote compatible sustainable marine related industry …. All proposals for development shall be required to demonstrate that they are compatible with or complementary with the level of flood risk, and with the neighbouring industrial development.

- **Objective ERG 1.3:** To facilitate the further development of energy infrastructure at identified strategic energy sites and encourage appropriate diversification projects.

3.1.2. **Regional Spatial & Economic Strategy for the Southern Region**

- **RPO 79:** to support and promote the delivery of the Strategic Development Locations set out in the Strategic Integrated Framework Plan (SIFP).
- **RPO 219: New Energy Infrastructure** - to support the sustainable reinforcement and provision of new energy infrastructure 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.

3.1.3. **Kerry County Development Plan 2022-2028 (the Plan)**

Chapter 2: Climate Change and Achieving a Sustainable Future

Relevant Climate Policy & Objectives:

- **Climate Change and Achieving a Sustainable Future**: KCDP Objectives 2-1 – 2-21
- Section 2.6 Kerry County Development Plan 2022-2028 – Climate Action
- Section 2.6.1 Sustainable Land Use and Resource Efficiency
- Section 2.6.2 Sustainable Land Use and Decarbonisation
- Section 2.6.2.1 Transition to a Carbon Neutral Economy and Society
- Section 2.6.2.2 Energy Policy and Planning 2.6.3 Sustainable Land Use and Climate Resilience

Chapter 9: Economic Development

Section 9.6.1.1 Shannon Estuary: Shannon Integrated Framework Plan (SIFP)

The SIFP is a land and marine based framework plan to guide future development of the Shannon Estuary. It has identified 9 no. strategic development locations including **Tabert/Ballylongford Landbank.** The area is viewed as a driver for economic growth within the County and Region. The policy recognises Tarbert Island as an Energy Hub and the importance of its strategic location in the context of the SIFP (See Objective KCDP-25 and KCDP 26 below).

- **Objective KCDP 9-25** states in relation to Shannon Estuary and Tarbert;

  'Promote and facilitate the sustainable development of the Tarbert-Ballylongford landbank for industry, utilising the presence of deep water, existing infrastructure, natural resources, and waterside location to harness the potential of this Strategic Location. Proposals for marine related industry, general industrial development, and particularly those industries creating a synergism with existing uses and contributing to the development of a strategic energy hub at this location will also be encouraged.'

- **Objective KCDP 9-26** states in relation to safeguarding the Power Plant;

  'Safeguard the role and function of the Power Plant Hub at Tarbert, including the NORA Strategic Oil Reserves Plant, as a key driver of economic growth in the Region, encouraging its sustainable growth and diversification, in accordance with Regional and National Energy Objectives.'

Other Relevant Economic Development Policies and Objectives;

- Section 9.2.2 Regional Policy
- Section 9.3 Sustainable Economic Development and Climate Action
- Section 9.6.1 Economic Development Land Use Zonings
- **Sustainable Economic Development and Climate Action**: KCDP Objectives 9-2 & 9-3
- **Strategic Economic Objectives:** KCDP Objective 9-9
- **Land Use Planning for Economic Development**: KCDP Objective 9-22
- **Shannon Estuary:** KCDP Objective 9-23 and KCDP 9-24
- **Supporting Infrastructure:** KCDP Objectives 9-29 and KCDP 9-30
- Section 9.7.3 Rural Economy
- Section 9.7.6.2 Natural Resources

Chapter 11: Environment

Section 11.6 sets out the policies and objectives in relation to the protection of the rural landscape. Relevant Objectives in relation to landscape protection include KCDP 11-77 and Objective KCDP 11-78. Section 11.6.3 of the plan discusses Landscape Designations. The subject site is located in the Tarbert – Ballylongford landbank.

Chapter 12: Energy

- **KCDP 12-1** states;

'Support and facilitate the sustainable provision of a reliable energy supply in the County, with emphasis on increasing energy supplies derived from renewable resources whilst seeking to protect and maintain biodiversity, archaeological and built heritage, the landscape and residential amenity and integration of spatial planning and energy planning in the county.'

Section 12.5 of the KCDP discusses **Renewable Energy**, with the following relevant policies; **KCDP 12-14** and **KCDP 12-15**.

Other Relevant **Energy** Policies and Objectives **(Chapter 12)**;

- Section 12.2 Gas Networks, **Gas Network:** KDCP Objectives 12-2 – 12-5, Section 12.3 Transmission Grid, **Transmission Grid**: KCDP Objectives 12-6 – 12-11, **Renewable Energy:** KCDP Objectives 12-16 – 12-17, Section 12.5.1 National Targets and Responding to Climate Change, Section 12.5.2 Policy Overview and Legislative Context, Section 12.5.2.1 Regional Spatial & Economic Strategy Renewable Energy Policy, Section 12.5.2.2 Methodology for Local Authority Renewable Energy Strategies (LARES), SEAI 2013, Section 12.5.4 Renewable Energy Policy, **Community Consultation, Community Benefit & Community Projects**: KCDP Objectives 12-37 – 12-42, Council policy on Community Benefits arising from proposed renewable energy projects outlined in Section 12.5.5.

Other Relevant KCDP Policies and Objectives;

- **Chapter 8 - Archaeological Heritage**: 8-24 – 8-33, **Built Architectural Heritage**: 8-.4 – 8-39
- **Chapter 11 - Biodiversity:** KCDP 11-1 – 11–9, **Invasive Species:** KCDP 11-16 – 11–18, **All Ireland Pollinator Plan 2021 – 2015:** KCDP 11-19 – 11–20, **Air and Noise Pollution**: KCDP 11–31 – 11–41, **Light Pollution**: KCDP 11-42 – 11-43, **Lights and Biodiversity**: KCDP 11-44, **Land Use and Flood Risk Management**: KCDP 11-63 – KCDP 11-70, **Sequential Approach Justification Test:** KCDP 11-71 – 11-75, **Views and Prospects**: 11-79 – 11-81
- **Chapter 13 - Water Supply**: KCDP 13-1 – 13-11, **Wastewater:** KCDP 13-15 – 13-16, **Storm Water Management:** KCDP 13-21 – 13-26**, Waste Management:** KCDP 13-27 – 13-28**, Circular Economy:** KCDP 13-38 – 13-41
- **Chapter 14 - Road Network**: KCDP 14-25 – 14-28**, National Primary & Secondary Routes**: KCDP 14-29 – 14-33, **Chapter 14** - **Ports, Harbours & Piers**: KCDP 14-59 – 14-68

3.1.4. Listowel Municipal District Local Area Plan 2020 – 2026

Strategic Objective OS-08 supports the sustainable development of the land zoned within the Tarbert / Ballylongford area in accordance with the Strategic Integrated

Framework Plan and County Development Plan. The site lies outside the settlement boundary of Tarbert.

3.1.5. **Kerry County Council Climate Change Adaptation Strategy 2019-2024**

The strategy sets out a framework of actions and measures that Kerry County Council proposes to undertake to further embed climate adaptation into all of the local authority's areas of responsibility and to assist communities in adapting to climate change.

3.2. Renewable Energy Policy Context (European & National)

3.2.1. **RED III (European Renewable Energy Directive (EU/2023/2413))**

The revised Directive EU/2023/2413 came into force on 20th November 2023. RED III sets an overall renewable energy target of at least 42.5% binding at EU level by 2030, but it is aiming for 45%. This target is raised from the previous 32% target. It means almost doubling the existing share of renewable energy in the EU. The Directive under Section 38 states in relation to Power Plants;

> *'(38) In addition to installing new renewable energy plants, repowering of existing renewable energy power plants has significant potential to contribute to the achievement of the renewable energy targets. Since the existing renewable energy power plants have, for the most part, been installed in sites with significant renewable energy source potential, repowering can ensure the continued use of those sites while reducing the need to designate new sites for renewable energy projects. Repowering includes further benefits such as the existing grid connection, a likely higher degree of public acceptance and knowledge of the environmental impact.'*

3.2.2. **REPowerEU Plan 2022 and Directive EU 2018/2001, as amended 18.05.2022**

This plan was prepared in response to the Russian invasion of Ukraine. It focuses on the need to end the EU's dependence on Russian fossil fuels and to tackle the climate crisis. It includes the accelerated rollout of renewable energy. It amends the Directive on the Promotion of the Use of Energy from Renewable Sources (Directive EU 2018/2001) to require that 45% of energy is from renewable sources.

Article 1(10) inserts a new Article 16d to ensure that plants for the production of energy from renewable sources, their connection to the grid, the related grid itself or storage assets are presumed to be of overriding public interest for specific purposes.

3.2.3. European Green Deal 2020

The aim of this policy is to make Europe climate neutral by 2050. In 2021, the European Climate Law made greenhouse gas emission targets a legal obligation. These targets were increased from 40% to 55% by 2030.

3.2.4. National Planning Framework 2018-2040 (NPF)

National Strategic Outcome (NSO) 8 is to transition Ireland to a low carbon and climate resilient society. NSO 9 is the sustainable management of water, waste and other environmental resources, NSO 54 & 55- to reduce our carbon footprint by integrating climate action into the planning systems & promotes the use of renewable energy, NSO 57 - consideration of River Basin Management Plan Objectives.

3.2.5. The National Development Plan 2021-2030

It refers to an 80% target for renewable sources.

3.2.6. Climate Action and Low Carbon Development (Amendment) Act 2021

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade.

3.2.7. Climate Action Plan 2024 (CAP 2024)

CAP 2024 (Dec, 2023) sets out a roadmap to deliver on Irelands climate ambition, of 51% reduction in GHG emissions from 2021-2030 and net-zero emissions by 2050. The plan aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022.

The plan states that '*rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation as soon as possible to reduce impacts on the carbon budgets. The introduction of renewable gas generation into the grid is an important factor of ensuring a security of supply for Ireland's*

electricity system.' The Plan aims to accelerate grid flexibility and to deliver at least 2 GW of new flexible gas-fired power generation by 2030 and phase out and end the use of coal and peat in electricity generation.

3.2.8. **Energy Security in Ireland to 2030, Energy Security Package, Nov. 2023** The document confirms that Irelands future energy will be secured by moving to an electricity-led system maximising our renewable energy potential.

3.2.9. **National Energy Security Framework, April 2022**

This sets out the Governments response to the impacts of the war in Ukraine on the energy system in Ireland. Para. 2.3.3 (Electricity) states that

> '*The level of dispatchable electricity generation capacity (i.e. capacity that does not rely on wind or solar energy) needs to increase significantly over the coming years due to the reduced reliability of existing plants, anticipated new power stations not being developed as planned, expected strong growth in demand for electricity, and the closure of existing generation'*.

3.2.10. **Policy Statement on Security of Electricity Supply, November 2021**

This states that the Programme for Government requires a 51% reduction in greenhouse gas emissions by 2030 and that 80% of electricity consumption will come from renewable sources by 2030. Ensuring energy security is a national priority, as the electricity system decarbonises towards net zero emissions.

3.2.11. **Long-Term Strategy on Greenhouse Gas Emissions Reductions (April 2023)**

Section 1, Security of Supply, notes that in the transition to a climate neutral future, the pathway to decarbonisation must be underpinned by affordability and security in how we access and use energy. In the short-term, we need to address capacity shortfalls in the electricity system and ensure adequate conventional generation is in place to support the elevated levels of renewable electricity being generated.

3.2.12. **National Climate and Energy Plan 2021-2030 (NCEP)**

Ireland's target to reduce greenhouse gas emissions increased from 40% to 55% by 2030. It refers to reaching 70% of energy from renewables by 2030, underpinned by the Renewable Energy Support Scheme. Energy security is a key priority.

3.2.13. **National Biodiversity Action Plan 2017 – 2021(NBAP)**

The current NBAP has a list of Objectives and Actions which promotes biodiversity as follows, **Objective 1** supports mainstream biodiversity into decision-making across all sectors; **Objective 2** promotes the strengthening of the knowledge base for conservation, management and sustainable use of biodiversity. **Objective 3** promotes increasing awareness and appreciation of biodiversity and ecosystem services; **Objective 4** promotes conserving and restoring biodiversity and ecosystem services in the wider countryside; **Objective 5** refers to conserving and restoring biodiversity and ecosystem in the marine environment; **Objective 6** supports expanding and improving management of protected areas and species; **Objective 7** promotes strengthening international governance for biodiversity and ecosystem services. The 4th National Biodiversity Action Plan (NBAP) has been in development since October 2021. The Plan will set the national biodiversity agenda for the period 2023 – 2027.

3.2.14. **All-Island Generation Capacity Statement 2022-2031**

Capacity statements set out expected electricity demand and the level of generation capacity required, over the next ten years. The 2022 statement predicts a challenging outlook with capacity deficits identified to 2031. In the short-term, deficits will increase due to the deteriorating availability of power plants. In later years the deficits are expected to reduce as new capacity comes forward through the SEM capacity auctions. Further new electricity generation will be required to secure the transition to high levels of renewable electricity.

3.3. Overview of Renewable Energy Policy

I consider that European, National and Regional policy clearly supports the provision of an OCGT power plant. The CAP24 specifically provides a target for the delivery of at least 2 GW of new flexible gas-fired power generation. In addition, the Energy

Security in Ireland to 2030, Energy Security Package, highlights the need for new gas-fired generation as flexible back-up, interconnection and storage to secure our electricity supplies. The Kerry County Development Plan also supports the development as outlined in the Local Policy above.

4.0 Submissions & Observations

4.1. Planning Authority Submission

4.1.1. Kerry County Council (KCC) Development Management Section

- Development Considered Acceptable in principle by KCC. Proposal would be in keeping with established use on the site, namely the generation of Electricity. Planning Authority recommends a grant of permission with conditions. Conditions listed Pages 14 – 17 of PA Submission.
- Submission outlines key Development Plan policy supporting the proposed development. Tarbert island is considered a Strategic Development Location (SDL) under the SIFP area as part of the Shannon Estuary Coastal Network. The site is considered significant as an Energy Hub.
- Ecologists report noted no impact in relation to AA subject to mitigation measures being implemented as explained in Section 2.5 of this report.
- No protected structures or Architectural Conservation Area within or in the vicinity of the site. The County Archaeologist recommends no further archaeological mitigation required, that there is no potential for sub-surface remains on the site which has been completely disturbed and excavated in the past.
- Proposed Development Classified as a Highly Vulnerable Development within Flood Zone A, justification test required to mitigate flood risk. The Council Coastal and Flooding Unit recommend prudency in relation to design with the more conservative Option 3 (See Section 5; Conclusion, Stage 2 Flood Risk Assessment (Appendix 12 A) with finished Flood Wall/Gate levels of +5.2m OD Malin (+7.9m OD Poolbeg) as against the +7.54m OD Poolbeg indicated in the drawings. Site not served by a public surface water drainage system.

- Site located c. 0.22km north of a designated Visually Sensitive Area as per KCDP 2022. A 'Views and Prospects' corridor is also designated along the N67 National Secondary Public Road southeast of the site. KCC consider given presence of existing large buildings on site that visual impact will be low and localised.
- Listowel Municipal Roads Office recommend planning conditions to be attached to any grant of permission by ABP.
- The Environment Section of KCC have provided a positive report in relation to the carrying capacity and the likely significant effects on the environment of the proposed development. They recommend planning conditions to be attached to any grant of permission by ABP. Main issue is in relation to water quality management and implementation of mitigation measures during construction.

  Issues raised by Environment Section include the following;

  - Management of Domestic wastewater onsite;
  - Management of Waste including 'dredging spoil';
  - Construction and Development Waste Management; Plan (C&DWMP)
  - C&DWMP to consider waste acceptance in relation to contaminated soils.
- Planning Authority requesting a condition relating to community gain as per Section 12.5.5 of Chapter 12 of the KCDP 2022.
- Section 48 Financial Contribution – The proposed development is for a renewable energy development with power generating capacity of 350MW. The existing power station has a generating capacity of 632MWe. As the proposed development would not increase power generation capacity on the site, no development contributions are applicable. In addition, the Council noted that no special contribution condition required.

4.1.2. **Other Technical Reports**

The Council submission includes the following in the appendices, the conclusions of which have been summarised in Section 4.1.1 above;

- Memo from County Archaeologist
- Memo from Environment Department

- Memo from Executive Engineer, Listowel MD Roads
- Memo from Environmental Assessment unit – Biodiversity Considerations
- Comments from the Assistant Chief Fire Officer of Requirements for Development.

4.1.3. **Applicants Response**

4.1.3.1. **Flood Risk** – A justification test has been included in Appendix 12B of the submitted EIAR. This quantifies the level of flood risk and outlines the mitigation measures proposed. In relation to Design Option 3, the applicant notes that this design relates to an extended design life for the proposed development of up to c. 70 years, well in excess of the 25-year design life that is being applied for. The applicant states that a pragmatic design approach has been adopted for the proposed flood defences, which can be adapted in the future, if required. The applicant has included a 'Flood Wall Technical Note' in the response. This is a summary of relevant information contained in the EIAR.

4.1.3.2. **Wastewater** - All wastewater discharges will be regulated under the Industrial Emissions (IE) Licence for the site. A site Suitability Assessment is not considered necessary or appropriate in case as discharge to ground is not being considered.

4.1.3.3. **Waste Management** – Quantities not determined to be significant as per EIAR Chapter 18. Appointed contractor will confirm authorised waste facilities prior to commencement and demolition. Applicant has submitted details of four EPA licenced sites within 50km of site and five local authority licensed sites within 20km of the site. Dredging spoil is not anticipated to be generated by the project. The excavation works will generate waste comprising of soils and stones only. A Waste Management Plan will be prepared by the developer and contractor prior to commencement and demolition.

4.1.3.4. **Community Benefit Fund** – The applicant states that the projects dedicated Community Liaison Officer will continue to engage with the local community, is committed to ensuring that any community commitment contributes to the social,

environmental and economic well-being of local communities over the construction and operational phases of the proposed development.

4.1.3.5. **Planning Conditions** – The Applicant notes the proposed conditions and considers them to be reasonable and appropriate for the Proposed Development.

4.2. Prescribed Bodies

Of the prescribed bodies notified, submission have been received from the following;

1. Kerry County Council (See Section 4.1 above)
2. Uisce Éireann (UE) (Irish Water)
3. Transport Infrastructure Ireland (TII)
4. Environmental Protection Agency (EPA)
5. Environmental Health Service (EHS)
6. Health Safety Authority (HSA)

A summary of the Prescribed Bodies submission and the applicant's response is outlined below.

4.2.1. Uisce Éireann (Irish Water)

4.2.1.1. **Support of Renewable Electricity Generation** - Uisce Éireann (UÉ) acknowledges the importance of proposals to support the security of electricity power supply and continued expansion of Ireland's renewable generation capacity and will provide essential support to the electricity supply system at times of peak demand and at times when other electricity generation are not sufficient to meet demand.

4.2.1.2. **Application Documentation** – Uisce Éireann has reviewed the EIAR Non-Technical Summary Sections 12.4 and 13.4, EIAR Chapter 12 – Water, Chapter 13 – Land and Soils, Section 5.2.5 'Water Supply' of Environmental Appraisal Report.

4.2.1.3. **Water Requirement** – Proposed Development will require up to c. 150m3 per hour of demineralised water and c. 5,900m3 proposed firewater/water storage tank, which will need to be considered as part of UÉ's feasibility assessment.

4.2.1.4. **Consultation** – UÉ notes that Applicant has not consulted with UÉ prior to submission of application, nor has a pre-connection enquiry (PCE)) outlining water demand profile

been submitted. UÉ state that due to intensification of use, a PCE will be required to be submitted to UÉ in order to assess feasibility of water supply and networks to cater for development. UÉ noted that they were subsequently contacted by Applicant and provided with some details regarding water requirement. UÉ noted that they have some concern with figures proposed, particularly what peak flows might be and the potential impacts on the reservoir storage as well as the impacts on existing watermains and networks.

4.2.1.5. **Further Information Request (FI)** - UÉ requested FI to be sought from the Applicant in order to determine the feasibility of connection to the public water/wastewater infrastructure and ensure adequate provision of water and wastewater facilities by submitting a PCE to UÉ, the outcome of which is to be submitted as a response to the FI Request. UÉ outlined the type of information required to be submitted with the PCE.

4.2.2. **Applicants Response to Uisce Éireann (Irish Water)**

The applicant has responded to state that a Pre-Connection Enquiry form has been submitted to Uisce Éireann with the requested information. The applicant states the proposed development does not require a new connection. It will use the existing connection that previously supplied the Heavy Fuel Oil (HFO) plant on-site. As acknowledged by Uisce Éireann, the water supply requirement for the proposed development will be significantly less than that for the HFO plant.

4.2.3. **Transport Infrastructructure Ireland (TII)**

4.2.3.1. **Application Documentation –** TII notes Section 2.9 Traffic Management, Appendix 5A (CEMP), and Sections 1.5 & 1.6 of Appendix 14B (CTMP), Section 15.5.4 of the EIAR in relation to Haul Routes.

4.2.3.2. **Abnormal Load Haul Routes –** TII not convinced that the Applicant has appropriately considered the requirements associated with transporting Component Haul Route in the EIAR, especially with respect to a Dublin Port point of entry. The proposed haul route would have more impact than just Kerry County Council jurisdiction, especially for abnormal loads and potentially abnormal weights.

4.2.3.3. **Technical Load Assessment –** Concerned that no technical load assessment of structures appears to have been undertaken to support the proposed application. Not clear in documentation if abnormal weight loads are a feature of the proposed development.

4.2.3.4. **Revised Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) –** TII request an updated CEMP and CTMP prior to a decision being made on the application to address concerns relating to national road network maintenance and road safety. TII have detailed TII requirements for the Applicant in their submission.

4.2.3.5. **Mitigation Measures –** Mitigation measures identified by the Applicant should be included as conditions in any decision to grant permission.

4.2.4. **Applicants Response to TII**

4.2.4.1. **Abnormal Load Haulage Routes & Consultation** – The Applicant has submitted an Abnormal Loads Report with their response. Report concludes that the transportation of abnormal loads required is achievable using the existing road network from Foynes or Dublin Port. Deliveries will be undertaken in accordance with the routes set out in the Abnormal Loads Report and in consultation with the PPP companies, MMaRC Contractors and relevant road authorities. This will be carried out in accordance with an updated Construction Traffic Management Plan (CTMP) which will be in accordance with requirements of TII, Kerry County Council, Limerick City & County Council, An Garda Siochana and other relevant stakeholders and a Construction Environmental Management Plan (CEMP), which will include final details confirmed with the road authorities and will be maintained as working documents throughout the course of the construction period. TII will be advised of all proposals agreed between the appointed contractor and relevant stakeholders.

The applicant acknowledges that any damage caused to the existing road pavement due to turning movements related to deliveries will be rectified in accordance with TII Pavement Standards.

4.2.5. **Environmental Protection Agency (EPA)**

4.2.5.1. **Industrial Emissions (IE) Licence –** SSE Generation Ireland Limited hold an IE Licence (Reg. No. P0607-02) for the installation located at Tarbert Generating Station, Tarbert, Listowel, County Kerry. The licence is for the following activity: Class 2.1 of the EPA Act '*Combustion of fuels in installations with a total rated thermal input of 50MW or more'.* The licence may need to be reviewed or amended to accommodate the changes proposed in the SID application. Noted that an EIAR has been submitted and it is likely that this will have to be considered by the EPA as part of any review of the IE licence. All matters to do with emissions to the environment from the proposed activities will be assessed by the EPA.

4.2.6. **Applicants Response to EPA**

Applicant notes it has engaged with EPA in advice of this planning application being submitted and will continue to do so in advance of a license application being made.

4.2.7. **Environmental Health Service (EHS)**

The following documents were received from the HSE;

- HSE Submission from the National Environmental Health Service (NEHS)
- HSE South Emergency Management (a) HSE South Emergency Consultation Report (b) ETHANE Aide Memoire

HSE Submission Report – Environmental Health Service Consultation Report

4.2.7.1. **Public Consultation & Non-Technical Summary (NTS)** – NEHS recommend that the dedicated Community Liaison Officer or other designed person remain in place throughout all phases of the development including decommissioning to act as a focal point for community feedback.

4.2.7.2. **Population and Human Health & Waste** – Population and Human Health assessed in Chapter 15 of EIAR, drawing on findings from other chapters. NEHS recommends Chapter 18 Waste Management is included as a relevant chapter in the context of population and human health. **Waste - Chapter 18 of the EIAR.** Management of

waste is relevant to the control of potential vectors of disease including rodents, flies and potential invasive species of mosquito.

4.2.7.3. **Traffic** – The NEHS recommends consideration of traffic impacts during holiday periods when use of the Killimer – Tarbert ferry is likely to be at heightened capacity.

4.2.7.4. **Human Health** – **Chapter 11 of EIAR.** NEHS recommends that the mitigation measures outlined in 11.6.1 and 11.6.2 of the EIAR are conditioned on any grant of permission. Monitoring at Noise Sensitive Receptors (NSR) locations is recommended to take place at day, evening and nighttime periods to ensure compliance. The NEHS recommend there is an accessible way for the local community to make complaints regarding noise and other health protection issues during all phases of development.

Chapter 7 of EIAR. NEHS recommend that dust control measures contained within the CEMP and those mitigation measures listed under Chapter 7, Section 7.5.1.3 are conditioned on any grant of permission.

4.2.7.5. **Climate** – **Chapter 17 of EIAR.** NEHS recommend that the proposed development aim to minimise Green House Gas (GHG) emissions to the maximum extent feasible, e.g. Active Travel for staff, utilization of zero or near zero emission vehicles during all phases, harvesting rainwater and incorporation of renewable energy sources. The NEHS recommend the proposed development go beyond flood defence and seek ways to develop health promotion opportunities, for example, creating shade to limit the urban heat island effect, creation of cycle and walking paths to support active travel, sustainable drainage and waste management systems, and harvesting of rainwater to reduce demand on treated public water and as an adaptation to heat drought conditions.

HSE South Emergency Management Consultation Report & ETHANE Aide Memoire

4.2.7.6. **ETHANE -** For Site Operations, details provided in relation to ETHANE in the event of an incident occurring, high visibility signage to be provided, procedure for evacuation of personnel to be in place, identification of any crucial/vulnerable facilitates within the

vicinity, development of a business continuity plan which includes a plan for severe weather.

4.2.8. **Applicants Response to EHS**

4.2.8.1. **Community Liaison Officer (CLO)** – The applicant has stated that a dedicated CLO will be in place for the full course of the proposed development.

4.2.8.2. **Waste Management** – The applicant notes that existing waste management and pest control measures on site are effective and will be maintained throughout the course of the Proposed Development. In addition, a Pest/Vector Control Plan will be included as part of the updated CEMP.

4.2.8.3. **Traffic** – In terms of traffic safety, the applicant notes that there is an existing 'yellow box' road marking at the main entrance to the site on the N67, which prevents traffic queueing for the ferry from blocking the entrance to the site. Also, alternative access to the site will be possible from the existing access point to the west, should ferry traffic during peak holiday periods become disruptive to construction traffic movements or vice versa.

4.2.8.4. **Human Health** – Applicant welcomes a condition regarding mitigation measures listed under sections 11.6.1 and 11.6.2 of the EIAR, noise monitoring, Air Quality and Dust listed under Section 7.5.1.3. The applicant notes a CLO will be appointed as a critical link between the project team and the local community.

4.2.8.5. **Climate** – Under SSE's environmental governance and policies, the applicant is working to actively manage its environmental footprint. For a Large Capital Project, SSE is committed to achieving no 'net loss' in biodiversity from 2023, and 'net gain' in biodiversity from 2025. A biodiversity enhancement plan will be developed across the full Tarbert Island site. As part of this they will look for opportunities to promote health gain. GHG emissions will be minimised through the use of BAT ('Best Available Techniques') combustion technology and sustainable, certified low carbon HVO fuel. The applicant notes that the submitted climate change resilience assessment covers both sudden onset (e.g. flood, storm events) and slow onset (e.g. rising temperatures) climate change risks in Chapter 17 and appendix 17A of the submitted EIAR.

4.2.8.6. **ETHANE** – Applicant noted details of requirements from HSE South Emergency Management.

4.2.9. **Health Safety Authority (HSA)**

4.2.9.1. **HSA Advices** - To fully understand advices given in submission, advised to refer to policy document '*Policy & Approach of the Health and Safety Authority to COMAH Risk-based Land-use Planning'*. The application is covered by Regulation 24(2) (b) of S.I. 209 of 2015 relating to technical advice on land-use planning. It is noted that the HSA **does not advise against** the granting of planning permission in the context of major accidents hazards. The advice is based on the specific circumstances of the proposed development at this period of time. It is noted that future development around COMAH establishments has the potential to impact on the expansion of those establishments.

4.2.10. **Applicants Response to HSA**

4.2.10.1. Applicant welcomes advise that the HSA **does not advise against** the granting of planning permission.

4.3. Third Party Observations

In total three submissions were received from third parties.

The Applicant responded to the Third-party Observations in a submission dated 6th March 2024. The third-party submission received, and Applicants response may be broadly summarised as follows;

4.3.1. **Tarbert Development Association**

Supportive submission, welcoming the OCGT plant on the existing site and the resultant employment benefits it would bring. Look forward to a cleaner greener environment in the years ahead.

4.3.1.1. **Visual Impact** – Due to the sites location within the boundary of the SSE Tarbert Power station site which was developed in the 1960's by the ESB, there should be little or no visual impact from the proposed development.

4.3.1.2. **Emissions, Noise and Waste Impact** – Should be greatly reduced as the Plant will only operate at times when power from renewable sources is not able to meet demand.

4.3.1.3. **Biodiversity** – Site in close proximity to European Sites, hence important that all Mitigation Measures as set out in Section 9.6 of the application be implemented in full.

4.3.1.4. **Traffic** – No information provided in Chapter 14 about traffic movements through Tarbert town. Concern about construction traffic and impact on Tarbert. Requested Kerry County Council implement traffic management suggestions from an Urban Design Framework(UDF) prepared in 2008 for Tarbert.

4.3.2. **Applicants Response to Tarbert Development Association**

4.3.2.1. The applicant noted and agreed with the points made by Tarbert Development Association. In relation to traffic, the applicant notes that there will be minimal traffic generated during the operational phase, while there will be higher volumes generated during the construction phase. The implementation of the CTMP will ensure the impact is not significant including flows within the town.

4.3.3. **Cllr Michael Foley**

Supportive submission for the proposed development. Discusses the historical background of the site in relation to generating electricity since the 1960's. The submission notes that the site is brownfield and one of nine locations supported for industrial development in the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary published in 2013. County and Local Policy note the importance of the site for industrial development. Also, the Kerry County Development Plan (KCDP) notes that the availability of energy is of critical importance to the continued development and expansion of employment in the County and that it is vital that there is sufficient capacity to meet the current and future needs. Submission discusses Irelands energy demand over the next 10 years, concluding that electricity is required from every available source to secure Irelands energy demand.

It is stated that the company recently received a contract to supply electricity by 2026 under Eirgrids T-4 Capacity Auction. The company has a reputation as a good employer in the area. The development will provide badly needed employment for

both the construction and operation phases. Future potential for conversion to hydrogen use based on the sites location and the huge potential of offshore wind.

4.3.4. **Applicants Response to Cllr Michael Foley**

4.3.4.1. The applicant notes and welcomes the supportive comments made by Councillor Foley.

4.3.5. **John Fox**

Supportive submission based on Proper Planning and Sustainable Development and Supportive of the re-use of a brownfield site at the old power station. Existing essential infrastructure on the site that will assist the proposed development e.g. internal road network, transmission lines and existing buildings. Visual impact will be improved by the dismantling of the old structures on the site.

4.3.5.1. **Energy Security and Local Employment** - Development will provide much needed Energy Security for the country. In addition, the development will provide much needed employment in the area to sustain rural Ireland and North Kerry. Following the completion of development, there will be space for other industries on the site should the opportunity arise.

4.3.6. **Applicants Response to John Fox**

The applicant notes and welcomes the supportive comments made by Mr. Fox in relation to the Proposed Development.

5.0 Planning Assessment

5.1. Introduction

I have read the contents of the file in full, visited the site and surroundings, and have had regard to European, National and Local policy in relation to renewable energy. I have also had regard to the submissions contained on the file including the submissions from the various observers, prescribed bodies and submissions from Kerry County Council.

All three sections of this report (Planning Assessment, EIAR Assessment and the Appropriate Assessment Screening) should be read in conjunction so as to avoid unnecessary repetition under each of the sections.

I consider that the key issues that arise for consideration by the Board under this section of the report relate to the following:

- Principal of the Development
- Community Benefit Fund
- Other Matters

5.2. Principle of the Development

This section should be read in conjunction with Section 6.0 below (Environmental Impact Assessment).

The Proposed Development consists of an Open Cycle Gas Turbine (OCGT) (350MW) plant fuelled by Hydrotreated Vegetable Oil (HVO). The Proposed Development will involve the combustion of HVO as the fuel in a gas turbine (operating in open cycle mode) that drives a generator to produce electricity. The Proposed Development will connect via an overhead cable 75m in length, to an existing electrical substation to the south of the OCGT building within the Site boundary. To accommodate the Proposed Development, demolition works of ancillary buildings/structures and foundations associated with the existing Tarbert HFO Power Station will be carried out. The Tarbert HFO Power Station will be decommissioned prior to commencement of the construction phase of the Proposed Development.

The Proposed Development will run on Hydrotreated Vegetable Oil (HVO), which is a type of biofuel. Biofuels provide a transitional step away from fossil fuels and towards low-carbon hydrogen. It has a lower greenhouse gas emissions profile across its lifetime when compared to alternatives such as diesel combustion.

The plant will operate as a ‘peaking plant’, spending most of its time on standby and will be run to complement renewable power generation technology. The objective of the development is to provide support to the electricity network during periods when there is a gap between renewable power generation and power demand. The plant has the ability to operate 24 hours a day, seven days a week. It is noted however that

in reality, it is expected to only operate during peak periods for a limited number of hours per year.

The Existing Tarbert Power Station operates under an existing EPA Industrial Emissions (IE) Licence which would be reviewed and/or amended for the proposed OCGT.

To facilitate the continued expansion of Irelands renewable generation capacity, and support security of supply, modes of supporting the electricity network during periods when there is a gap between renewable power generation and power demand will be needed. An OCGT is specifically for this purpose. It facilitates the integration of more renewable generation into the electricity network, supporting Ireland into its transition to a low carbon economy.

In terms of European and National policy, there is recognition of the need to urgently move towards a low carbon and climate resilient society with a sustainable renewable energy supply and associated grid infrastructure provision. The relevant European, National, Regional and Local policies and objectives are set out in Section 3.0 above. The Climate Action Plan 2024 (CAP24) states that rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation before the second carbon budget period. The Plan aims to deliver at least 2 GW of new flexible gas-fired power generation and phase out and end the use of coal and peat in electricity generation. Energy Security in Ireland to 2030, Energy Security Package, Nov. 2023 confirms that Irelands future energy will be secured by moving from an oil, peat, coal and gas-based energy system to an electricity-led system maximising our renewable energy potential.

The Kerry County Development Plan contains several policies related to the protection of air quality and reduction in greenhouse gas emissions, and for the transition to sustainable forms of renewable energy generation. Section 3.1.3 of this report outlines the Development Plan policy basis for supporting the principle of the proposed development and will not be repeated here. The County Development Plan also contains a variety of policies for the protection of residential and visual amenity, human health and air quality, along with traffic management. Compliance with these policies will be addressed in Section 6.0 below (EIA).

Having regard to:

- European, National and Local Policy in relation to the rapid delivery of renewable energy and specifically National Policy which identifies the need to deliver at least 2GW of new flexible gas fire power stations in order to facilitate Irelands commitment under the Climate Action and Low Carbon Development (Amendment) Act 2021 to the objective of becoming a carbon-neutral economy by 2050.
- The characteristics of the site, which include it being a brownfield site in proximity to the existing Tarbert Power Station, which is currently being decommissioned.
- The overall justification for a 'Peaking Plant', which would provide backup electricity generation to the national grid in order to ensure security of power supply.

In conclusion, I am satisfied the proposed development is supported by Local, European, National and Regional policy in relation to moving from an oil, peat, coal and gas-based energy system to an electricity-led system maximising our renewable energy potential, specifically with the use of new gas-fired generation as flexible back-up, as set out in Section 3 of this report and it would contribute to the achievement of European and national renewable energy targets.

5.3. Community Benefit Fund

The Planning Authority have requested that a condition relating to a community benefit fund as per Section 12.5.5 of Chapter 12 of the KCDP 2022. Section 12.5.5 states the following;

> *'In order to offset any potential impact of a renewable energy development on the community it is the policy of Kerry County Council to seek the developers to provide support to local communities by providing resources for Community Benefit Funds. It is considered reasonable that renewable energy developments contribute to the community within a 20km radius of the development site within the county, at a rate of €2/MWh.*
>
> *It is the policy of the council to:*
>
> - *Require that developers of proposed large-scale renewable energy projects carry out community consultation in accordance with best practice and to commence the consultation at the commencement of project planning.*

- *Ensure that all community benefits are distributed to projects in support of the community within a 20km radius, of the site, within the county only.*
- *Support sustainable community projects that apply to the Renewable Electricity Support Scheme and the National Microgeneration Support Scheme.'*

I note that in ABP Ref. PA08.PA0017, a 10-year permission was granted on 6/12/2010 for a 450MW Gas-fired Combined Cycle Power Plant on the western side of the generation station. Conditions 20 and 21 provide for a community benefit fund to be managed by a Community Liaison Committee.

In relation to Community Gain, the applicant states that the projects dedicated Community Liaison Officer will continue to engage with the local community, is committed to ensuring that any community commitment contributes to the social, environmental and economic well-being of local communities over the construction and operational phases of the proposed development.

I consider a condition relating to a community benefit fund, which would comply with Section 12.5.5. of the KCDP 2022 to be reasonable in relation to the proposed development.

5.4. Other Matters

All other issues related to Population & Human Health, Biodiversity, Water, Land, Soils and Climate, Traffic, Land Use, Air Quality and Climate, Noise and Vibration, Landscape and Visual Amenity, Material Assets, Cultural Heritage & Archaeology, Major Accidents and/or Disasters are addressed in Section 6.0 of this report (EIA).

6.0 Environmental Impact Assessment (EIA)

6.1. Statutory Provisions

The proposed development consists of a gas turbine operating in open cycle gas turbine (OCGT) mode fuelled by Hydrotreated Vegetable Oil (HVO) with an output of 350MW, fuel pipes, storage and unlading area, water storage tanks, electrical grid connection and all associated ancillary development, site works and services. An EIA

is required for proposed developments with '*2. (a) A thermal power station or other combustion installation with a heat output of 300 megawatts or more'*. (EIA Directive, Annex 1 and Schedule 5 Part 1 of the P&D Regs). The proposed development would have a stated thermal output of 350MW. The proposed development exceeds this threshold and is therefore subject to mandatory EIA.

6.2. EIA Structure

This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European Directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

> a. Consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
>
> b. Includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- Population and human health,

- Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- Land, soil, water, air and climate,
- Material assets, cultural heritage and the landscape,
- The interaction between the above factors, and
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

It also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

6.3. Issues Raised in Respect of EIA

Issues raised in respect of EIA by Prescribed Bodies and Third Party Observers:

- Emissions, Noise and Waste Impact
- Human Health
- Climate and Flood Risk
- Construction Phase Traffic and Transport

6.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

The Applicants EIAR is presented as three volumes:

- Volume I – Environmental Impact Assessment Report (Main Text).
- Volume II – Appendices; and
- Volume III – Figures.
- A Non-Technical Summary (NTS) is also provided as a standalone document.

I assess below compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations 2001(as amended);

Table 6.1. Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
A description of the proposed development site and its location and setting is contained in Vol. 1, Chapter 4. The chapter includes details on the proposed development site location and setting, the surrounding area, site history and potential environmental sensitivities/receptors. A description of the proposed development is contained in Vol. 1, Chapter 5 of the EIAR including design and size of the development, flood defence, water supply, wastewater management, firefighting systems and controls, chemical storage, external lighting, demolition works, construction methodology including construction waste, operational (including commissioning) phase, operational traffic and transport, decommissioning phase. The description is adequate to enable decision making.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).

Chapters 7 - 19 of the EIAR describes the significant effects on the environment as follows;

Table 6.1.1 – Summary Table of Adequacy of Information on Likely Significant Impacts

Technical Chapter	**Description of Likely Significant Impacts**	**Adequacy of Information (Y/N)**
Chapter 7 Air Quality	Potential Impacts – Section 7.5 Mitigation – Section 7.6 Cumulative Impacts – 7.7 No specific Section in the Chapter on Residual Impacts – Conclusion of Assessment was that no significant effects identified – Section 7.8	Y
Chapter 8 Cultural Heritage	Potential Impacts - Section 8.6, Mitigation Measures – Section 8.7, Residual Impacts – Section 8.8, Cumulative Impacts – Section 9.9	Y
Chapter 9 Biodiversity	Potential Impacts – Section 9.5 Mitigation Measures – Section 9.6 Residual Impacts – Section 9.7 Cumulative Impacts – Section 9.8	Y
Chapter 10 Landscape and Visual	Potential Effects – Section 10.5 Mitigation Measures – Section 10.6 Residual Effects – Section 10.7	Y
Chapter 11 Noise and Vibration	Potential Impacts – Section 11.5 Mitigation Measures – Section 11.6 Residual Impacts – Section 11.7 Cumulative Impacts – Section 11.8	Y
Chapter 12 Water Environment	Potential Impacts – Section 12.5 Mitigation Measures – Section 12.6 Residual Impacts- Section 12.7 Cumulative Impacts – Section 12.8	Y
Chapter 13 Land and Soils	Potential Impacts – Section 13.6 Mitigation Measures – Section 13.7 Residual Impacts – Section 13.8 Cumulative Impacts – Section 13.9	Y

Chapter 14 Traffic and Transport	Predicted Impacts – Section 14.5 Mitigation Measures – Section 14.6 Residual Impacts – Section 14.7 Cumulative Impacts – 14.8	Y
Chapter 15 Population and Human Health	Potential Impacts – Section 15.5 Mitigation Measures – Section 15.6 Cumulative Impacts – Section 15.7 Residual Impacts and Summary – Section 15.9	Y
Chapter 16 Material Assets	Potential Impacts – Section 16.5 Mitigation Measures – Section 16.6 Residual Impacts – Section 16.7 Cumulative Effects – 16.8	Y
Chapter 17 Climate	Potential Impacts – Section 17.5 Residual Impacts – Section 17.6 Cumulative Effects – Section 17.7 No Mitigation Measures Required – Section 17.8.2	Y
Chapter 18 Waste Management	Potential Impacts – Section 18.5 Mitigation Measures – 18.6 Residual Impacts – 18.7 Cumulative Impacts – 18.8	Y
Chapter 19 Major Accidents and Disasters	Potential Impacts – Section 19.6 Mitigation Measures – Section 19.7 Cumulative Effects – Section 19.9 No specific Section in the Chapter on Residual Impacts – Conclusion of Assessment was that no significant effects identified as all risk events will be mitigated to a level commensurate with ALARP – Section 19.10	Y

Interactions are considered in EIAR Chapter 20, and a Summary and Conclusions is presented in EIAR Chapter 21.

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).

The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. (See Table 6.1.1 above indicating location of Mitigation Measures in each EIAR Chapter). These, and arrangements for monitoring, are detailed in;

- Chapter 21 (Summary of Mitigation)
- Appendix 5A, Volume II (CEMP)
- Appendix 9B (The Natura Impact Statement)
- Appendix 9E (The Wintering Bird Report)
- Appendix 12A (Flood Risk Assessment)
- Appendix 12C (Water Framework Directive Screening Assessment)
- Appendix 14B (CTMP)

Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR, for the reasons stated in the assessment below.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).

A description of the alternatives considered is contained in Chapter 3 of the EIAR (Need and Alternatives). The alternatives considered include, 'Do Nothing' Scenario, Alternative Locations, Alternative Technical Solutions, Alternative Layouts and Designs and Alternative Mitigation Measures.

The main reasons for opting for the current proposal were based on the availability of land within the existing SSE Tarbert site and that compared to a conventional baseload power plant, an OCGT is considered the most appropriate technology due to its low footprint in relation to available area on site, short construction time and ability to respond quickly to changes in electricity demand. The supplied HVO will comply with the RED II (Directive (EU) 2018/2201)

I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).

A description of the baseline environment and likely evolution in the absence of the development.

A description of the location is contained within Chapter 4.
A description of the baseline environment is contained in each technical chapter of the EIAR as follows; Sections 7.4 (Air Quality), 8.4 (Cultural Heritage), 9.4 (Biodiversity), 10.4 (Landscape and Visual), 11.4 (Noise & Vibration), 12.4 (Water), 13.4 (Lands and Soil), 14.4 (Traffic), 15.4 (Population and Human Health), 16.4 (Material Assets), 17.4 (Climate), 18.4 (Waste Mgmt.), 19.5 (Major Accidents and Disasters).

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved

The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. The applicant has indicated in the different chapters of where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the Summary Table below and for the reasons stated, I am satisfied that forecasting methods are adequate as outlined in Table 6.1.2

Table 6.1.2 – Summary Table of Adequacy of Forecasting Methods Used

Chapter 7 (Air Quality)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
Description of Forecasting; ➢ **Control of Dust** - Carried out as per Institute of Air Quality Management (IAQM) guidance. It considers the risk of potential impacts occurring with good practice measures and embedded mitigation in place and if necessary, recommends additional mitigation measures appropriate to the identified risks to receptors.	**Adequacy of Forecasting** I consider IAQM, TII technical guidance document PE-ENV-01106 and Atmospheric Dispersion Modelling System ADMS 6 (version 6.0) to be appropriate and adequate forecasting methods to assess the likely impacts of the development proposed.

➢ **Construction & Operational Traffic Assessment** – Transport Infrastructure Ireland (TII) technical guidance document PE-ENV-01106 used to screen out significant effects on air quality. ➢ **Operational Phase Emissions Assessment** – Assessment done using the current version of the Atmospheric Dispersion Modelling System ADMS 6 (version 6.0), published by Cambridge Environmental Research Consultants (CERC). ADMS 6 is a software approved for use by the EPA and is tested by other entities independent of CERC. Two scenarios are modelled for the assessment. **Describing Significant Effects** UK Environment Agency guidance (*UK EA (2016), Air Emissions Risk Assessment for you Environmental Permit Guidance – Updated 2022)*, and IAQM and EPUK guidance (*IAQM & EPUK (2017), Land-Use Planning & Development Control: Planning for Air Quality*) has been developed to determine whether or not an air quality effect can be screened as insignificant or not by the regulator, or significant or not by the planning authority, respectively. The approach described in these documents have been considered and utilised alongside the EPA AG4 guidance in the assessment. The applicant notes that where possible, the approaches described in the air quality specific guidance have been reported in a manner that is compatible with the requirements of the EPA Guidelines (*EPA (2022), Guidelines on the information to be contained in Environmental Impact Assessment Reports*).	I consider the Significant Effects have been described as per the most relevant and latest guidance available. (See Section 7.3.4 of EIAR). **Difficulties/Omissions** There are inherent uncertainties described in the EIAR with dispersion modelling including source emissions data. To reduce uncertainty, the assessment has used emissions information from other sources as appropriate. To reduce uncertainty for meteorological data, the assessment has modelled for five years for the worst-case scenario. For baseline conditions in relation to nitrogen deposition rate data, the background value was taken from research published by the EPA. The air quality assessment has also made a number of assumptions where precise information or data is not available, although its noted by the applicant that assumptions are informed by relevant guidance. I am satisfied the Applicant has highlighted the uncertainties and omissions in the data in relation to Air Quality and has used appropriate guidance and assumptions to assess the likely significant impacts.
Chapter 8 (Cultural Heritage)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
No Forecasting carried out for this Chapter	N/A
Chapter 9 (Biodiversity)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
No Forecasting carried out for this Chapter	N/A
Chapter 10 (Landscape and Visual)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
No Forecasting carried out for this Chapter	N/A
Chapter 11 (Noise and Vibration)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
Construction and Operational Phase - Vibration Construction Phase related vibration was scoped out due to the distance to the nearest receptor,	**Omissions/Difficulties** Section 11.3.6 of the EIAR outlines the Limitations and Assumptions made by

based on the guidance provided in BS5228-2:2009+A1:2014 *'Code of practice for noise and vibration control on construction and open sites. Vibration' (BS5228-2)*. Operational Phase Vibration Impacts scoped out due to the nature of the activities and distance to nearest receptor. **Construction Phase – Noise** The *NRA Guidelines (2004), which refer to the Calculation of Road Traffic Noise, Dept. of Transport, Welsh Office 1988, (CTRN) methodology and the Noise Advisory Council (NAC) prediction methodology* and BS5228-1:2009+A1:2014 *'Code of practice for noise and vibration control on construction and open sites'* (BS5228-1) was used to assess noise caused by construction site activities and noise caused by increases in traffic on public roads during construction. Where the criteria differ, the more stringent of the two was adopted. **Operational Phase - Noise** The Proposed Development will comply with the requirements of the EU (Large Combustion Plants) Regulations 2012, S.I. No. 566 of 2012, under an IE Licence from the EPA and this will likely be incorporated by a review of the existing IE licence. Methodology from **NG4:** *Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (EPA, 2016) was used* to predict the likely noise impacts from the operational phase under the 'All other Areas' criteria. Operational noise level prediction used *ISO 9613-2:1996 Acoustics - Attenuation of sound during propagation outdoors - Part 2: General method of calculation.*	the applicant while carrying out the assessment. The applicant notes that none of the assumptions effect the efficacy of the assessment of the predicted results. I am satisfied the applicant has highlighted the limitations and assumptions adequately. **Adequacy of Forecasting** I am satisfied that the forecasting methodology used are adequate in respect of the likely significant effects in relation to Construction and Operational Phase Noise. I am also satisfied that the screening-out of Vibration impacts is acceptable due to the distance of the nearest receptors based on the guidance provided in BS5228-2.
Chapter 12 (Water Environment)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
A qualitative assessment has been carried out on the Water Environment and no specific Forecasting has been used. A Flood Risk Assessment (Appendix 12A) was prepared for the site using methodology from '*The Planning System and Flood Risk Management – Guidelines for Planning Authorities (DOEHLG 2009)'.*	**Omissions/Difficulties** Limitations and General Assumptions are described in Section 12.3.9 of the EIAR. No omissions or difficulties have been noted. **Adequacy of Forecasting** I am satisfied that the Flood Risk Assessment in Appendix 12 is adequate based on the methodology used by the applicant. It assesses and describes the likely significant effects in relation to potential flood risk on the site.
Chapter 13 (Land and Soils)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**

No Forecasting carried out for this Chapter	N/A
Chapter 14 (Traffic and Transport)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
Construction Phase TII Project Appraisal Guidelines for National Roads Unit 5.3 – Travel demand Projections, 2017, was used. The background traffic is expected to increase by 1.0337% between 2023 and 2026 and by 1.1970% between 2023 and 2041. Impact calculations based on 2026 background traffic flows, and 2025/2026 peak construction phase traffic.	**Adequacy of Forecasting** The percentage impact is based on predicted peak construction traffic. I am satisfied that Traffic Forecasting is adequate based on the TII methodology used by the applicant. **Omissions/Difficulties** None noted.
Chapter 15 (Population and Human Health)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
The human health impact assessment (HIA) relies on the assessments and draws on the findings of the following chapters to assess the impacts on human health: Chapter 7 (Air Quality), Chapter 10 (Landscape and Visual), Chapter 11 (Noise and Vibration), Chapter 14 (Traffic and Transport) and Chapter 17 (Climate). NHS London Healthy Urban Development Unit (2019). HUDU Planning for Health: Rapid Health Impact Assessment Tool, NHS methodology was used to assess impacts on human health. Homes and Communities Agency (HCA) (2014). Additionality Guide: A Standard Approach to Assessing the Additional Effect of Projects: 4th Edition methodology was used to forecast employment figures.	**Omissions/Difficulties** None noted. **Adequacy of Forecasting** I have reviewed the adequacy of forecasting of individual Chapters which feed into the Population and Human Health Chapter as outlined above, and in the column opposite and will not repeat the detail here. I am satisfied that the Forecasting carried out is adequate.
Chapter 16 (Material Assets)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
No Forecasting carried out for this Chapter	N/A
Chapter 17 (Climate)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
Climate Change Projection Data Two climate change scenarios were provided in the EIAR as follows; • RCP 4.5 – Intermediate scenario • RCP 8.5 – Worse-case scenario The climate change projection data used was gathered from Climate Ireland's 'Climate Data Explorer' online platform. The data available on this platform is based on Nolan and Flanagan's 2020 Ensemble of regional climate model projections for Ireland. The Climate Data Explorer provides climate change projection data for a variety of climate	**Omissions/Difficulties** Due to the nature of GHG emissions i.e., they are not geographically constrained and the receptor being the global climate, a quantitative assessment of cumulative GHG effects is not appropriate. Consequently, consideration of effects on the climate of GHG emissions from the Proposed Development together with other arbitrarily selected developments is not considered to be applicable. There are inherent uncertainties associated with climate change

variables for the period 2041-2060 (compared to a 1981-2000 baseline). Whilst it is best practice to consider climate change projections from multiple time horizons, 2041-2060 is the timeframe for which most supporting data was available. This period is relevant as it encompasses the entire planned design life of the Proposed Development. A lifecycle approach to calculating the GHGs was adopted. This approach considers specific timescales and emissions from different lifecycle phases of a proposed development: product phase (construction materials), construction phase and operational phase.	projections, as detailed in the EIAR. To overcome these, current climate change data and science has been incorporated into the assessment and proven effective approaches undertaken to assess similar project types have been replicated. Further assumptions specific to the GHG and CCR assessments are detailed in their respective sections of the EIAR. **Adequacy of Forecasting** I am satisfied that the Forecasting carried out for Climate is adequate to assess the potential impacts, including worst-case scenario.
Chapter 18 (Waste Management)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
Estimated Waste Arisings (Section 18.5.2 of EIAR) C&D waste estimates are based on material quantities/volumes included in a bill of quantities providing an overview of demolition, excavation and construction requirements and material quantities for the Proposed Development. Waste & Resources Action Programme (WRAP) construction, demolition and excavation waste volume to mass conversion factors and National Highways material density factors have been used to convert the material quantities/volumes provided to tonnes so that they can be assessed against C&D Waste Collected in Ireland in 2021.	**Omissions/Difficulties** Limitations and Assumptions are described in Section 18.3.5 of the EIAR. **Adequacy of Forecasting** I am satisfied that the Forecasting carried out for Waste is adequate to assess the amount of waste that will be produced and the potential impacts.
Chapter 19 (Major Accidents and Disasters)	
Description of Forecasting Method Used	**Adequacy/Omissions/Difficulties**
The assessment of MA&Ds has been based on the application of standard hazard identification and risk assessment methodology which is typically applied at COMAH Installations and follows the IEMA and EPA guidance where applicable. This methodology aims to identify credible hazard scenarios which are pertinent to the Proposed Development by virtue of the substances present, operations carried out and the geographic location. For each scenario identified, the precautionary measures associated with these hazards are taken into consideration and the residual risk is assessed. Following implementation of mitigation measures, the residual risk should be commensurate with a level considered by the Health and Safety Authority and EPA to be 'as low as reasonably practicable' (ALARP).	**Omissions/Difficulties** None noted. **Adequacy of Forecasting** I am satisfied that the forecasting carried out, which comprises an assessment of potential scenarios is adequate to identity likelihood of risks relating to the proposed development.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is specifically dealt with in the in Chapter 19 (Major Accidents and Disasters) of the EIAR. Specific risks have been identified in relation to the do-nothing scenario, the construction phase and the operational phase. This includes an assessment of hazardous substances and operations associated with the proposed development. These risks are reasonable and are assessed in my report.
Article 94 (c) A summary of the information in non-technical language.
This information has been submitted as a separate standalone document entitled Non-Technical Summary (NTS). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the report are set out in Appendix 1B (Volume II) of the EIAR. Table 1.2 provides a summary of the experience of the Assessment Team and provides their Technical Role. Although, the qualifications of each individual expert are not identified in the table, a summary of their relevant experience and role is provided. I am satisfied that that EIAR has been prepared by competent experts within the various Chapters of the EIAR.

6.5. Consultations

The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. In addition, the applicant has carried out Public Consultation as described in EIAR Chapter 6 of the EIAR and EIAR Volume II Appendix 6F. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

6.6. Conclusion on compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations 2001(as amended)

Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with Article 94 of the Planning and Development Regulations, 2001(as amended).

7.0 Assessment of Likely Significant Effects

This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.

In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination, analysis and evaluation of the EIAR.
- The Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

8.0 Air Quality

8.1. Issues Raised

Tarbert Development Association were supportive of the proposed OCGT as emissions should be greatly reduced as the Plant will only operate at times when power from renewable sources is not able to meet demand.

The HSE recommends that dust control measures are implemented within the CEMP (Section 7.5.1.3 of EIAR) and that this should be conditioned with any grant of permission.

8.1.1. Context

Air Quality is addressed in Chapter 7 of the EIAR, Volume I and Figures 7.1 to 7.12 in Volume III. Chapter 7 sets out the Methodology, Regulatory and Policy Framework, Baseline Environmental Conditions, Potential Impacts and Cumulative Impacts. The chapter was prepared in accordance with the Institute of Air Quality Management Guidance (IAQM). The EIAR notes that it is intended that significant adverse environmental effects are avoided at the design stage and through embedded mitigation where possible, including the use of good working practices to control dust emissions at source. The EU's Industrial Emissions Directive (2010/75/EU) will apply to the applicable combustion plant associated with the Proposed Development. The EPA is the statutory body responsible for issuing and enforcing Industrial Emissions Licences (IELs). The operator will be required to obtain an IEL from the EPA for the proposed Open Cycle Gas Turbine (OCGT) power plant; this is expected to be through a licence modification.

8.1.2. Baseline

The baseline environment is described in Section 7.4 of the EIAR. EU legislation on air quality requires that Member States divide their territory into zones for assessment and management of air quality. All receptors used within the assessment are located in Air Quality Zone D, which is used to represent rural locations. The EIAR notes that the assessment includes existing sources of pollution such as Tarbert HFO Power Station, which will be decommissioned after December 2023 and hence, the

background pollutant concentrations are likely to be an over-estimate. The assessment presents a worst-case scenario of air pollution with the Proposed Development. Following assessment, an optimal stack height of 55m is proposed for the proposed OCGT. (See Plate 7.3)

8.2. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 8.1;

Table 8.1: Summary of Potential Effects (Air Quality)

Do Nothing

- Not examined in EIAR.

Construction

Construction Dust

- Table 7.15 of EIAR indicates that the dust emission magnitudes have been defined as 'small' for demolition, earthworks, construction and trackout. Demolition will be minimal and not a potentially dusty material, earthworks will take place in a small area on a large site, total building volume is small and prefabricated modules, minimising potentially dusty materials on site and a small number of HDV trips is anticipated and most will occur on paved roads.
- The risk of impacts from dust soiling and human health caused by unmitigated activities in presented in Table 7.16 of the EIAR.
- The risk assessment for construction dust indicates that there would be negligible to low risk of unmitigated dust impacts on human health and a negligible risk for dust soiling from unmitigated activities for the Proposed Development.

Operational Impacts

Operational Phase Emissions Assessment (7.3.3 of EIAR)

- The assessment has quantified the contribution of emissions from the proposed OCGT generator to pollutant concentrations at 15 human health sensitive receptors and pollutant concentrations and deposition rates at 15 ecological sensitive receptors within the model domain. These receptors are shown in Figure 7.3 and Figure 7.4 (refer to EIAR Volume III).
- The contribution has been compared to relevant Environmental Assessment Levels (EALs) to determine the magnitude of impact. The pollutant contribution to pollutant concentrations and deposition rates has been added to the background contribution to provide an estimate of total pollutant concentrations and deposition rates.
- In the assessment two scenarios are modelled, the first scenario assesses the potential impact from sources from the Proposed Development, which is limited to the proposed OCGT, at the proposed 1800 hours of operation annually, operating at 100% load. Pollutants emissions included in the assessment are NOX, CO, SOx, particulates and NH3. This scenario is referred to as the Proposed Development Scenario. (as presented in Section 7.3.3.1 of the EIAR)
- The second scenario is the Cumulative Developments Scenario (See below)

Proposed Development Scenario

- The results from Tables 7.17 – 7.28 from the EIAR for Human Health and Ecological Receptor Locations Scenarios are summarised as follows;
  - The assessment has determined that the impact of the Proposed Development Scenario and subsequent total pollutant concentrations (PEC) does not result in a significant effect on local air quality for human health receptors.

➢ The impacts at ecological sites are also unlikely to be significant for all scenarios. It is predicted that the PCs (process contributions of modelled emissions only) from the Proposed Development Scenario are all <0.1% of the Environmental Assessment Level.
Decommissioning
• The applicant notes in Section 7.1.1 of the EIAR that during the decommissioning phase, potential air quality impacts will be very similar to impacts referred to under the construction phase. • The air quality impacts arising include Emissions of dust and particulates from construction activity; and - Emissions of oxides of nitrogen (NOX) (including nitrogen dioxide (NO2) and particulate matter (PM10 and PM2.5) from construction phase traffic movements. • The Applicant notes in Section 7.3.2 that no significant change in air quality is likely from traffic during the decommissioning phases.
Cumulative Impacts
<u>Cumulative Developments Scenario</u> • The Cumulative Developments Scenario includes all of the proposed OCGT, the generators which from the Tarbert Temporary Emergency Generation (TEG) Site operational for 500 hours per year each and sources from Moneypoint Power Station (outlined in Section 7.3.3.2 of EIAR) • The results from Table 7.29 – Table 7.40 from the EIAR for the cumulative results for each modelled scenario at Human Health Receptor Locations and at Ecological Receptor Locations is as follows; ➢ The assessment has identified several incidences of moderate impacts at human receptors in both the Proposed Development Scenario and the Cumulative Developments Scenario. This, however, does not indicate a significant impact, owed to the good overall air quality at in the vicinity of the Site. ➢ The impact at ecological sites are unlikely to be significant. The higher PCs in the cumulative scenario are likely to be due to unavoidable double counting of contributions from Moneypoint and the contribution of the Tarbert HFO Power Station in the background, as described in the previous sections. This assessment has therefore shown to represent a conservative approach to modelling the Proposed Development. • Of note in the assessment in relation to Cumulative Impacts on Annual Nitrogen Deposition; '*This assessment offers a conservative prediction of the air pollution climate in the vicinity of the site. It is important to acknowledge that the reason PEC of nitrogen deposition as shown in Table 7.39 is high is because of the existing background concentrations. These background concentrations are likely to comprise existing sources of pollutants, such as Moneypoint Power station, which is modelled in this assessment, we are therefore likely to be double counting this contribution in the calculated PEC. The Tarbert HFO Power Station, which is expected to be decommissioned by the time the Proposed Development is operational, is also likely to be a contributor to the background nitrogen deposition concentrations used in this assessment.'*

8.3. Mitigation

Mitigation Measures are discussed in Section 7.3.1 of the EIAR in relation to Construction Dust. It is intended that significant adverse environmental effects are

avoided at the design stage and through embedded mitigation where possible, including the use of good working practices to control dust emissions at source.

Section 7.5.1.3 notes that appropriate mitigation measures are set out in guidance published by the IAQM to control impacts from dust soiling from unmitigated activities for the proposed development. Additional site-specific measures will be identified in the contractors Construction Environmental Management Plan (CEMP) to further mitigate dust emissions. These are standard good practice measures.

No additional measures to mitigate the effects of air quality are proposed, outside the scope of good practice and the Site's Industrial Emissions Licence.

8.4. Residual Effects

No significant residual impacts have been identified.

8.5. The Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 7 of the EIAR, and all of the associated documentation and submissions on file in relation to Air Quality. Tarbert Development Association were supportive of the proposed OCGT as emissions should be greatly reduced as the Plant will only operate at times when power from renewable sources is not able to meet demand.

For the construction stage, a CEMP will adequately mitigate against construction dust and other construction phase impacts and this can be dealt with by way of condition.

I am satisfied with the applicants understanding of the baseline environment and the dispersion modelling assessment of the proposed development impacts based on emissions associated with the construction and operation of the proposed OCGT, operating up to 1800 hours per year and the cumulative impacts scenarios at selected Human Health Receptor Locations and Ecological Receptor Locations including air quality sensitive SAC and SPA habitats within 15km. I consider the applicants have provided a conservative prediction of air pollution climate in the vicinity of the site as described in their assessment. I am confident the dispersion modelling is robust, having identified several incidences of moderate impacts which are not considered significant due to the good overall air quality in the vicinity of the site. Based on the

results of the EIAR dispersion model, I am satisfied that no significant impacts are likely in relation to Air Quality.

8.6. Conclusion: Direct and Indirect (Air Quality)

Emissions from the proposed OCGT will operate within the terms of an EPA IE licence and as such would be subject to ongoing and periodic monitoring. The proposed development would not give rise to any other significant adverse cumulative impacts in relation to Air Quality. I have considered the Applicants EIAR and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Air Quality.

9.0 Cultural Heritage

9.1. Issues Raised

There were no issues raised in relation to Cultural Heritage in the submissions received.

9.1.1. Context

Cultural Heritage is addressed in Chapter 8 of the EIAR, Volume I, Appendix 8A and 8B, Volume 2 and Figure 8.1 in Volume III. Chapter 8 sets out the Methodology, Regulatory and Policy Framework, Baseline Environmental Conditions, Potential Impacts and Cumulative Impacts. The assessment was guided by *Historic England Historic Environment Good Practice Advice in Planning: Note 3 (Second Edition) – The Setting of Heritage Assets* (Historic England methodology). The assessment was also guided by the *DEHLG Architectural Heritage Protection, Guidelines for Planning Authorities which was published in 2004 and revised in 2011.* In addition to the legislation and guidance detailed in the EIAR, the setting assessment methodology also adhered to the guidance contained within Cork County Council (CCC.), 2006, *Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings.*

There are no National Monuments either within the Site or the surrounding 1km study area or 3km settings assessment area and there are no ACAs within the 1km study area around the Site (refer to EIAR Volume III, Figure 8.1).

Two archaeological assets are recorded within the red line boundary of the Site (refer to EIAR Volume III Figure 8.1). The first is the Tarbert Island Battery (KE003-002) which has been demolished with the existing Tarbert Heavy Fuel Oil (HFO) Power Station built over it. The second archaeological asset located within the boundaries of SSE Tarbert site is a burial (KE003- 068) which was uncovered during construction works in May 1965. The site was heavily disturbed and the bones were reburied, although the exact location is unknown. One other archaeological asset is located within the 1km study area. This is a bastioned fort (KE003- 001) which is located on high ground 356m to the south-west of the Proposed Development.

There are two Protected Structures recorded on the Kerry CDP within the 1km study area. The closest is Tarbert Lighthouse (RPS-KY-0891) which is located on the northern tip of foreshore on Tarbert Island, 90m to the north of the Proposed Development. One unrecorded heritage asset is noted within the boundaries of the Site. This is the Light Keeper's House which was associated with Tarbert Lighthouse (RPS-KY-0891) with both shown on the 1st edition OS map (1841).

The second Protected Structure is Tarbert House (RPS-KY-0884) , a Georgian house which is located 807m to the south of the Proposed Development. The house and associated structures are located within the surrounding Planned Landscape, Tarbert Demesne (NIAH 2051)(174m west of the Proposed Development site), which incorporates most of the peninsula onto the Shannon Estuary. Tarbert House is also recorded on the National Inventory of Architectural Heritage (NIAH 21300310).

9.1.2. **Baseline**

Although the subject site is located in Kerry County Council (KCC) only, the wider 3km study area (refer to Figure 8.1, EIAR Volume III) around the Proposed Development extends into Counties Clare and Limerick which are reviewed as part of the EIAR. Relevant policies in relation to the protection and preservation of Archaeology from Kerry CDP 2022-2028 include KCDP 8-24, KD to KCDP 8-27, DCDP 8-33. Policies

for the protection of the built heritage and historic landscapes include KCDP 8-40, KCDP 8-44, KCDP 9-49.

Relevant policies from Clare CDP 2023 – 2029 relating to the protection of Architectural Heritage and Archaeology include CDP 16.1, CDP 16.2, CDP 16.5, CDP 16.8, 16.9 and 16.12.

Relevant policies for the protection of Cultural and Built Heritage and Archaeology from Limerick CDP 2022 – 2028 include Objectives EH 036, EH 037, EH 039, EH 040, EH 050, EH 052, EH, 053.

A 1km study area has been used for non-designated assets and a 3km study area for designated assets, extending to 5km where applicable from the boundary of the Site, if intervisibility is possible (refer to Figure 8.1, EIAR Volume III).

The entire island is underlain by Made Ground, with natural topsoil and subsoils in the surrounding area consisting of Till derived from sandstone and shale (AECOM, 2022).

9.2. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 9.1 below.

Table 9.1: Summary of Potential Effects (Cultural Heritage)
Do Nothing
• Would not result in any significant changes to the baseline cultural heritage resource.
Construction
• Construction of the Proposed Development has the likelihood to impact heritage assets in the following ways: ➢ Partial or total removal of heritage assets during Site clearance and construction of the Proposed Development and associated features and infrastructure within the Site. ➢ Impact of any soil regrading on the setting of heritage assets, and damage caused to archaeological deposits caused by concrete walls such as the proposed flood defences; and ➢ Change to the setting of heritage assets, including visual and noise intrusion, and changes in traffic levels (construction phase only). • The **Light Keeper's House** will not be physically impacted although it is within the Site boundary. The existing Tarbert HFO Power Station building is larger than the Proposed Development. The change to setting would be such that the special interests or qualities of the Lighthouse Keeper's House are only slightly affected without a noticeable change, leading to a magnitude of impact of Low, leading to a significance of effect of Slight. The quality of the Slight significance of effect is judged as Neutral while its duration is Long-Term. • There are no extant recorded archaeological remains within the footprint of the Proposed Development. Given these conditions, no previously unrecorded heritage

assets, of likely local importance, will be impacted by groundworks associated with the Proposed Development and hence, no impact expected.

- The closest recorded heritage asset to the Proposed Development is **Tarbert Lighthouse (RPS-KY-0891)** which is located 90m to the north. The **bastioned battery (KE003-001)** is located on the high ground of Massy's Hill overlooking the Shannon Estuary and Tarbert Island. The change to setting to both structures would be such that the special interests or qualities of Tarbert Lighthouse are only slightly affected without a noticeable change.
- The locally important Planned Landscape of **Tarbert Demesne (NIAH 2051)** is located to the south of the Proposed Development which will be partially screened by the larger existing Tarbert HFO Power Station as well as other infrastructure including the substation. The change to setting would be such that the special interests or qualities of the Tarbert Demesne (NIAH 2051) are only slightly affected without a noticeable change. This mature planting effectively blocks views between the Proposed Development and the heritage assets to the south.
- The Proposed Development will create additional noise, dust, vibration, and visual intrusion from the construction related activity including traffic using the adjacent road which is the only access to the SSE Tarbert Power Station and the Proposed Development. The presence of Tarbert Demesne (NIAH 2051) will screen the additional noise, dust, and vibration from construction activities on Site from these heritage assets.
- Similarly, views between the designated heritage assets within Tarbert and the Proposed Development are also screened by the dense vegetation of Tarbert Demesne (NIAH 2051) and also intervening buildings. There are no views between **Coolahans (RPS-KY-0879),** the buildings of Tarbert ACA, **Saint Mary's Catholic Church (RPS-KY-0886)** and its adjacent **Presbytery (RPS-KY-0885)** and the Proposed Development while the intervening distance will screen the additional noise, dust, and vibration from construction activities on Site.
- The presence of the Proposed Development will not affect the ability to comprehend or appreciate the ACA of Demesne of Glin Castle.
- **Bessborough House (RPS 483)** is located within its own grounds to the immediate west of Killimer. The new structures will initially blend into the overall existing industrial landscape of the Tarbert HFO Power Station which, with the exception of the 151m emissions stacks, blend against higher ground to the south. The shorter 55m emissions stack will be less prominent with the Proposed Development much less apparent on the skyline.
- **Oaklands (RPS 036)** is located at Knock in Co. Clare 4.5km to the north-east of the Site. **Knock Pier (RPS 589**) is located on the northern shore of the Shannon Estuary 4.6km to the north-east of the Site. Setting will not be affected and there will be no impact.
- **Kilkerin Fort (RPS 345)** is located at Lackyle North on a peninsula 2km to the north-east of the Site. The change to setting will be such that the special interests or qualities of Kilkerin Fort (RPS 345) will be slightly affected without a noticeable change.

Operational Impacts

- No likely Significant effects for the operation of the Proposed Development derived from changes to the setting of heritage assets.

Decommissioning

- Full details of the decommissioning works will be presented in a Decommissioning Plan (including a Decommissioning Environmental Management Plan) with impacts similar in nature and duration to those temporary effects arising from the construction process.

Cumulative Impacts

- The EIAR describes ten planning applications relevant in terms or cumulative effects. Three of the applications are within the SSE Tarbert. Cumulative impacts could occur if construction various of developments coincide. Overall, the significance of cumulative effect is considered to be low.

9.3. Mitigation

Any archaeological remains, including the battery (KE003-002) and burial (KE003-068), which were, or may have been present, will have been destroyed / removed during the historic works associated with the construction of Tarbert HFO Power Station. It is, therefore, determined that the Proposed Development will not physically impact upon previously unknown archaeological remains. Given this, no archaeological mitigation is required during the construction phase.

The Proposed Development will not have a significant effect upon the settings of designated heritage assets during construction. During the construction phase, embedded mitigation procedures will be adopted, as described in the Construction Environmental Management Plan (CEMP in EIAR Volume II Appendix 5A) and in Chapter 5 (Description of the Proposed Development), to reduce the impact of noise, dust, and vibration during construction. For the operational phase, no specific mitigation for setting has been proposed. The EIAR concludes that the height of the proposed emissions stack for the Proposed Development will be 55m in height, which could create a visual effect to the settings of heritage assets within the surrounding area. The EIAR has identified that, after mitigation, there would be minor effects upon the setting of four further heritage assets, of which two are designated. These designated assets are considered of medium importance. None of these effects are considered significant.

9.4. Residual Effects

After mitigation, there would be impacts upon the settings of a number of heritage assets, resulting in minor effects upon the setting of five heritage assets, two of which are considered of low interest and three of which are assets of medium interest. Two of the assets of medium interest are designated -Tarbert Lighthouse (RPS-KY-0891) and Kilkerin Fort (RPS 345) while one is unrecorded but also considered of regional significance – Light Keeper's House. These three assets are considered of regional

significance. The Light Keeper's House which dates to the 19th century and is associated with Tarbert Lighthouse (RPS-KY-0891), while not officially recorded as a heritage asset, will not be physically impacted, although its setting will be impacted by the presence of the Proposed Development.

The remaining two assets are non-designated and considered of low interest. They comprise one archaeological asset, bastioned battery (KE003-001), and one Historic Garden, Tarbert Demesne (NIAH 2051), recorded on the NIAH. No specific mitigation for setting has been proposed in this chapter, as it is noted that appropriate mitigation for the construction phase is addressed in Chapter 10 (Landscape and Visual) and Chapter 14 (Traffic). The residual effect would remain Long-Term, Imperceptible and Neutral.

9.5. The Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 8 of the EIAR, and all of the associated documentation. The EIAR has raised no significant concerns in relation to Cultural Heritage and Archaeology.

The County Archaeologist's report provides a historical background of recorded monuments that previously existed on the site and has confirmed that the battery no longer survives and that archaeological monitoring of development works in 2010 showed that there were no sub-surface remains of the battery and that the site of the power station had been dug out to a considerable depth. No further archaeological mitigation was requested by KCC. Given the site history in relation to the Tarbert HFO Power Station and the works that have occurred over the years, it is unlikely that the site contains any features of archaeological or cultural heritage, due to previous site disturbance. I am satisfied that there is no potential for impacts on archaeology during the construction phase in relation to the proposed demolition and site works.

The proposed development will impact on the setting of four heritage sites, two of which are designated. I am satisfied that none of these effects are significant based on the fact that the height of the proposed stack is 55m, which is much shorter than the existing 151m stack of the Tarbert HFO Power Station. Although visible, I consider the development of the OCGT will blend into the existing industrial landscape on Tarbert Island.

9.6. Conclusion: Direct and Indirect Effects (Cultural Heritage)

Based on the results of the EIAR in relation to Cultural Heritage, I am satisfied that no significant adverse effects are likely to arise in relation to Cultural Heritage and Archaeology.

10.0 Biodiversity

10.1. Issues Raised

KCC ecologist noted that a proposal of this nature has the potential at both construction and operational phase to effect water quality, by way of potential spillages, accidents and disasters. The new IE Licence will be of importance to regulate this. Of importance is the appointment of an Ecological Clerk of Works to oversee the Construction and mitigation contained within the CEMP. In relation to Appropriate Assessment the KCC ecologist has noted the NIS submitted and the mitigation measures contained therein in Section 5.3. It is noted that potential exists for disturbance on the Otter, a Qualifying Interest of the Lower River Shannon SAC. An otter survey will be provided prior to construction. The Council is satisfied that subject to implementation of appropriate water quality protection and flood risk management protection measures, there will be no adverse effect on any European Site during any phase of the Proposed Development. In this regard, Tarbert Development Association has noted that the site is in close proximity to European Sites, hence important that all Mitigation Measures as set out in Section 9.6 of the EIAR be implemented in full.

10.1.1. Context

Biodiversity is addressed in Chapter 9 of the EIAR, Volume I, Appendix 9A – 9 E, Volume 2 and Figure 9.1 and 9.2 in Volume III. Chapter 9 sets out the Regulatory and Policy Framework, Methodology, Baseline Environmental Conditions, Potential Impacts, Mitigation Measures, Residual and Cumulative Impacts.

The EIAR described the Methodology utilised to determine the Zone of Influence (ZOI). The assessment of impacts from the Proposed Development on ecological features has been informed and influenced by consultation held with NPWS, a statutory

stakeholder. An initial Desk Survey was carried out, then Field Surveys including Habitat and Flora Survey, Protected and Notable Species Surveys, Otter Survey and Badger Survey. The method employed for assessment of impacts on ecological features followed that recommended by the Chartered Institute of Ecology and Environmental Management (CIEEM) in the *Guidelines for Ecological Impact Assessment in the UK and Ireland.*

The EIAR concludes that with the implementation of mitigation outlined in Section 9.6 in the EIAR, all of the effects are mitigated and will be 'Not Significant', either through construction pollution controls or implementation of measures to avoid significant harm to protected species populations. Thus, there will be No Significant effect to biodiversity and nature conservation as a result of the Proposed Development.

10.1.2. **Baseline**

There are five international nature conservation designations within the ZoI of the Proposed Development (Table 9.6 of the EIAR), including Lower River Shannon SAC (002165), River Shannon and River Fergus Estuaries SPA (004077) both located immediately adjacent to the site, Blasket Islands SAC (002172), 89km south west/95km hydrological connection, Kilkieran Bay and Islands SAC (002111) 70km north/117 hydrological connection, Slyne Head Islands SAC (000328), 106km north west/134km hydrological connection. Tarbert Bay pNHA located 125m to the south of the site is the only non-statutory designation for nature conservation within 2km of the Site.

A review of the National Biodiversity Data Centre (NBDC) database did not return any records of bat species within 2 km of the Site. All buildings to be removed were assessed as having Negligible suitability for roosting bats, and therefore it is considered that roosting bats will not be impacted by the Proposed Development.

The NBDC returned one record of otter within 2km of the Site.

Records of 134 bird species were returned by the NBDC database search within 2km of the Site, of which 37 species are protected under Annex I, II or III of the Birds Directive. Six species are on the Red list of birds of conservation concern in Ireland, and 35 species appear on the Amber list, see Appendix 9D EIAR Volume II.

10.2. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 10.1 below.

Table 10.1: Summary of Potential Effects (Biodiversity)

Do Nothing

- The future baseline in the absence of the Proposed Development (the 'do nothing scenario'), taken for these purposes to be the situation 25 years from the time of commissioning, would likely be very similar to the current baseline. Habitats and species assemblage found to be present in the current baseline conditions will remain largely unchanged.

Construction, Operation and Decommissioning Phase Impacts

The following broad categories of impact could arise during all phases of the Proposed Development and are considered, where potentially relevant, in relation to each of the ecological features scoped in to detailed assessment:

- Permanent and / or temporary loss or degradation of habitats during construction, and potentially decommissioning also;
- Airborne pollution from emissions during all phases of the Proposed Development;
- Disturbance of animal species during all phases due to increased noise, vibration, lighting, or the presence of personnel, plant and / or machinery;
- Damage or destruction of the resting places of protected or notable animal species during construction and decommissioning of the Proposed Development;
- Displacement of animal species during all phases of the Proposed Development;
- Injury or mortality of plant or animal species during construction and decommissioning; and
- The spread of invasive non-native plant species

The EIAR has assessed construction, operational and decommissioning phase impacts on Habitats/Species under the following headings which are summarised in Table 10.2 below;

Table 10.2 Summary Table of Likely Impact on Habitats/Species

Habitats/ Species	Construction Phase Impact	Operational Phase Impact	Decommissioning Phase Impact
Impacts on Nature Conservation Designations	Negligible Effects	Negligible Effects	Negligible Effects
Impact on Recolonising bare ground	Minor habitat loss - Site significance only	No Negative Effects	Minor habitat loss - Site significance only
Impacts on Dry meadows and grassy verges	Minor loss of small areas of grassy verges - Site significance only	No Negative Effects	Minor loss of small areas of grassy verges - Site significance only
Impacts on Treelines	No loss of treelines – No Impact	No loss of treelines – No Impact	No loss of treelines – No Impact
Impacts on Scrub	No loss of scrub – No Impact	No loss of scrub – No Impact	No loss of scrub – No Impact

Impacts on Sea inlets and bays	Waterborne Pollution - No Effect	Waterborne Pollution - Negligible Impact	Negligible Effect
Impacts on Bee Orchid	No Bee Orchid on site - No Effect	No Bee Orchid on site - No Effect	No Bee Orchid on site - No Effect
Impacts on Bats	Habitat Loss, Disturbance & Displacement - Negligible Effect, Damage or Destruction of Roosts and Injury and Mortality - No Effect	Disturbance - No Effects, Displacement - Negligible Effect	Negligible Effect
Impacts on Badger	Habitat Loss – No Effect, Disturbance, Displacement, Injury or Mortality - Negligible Effect	Disturbance, Injury or Mortality – Negligible Effect	Negligible Effect
Impacts on Otter	Habitat Loss – No Effect Disturbance, Displacement, Injury or Mortality - Negligible Effect	Disturbance – Negligible Effect	Negligible Effect
Impacts on Other Protected Mammals	Habitat Loss – Negligible Effect. Injury or Mortality – Temporary Adverse effect of Site Significance. There is potential, without mitigation, for Irish hare and hedgehog to be injured or killed during construction.	No Effect	Temporary Adverse effect of Site Significance due to the potential for collision mortality with construction vehicles
Impacts on Breeding Birds	Temporary Adverse effect of Site significance.	Negligible Effect	Temporary Adverse effects of Site significance
Impacts on Wintering Birds	Negligible Effect	Negligible Effect	Negligible Effect
Impacts on White-tailed Eagles	At worst, a Temporary Adverse effect of National significance	Negligible Effect	Negligible Effect
Impacts on Common Lizard Species	Temporary Adverse effect of Site significance.	No Effect	Temporary Adverse effect of Site significance.
Impacts on Invasive Non-native species	Negligible Effect	No Effect	Temporary Adverse effect of Site significance.
Impacts on Marine Mammals	Negligible Effect	Negligible Effect	Negligible Effect
Cumulative Impacts			

- It was determined that there is no potential for cumulative effects given the distance to any proposed developments, limited habitat loss within the Site, and lack of overlap between the construction phases.

10.3. Mitigation

Mitigation Measures are contained in Section 9.6 of the EIAR and in the CEMP contained in Appendix 5A, Volume II. Whilst significant adverse effects are not predicted, the following mitigation measures will be implemented as part of standard good practice. To summarise, the main mitigation measures will include:

- Prior to the commencement of construction, a confirmatory survey for protected or notable species will be carried out. Works that will directly impact upon areas of vegetation that could be used by nesting birds will be undertaken outside of the breeding season, 01 March to 31 August, inclusive.
- All personnel involved in all phases of the development will be made aware of the ecological features and the mitigation measures and working procedures that must be adopted. During all phases of the Proposed Development pollution prevention measures will be adopted.
- A suitably qualified Ecological / Environmental Clerk of Works (ECoW) will be employed for the duration of the construction of the Proposed Development.
- A Contractor's Construction Environmental Management Plan (CEMP) will be updated prior to commencement of construction.

10.4. Residual Effects

Following implementation of mitigation, the following non-significant adverse effects are predicted from the Proposed Development:

- A permanent adverse effect of Site significance on recolonising bare ground and dry meadows and grassy verges due to minor loss during the construction and decommissioning phases;
- A temporary adverse effect of Site significance to other protected mammals; Irish hare and hedgehog during the construction and decommissioning phases as a result of potential mortality;

- A temporary adverse effect of Site significance to breeding birds due to the loss of habitat and destruction of nests during the breeding season during the construction and decommissioning phases; and
- A temporary adverse effect of Site significance on common lizard due to minor habitat loss during the construction and decommissioning phases. All other effects, following implementation of mitigation, are predicted to be Negligible or absent.

10.5. The Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 10 of the EIAR, and all of the associated documentation. The EIAR has raised no significant concerns in relation to Biodiversity. As outlined in Table 10.2 above, no significant likely effects on habitats/species have been identified as part of the EIAR assessment during the construction, operational and decommissioning phases of the proposed development. With the implementation of mitigation measures outlined in Section 9.6 of the EIAR and in the CEMP, I consider the likelihood of adverse effects to be negligible and not significant.

10.6. Conclusion: Direct and Indirect Effects (Biodiversity)

Having regard to the nature and scale of the proposed OCGT energy facility, I am satisfied that the proposed development would not have an adverse impact on biodiversity (including habitats and species), subject to compliance with relevant legislation and guidance, implementation of the EIAR and final CEMP mitigation measures, compliance with recommended conditions and adherence to the terms of the EPA IE Licence (as reviewed and/or amended).

11.0 Landscape and Visual

11.1. Issues Raised

The KCC report notes that the site is 0.22km north from a designated Visually Sensitive Area as per the Kerry County Development Plan 2022-2028. A ‘Views and Prospects’ corridor is also designated along the N67 National Secondary Public Road

southeast of the site. From a landscape and visual perspective, given the presence of existing large buildings already on the site, the visual impact will be localised.

11.1.1. Context

Landscape and Visual Impact is addressed in Chapter 10 of the EIAR, Volume I, Appendix 10A (Photomontages), Volume 2 and Figures 10.1 and 10.2 in Volume III. Chapter 10 sets out the Methodology, Regulatory and Policy Framework, Baseline Environmental Conditions, Potential Impacts and Cumulative Impacts.

The chapter has been prepared in accordance with the 2022 Environment Protection Agency (EPA) Guidelines on the Information to be contained in Environmental Impact Assessment Reports as well as the 2013 Landscape Institute guidelines on preparing Landscape and Visual Impact Assessments. (GLVIA3). The EIAR was informed by desk studies and site appraisals. The assessment reports on potential effects during both construction (29 months) and operation (25 years). Effects from decommissioning phase (after 25 years) are considered similar to those arising from the construction process and have not been considered separately in the report. A Zone of Theoretical Visibility (ZTV) map was produced (Figure 10.2, Volume III). A study area radius of 10km was set from the boundary of the Site. It is noted that the study area of 10km defines the area within which potential effects could be significant rather than defining the extent of visibility, as the site may be visible from further afield.

11.1.2. Baseline

The landscape in the surrounding environs of the Proposed Development has been modified by a number of constructed elements, including SSE Tarbert which, when combined with the existing Moneypoint Power Station at the northern shore of the Shannon estuary, forms a significant cluster of industrial power-generation? infrastructure along the estuary. The Site is accessed from the N67, which terminates to the west of the existing SSE Tarbert site at the Tarbert Ferry crossing point (Tarbert – Killimer Ferry), connecting counties Clare and Kerry. The landscape to the south of the Site and the existing SSE Tarbert is comprised of fields in agricultural pasture with hedgerows, treelines and interspersed with connecting parcels of woodland associated with Tarbert House.

Under the Kerry CDP, the Site is located within landscape type "J - Urban Area". Adjacent agricultural lands to the south are classified as "C - Pasture with mature hedgerows" and the parcel of woodland around Tarbert House is identified as "G - Deciduous Woodland", which is considered a valuable resource in terms of both biodiversity and by contributing to a varied, interesting and attractive landscape. The Proposed Development is located within Landscape Character Area (LCA) 2 – The Shannon Estuary and has a medium to high landscape sensitivity.

The presence of the estuary is the defining characteristic of the region. The EIAR describes the Development Plan landscape and seascape characteristics for County Kerry, County Clare and County Limerick, as they relate to the assessment of the proposed development. The National Marine Planning Framework (NMPF) planning policies in relation to seascape and landscape are also addressed as part of the assessment.

11.2. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 11.1 below.

Table 11.1: Summary of Potential Effects (Landscape & Visual)
Do Nothing
• In landscape terms, if the Proposed Development did not go ahead, the character of the Site will remain an industrial brownfield site with areas of scrub. • In visual terms, the industrial components in available views will remain similar without significant changes to the visual amenity. Likely changes will relate to changes to the existing vegetation due to maturing, pruning or natural development / decay. The significance will be Imperceptible and Neutral.
Construction Impacts
Landscape Effects Construction effects on the landscape character resulting from the Proposed Development will be direct and indirect, mainly temporary, and result from the following: • Loss of existing vegetation and habitat. Soil stripping, earthworks, grading. • Effects of temporary to short-term site infrastructure such as site traffic, construction compounds, soil storage areas etc. especially those located in areas close to visual receptors. • Physical effects arising from construction of the Proposed Development will be confined to the Site. The magnitude of landscape change during construction is considered Low and the resulting significance/quality is Slight / Adverse. Indirect effects from outside the site are considered Slight/Neutral. **Seascape Effects**

- Direct Effects as a result from construction works on the seascape character are considered medium and their significance / quality will be Moderate / Adverse within the Site.
- Indirect Effects on the seascape character are considered low and their significance / quality will be Slight / Adverse within approximately 4km radius from the Site boundary. Beyond 4km, the magnitude of seascape character effects will reduce to very low and their significance / quality to Not Significant / Neutral.

Visual Effects

- Visual effects during the construction stage will be experienced in the vicinity of the Site, from locations with open views of sections of the Proposed Development. The visibility of construction activities in these views will be short term. The magnitude of visual change will range from medium to low in short and middle-distance views. Their significance / quality will range from Significant / Adverse to Slight / Neutral.

Operational Impacts

Landscape Effects

- The Proposed Development will slightly intensify the existing industrial character of the Site but not alter the landscape character locally or in the wider study area due to its scale, nature, and location adjacent to the existing Tarbert HFO Power Station, which will remain the most prominent industrial feature along the southern shoreline of the Shannon Estuary. The magnitude of landscape change during operation is considered Low, within an area of medium to high landscape value with high sensitivity. The resulting significance / quality is **Not Significant / Neutral.**

Seascape Effects

- Direct effects on the Regional Seascape Character Type 2: Large Estuary, and Regional Seascape Character Area SCA8: Shannon Estuary and Tralee Bay at operation are considered Low and their significance / quality will be Slight / Adverse. The Proposed Development will intensify the industrial character of SSE Tarbert.
- Outside of the Site boundary, the seascape character of either RSCA designation will not alter due to the nature, scale and location of the Proposed Development.
- Table 10.12 of the EIAR provides a Summary of Landscape and Seascape Effects at Operation.

Visual Effects

- The main visual receptor groups are residents, vehicle travellers including ferry / ship passengers, workers and visitors. The immediate surrounding of the Site is sparsely populated. The closest residential dwellings in the immediate environment of the Proposed Development are located off the N67 and approximately 350m south of the Tarbert HFO Power Station.
- The Proposed Development will add an industrial facility adjacent to the prominent existing Tarbert HFO Power Station. It will be seen in all available views in conjunction with the more prominent Tarbert HFO Power Station. In that respect, and considering the zoning of the site for industry, the proposed development is not uncharacteristic in available views. However, it will intensify slightly the industrial character of estuarine views. It will create a new point of focus in available close distance views (within approximately 1km of the Site). The Proposed Development will not be out of character. Visual effects are considered to range from very low to low and the significance / quality from Imperceptible / Neutral to Slight / Neutral depending on the distance and panoramic nature of the views.

Decommissioning Impacts

- Decommissioning Impacts similar nature and duration to Construction Impacts.

Cumulative Impacts

- Cumulative Effects are described in Section 10.5.3 of the EIAR. Nine applications for the purposes of cumulative developments have been considered. Based on the Summary Table 10.15, the effects of eight of the developments are considered Imperceptible/Not Significant/Slight with one having a Moderate / Adverse effect.

11.3. Mitigation

Embedded mitigation measures form an integral, committed, and deliverable part of the Proposed Development design or comprise standard construction practices. They are assumed to be implemented and are therefore factored into the determination of residual significant effects. Mitigation measures include modifications made to the design of the Proposed Development to avoid and reduce effects include mainly limiting the footprint of the Proposed Development, siting of components, and, where possible, minimise impacts on established vegetation and features that contribute to landscape character and visual amenity. The proposed colour scheme was drawn from colours found in the surrounding local landscape. The building colours consist generally of a mix between the following four main colours, which range all within a muted light grey and green spectrum. Although not required to reduce any significant adverse effects, mitigation measures will include good lighting design practice.

11.4. Residual Effects

Effective implementation of the proposed embedded mitigation measures, as described in Section 10.6 of the EIAR, will have a beneficial impact and help to minimise landscape and visual effects associated with the Proposed Development. Sensitive design and colouring of the proposed building structures as proposed will help integrate the Proposed Development into the surrounding environment.

Given the nature of the Site, the scale and location of the Proposed Development, the mitigation measures focus on architectural mitigation and minimising lighting during night-time. These measures will be implemented immediately and come into effect following the completion of construction works.

The majority of visible built structures in available views will remain as at the time of the completion of construction works (façade design and colour scheme, lighting design). The proposed colour scheme will help integrating the Proposed Development

in available views. The magnitude and significance of landscape, seascape and visual effects during the operational phase will therefore remain not significant.

11.5. The Assessment: Direct and Indirect Effects

There is likely temporary, short-term adverse Landscape, Seascape and Visual effects during the construction and decommissioning stages due to the visibility of construction activities such as movement of machinery, equipment, and site workers, cranes lifting materials and structures into position, and the temporary storage of materials within the Site. These effects will be experienced within the Site and from locations with open views of sections of the Proposed Development. From locations outside the site the impact will not be significant as the existing Tarbert HFO Power Station compound is already prominent in the landscape. The impacts will be of a short-term temporary duration, with no significant adverse long-term impacts anticipated.

There is potential for a slight Landscape, Seascape and Visual impact during the operational phase associated with the intensification of the existing industrial character of the Site. I consider the proposed development will integrate into the existing industrial character of the site and seascape dominated by the existing Tarbert HFO Power Station and Moneypoint Power Structures. I am satisfied that the proposed development is not uncharacteristic of the existing industrial landscape at Tarbert Island and the seascape setting in that location.

Chapter 10.6 of the EIAR sets out mitigation measures to reduce visual effects, which will come into effect on completion of construction works. The building façade colours pick up existing colours of the landscape across the estuary and its hinterland, against which the Proposed Development built structures will be seen in the majority of views. The lighting plan will ensure there will be no glare and other lighting issues and will adhere will good lighting design practice. I consider the mitigation measures proposed will enable the OCGT's successful integration into the existing industrial area.

I have visited the site and its environs and have examined the Landscape and Visual Chapter 10 and accompanying Figures and Appendices (Photomontages). I am satisfied the proposed development will not significantly alter the industrial character of the Site and its immediate surrounds.

11.6. Conclusion: Direct and Indirect Effects (Landscape and Visual)

Having reviewed the EIAR and Planning Documentation, based on the inherent design, the existing industrial character of the baseline environment and the mitigation proposed in the EIAR, I am satisfied that the visual impact on the surrounding landscape, seascape and views towards the site would not have any significant adverse impacts on the landscape or visual amenity.

12.0 Noise and Vibration

12.1. Issues Raised

KCC and the HSE have requested that a condition should be attached to any grant of permission for a CEMP to include mitigation for noise control measures, the preparation Noise & Vibration Management Plan for the development works and specific conditions relating to noise nuisance and noise monitoring at noise sensitive receptors locations to ensure compliance. The HSE recommends that there is a clear route for the local community to provide feedback or complaints in relation to noise. The Applicant has noted that they have an appointed Community Liaison Officer to engage with the local community.

12.2. Context

EIAR Chapter 11 with associated Figures (11.1 – 11.4) and Appendices (11A & 11B), has assessed the potential impacts on noise and vibration during construction, operational and decommissioning phases. The EIAR describes the methodology used, the baseline conditions, the mitigation measures proposed and any residual impacts following adoption of mitigation measures.

12.2.1. Baseline

The baseline acoustic environment has been determined via several long-term surveys conducted in and around the site. Vibration effects were scoped out of the assessment as the intervening distance to sensitive receptors was considered large enough for vibration impacts not to be significant. The impact of construction phase noise and vibration emissions on habitats and species of Special Areas of

Conservation (SAC) and other ecological receptor positions are discussed in Chapter 9 (Biodiversity) of the EIAR. The Proposed Development has been assessed with regard to the Short-term impacts during the construction and decommissioning phase, the Long-term impacts during the operational phase; and Noise generated by changes to traffic flows on existing roads, the Cumulative impacts including the Proposed Development and: The Temporary Emergency Generator (TEG); SSE Battery Energy Storage Site (BESS); and EirGrid re-cabling Development.

12.3. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 12.1 below. Note that Construction and Operational Vibration has been scope out of consideration.

Table 12.1: Summary of Potential Effects (Noise)
Do Nothing
• If the Proposed Development were to not go ahead, the Temporary and Long-Term noise sources associated with construction and operational phases would not be introduced into the area and the current acoustic environment would continue.
Construction
• The construction phase of the proposed development will be c. 29 months comprising four activities; Mobilisation and Site Prep (Months 1-7), Demolition, (Months 3 – 8), Construction Works (Months 7 – 27 and Fuelling and Commissioning (Months 25 – 29). • The closest Noise Sensitive Receptor NSR1, which is a cottage known as Ferry Cottageis located c. 245m south from the Transformer Wall Boundary (Table 11.9 and Figure 11.1 of EIAR). The assessment of construction noise detailed indicates no significant adverse effects at residential receptors with the exception of NSR1 during the peak month (month seven) where a 2dB exceedance is predicted. Mitigation measures were proposed for the construction/decommissioning in section 11.6.1 of the EIAR. • Subject to the adoption of the mitigation measures, all effects are defined in accordance with Table 11.1 and Table 11.2 of the EIAR as either Imperceptible or Not Significant. Construction effects are defined as Temporary / Short-Term.
Operational Impacts
• Given the low number of Proposed Development related vehicle movements on existing road networks per day during the operational phase, noise impacts are likely to be Negligible or less in the operational phase and therefore no further assessment has been undertaken. • Noise levels during the operational phase will be emitted principally from the gas turbine building air inlet, the top of a 55m tall chimney stack, and associated equipment, such as transformers, fan coolers and exhausts. Sound emissions are not expected to possess distinctive characteristics such as tonality or impulsiveness from the nearest sensitive receptors perspective. Emissions during the operational phase will comply with expected fixed permitted limits by the EPA, based on current best practice for this type of facility, and which are more stringent during the night-time.

Decommissioning
• Measures will be undertaken to ensure that there will be no significant, negative environmental effects. The equipment and programme for the decommissioning phase are expected to not produce sound emissions any worse than those experienced during the construction phase.
Cumulative Impacts
The EIAR assessed, in particular the Cumulative Impacts with the Temporary Emergency Generator (TEG) Development, the SSE Battery Energy Storage Site, and the EirGrid re-cabling Development as well as other developments in the area. Cumulative impacts are not expected as a result of the construction or operational phases of the Proposed Development due to Construction phases not overlapping, or developments being constructed already, Operational traffic volume changes being low at either the listed development and the Proposed Development, or both, leading to negligible changes in road traffic noise levels on the surrounding road network; and the distance and / or nature of the development not being considered as likely to increase noise levels at nearby receptors.

12.4. Mitigation

Mitigation requirements for potential impacts will be implemented as follows:

Construction Phase

- Careful programming of site works and adoption of good practice measures. Listed in Section 11.6 of Chapter 11 (Noise and Vibration), Volume II of the EIAR.

Operational Phase

- Operational phase noise impacts will be mitigated via the inclusion of mitigation measures such as attenuators, silencers, careful plant item selection and enclosures.
- A Commitment to adopt the Noise Guidance four (NG4) operation noise limits as requirements within the final design, including the need to address distinctive acoustic characteristics of tonality and impulsivity and application of best available techniques (BAT) at procurement and through detailed design stage.
- A commitment has been made to ensure the final design of the development complies with the relevant operational phase noise limits. This will be confirmed via an appropriate noise monitoring regime as part of the licencing.

12.5. Residual Effects

Construction and Decommissioning Phase - Post mitigation, no Significant residual impacts are expected in the construction or decommissioning phases (Table 11.28 of the EIAR).

Operational Phase - Following implementation of the minimum requirements for mitigation the top three contributors of noise at NSR1 is predicted to be the Stack

Outlet, the Gas Turbine Building Facades, and the Gas Turbine Building Air Intake. However, post mitigation, no significant residual impacts are expected. Any further reductions that can be obtained through procurement process (quieter plant), improved façade construction or other design details would also be considered as demonstration of the application of BAT. (Table 11.29 of EIAR). Post mitigation, no significant residual impacts are expected.

12.6. The Assessment: Direct and Indirect Effects

There is potential for minor disturbance during the construction, operational and decommissioning phases. The noisiest period of construction activity will be during month 7 when piling and earthworks will take place. No significant adverse impact is expected, with the exception of NSR1 and NSR2 during the peak month 7, where a 2dB exceedance is predicted. Mitigation measures are proposed in Section 11.6.1 to mitigate this effect. I am satisfied that the mitigation proposed will appropriately reduce the impact of noise on NSR1, specifically the use of quieter construction plant and the implementation of general mitigation measures comprising those in BS5228-1 Table B.1. I am satisfied that construction noise traffic will not have a significant effect on existing road traffic noise levels during the construction phase. Construction effects will be temporary and short term and mitigation outlined in the EIAR will ensure that noise levels are kept to a minimum.

During the operation phase, sound will be emitted principally form the top of the 55m tall chimney stack, the air inlets and the transformers. Unmitigated, at NSR1 the night-time criterion is exceeded by a 10dB exceedance, which is considered significant. I have assessed the predicted mitigated sound pressure levels at NSRs in Section 11.6.2.2 of the EIAR, which demonstrates how compliant noise levels can be achieved at the NSRs. Operational phase noise impacts will be mitigated by the use of mitigation measures as outlined in Section 11.6 of the EIAR. Furthermore, noise will be monitored as part of the IPC licence, which are subject to fixed permitted limits, which are more limited at night. I am satisfied that with mitigation, noise levels from the proposed development will comply with the relevant criteria.

12.7. Conclusion: Direct and Indirect Effects (Noise and Vibration)

Having examined the EIAR noise modelling, which has been carried out in line with relevant guidance, I am satisfied that the models and resultant conclusions are robust.

Sound emissions from the Proposed Development would, without design mitigation, exceed the nominated criteria. I am satisfied that adverse noise effects during all phases of the development will not be significant due to the mitigation proposed including the procurement of appropriate plant, use at attenuators, silencers and enclosures and the substantial separation distances to the nearest residential properties.

13.0 Water Environment

13.1. Issues Raised

The Coastal and Flooding Unit of KCC have noted the Proposed Development is classified as a Highly Vulnerable Development within Flood Zone A, and that a justification test is required. A Justification Test has been provided in Appendix 12B which quantifies the level of flood risk and outlines the mitigation measures proposed. The Council have recommended that the more conservative flood design Option 3 is implemented with a finished Flood Wall/Gate levels of +5.2m OD Malin (+7.9m OD Poolbeg) as against the +7.54m OD Poolbeg indicated on the drawings. The applicant has responded to state that 'Option 3' is for an extended design life for the proposed development of 70 years. This is well in excess of the 25-year design life applied for. The flood wall crest level that is proposed of +7.54m OD, provides a suitable standard of protection for the 0.1% AEP extreme water level based on a 25-year design life (plus a 5-year decommissioning period) and the latest assessment of future sea level rise. The applicants state the flood wall can be raised in the future if required.

The Planning Department of KCC have noted that Water quality management is potentially a significant issue and, accordingly, any risks to water quality, particularly during the construction phase of the project, must be appropriately managed. The Council have requested that ABP request Further Information in relation to domestic wastewater to request a Site Suitability Assessment. The applicant has responded by stating a Site Suitability Assessment is not applicable to the proposed development,

which proposes the installation of a replacement system that will connect to existing drainage infrastructure on site and discharge to the estuary via an existing outfall, under the IE licence from the EPA. A Surface Water Management Strategy has been prepared as part of the Planning application (EIAR - Appendix 21B). This outlines the proposed point of discharge, attenuation (filter drains and geo-cellular storage), SuDs, oil separators and maintenance plan for the management of surface water (rainwater) at the Proposed Development. The applicant noted that all wastewater emanating from the Proposed Development will be regulated under the IE Licence for the site.

13.2. Context

EIAR Chapter 12 with Appendices 12A (Flood Risk Assessment), 12B (Surface Water Drainage Strategy) and 12C and associated Figures 12.1 – 12.3, has assessed the potential impacts from the Proposed Development on the water environment and flood risk during all phases of development. The EIAR describes the methodology used, the baseline conditions, the mitigation proposed. The assessment was based on Desk Studies and Site Surveys and Monitoring.

13.3. Baseline

The study area for water receptors encompasses the entire area within the Site, and water features within a 2km radius. A qualitative assessment of the likely significant effects on the water environment has been undertaken, using the source-pathway-receptor approach. A Flood Risk Assessment is provided in Appendix 12A (EIAR Volume II) which assesses flood risk for the Site.

The topography of most of Tarbert Island is generally flat and lies at an elevation of 3m to 5m above Ordnance Datum (AOD), with the exception of the water reservoir. The Site is surrounded by the Lower Shannon Estuary WFD transitional water body (IE_SH_060_0300). A lagoon, located along the southern boundary of the Tarbert HFO Power Station site, separates Tarbert Island from the mainland. The nearest EPA mapped river waterbody is at 1.7km to the south of the Site and is named Tarbert-010. In terms of Surface Water Quality there is one (No. 1) river monitoring station located on the Tarbert_010 river waterbody, which has a Q value of Moderate (Q3-4).

The CFRAM maps indicate that the site is in Flood Zone A for the present day and therefore the risk of coastal flooding has a high probability (OPW, 2023).

13.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 13.1 below.

Table 13.1: Summary of Potential Effects (Water Environment)
Do Nothing
• Should the Proposed Development not be progressed, the baseline condition of the water environment would likely remain much the same.
Construction and Decommissioning
• Potential impacts identified included sedimentation of surface water features from construction works; pollution of surface waters from accidental spills and leaks of fuels and chemicals; and alteration of pH in surface water features associated with the use of concrete and lime.
Operational Impacts
• The potential impacts identified include the potential increase in volume and rate of surface water run-off from new impervious areas and process water and water treatment plant discharges. • The site-specific FRA included two stages; the 'Stage 1 – Flood Risk Identification' determined negligible risk of flooding to the Proposed Development from fluvial and groundwater sources. However, it did identify the potential flow flood mechanisms associated with coastal and pluvial events could impact the Proposed Development, which were further assessed in the 'Stage 2 – Initial Flood Risk Assessment'. The study estimates that the Proposed Development and surrounding area will be inundated during peak tide levels for all Climate Change future scenarios indicating the risk of flooding is very high. Based on the CFRAM flood depth mapping, it is expected that the Proposed Development will flood to a depth of 0.25m to 0.5 m during a 0.5% AEP event.
Decommissioning Impacts
• Effects arising from decommissioning of the Proposed Development are considered to be of a similar nature and duration to those arising from the construction phase.
Cumulative Impacts
• With the proposed control measures implemented, cumulative impact will not be significant.

13.5. Mitigation

A number of mitigation measures that are standard good practice for development of this type, and which are required to comply with environmental protection legislation will be implemented to prevent sedimentation of surface waters and flood risk. The measures will also ensure appropriate fuel and chemical handling and control of concrete and lime. The applicants CEMP includes a number of mitigation measures

with regards to water. The CEMP will be updated by the Contractor for the Proposed Development to reduce potential environmental impact.

13.6. Residual Effects

For the Construction and Operational Phases, following mitigation measures set out in Section 12.6 of the EIAR, the magnitude of construction and operational phase impacts is considered to be negligible, which combined with the importance of the identified water environment receptors would result in an imperceptible effect. The residual impact on the water environment is therefore imperceptible.

13.7. The Assessment: Direct and Indirect Effects

During the construction phase, potential impacts include pollution of waterbodies by uncontrolled site runoff, accidental pollution by spillages and mobilisation of existing contaminants, changes to groundwater levels, flows and contributions to GWDTEs by dewatering and changes to flood risk. I am satisfied that following the implementation of embedded mitigation measures, implementation of the final CEMP, the Surface Water Management Strategy and the proposed Flood Defence Scheme that no adverse impacts on the Water Environment are likely to occur.

During the operational phase, potential impacts include pollution of waterbodies by surface water, process wastewater and foul water discharges, accidental pollution by spillages, changes to groundwater levels, flows and contributions to GWDTEs by underground structures and changes to flood risk. I consider that following the implementation of embedded mitigation measures that no adverse impacts on the Water Environment are likely to occur. I am satisfied that no significant adverse impact is likely to arise on the WFD status of the adjacent Lower Shannon Estuary transitional waterbody and the underlying Ballylongford WFD GWB following implementation of the proposed mitigation measures. I am also satisfied that the flood wall defence as proposed at + 7.54m ODP will provide suitable protection for the design life of the proposed development and that the design of the flood defence is such that it can be adapted if the design life is extended or a more rapid than predicted rate in future sea level rise occurs.

In relation to the Council request for further information for a Site Suitability Assessment in relation to domestic wastewater, I am satisfied that this is not required for the proposed development, which proposes the installation of a replacement system that will connect to existing drainage infrastructure on site and discharge to the estuary via an existing outfall, under the IE licence from the EPA.

13.8. Conclusion: Direct and Indirect Effects (Water Environment)

I have considered the submissions made in relation to the water environment and am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effects are likely to arise.

14.0 Land and Soils

14.1. Issues Raised

No issues raised in relation to Land and Soils.

14.2. Context

EIAR Chapter 13 with associated Figures (13.1 and 13.2) and Appendices (13A – 13C), has assessed the potential impacts on the land, soil, and groundwater environments associated with the Proposed Development. The EIAR describes the legislation and policy, the methodology used, the baseline conditions, the mitigation measures proposed and any residual impacts.

14.3. Baseline

The Site comprises of brownfield land, with the western portion being the former contractors yard and containing two disused galvanised sheds (former Mechanical Workshop and former Riggers' Store), a bunded concrete slab (Chemical Storage Compound) and a large vertical cylindrical tank in the north corner (Boiler Wash Effluent (BWE) tank) and the northern portion containing a variety of structures, including a vertical cylindrical demineralised water tank, horizontal, cylindrical, bunded sulphuric acid tank, a caustic soda tank, the site Waste Water treatment system infrastructure (two caustic soda tanks and a disused ammonia tank within the water

treatment building), a compressor house, a salt store and the Ccarpenter's workshop. The surface of the Site consists of sealed tarmacadam and concrete (approximately 30%, mainly in the northern portion) and unsealed hardcore gravel and grassed areas (approximately 70%, mainly in the western portion). A topographic survey was undertaken in 2023 for the Site, with contours produced for the Site of the Proposed Development. The majority of the Site is generally flat and lies at an elevation of 3m to 5m above Ordnance Datum (AOD). GSI mapping indicates the entire island is underlain by Made Ground soil, with natural topsoil and subsoils in the surrounding area consisting of Till derived from sandstone and shale. The GSI map indicates that bedrock geology underlying the site consists of the dark grey Shannon Group of undifferentiated mudstones, siltstones, and sandstones.

The bedrock aquifer underlying the Site is classified by the GSI as a 'Locally Important Aquifer (Li)' where the bedrock is moderately productive only in local zones. At the HVO power plant area groundwater flow is to the north and west. The groundwater vulnerability beneath the Site is classified by GSI as 'Moderate' (EIAR Volume III Figure 12.3.) The Site is not located in a groundwater source protection area. Site Investigations have been conducted at the SSE Tarbert Site as a whole which has informed the assessment.

14.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 14.1 below.

Table 14.1: Summary of Potential Effects (Land and Soils)
Do Nothing
• The land remains in its current use and no likely significant implications arise in respect of soil, geology, or hydrogeology.
Construction
• Potential impacts identified from the construction phase included impacts to soil and groundwater quality from accidental spills and leaks, use of concrete and lime, and excavation and infilling, and the use of natural resources.
Operational Impacts
• During the operational phase, a potential slight effect has been identified with respect to the soil and groundwater associated with accidental spills and leaks.
Decommissioning
• Considered to be a similar nature and duration to those arising from the construction phase and have therefore not been considered separately.
Cumulative Impacts
• As reported in Section 13.8.1 of the EIAR, potential emissions to soil and groundwater associated with the Proposed Development will be mitigated to the

extent that the impact will not be significant. Cumulative Impacts not considered to be significant.

14.5. Mitigation

Mitigation measures associated with both the construction and operational phases of the Proposed Development have been embedded within the design. A number of mitigation measures designed to avoid, reduce, or offset any potential adverse geological impacts identified will be implemented under the following categories:

- Fuel and chemical handling, transport and storage;
- Control of soil excavation and fill placement work.
- Sources of fill and aggregates; and Control of concrete and lime.

The CEMP includes a number of mitigation measures with regards to land and soils. The CEMP (EIAR - Appendix 5A) will be updated by the Contractor for the Proposed Development to reduce potential environmental impact. Taking account of mitigation measures proposed the potential impact is considered to be a negligible impact to a medium sensitivity environment and the significance of the effects has been assessed as imperceptible.

14.6. Residual Effects

For all phases, following implementation of mitigation measures outlined in Section 13.7.1 and 13.7.2 of the EIAR, no significant adverse effects are likely to arise.

14.7. The Assessment: Direct and Indirect Effects

During the construction phase, potential impacts to soil and groundwater quality could occur from accidental spillages and leakages, use of concrete and lime, excavation and infilling and use of natural resources. Potential operational phase, potential spills and leaks from fuel storage was identified. The final CEMP will include mitigation measures, which will protect soils and groundwater from contamination.

For the Operational Phase, the proposed development will follow the standards set out in the IE Directive (IED) under its IE Licence. Potential impacts relate to accidental spills and leakages to soil from fuel storage areas, which would be managed by EIAR

mitigation measures. I am satisfied that this will limit and minimise any significant impacts relating to soil, surface and groundwater contamination. Any adverse impacts at decommissioning phase will be mitigated, if carried out in accordance with the IE Licence Decommissioning Plan which will be agreed with the EPA. With the implementation of Mitigation Measures outlined in the EIAR, I consider that the proposed development is not predicted to give rise to significant adverse impacts to Land and Soils at any phase of the development.

14.8. Conclusion: Direct and Indirect Effects (Land and Soils)

I consider the applicants assessment has identified the relevant issues in relation to Land and Soils and that no significant adverse effects are likely to arise.

15.0 Traffic and Transport

15.1. Issues Raised

KCC notes that the site is easily accessible by the N67 and by internal access roads throughout the site. The Listowel Municipal Roads Office has provided a report recommending planning conditions to be attached to any grant of permission. TII considers a full assessment of all structures on the national road network along the haul route to confirm acceptance by the relevant road authorities where the weight of the delivery vehicle and load exceeds that permissible under the Road Traffic Regulations. TII further advises that any damage caused to the pavement of the existing national road due to the turning movement of abnormal loads shall be rectified in accordance with TII Pavement Standards.

TII have requested that mitigation measures identified should be included as conditions in any decision. The applicant will be required to demonstrate that any proposed works (including temporary and signage) to the national road network to facilitate component delivery to the site shall comply with TII publications and shall be subject to a road safety audit as appropriate.

The applicant has responded by producing an Abnormal Load Report, which confirms that the transportation of abnormal loads required for the proposed development is achievable using the existing road network from either Foynes or Dublin Port. The

deliveries will be carried out in accordance with the Abnormal Loads Report and in consultation with the PPP companies, MMaRC Contractors and relevant road authorities. This process will be carried out in accordance with an updated Construction Traffic Management Plan (CTMP) and CEMP. It is acknowledged by the applicant that any damage caused to the road pavement will be rectified in accordance with TII Pavement Standards. The applicant confirmed that consultation will be undertaken by the appointed contractor in advance of any abnormal load deliveries commencing and that TII shall be advised of all proposals agreed between the appointed contractor and the relevant stakeholders.

The HSE has recommended that consideration is given to traffic related impacts during holiday periods when use of the Killimer-Tarbert ferry is likely to be at its height.

15.2. Context

EIAR Chapter 14 with associated Figures (14.1 -14.3) and Appendices 14A and 14B (including Survey Data and a CTMP) has assessed the Traffic and Transportation impacts of the Proposed Development. The EIAR describes the regulatory and policy framework, the methodology used, predicted and cumulative impacts and residual impacts following mitigation.

15.3. Baseline

To assist in determining the impact of the Proposed Development on the surrounding road network, the following guidance has also been adhered to: Transport Infrastructure Ireland (TII) standard 'PE-PDV-02045, Traffic and Transport Assessment Guidelines' (May 2014). Traffic surveys which inform the baseline conditions on the surrounding road network were undertaken by an independent survey company (IDASO) under instruction from AECOM.

The N67 (north of Tarbert town) and its junction with the N69 represents the study area for this assessment. Two existing access and egress points to the SSE Tarbert Site will be utilised for the Proposed Development which are both located off N67. The N67 (National Secondary Road) is approximately 6.2m wide and connects Co. Kerry with Co. Clare and Co. Galway via the Tarbert – Killimer ferry across the Shannon Estuary, in a north-west to southeast direction. The N69 (National Secondary Road)

connects Tralee in Co. Kerry with Limerick City running in a northerly direction from Tralee to Tarbert and an easterly direction towards Limerick.

A Construction Traffic Management Plan (CTMP) has been prepared as part as this planning application, refer to Appendix 14B, EIAR Volume II. The CTMP has indicated that all construction traffic associated with the Proposed Development (heavy haul, general delivery, and site operatives) will arrive via the N69 and N67 and other National/ Regional Roads.

The construction phase of the Proposed Development will be up to 29 months. Capacity assessments were undertaken on critical highway links in the vicinity of the Site at future years including traffic growth on the adjacent road network and development traffic. The results indicate that these links can operate within capacity and can accommodate the traffic associated with the Proposed Development.

15.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 15.1 below.

Table 15.1: Summary of Potential Effects (Traffic and Transport)
Do Nothing
• The 'do nothing' scenario describes the circumstance where no development occurs. Should the Proposed Development not take place, the surrounding road network will remain in the current condition i.e., the SSE Tarbert Site will continue to generate the same vehicular traffic to the SSE Tarbert Site as it currently generates. • This 'existing' condition includes traffic associated with the construction of the TEG on the SSE Tarbert Site and therefore no additional traffic associated with TEG construction needs to be considered. • However, natural traffic growth is expected to occur. Based on predicted growth rates for the KCC area (TII Project Appraisal Guidelines for National Roads Unit 5.3 – Travel demand Projections, 2017), the background traffic is expected to increase by 1.0337% between 2023 and 2026 and by 1.1970% between 2023and 2041.
Construction
• The construction phase is expected to take 29 months. Months 12 to 22 will observe the highest number of staff vehicle arrivals on the Site with a maximum of 200 staff on Site at once. HDV movements are expected to peak in Months 28 -29 with a total of 22 HDV arrivals each day (44 two-way trips). Traffic volumes associated with the Proposed Development are relatively low in numbers and relate primarily to the delivery of construction equipment, materials, and construction operations.
Operational Impacts
• The operational phase was scoped out of the assessment as minimal operational traffic will be generated. The Proposed Development is predicted to have a negligible impact on the surrounding road network, this is also representative of predicted decommissioning effects.

• During the operational phase, the Proposed Development will run on Hydrotreated Vegetable Oil (HVO). The HVO will, as part of the Proposed Development, be delivered to Site by road in HDV tankers. Therefore, deliveries of HVO will be by road and will be stored on Site in proposed tanks before being pumped to its operating destination within the Site. During standard operation there will only be 13no. staff arriving to the Site each day.
Decommissioning
• A Decommissioning Plan will be prepared and agreed with the EPA as part of the permit surrender process. The DEMP will guidance and appropriate mitigation procedures as necessary, to minimise risk.
Cumulative Impacts
• Application 23350 (Tarbert Substation), could potentially have an overlapping construction period with the proposed development. The overlap in trips is not expected to result in a significant impact and the roads will have capacity to deal with the additional traffic.

15.5. Mitigation

The implementation of the CTMP by the Contractor will minimise the potential for traffic and transport impacts during construction phase activities.

15.6. Residual Effects

The temporary increase in construction traffic is likely to result in a slight environmental effect in terms of temporary construction phase traffic. The management of these effects will be achieved through the implementation of the CTMP. Once the identified mitigation and monitoring measures, appropriate design standards and operational management plans are adhered to, it is considered that any impacts from the Proposed Development will result in a Temporary Negative effect, Slight in significance, during the construction phase.

15.7. The Assessment: Direct and Indirect Effects

Road traffic assessment was based on the worst-case scenario and I am satisfied that the assessment is robust. Effects arising from the process of decommissioning of the Proposed Development are considered similar nature and duration to those arising from the construction phase. There is potential for temporary minor localised impacts on the road network during the construction and decommissioning phases, but junctions will operate well within capacity.

I note TII's submission and concerns in relation to the abnormal load haulage routes for the construction of the proposed development. I note that deliveries will be undertaken in accordance with the routes set out in the Abnormal Loads Report and in consultation with the PPP companies, MMaRC Contractors and relevant road authorities and that TII will be advised of all proposals agreed between the appointed contractor and relevant stakeholders. The applicant acknowledges that any damage caused to the existing road pavement due to turning movements related to deliveries will be rectified in accordance with TII Pavement Standards. I consider that significant adverse impacts relating to construction and decommissioning stages can be minimised by conditioning the preparation of an updated CTMP and CEMP, the preparation of a full assessment of all structures on the national road network along the haul route and the reinstatement of impacted road surfaces or bridges due to the proposed works and transport of abnormal loads.

The potential impacts associated with the Operational Phase are not considered significant. During times of emergency grid demand when the proposed OCGT is required to be operational, the Proposed Development will generate up to 18 HDV arrivals per day for HVO and other materials and up to 20 LDV arrivals per day for workers. This level of road traffic is unlikely to have a significant impact on the surrounding road network. I am satisfied that there will be no significant impacts in relation to traffic during the Operational Phase of the development due to the small daily traffic flow generation (13 no. staff arriving to the Site each day during normal operating conditions)

The N67 and N69 are part of the national road network which has capacity to cater for increase in traffic volumes for all phases of development. I am satisfied that the additional traffic movements for all phases of development will not give rise to any significant traffic hazards or disruptions along any of the roads or junctions.

15.8. Conclusion: Direct and Indirect Effects (Traffic and Transport)

I have considered the written submissions made in relation to traffic and transport and am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise, subject to compliance with relevant legislation and guidance, implementation of the EIAR and final CTMP

mitigation measures and monitoring and compliance with recommended conditions. The proposed development will not give rise to any significant residual or cumulative impacts with other developments in the surrounding area.

16.0 Population and Human Health

16.1. Issues Raised

Issues raised under specific topics have been considered under those Chapters.

16.2. Context

EIAR Chapter 15 describes the potential effects of the Proposed Development on population and human health. The EIAR describes the regulatory and policy framework, the methodology used, baseline environment, potential and cumulative impacts and residual impacts following mitigation.

The Chapter provides an assessment of impacts on land use, access and severance between local residents and community resources, economic activity and employment and human health and wellbeing.

16.3. Baseline

The study area for the population and human health assessment used for the baseline analysis and assessment comprises the Listowel, Newcastle West and Kilrush Local Electoral Areas (LEAs), as this is where the majority of population and human health effects are likely to occur and employment effects for which the study area is Co. Kerry, Co. Limerick, and Co. Clare.

16.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 16.1 below.

Table 16.1: Summary of Potential Effects (Population and Human Health)
Do Nothing
• The 'do nothing' scenario would not result in any significant changes to the baseline population and human health receptors.
Construction

• The construction phase will have a slight positive effect on the local employment workforce. It will also lead to an undetectable negative effect on severance between the local population and the facilities that they use, during the construction phase, due to the construction traffic accessing the Site. • No impacts were identified on land use during the construction phase. • Impacts during construction and decommissioning: A neutral human health impact on access to open space and nature due to no significant effects expected in regard to noise, air quality, or traffic. A neutral human health impact on access to healthcare services and other social infrastructure due to no significant effects expected in regard to traffic and transport. A neutral human health impact on air quality, noise, and neighbourhood amenity due to no significant effects expected in regard to noise or air quality. A negative human health impact from a climate change perspective. Construction of the Proposed Development will produce greenhouse gas emissions
Operational Impacts
• The operational phase will not lead to any impacts in regard to land use, employment, or severance, mostly because the Proposed Development is planned on a pre-existing site where operations are already occurring. • Operational phase impacts: A neutral human health impact on access to open space and nature due to no significant effects expected in regard to noise, air quality, or traffic. A neutral human health impact on access to healthcare services and other social infrastructure due to no significant effects expected in regard to traffic and transport. A neutral human health impact on air quality, noise, and neighbourhood amenity due to no significant effects expected in regard to noise or air quality. A negative human health impact from a climate change perspective. Operation of the Proposed Development will produce greenhouse gas emissions.
Decommissioning
• It is expected that decommissioning will take up to one year, with similar impacts to construction phase.
Cumulative Impacts
• No cumulative land use impacts. • It is expected that there will be a Slight, Short-Term and Positive cumulative impact on construction related employment within the local area. • There is no expected cumulative effects on access to open space and nature from a human health perspective.

16.5. Mitigation

An updated CEMP will be prepared by the appointed Contractor to ensure that there are no impacts on any vector that will pose a risk to human health. No additional mitigation measures are proposed during the operation of the Proposed Development, however mitigation for air quality, noise and vibration, traffic and transport and climate, are discussed in the EIAR under those specific Chapters.

16.6. Residual Effects

No significant residual effects have been identified.

16.7. The Assessment: Direct and Indirect Effects

The construction phase will have a slight positive impact on local employment based on local construction workers. In relation to human health during the construction and operation phase, there will be a neutral health impact on access to open space, access to healthcare services and other social infrastructure, a neutral impact on air quality, noise and neighbourhood amenity. There will be a negative impact on climate change during the construction and operational phases due to the production of greenhouse gas emissions. The CEMP will ensure that there are no impacts on any vector that will pose a risk to human health. I consider that this can be dealt with by way of condition.

The operational phase of the development will not lead to any impacts on land use, employment or severance. No additional mitigation measures related to Population and Human Health are proposed during the operation phase, however mitigation for air quality, noise and vibration, traffic and transport and climate are set out elsewhere within the EIAR. No significant cumulative or residual impacts have been identified.

16.8. Conclusion: Direct and Indirect Effects (Population and Human Health)

I am satisfied that the proposed development would not have an adverse impact on Population and Human Health, subject to compliance with relevant legislation and guidance, implementation of the EIAR and final CEMP mitigation measures, compliance with recommended conditions and adherence to the terms of the EPA IE Licence (as reviewed and/or amended).

17.0 Material Assets

17.1. Issues Raised

UÉ requested FI to be sought from the Applicant in order to determine the feasibility of connection to the public water/wastewater infrastructure and ensure adequate provision of water and wastewater facilities by submitting a PCE to UÉ, the outcome of which is to be submitted as a response to the FI Request. UÉ outlined the type of information required to be submitted with the PCE. The applicant has responded to state that a Pre-Connection Enquiry form has been submitted to Uisce Éireann with the requested information. The applicant states the proposed development does not

require a new connection. It will use the existing connection that previously supplied the Heavy Fuel Oil (HFO) plant on-site. As acknowledged by Uisce Éireann, the water supply requirement for the proposed development will be significantly less than that for the HFO plant.

17.1.1. Context

EIAR Chapter 16 has assessed the likely significant effects of the Proposed Development on Material Assets, which are defined as *'built services including telecommunications and utility networks such as gas and water and sewerage supply, waste management and infrastructure (roads and traffic)*'.

Waste Management is assessed separately in Chapter 18. The study area is the Site, as well as the surrounding area (within 200m) in relation to land use and the utilities network that could be impacted by the Proposed Development. As the Site is located within the boundary of SSE Tarbert, there a number of underground services and existing drainage networks which traverse the Site.

17.1.2. Baseline

There is no specific set of Environmental Impact Assessment guidelines for the assessment of material assets. For this reason, the methodology used to assess the impact on built services is in accordance with a number of best practice guidelines, refer to Section 16.3 of Chapter 16 Material Assets, Volume I of the EIAR.

17.2. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 17.1 below.

Table 17.1: Summary of Potential Effects (Material Assets)
Do Nothing
• In the 'do nothing' scenario, the Proposed Development would not be constructed and the proposed operational activities at the site would not commence, and the status quo would remail as it is. There would be no impact with regard to the upgrade and / or connection of utilities proposed as part of the Proposed Development. However, an alternative location/ project would be required to assist Ireland in process of transitioning from a centralised, fossil fuel-based electrical power generation model to a more distributed renewable-based generation system. • Under the 'do nothing' scenario the Applicant would be unable to generate electrical capacity from the Proposed Development, thus would reduce security of supply for Ireland. As the existing Tarbert HFO Power Station will no longer operate after

December 2023. The TEG Plant will remain being operational but only operating for maximum 500 hours per annum. This will have an impact on the security of electricity supply, increasing the potential risk of demand not being achieved.

Construction

- There is the potential for a limited short outage to a number of utility networks such as water and electricity, to allow for the new connections associated with the Proposed Development. These outages will be temporary, and the magnitude of impact will be minor.
- A temporary water supply for construction works will be provided through an existing Irish Water mains connection on-site. There is the potential for a limited short outage of a water supply to allow for this connection. However, this will be temporary, and the magnitude of impact will be minor.
- Foul water will be collected and periodically removed from the Site by road tanker, to a licensed water treatment plant. As this control measure will be incorporated into the Site set-up, additional mitigation measures are not required.
- A number of construction activities have the potential to release sediment and cause unacceptable sediment levels in the catchment area. Run-off containing large amounts of suspended solids could potentially adversely impact on surface water. The impact is considered to be negative, should it occur, but will be temporary in duration.
- The Proposed Development will not lead to any impacts in regard to land use mostly because the Proposed Development is planned on a pre-existing site where operations are already occurring.

Operational Impacts

- The land use on the Site is industrial, as it is associated with the Tarbert Heavy Fuel Oil Power Station. Therefore, there are no potential impacts associated with the change of land use.
- The existing substation (electricity) and telecommunications at the Site already exists and only a connection is required. The magnitude of impact will be 'no change'.
- Water will be supplied to the Site via the existing Irish Water mains connection into the reservoir on the SSE Tarbert site.
- Process wastewater (from the production of demineralised water) will be discharged to the surface water drainage system. This discharge will be regulated and monitored under the Industrial Emissions Licence (IEL).
- A foul water holding tank will be provided at the administration / workshop and stores building this will flow northwards into the proposed new wastewater treatment plant. This will discharge into the existing outfall 8/9 to the north of the Site.
- Surface water run-off will be generated from all hard surfaces which are exposed to rainwater or to which water is applied during wash down. This will include all roads, roofs, and other impermeable surfaces. However, surface water is collected by means of the underground drainage network and will pass through an oil interceptor prior to being released, under the terms of the IE Licence. The operational phase of the Proposed Development will not lead to any impacts in regard to land use mostly because the Proposed Development is planned on a pre-existing site where operations have been occurring.

Decommissioning

- A Decommissioning Plan (which will include a Decommissioning Environmental Management Plan (DEMP)) will be prepared and agreed with the EPA as part of the permit surrender process. Effects are considered to be of a similar nature and duration to those arising from the construction phase.

Cumulative Impacts

- There is a potential for cumulative effects associated with further temporary disruptions to existing utilities and increased demands on existing utilities. However, providing standard best practice control measures are implemented as required on all sites, the cumulative impact will be Not Significant.

17.3. Mitigation

The CEMP will be updated by the Contractor in consultation with Kerry County Council, before any construction works commence. Surface water mitigation measures are outlined in EIAR Volume I Chapter 12 (Water Environment).

During the operational phase, routine maintenance will be carried out in accordance with the maintenance procedures provided by the contractor and manufacturer. There will be no requirement for additional mitigation measures during the operational phase. All material assets after mitigation will have a Neutral or Not Significant residual effect once mitigation measure including those within the CEMP are taken into account.

17.4. Residual Effects

All material assets after mitigation will have a Neutral or Not Significant residual effect once mitigation measure including those within the CEMP are taken into account.

17.5. The Assessment: Direct and Indirect Effects

There are impacts identified with a change of land use. During the construction phase, a temporary water supply for construction works will be provided through the existing Irish Water mains connection on-site. The assessment has highlighted that during the construction phase, there is the potential for a limited temporary short outage to a number of utility networks such as water and electricity to allow for connections. For construction phase foul water will be collected and periodically removed from the Site by road tanker to a licenced water treatment plant. Construction works have the potential to cause run-off with suspended solids which could impact on surface water. I consider implementation of the mitigation measures contained within the final CEMP will provide sufficient surface water mitigation measures.

During operation, process wastewater from the production of demineralised water will be discharged to the surface water drainage system. In addition, surface water run-off will be collected in an underground drainage network, which will pass through an

oil interceptor prior to being released under the terms of the IE Licence. I am satisfied that these discharges of surface water will be regulated by the EPA IE Licence.

During the operational phase, a foul water holding tank will be provided which will flow into a proposed new wastewater treatment plant, which will discharge into the existing outfall to the north of the site.

In relation to Uisce Éireann's request for Further Information in relation to the Pre-Connection Enquiry Form (PCE), I note that the applicants have submitted a Pre-Connection Enquiry (PCE) form to UÉ, which has included the Further Information that was requested. I consider that based on the proposed OCGT developments use of the existing connection that previously supplied the Heavy Fuel Oil (HFO) plant on-site, which will be decommissioned and that the water requirements will be significantly less than that for the HFO plant, that significant adverse effects are unlikely and that, should the Board consider it appropriate to grant planning permission, the PCE can be conditioned in relation to the requirements of UÉ.

I consider the requirements in relation to water will be significantly less than that for the existing HFO plant, which will be decommissioned shortly. In relation to the request by UE for Further Information in relation to the PCE, I consider that due to the requirements and impacts being less for the proposed development than the existing HFO and that fact that a new connection is not being requested by the applicant, that this matter can be dealt with by way of a condition to comply with the requirements of Uisce Éireann.

17.6. Conclusion: Direct and Indirect Effects (Material Assets)

I am satisfied that there would be no significant adverse impacts in relation to Material Assets subject to compliance with recommended conditions, relevant legislation, implementation of the EIAR and final CEMP mitigation measures and compliance with the EPA IE Licence requirements for the facility (as reviewed and/or amended).

18.0 Climate

18.1. Issues Raised

The HSE recommends that proposed development aims to minimise GHG emissions by supporting active travel for staff to and from the site, the utilisation of zero or near zero emission vehicles during all phases, the harvesting of rainwater and the incorporation of renewable energy sources into the proposed development. In terms of adaptation, the NEHS recommends that proposed development go beyond the adaptation/resilience focus on flood defence and seek ways to development health promotion opportunities (e.g. green/blue spaces to provide shade and mental health co-benefits for staff and the local community).

18.2. Context

EIAR Chapter 17 with Appendix 17A (CCRA Risk Register) considers the impact of the Proposed Development on the climate as a result of greenhouse gas emissions that may arise during all phases of development. The EIAR describes the regulatory and policy framework, the methodology used, the baseline and projected environment, potential and cumulative impacts and residual impacts following mitigation.

18.3. Baseline

The methodology in this chapter has been developed in line with appropriate industry guidance for assessing climate change resilience and adaptation such as IEMA's EIA Guide to Climate Change Resilience and Adaptation and in accordance with the EU Commission Notice (2021/C 373/01) Technical guidance on the climate proofing of infrastructure in the period 2021-2027. The assessment includes all infrastructure and assets associated with the Proposed Development. It assesses the resilience against both gradual climate change i.e., chronic climate-related hazards and the risks associated with an increased frequency of severe weather events i.e., acute events.

For the purposes of the CCR assessment, the baseline conditions are based upon historic climate change data. This data was obtained from Met Éireann.

The study area for the (Greenhouse Gas Assessment) GHG assessment, considers all direct and indirect GHG emissions that may arise from the construction, operation, and decommissioning of the Proposed Development. This includes direct emissions arising onsite e.g., from the combustion of fuel used in construction plant as well as indirect emissions from activities offsite that are sufficiently linked to the Proposed Development, such as transport of materials, waste and workers and embedded carbon in construction materials and products.

18.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 18.1;

Table 18.1: Summary of Potential Effects (Climate)
Do Nothing
• As the Site is located on already developed (brownfield) land of the Tarbert Power Station, which is due to cease operation in December 2023, the baseline emissions for the Site is currently considered zero as no carbon will be sequestered or emitted at the Site when the Proposed Development is due to begin construction. Land use change is not considered due to Site already consisting of inactive developed land (brownfield).
Construction
• In summary, the total Greenhouse Gas emissions from constructing the Proposed Development are estimated to be 10,399 tCO2e. • All emissions are considered significant. To contextualise the level of significance, emissions are compared to the Irish carbon budgets. Emissions from the construction of the Proposed Development contribute considerably less than 1% of any carbon budget.
Operational Impacts
• The GHGs from operating the Proposed Development over its 25-year life are estimated to be 1,533,021 tCO2e. Annual emissions are expected to be approximately 61,321 tCO2e. with the assumed operational hours of 1,800 hours/year. • The majority of emissions associated with the operational phase are the Scope 3 Well-To-Tank (WTT) emissions relating to the HVO fuel upstream of the Proposed Development. This is expected for an OCGT using HVO. The relative proportion of emissions associated with its WTT component is much higher for HVO when compared to traditional fuel sources, explaining its higher proportion of scope 3 emissions. Despite this, HVO is an overall far lower-carbon intensity fuel. • Climate Change Risk and Resilience (CCRA) risk assessment identified a total of 11 climate change risks for the construction and operation stages of the Proposed Development. Due to the similarity of the two future baseline scenarios to 2060, the same climate change risks were identified for each scenario. • The medium risk identified related to the vulnerability of the Site to inundation from coastal flooding from the Shannon estuary. The Proposed Development falls within Flood Zone A for tidal/coastal flooding (EIAR Chapter 12: Water Environment), meaning there is a high probability of coastal flood events within the Site boundary.

This indicates that flood defence measures above standard practice are required for appropriate flood risk mitigation. • In summary, the climate change risk and adaptation assessment illustrate that climate change risk does not present a significant risk to the Proposed Development assuming all proposed adaptation measures are successfully implemented.
Decommissioning
• GHG emissions arising from fuel consumption of plant and vehicles, and the disposal or recycling of materials.
Cumulative Impacts
• Climate change is the result of cumulative impacts. On a sectoral scale, while the Proposed Development will result in direct emissions from the combustion of HVO, this is seen as necessary energy generation and produces significantly less GHG emissions than traditional alternatives. Additionally, the Proposed Development comprises a key component of the transition to low-carbon energy by providing flexibility to allow for intermittent renewable energy (e.g., wind or solar) to be maximised.

18.5. Mitigation

During the Construction phase mitigation measures include the preparation of a register of vulnerable construction assets, inspection of vulnerable construction assets after a hot day, Implementation of measures to combat extreme heat conditions (e.g., avoid working on hot summer days, appropriate sun protection, training for identifying heat illness and for working in hot conditions, work in shaded areas, plan major activities for cooler parts of the day, wear loose fitting/breathable clothing). For extreme rainfall forecasts, construction plants will be secure and stored at higher ground levels and critical construction equipment will be stored at higher ground levels. For a complete list of adaptation measures identified for the Proposed Development, refer to Appendix 17A, EIAR Volume II.

During the Operation phase, mitigation measures will include the preparation and implementation of a storm water management plan, the storage of pollutant material from extreme weather and flood damage. Maintenance will be minimised during extreme weather events (e.g., strong winds) and the maintenance of the drainage system to be included within general site management.

18.6. Residual Effects

The flood defence scheme is considered sufficient to reduce the profile of the medium risk identified. Assuming all proposed adaptation measures are successfully

implemented, no significant climate change risks (EIAR, Appendix 17A) have been identified for the Proposed Development.

18.7. The Assessment: Direct and Indirect Effects

I consider that a robust Climate assessment has been completed in the EIAR. Total Greenhouse Gas emissions from construction are estimated to be 10,399 tCO2e. The GHGs from the proposed development over the 25 years life are estimated to be 1,533,021 tCO2e. Annual emissions are expected to be approximately 61,321 tCO2e. with the assumed operational hours of 1800 hours/year.

The Proposed Development will result in direct emissions from the combustion of HVO. This is seen as necessary energy generation and produces significantly less GHG emissions than traditional alternatives. I am satisfied that a HVO fuelled OCGT represents a significant reduction in emissions when compared to alternative methods of energy production, e.g. natural gas or diesel, and therefore contributes to an overall reduction in GHG emissions in relation to Ireland's carbon budgets.

I consider that Climate change risk and resilience (CCRA) has been adequately assessed in the EIAR and climate change will not pose a significant risk to the proposed development subject to the adaptation measures outlined in the documentation being successfully implemented.

18.8. Conclusion: Direct and Indirect Effects (Climate)

Emissions from the proposed energy facilities would be controlled within the terms of an EPA IE licence as reviewed and/or amended during the operational phase, and as such would be subject to ongoing and periodic monitoring. No significant residual impacts have been identified subject to implementation of adaptation measures.

On a sectoral scale, while the Proposed Development will result in direct emissions from the combustion of HVO, this is seen as necessary energy generation and produces significantly less GHG emissions than traditional alternatives. Additionally, the Proposed Development comprises a key component of the transition to low-carbon energy by providing flexibility to allow for intermittent renewable energy (e.g., wind or solar) to be maximised. The relevant Local, European, National and Regional policies and objectives are set out in section 3.0 above. RED III sets an overall renewable

energy target of at least 42.5% binding at EU level by 2030, but it is aiming for 45%. This target is raised from the previous 32% target. It means almost doubling the existing share of renewable energy in the EU. The Climate Action Plan 2024, sets a roadmap for taking decisive action to halve Irelands emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. The plan states that rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation before the second carbon budget period. The Plan aims to deliver at least 2 GW of new flexible gas-fired power generation and phase out and end the use of coal and peat in electricity generation. I am satisfied that the Proposed Development will play a key role in the decarbonisation of the energy sector to assist Ireland to achieve net zero emissions by 2050.

19.0 Waste Management

19.1. Issues Raised

KCC Environment Section notes that significant quantities of waste will arise during the demolition and construction phases of the project. Further the quantities of waste type along with waste contractors and facilities should be identified by the applicant. The applicant has responded by saying the total wastes arising are quantified in Section 18.5.8 of the EIAR. The applicant states that the appointed contractor will confirm appropriately authorised facilities before the commencement of construction and demolition. This will require consideration of EPA guidance in relation to hazardous waste, in finalising the Waste Management Plan. The applicant notes that dredging spoil is not anticipated to be generated by the project.

The NEHS notes the management of waste on site is relevant to the control of potential vectors of disease. The NEHS recommends that a Pest/Vector control plan is incorporated into the design of the OCGT. The applicant has responded by stating that existing waste management and pest control measures on site are effective and will be maintained. The applicants have stated that a pest/vector control plan will be included as part of an updated CEMP to be submitted in advance of works commencing.

19.2. Context

EIAR Chapter 18 with associated Appendix 18A (Resource and Waste Management Plan) has assessed the effects of the Proposed Development on waste management. The EIAR describes the regulatory and policy framework, the methodology used, the baseline environment, potential and cumulative impacts and residual impacts following mitigation. The potential impacts of the Proposed Development with regards to waste management are the effects that waste arisings generated on-site will have on the capacity of waste management infrastructure in the study area and on meeting national targets for waste recovery.

19.3. Baseline

For the purpose of the EIAR, waste is defined as per the European Waste Framework Directive (Directive 2008/98/EC) as "*any substance or object which the holder discards or intends or is required to discard*". In the absence of specific guidance or requirements for Waste Environmental Impact Assessment (EIA) in Ireland, professional judgement is used to determine the magnitude and significance of effect, considering the following EIA guidance. The Institute of Environmental Management and Assessment (IEMA) "*Guide to Materials and Waste in Environmental Impact Assessment. Guidance for a proportionate approach*" (IEMA Guidance) provides guidance on the key terms, concepts, and considerations for assessing the environmental impacts and effects of materials and waste, as part of the EIA process

19.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 19.1 below.

Table 19.1: Summary of Potential Effects (Waste Management)
Do Nothing
• In a 'Do Nothing' scenario, there would be zero waste generation and disposal from the Proposed Development and no significant effects.
Construction
• The main construction phase impacts will be associated with the management of waste from: Demolition works (including removal of existing buildings, other structures and foundations). Site preparation and earthworks (including for new foundations and imported materials). Surplus or damaged construction materials; Packaging; Maintenance of plant and equipment used for construction; and Construction workforce activities.

• Total estimated waste arising from the construction of the Proposed Development will account for <5% of national waste arisings (for the relevant categories of waste), this is assessed to result in a slight (not significant) effect and sufficient management capacity is expected to be available. • A total waste recovery rate of 78% in line with the national performance is likely to be achievable for non-hazardous construction and demolition waste (C&D) (excluding naturally occurring soil and stones (Waste Code 17 05 04)) managed off-site. The majority of the good and best practice recovery rates for the main construction materials provided the Waste and Resources Action Programme are in excess of 90%. • The Proposed Development is therefore likely to achieve 60-89% or 90-99% overall material recovery / recycling (by weight) of non-hazardous C&D waste excluding naturally occurring material defined in category 17 05 04 in the List of Wastes. This is assessed to result in a slight (not significant) effect.
Operational Impacts
• The operational phase of the Proposed Development is expected to generate the following waste; Small quantities of oils and chemicals (including lubrication oils, propane, ammonia, compressor cleaning detergent, general oils, and greases for rotating machinery); and Bottles and canisters from gases stored on site. • General commercial waste arising from these maintenance activities are expected to include: Office waste; Worker waste (including food waste); and Packaging. All operational wastes are expected to be **Negligible** in the context of national waste arisings and significantly less than those arising from the construction of the Proposed Development.
Decommissioning
• The Proposed Development has a design life of approximately 25 years' operation and as such, it is not possible to identify at this stage either the waste management routes or specific facilities that will be used, as these are liable to change over such a timescale. Decommissioning will be carried out in line with a DEMP.
Cumulative Impacts
• The quantity of waste generated by the Proposed Development will be minimal, resulting in no likely significant effects and no cumulative impacts.

19.5. Mitigation

The Resource and Waste Management Plan (RWMP) and Construction Environmental Management Plan (CEMP) include design and construction measures that apply the waste hierarchy principles and minimise effects on waste. These measures will be implemented in full to achieve the recovery rates noted. As no significant waste effects have been identified, no further or additional mitigation or monitoring of significant effects is proposed.

19.6. Residual Effects

No significant waste effects have been identified and no residual effects.

19.7. The Assessment: Direct and Indirect Effects

Total waste arising from the construction of the proposed development will account for <5% of national waste arisings (for the relevant categories of waste). The proposed development is likely to achieve 60-89% or 90-99% overall material recovery/ recycling of non- hazardous C&D waste. I consider -the impact in terms of waste generation will not be significant.

A condition in relation to a Resource and Waste Management Plan (RWMP) and CEMP will ensure the inclusion of design and construction measures that apply the waste hierarchy principles and minimise effects on waste. These measures will be implemented in full to achieve the recovery rates noted.

Small amounts of operational waste will be generated due to occasional disposal, maintenance and repair. I consider that this will not have any significant adverse impacts.

Where decommissioning takes place, all above-ground components associated with the Proposed Development will be disassembled and removed from the Site. The waste types generated from this are likely to be similar or of a lesser magnitude than the construction effects.

Waste will be generated during all Phases of the development as described above. I am satisfied that significant adverse impacts in relation to waste will be mitigated through the preparation and implementation of a RWMP and compliance with Mitigation Measures contained within the EIAR, compliance with the Final CEMP for the site, DEMP for decommissioning and compliance with the terms of any IE Licence.

19.8. Conclusion: Direct and Indirect Effects (Waste Management)

Waste arising from the proposed development would be managed in accordance with all relevant waste management regulations. I am satisfied that Waste has been appropriately addressed and no significant adverse effect is likely to arise.

20.0 Major Accidents and Disasters

20.1. Issues Raised

The HSA has noted that on the basis of the information supplied, the Authority doesn't advise against the granting of planning permission in the context of major accident hazards. The HSE in relation to Emergency Management has made recommendations within the context of site operations including in the event of an incident occurring on the site. The applicant has noted that these will be included in the Emergency Response Plan referred to in Section 19.8 of the EIAR. The EPA notes that the licence for the site may need to be reviewed or amended to accommodate the changes proposed in the planning application. The EPA also notes that it cannot issue a Proposed Determination on a licence application until a planning decision has been made.

20.2. Context

EIAR Chapter 19 with associated Appendix 19A (Technical Land Use Plan) has dealt with Major Accidents and Disasters (MA&Ds). It is a requirement of all EIARs to incorporate a section which identifies and describes the potential major accidents and natural disasters which could occur at the Proposed Development. These types of events have a very low probability of occurring, but if they do, the impact could be significant, with consequences such as serious harm to people and / or widespread damage to property and the environment.

The EIAR describes the regulatory and policy framework, the methodology utilised, the proposed development and study area, impacts, mitigation measures, emergency management and cumulative effects. The MA&Ds are assessed to determine the potential impact on Population and human health, Biodiversity, Land, soil, water, air and climate, Property and material assets, cultural heritage, and the landscape.

20.3. Baseline

The Proposed Development will be constructed within the boundary of the existing SSE Tarbert site, which has been in operation for many years. The new facilities which comprise the Proposed Development will not operate continuously; it will only be

operated when other sources of electricity generation are unable to meet demand. Review of the potential accident scenarios which involves the substances used during the construction and operational phases was carried out. The assessment included identifying the means by which a loss of containment may occur and assessing the likely significance of a release on human health, safety and the environment. The conclusions of the assessment of substances are that the main substances which will be present at the Proposed Development with the potential to initiate a credible Risk Events are HVO, Distillate, Fuel and Liquefied Petroleum Gas (LPG). The distillate fuel will not be used as part of the Proposed Development but will be stored on the SSE Tarbert site to be used as fuel for the TEG plant, which is expected to be operational from 2024 until 2028/2029, and therefore will overlap with the construction of the Proposed Development. There are well established engineering design, manufacturing, and construction standards for the specification of equipment and pipework on facilities such as the Proposed Development which store and use hazardous substances. Operational, inspection and maintenance procedures will all be in place following construction to ensure that the risk of a loss of containment is reduced to the very low levels which are required for compliance with legislation.

20.4. Potential Effects

Likely significant effects of the development, as identified in the EIAR are summarised in Table 20.1 below.

Table 20.1: Summary of Potential Effects (Major Accidents and Disasters)
Do Nothing
• In the Do-Nothing scenario, the existing Tarbert HFO Power Station will be decontaminated and decommissioned (but no demolition works will be carried out). The previously consented TEG facility will be constructed and will be operational. The hazardous substances and operations associated with the Do-Nothing scenario will be similar to those currently present at the existing Tarbert HFO Power Station, consequently, the same types of MA&D scenarios would apply, although as a smaller facility the risks would be lower. The likelihood of these MA&D scenarios occurring, is considered to be very low as the power generation industry and HFO/distillate fuel facilities both at this Site and at facilities operated worldwide have a very good safety record and major accidents and disasters are very rare. The reduction in fuel storage quantities may reduce the COMAH status from upper tier (at present) to lower tier in the Do-Nothing scenario, this would be subject to a COMAH assessment. Therefore, in the absence of the Proposed Development, there would still be a low risk of a MA&D occurring at the Site
Construction Impacts
• The risk of an accidental release resulting in a fire and / or explosion is reduced to very low levels by a network of heat, smoke and fire detectors and fire suppression

such as water spray and inert gas systems which will be used where appropriate onsite.

- During the initial construction phase and the eventual decommissioning phases of the Proposed Development, the primary hazardous substances will not be present. There are however potential major accidents associated with these phases, such as accidental contact with high voltage electrical systems by construction workers. These risks will be reduced and managed by very detailed risk assessments included within construction plans, therefore are not specifically defined as Risk Events.

Operational Impacts

- The conclusions of the assessment of substances contained on site (HVO, Distillate Fuel and LPG) that the only material will have the potential to initiate a credible major accident scenario is HVO. HVO and Distillate Fuel are both diesel-like fuels with similar properties as such the credible major accident scenarios associated with each one the same.
- Such scenarios comprise of; of an accidental release of HVO into the Shannon Estuary, has been defined as Risk Event 1. The credible scenarios of related to fires and / or explosions and has been termed Risk Event 2. The credible scenarios of possibility of a road accident involving an HDV carrying HVO or Distillate Fuel HVO has been termed Risk Event 3. There is a credible major accident scenario related to LPG which refers to fires and / or explosions, this has been defined as Risk Event 4. This assessment has identified one scenario where an incident such as a fire and / or explosion occurring at the NORA controlled Mainland Tank Farm adjacent to the Proposed Development could escalate and have an impact at the new facilities. This 'Domino Effect' scenario has been defined as Risk Event 5.
- The Tarbert HFO Power Station is regulated in accordance with the Chemicals Act Regulations13 as a "Upper Tier Installation". The Proposed Development will not change the facility category as an "Upper Tier Installation". The Upper Tier categorisation requires detailed safety information to be provided to the Regulatory Authorities, to demonstrate that all measures necessary have been taken on site to reduce risk. A preliminary technical report has been produced to support the Proposed Development, which contains a risk assessment of the modifications proposed to SSE Tarbert. The conclusions of this assessment demonstrate that the level of risk on and off site is at a level which has been defined by the Regulatory Authority as acceptable

Decommissioning Impacts

- Method statements and risk assessments for the activities described will be key mitigation measures adopted during the eventual decommissioning phase of the Proposed Development. In addition to these measures, other general safety controls will be incorporated into a Decommissioning Plan (including a Decommissioning Environmental Management Plan (DEMP)) which will be produced when required and agreed as part of the Industrial Emissions (IE) Licence of the Site and site surrender process.

Cumulative Impacts

- **Construction Stage** - A CEMP will incorporate welfare accommodation for the additional construction workers on site, and a number of risk assessments such as traffic management, and control of simultaneous activities on site, both operation and construction works. The potential risks associated with cumulative effects during construction will be reduced and mitigated.
- **Operational Stage** - A credible MA&D scenario has been identified (Risk Event 4) where a major incident occurs at the NORA Island Tank Farm during operation which escalates to areas within the Proposed Development. As these tanks are COMAH installations it is required by law to take 'all measures necessary' to prevent major accidents, such as the mitigation measures laid out in Risk Events 1 and 2. Thus it

can be concluded that the mitigation measures installed at both facilities will be sufficient to reduce the risk of this scenario to a level considered to be ALARP.

- As the Proposed Development will be storing large amounts of flammable material it is likely to be a COMAH installation thus it will also be required by law to take 'all measures necessary' to prevent major accidents, such as those set out in Table 19.3 of the EIAR.
- It can be concluded that the mitigation measures installed at both facilities will be sufficient to reduce the risk of this scenario to a level considered to be ALARP. As well as this the existing Tarbert HFO Power Station is already an upper tier COMAH installation that has measures in place to prevent any major accidents.
- The Proposed Development, and existing NORA Island Tank Farm will be regulated in accordance with COMAH and will be managed by experienced operating personnel to ensure communication and cooperation in activities thus reducing the potential for accidents.

20.5. Mitigation

Section 19.7 of the EIAR details the mitigation measures which will be implemented to prevent major accidents and disasters at the Proposed Development. The CEMP (Appendix 5, EIAR Volume II) will be updated by the Contractor in accordance with any conditions of planning, and similar plans developed for eventual demolition activities. The design, construction, and operation of the Proposed Development will be in accordance with international, national and established industry codes, standards and practice, such as the specification of pipework materials, design of structures etc. The Proposed Development will comply with the requirements of all relevant health, safety and environmental legislation including COMAH, which requires operators to take all measures necessary to prevent major accidents. A Site Emergency Response Plan (ERP) will be developed in relation to the Proposed Development in accordance with legislative requirements including COMAH and IE Licence, which will include a fire strategy and appropriate training procedures. The existing site Environment Management System (EMS) will be amended to include the Proposed Development.

20.6. Residual Effects

It is not possible to completely eliminate the risks associated with the use of materials such as HVO. Consequently, the Site will comply with all applicable safety legislation, national and international design standards, industry guidance and other control measures, including those set out in Table 19.3, which will be adopted at the Proposed

Development. These mitigating measures have been in place at the existing SSE Tarbert since operation for approximately 50 years and contribute to the excellent safety record at this facility. Overall, the construction, operation and decommissioning of the Proposed Development is considered 'Not Significant' for Major Accidents and Disasters as all risk events will be mitigated to a level commensurate with ALARP.

20.7. The Assessment: Direct and Indirect Effects

The proposed development relates to a Lower Tier COMAH site, it falls under the requirements of the Chemicals Act (Control of Major Accident hazards (COMAH) involving Dangerous Substances) Regulations 2015 (S.I. No 209 of 2015). Under the COMAH Regulations, where a new development is planned which qualifies as an upper or a lower tier establishment, the Health & Safety Authority (HSA) will advise on whether the risks associated with the proposed development are in accordance with the Authority's criteria for individual risk and for societal risk. In their submission, the HSA **does not advise against** the granting of planning permission in the context of major accidents hazards.

In the EIAR assessment, a total of five (5) reasonably foreseeable, major accident and / or disaster scenarios (Risk Events) have been identified for the Proposed Development. These include events associated with an accidental release of HVO or distillate (stored on the SSE Tarbert site in relation to the TEG project) which could be caused by incidents such as impact damage or mechanical failure. A release of HVO could result in a fire and / or explosion and a significant release of oil which reached a sensitive site such as Shannon Estuary, could result in harm to the environment.

Expanding the process equipment on site and increasing the quantity of diesel stored, could increase the severity of an incident such as a fire at the Site.

The nature of these substances, which are classified as flammable, means that the hazards associated with their use cannot be entirely eliminated. The risks of storing and using these materials will therefore be reduced to a level which the Regulatory Authorities consider is 'as low as reasonably practicable' (ALARP).

The proposed OCGT would operate in accordance with the terms and conditions of the EPA Industrial Emissions Licence, as amended and/or reviewed. I am satisfied

that a robust assessment of Accidents and Disasters has been carried out am satisfied that the overall risk is very low.

20.8. Conclusion: Direct and Indirect Effects (Major Accidents and Disasters)

The proposed energy generating facility would operate in accordance with the terms and conditions of the EPA Industrial Emissions Licence, as amended and/or reviewed. The proposed development relates to a Lower Tier COMAH site, it falls under the requirements of the Chemicals Act (Control of Major Accident hazards (COMAH) involving Dangerous Substances) Regulations 2015 (S.I. No 209 of 2015). The Health and Safety Authority (HSA) has no objection to the proposed development. Based on the above, I am satisfied that the overall risk of Major Accidents and Disasters has been adequately addressed and the risk of MA&D is low.

21.0 Interactions

Chapter 20 of the EIAR evaluates the potential interaction of effects described within the EIAR. The EIAR notes that all potential effects arising from interactions were identified early in the design process and in preparation of the EIAR and were therefore addressed through specific mitigation and monitoring measures detailed within the EIAR. No additional mitigation or monitoring measures are required as a result of the interaction of effects. A summary of the interaction of effects is identified in Table 20.1 of the EIAR.

I have considered the interactions and interrelationships between environmental effects and am satisfied that significant impacts in relation to interactions can be avoided, managed and mitigated by the measures contained within the EIAR and any recommended planning conditions.

22.0 Reasoned Conclusion

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Negative impacts on **biodiversity** arising from construction and decommissioning activities. The proposed development would give rise to significant localised impacts. These impacts will be mitigated through the adherence to best practice construction measures and the implementation of a final CEMP. Excavations will be left with a method of escape for mammals and breeding birds and nesting locations will be safeguarded.
- Temporary Adverse impact on **landscape and visual** during construction due to temporary site infrastructure such as machinery etc. This will be for a limited time and mitigation will include limited use of lighting including directional lighting etc.
- **Noise** effects on NSR 1 will occur during the peak month of construction. This impact will be temporary and short-term. Mitigation will include the selection of quieter plant and general mitigation measures comprising those in BS 5228-1 Table B.1.

  During operation **Noise** will impact NSR1. This is considered a long-term / reversible effect. This will be mitigated by implementing minimum acoustic requirements on the performance of an acoustic gas turbine air intake louvre and gas turbine building envelope including wall/roof construction.
- During construction, there will be temporary negative **Traffic and Transport** effect with HGV construction traffic flow generated by the development on minor roads. This will be mitigated by the implementation of the detailed Construction Traffic Management Plan (CTMP).

In conclusion, having regard to the above identified significant impacts, I am satisfied that the proposed development would not have any unacceptable direct or indirect

impacts on the environment, subject to the implementation of the mitigation and measures outlined in the EIAR, any recommended conditions and adherence to the terms and conditions associated with any EPA Industrial Emission Licence, should it be granted.

23.0 The Likely Significant Effects on a European Site

23.1. Introduction

The areas addressed in this section are as follows;

- Compliance with Articles 6(3) of the EU Habitats Directive
- Appropriate Assessment Screening Determination (See Appendix 2 of this Report)
- Appropriate Assessment Conclusions

23.2. Compliance with Articles 6(3) of the EU Habitats Directive

Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European Site.

23.3. The Natura Impact Statement

The application was accompanied by an NIS which was prepared in line with current best practice and describes the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. It concluded that;

> '*In the absence of mitigation measures, impacts that cannot be excluded comprise those associated with noise and visual disturbance which may arise as result of the construction of the Proposed Development, causing behavioural changes such as displacement or may impact breeding success or even cause injury to species, resulting in the inability for a European site to meet its conservation objectives'.*

The applicants NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not result in direct, indirect or cumulative impacts which would have the potential to adversely affect the qualifying interests of these European Sites.

23.4. AA Screening Determination (See Appendix 2 of this Report)

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the protected birds and habitat of the River Shannon and River Fergus Estuaries SPA (004077) 'alone' in respect of effects associated with construction noise, vibration and lighting disturbance on bird species within the SPA. In addition, the proposed development is likely to have a significant effect on QI species including Lamprey Species, Salmon and Dolphin of the Lower River Shannon SAC (002165) due to noise and vibration disturbance from construction works.

I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report and NIS for the proposed development, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file and I have also visited the site.

The Applicants AA Screening included seven European Sites in total, two of which lie directly adjacent to the development site including the River Shannon and River

Fergus Estuaries SPA and the Lower River Shannon SAC, which as outlined above have been screened in for Stage 2 assessment.

The other sites included in the applicants AA Screening range from 6.6km to 106km in distance from the proposed development site. The reason for inclusion of the Blasket Islands SAC, the Kilkieran Bay and Islands SAC and the Slyne Head Islands SAC which range from 89km to 134km distance from the site relates to the impact of construction phase noise and vibration disturbance on the QI's (Qualifying Interests) which include the harbour porpoise, harbour seal, bottlenose dolphin and grey seals. These QI's are mobile and from surveys carried out, do not appear to regularly use the Shannon Estuary.

The Blasket Islands SAC is located c. 89km from the proposed development site. Its mobile QI's include the harbour porpoise and the grey seal. Construction noise and vibration are considered to be the main impacts which could affect the QI's. Harbour porpoise is unlikely to be affected by vibration because the vibrations from piling works are likely to be attenuated within the site itself (20-50m from vibration source) and given the depth of the water in the SAC within 100m from the piling works, porpoise are unlikely to be located in this zone. Grey seals are also unlikely to be within 100m of the piling works and being mobile mammals, they can move out of range if necessary. Only several individuals of grey seal have been recorded in the past three surveys in the area and are unlikely to be from the Blasket Islands SAC, therefore I consider that any noise and vibration arising from the construction works will not have a significant effect on the SAC population of the Blasket Islands SAC including the harbour porpoise and grey seal due to the distance between the sites and the fact that the QIs are unlikely to be within 100m of the piling works.

Slyne Head Islands SAC is located c. 106km northwest of the proposed development site. Its QIs are the grey seal and the common bottlenose dolphin. For similar reasons outlined above, I consider that noise and vibration arising from the construction works will not have a significant effect on the population of the Slyne Head Islands SAC including the grey seal or bottlenose dolphin, based on the distance between the sites (106km) and the fact that the QI's are unlikely to be within 100m of the piling works.

The Harbour Seal is the mobile QI for the Kilkieran Bay and Islands SAC, which is located c. 100km from the proposed development site. Similar to the grey seal, I

consider the harbour seal is unlikely to be located within 100m of the piling works and therefore construction noise and vibration works are not likely to have a significant effect on this species of the SAC. I consider that the distance of c. 100km between the proposed development site and the KilKieran Bay and Islands SAC to be sufficient to exclude likely significant impacts on the SAC population.

Unlike the applicants AA Screening, I am of the opinion that these sites are of sufficient distance from the proposed development site and that there will be no significant impact from construction noise or vibration that there will be no adverse effect on these QI's and hence they can be screened out at Stage 1.

Two other land-based European Sites were screened out at Stage 1 in the applicants report including Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA and Moanveanlagh Bog. These were screened out due to there being no direct hydrological link and hence, no likely significant effects. I consider there is no direct link hydrologically or otherwise between the proposed development site and these two European Sites and consider they can also be screened out at Stage 1.

It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European Sites in view of the site(s) conservation objectives;

- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA [004161]
- Moanveanlagh Bog SAC [002351]
- Blasket Islands SAC [002172]
- Kilkieran Bay and Islands SAC [002111]
- Slyne Head Islands SAC [000328]

I conclude that a Stage 2 Appropriate Assessment is not therefore required for the five sites outlined above.

To conclude, I consider that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of

the project 'alone' for the following sites, for which the potential for significant effects could not be excluded:

- **the River Shannon and River Fergus Estuaries SPA (004077)**
- **the Lower River Shannon SAC (002165)**

This conclusion is based on:

- Objective information presented in the Applicants Screening Report and NIS,
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
- Distance from European Sites,
- The absence of meaningful pathway to any European Site,
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

23.5. Appropriate Assessment (Stage 2)

Table 21.1: Summary Matrix for European Sites (Stage 2)
AA Summary Matrix for River Shannon and River Fergus Estuaries SPA (004077)
River Shannon and River Fergus Estuaries SPA (004077) – Located Directly Adjacent to Site **Description of Site:** The estuaries of the River Shannon and River Fergus form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. The site has vast expanses of intertidal flats which contain a diverse macro-invertebrate community, e.g. Macoma-Scrobicularia-Nereis, which provides a rich food resource for the wintering birds. Salt marsh vegetation frequently fringes the mudflats and this provides important high tide roost areas for the wintering birds. Elsewhere in the site the shoreline comprises stony or shingle beaches. The site is the most important coastal wetland site in the country and regularly supports in excess of 50,000 wintering waterfowl (57,133 - five year mean for the period 1995/96 to 1999/2000), a concentration easily of international importance. The development site is surrounded by the SPA, and the northern and eastern boundaries of the Site are contiguous with River Shannon and River Fergus Estuaries SPA. The SPA is designated for 21 bird species, and wetland habitats which support these species. **Conservation Objectives:**

- To maintain the favourable conservation condition of Cormorant (A017), Whooper Swan (A038), Light-bellied Brent Goose (A046), Shelduck (A048), Wigeon (A050), Teal (A052), Pintail (A054), Shoveler (A056, Scaup (A062), Ringed Plover (A137), Golden Plover (A140), Grey Plover Pluvialis (A141), Lapwing (A142), Knot (A143), Dunlin (A149), Black-tailed Godwit (A156), Bar-tailed Godwit (A157), Curlew (A160), Redshank (A162), Greenshank (A164), Black-headed Gull (A179), Wetland and Waterbirds (A999) **(M)**

Summary of Appropriate Assessment

Qualifying Interest Feature	**Conservation Objectives, Attributes & Targets (Summary)**
Cormorant *Phalacrocorax carbo* (A017) **M** Whopper Swan *Cygnus cygnus* (A038) **M** Light-bellied Brent Goose *Branta bernicla hrota* (A046) **M** Shelduck *Tadorna Tadorna* (A048) **M** Wigeon *Anas Penelope* (A050) **M** Teal *Anas crecca* (A052) **M** Pintail *Anas acuta* (A054) **M** Shoveler *Anas clypeata* (A056) **M** Scaup *Aythya marila* (A062) **M** Ringed Plover *Charadrius hiaticula* (A137) **M** Golden Plover *Pluvialis apricaria* (A140) **M** Grey Plover Pluvialis squatarola (A141) **M** Lapwing *Vanellus vanellus* (A142) **M** Knot *Calidris canutus (A143)* **M** Dunlin *Calidris alpina* (A149) **M** Black-tailed Godwit *Limosa limosa* (A156) **M** Bar-tailed Godwit *Limosa lapponica* (A157) **M** Curlew *Numenius arquata* (A160) **M** Redshank *Tringa totanus* (A162) **M** Greenshank *Tringa nebularia* (A164) **M** Black-headed Gull *Chroicocephalus ridibundus* (A179) **M** Wetland and Waterbirds [A999] **M**	**Conservation Objective** - Maintain the favourable conservation condition: Area stable or increasing. **Targets -** No significant decline in breeding population abundance (apparently occupied nests), no significant decline in productivity rate, no significant decline in distribution of breeding colonies, no significant decline in prey biomass available. No significant increase in barriers to connectivity. Disturbance at the breeding site - Human activities should occur at levels that do not adversely affect the breeding populations. Population trend – Long-term population trend stable or increasing. Distribution - No significant decrease in the range, timing or intensity of use of areas by individual species (other than that occurring from natural patterns or variation) The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 32,261ha, other than that occurring from natural patterns of variation.

Potential for Impact / Mitigation Measures

- Construction phase noise & vibration and visual disturbance has the potential to impact SCI bird species of the SPA. Visual disturbance of SCI bird species could be caused by the presence of activities of personnel, plant and machinery during the construction, operational and decommissioning phases.
- **Construction Noise** – Noise levels (EIAR Volume III Figure 11.3a and 11.3b) will produce moderate disturbance on birds.
- I consider that minor negative impacts of short-term temporary duration are likely due to construction noise, however, local birds are most likely habituated to background noise from maintenance of the existing Tarbert HFO Power Station, and construction that is currently taking place within the TEG site.
- Operational noise will be less than 55dB in all areas of the site where SCI birds were recorded.
- Therefore, I consider that significant effects due to construction and operation noise on SCI birds are not likely.

- **Vibration** - Negative Impacts from vibration have been scoped out due to the distance between vibration sources and locations of significant concentrations of SCI birds.
- **Visual Disturbance** - In terms of visual disturbance of bird species, the applicants NIS is Table 5.4 outlines the recommended Buffer zones for the SPA. I am satisfied that due to the separation distances between the site and the bird species and the screening provided by the existing, topography, vegetation and buildings significant visual disturbance of birds is unlikely during construction and decommissioning.
- During the operational phase, the presence of personnel and vehicles will be much reduced when compared to construction / decommissioning. Movement and personnel will be screening by the new building, and thus there are unlikely to be any disturbance effects on bird SCI.
- **Visual Disturbance from Lighting** - The Site is already illuminated throughout the night. The closest areas of coastline to the main development area, to the north and north-east of the Site, have the lowest screening from the construction works area, but also recorded very few SCI birds – only 12 black-headed gull. Therefore, any illumination of these areas is unlikely to adversely impact foraging or roosting birds, given that these areas are not well used by birds and there is abundant alternative habitat in the vicinity which will not be impacted by illumination. I am satisfied that lighting will not have a significant negative impact on SCI birds.
- **To conclude, I consider that there will be no significant adverse impact from noise, vibration, visual disturbance and lighting on SCI birds of River Shannan and River Fergus Estuaries SPA during the construction, operation or decommissioning of the Proposed Development.**

- **I Consider that Mitigation is Not Required**

AA Summary Matrix for the Lower River Shannon SAC (002165)

Lower River Shannon SAC (002165) – Located Directly Adjacent to Site

Description of Site: The SAC is designated for a range of Annex I habitats, mostly marine or coastal in nature, and seven Annex II species, all of which are aquatic except for otter which is terrestrial but relies on freshwater or coastal habitats. Otter, bottlenose dolphin, Atlantic Salmon and three species of lamprey are likely to be present within the Shannon Estuary immediately north of the site. No evidence of otter was evident on the site.

Conservation Objectives:
To maintain the favourable conservation status of Sandbanks slightly covered by sea water at low tide, Mudflats and sandflats not covered by seawater at low tide. Large shallow inlets and bays, reefs, perennial vegetation of stony banks, Vegetated Sea cliffs of Atlantic and Baltic Coasts, Salicornia and annuals colonizing mud & sand, Atlantic salt meadows, Water courses of plain to montane levels, Molinia meadows on calcareous, peaty or clayey silt laden soil, Alluvial forests, Brook Lamprey, River Lamprey, Bottlenose Dolphin and Estuaries. **(M**)

To restore the favourable conservation status of Coastal Lagoons, Freshwater Pearl Mussel, Sea Lamprey Atlantic Salmon and Otter. **(R)**

Summary of Appropriate Assessment	
Qualifying Interest Feature	**Attribute/Targets (Summary)**
Sea Lamprey Petromyzon marinus (1095) **R**	Distribution – Greater than 75% of main stem length of rivers accessible from estuary

	Population – At least three age/size groups present Juvenile Density – at least 1/m2 Extent of Disributiono s spawning habitat – No decline in extent and distribution of spawning beds Availability of juvenile habitat – More than 50% of sample sites positive
Brook Lamprey Lampetra planeri (1096) **M**	Distribution – Access to all water courses down to first order streams, Population – At least three age/size groups of river/brook lamprey present Mean catchment juvenile density of river/brook lamprey at least 2/m2, Extent – No decline in extent and distribution of spawning beds Availability of Juvenile habitat – More than 50% of sample sites positive
River Lamprey Lampetra fluviatilis (1099) **M**	
Atlantic Salmon (fresh water) Salmo salar (1106) **R**	Distribution – 100% of river channels down to second order accessible from estuary Adult spawning fish number – Conservation Limit for each system consistently exceeded Salmon fry abundance – Maintain or exceed 0+ fry mean catchment -wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling Out-migrating smolt abundance – No significant decline Number and distribution of redds – No decline in number Water quality – At least Q4
Bottlenose Dolphin Tursiops truncatus (1349) **M**	Access to suitable habitat – Species range within the site should be restricted by artificial barriers Habitat use – Critical areas should be maintained in a natural condition Disturbance – Human activities should occur at levels that do not adversely affect the bottlenose dolphin population at the site
Otter Lutra lutra (1355) **R**	Distribution – No significant decline Extent of terrestrial, marine and freshwater (river, lake/lagoon) habitat, Couching sites and holts, Fish biomass available - No significant decline Barriers to connectivity – No significant increase
Potential for Impact/ Mitigation Measures	
Construction phase noise, vibration and visual disturbance has the potential to impact Annex II QI species of the SAC. The QI species of Lower River Shannon SAC which could be subject to disturbance are: Atlantic salmon, sea lamprey, brook lamprey, river lamprey, bottlenose dolphin and otter.	

Aquatic QI Species

Noise Impacts - The aquatic QI species (fish and bottlenose dolphin) are not considered to be vulnerable to noise which passes through air. Noise from terrestrial sources does not transmit well into the water column, and therefore noise arising from construction is unlikely to impact fish and bottlenose dolphin. As highly mobile animals, any dolphin or fish in the vicinity can easily move away. Therefore, construction works are not anticipated to have significant effects on these species.

Vibration Impacts - Vibrations do not propagate well through the ground and are generally attenuated quickly, typically within 20-50m from the vibration source. Vibrations from land-based piling are likely to attenuate within the Site itself but there is potential for some transmission of vibration from piling to the estuarine water column but this is expected to be minimal. Very low intensity of sound or vibration propagating into the estuary, combined with the extensive width of the estuary at this location allowing fish migration to continue away from such a small ZoI, means that significant effects on migratory QI fish are considered unlikely.

Otters - Otters hearing is air-adapted and not specialised for detecting underwater sounds, hence no likely significant impact by noise or vibration is expected on otters foraging or commuting within the area. A buffer of 150 m should be applied around piling works and otter breeding holts. No resting sites were found in the field surveys within the site.
It is extremely unlikely that disturbance will be caused to any otter, and even if some minor disturbance to otter were to occur, the consequences would be negligible.

Visual disturbance – Lighting - Artificial light can interfere with the physiological function and behaviour of fish and can disrupt the spawning of migratory species. Given the distance of the shoreline from the construction works area and the absence of salmon fry in the estuary (salmon require gravel beds in fast flowing streams and rivers to spawn), there are unlikely to be adverse impacts from illumination on QI fish species of the SAC. Dolphins and otters, which are both predatory animals and may therefore receive some benefit from increased illumination, are not considered to be particularly sensitive to artificial illumination of watercourses or (in the case of otter) riparian habitat.

To conclude, I consider that there will be no significant adverse impact from noise, vibration and lighting on any QI species of Lower River Shannon SAC during the construction, operation or decommissioning of the Proposed Development. I Consider that Mitigation is Not Required

Coastal lagoons (1150) **R** Sandbanks slightly covered by seawater all the time (1110) **M** Mudflats and sandflats not covered by seawater at low tide (1140) **M** Large shallow inlets and bays (1160) **M** Reefs (1170) **M** Perennial vegetation of stony banks (1220) **M**	
Vegetated sea cliffs of Atlantic and Baltic Coasts (1230) **M** Salicornia and annuals colonising mud & sand (1310) **M** Atlantic salt meadows (1330) **R** Mediterranean salt meadows (1410) **R** Water courses of plain to montane levels (3260) **M**	**Significant Likely Impacts for these QIs screened out at Stage 1 (See Appendix 2 of this report)** **No Mitigation Required**

Molinia meadows on calcareous, peaty or clayey-silt-laden soil (6410) **M** Alluvial forests (91E0) **M** Freshwater Pearl Mussel Margaritifera margaritifera (1029) **R** Estuaries (1130**) M**	

23.6. Potential Impacts and Recommended Mitigation Measures

In this section, I will consider the Potential Impacts and Schedule of Mitigation, which are contained in Section 5.3 of the Applicants NIS and summarised as follows;

- Permanent and / or temporary loss or degradation of habitats;
- Airborne pollution as a result of emissions;
- Disturbance of animal species during the construction, operation and / or decommissioning due to increased noise, vibration, lighting, or the presence of personnel, plant and / or machinery;
- Damage or destruction of the resting places of protected or notable animal species;
- Displacement of animal species;
- Injury or mortality of plant or animal species;
- The spread of invasive non-native plant species during construction and decommissioning.

I consider the Applicant has provided a detailed description of the likely potential effects of the proposed development at all phases of development, which mainly focuses on the impact of construction works on the Qualifying Interests of the adjacent SAC and SPA, including the following;

- An Ecological Clerk of Works will be appointed for the duration of the construction works, who will monitor and advise on the implementation of the mitigation measures included in the EIAR, NIS and accompanying planning application documentation;
- The CEMP for the proposed development will be implemented by the construction contractor, which includes general mitigation measures employed as industry standard best practice, which will protect adjoining habitats from degradation due to airborne pollution, disturbance of animal species due to noise, vibration, lighting and personnel/machinery and will minimise the damage or destruction of the resting places of animal species.

- The Site is physically removed from the protected habitats, therefore no degradation of habitats is likely to occur due to the proposed development.
- Vibration propagation is limited outside the site and aquatic life is mobile and will move away during construction, if necessary.
- Measures to minimise noise generated during construction and decommissioning phases will be implemented to minimise potential disturbance of SCI species.
- Proposed Lighting for construction will be directional or minimise light spill.

A review of planning applications within 5km of the Site was completed. A number of projects were identified, which may potentially act in-combination with the Proposed Development. I have reviewed the details of projects within 5km of the proposed development in Table 4.3 of the Applicants EIAR.

I consider that no cumulative impacts are likely to occur due to the scale of the projects approved, time factors involved in the various projects and distance of other projects from the Tarbert Island development site.

23.7. Mitigation Measures

Following assessment of the proposed development, considering the impact pathways between the construction works and the QI/SCI, no significant effects are considered likely and thus no specific mitigation measures to protect European sites is considered necessary. General mitigation measures employed as industry stand best practice have been proposed. The applicant has identified a range of mitigation measures to be implemented by the proposed development, the majority of which are embedded mitigation as part of the project design. Mitigation measures include a CEMP to be implemented by the construction contractor. This will include a number of pollution prevention measures that will ensure there is no pollution to watercourses, waterbodies or terrestrial habitats. (Section 5.3 of Applicants NIS)

I consider the mitigation measures outlined in the Applicants NIS to be robust, appropriate and adequate to protect the Qualifying Interests of the European Sites. I am satisfied that there will be no significant adverse impacts on European Sites subject to compliance with relevant legislation, implementation of the final CEMP

mitigation measures, which will reiterate all proposed mitigation contained within the NIS and planning documentation and compliance with recommended conditions.

23.8. Residual Effects

Taking account of the mitigation measures outlined above, I consider that there is no potential for residual adverse effects on the Qualifying Interests of the River Shannon and River Fergus Estuaries SPA (004077) including SCI bird species and the QI Annex II species of the Lower River Shannon SAC (002165), as a result of the proposed development.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

23.9. Appropriate Assessment Conclusion

I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of these European sites in light of their conservation objectives (subject to the implementation of mitigation measures outlined above).

23.10. Appropriate Assessment Conclusions

The proposed development has been considered under the assessment requirements of Section 177U and 177AE of the Planning and Development Act 2000 and having regard to:

I. The scientific information on file in respect of the River Shannon and River Fergus Estuaries SPA (004077) and the Lower River Shannon SAC (002165).

II. The Development Plan context for the proposed OCGT power plant and the temporary nature and scale of the works proposed.

III. The potential impacts and general mitigation measures proposed for the construction, operational and decommissioning phases of the proposed development.

This conclusion is based on a complete assessment of all aspects of the proposed project. I consider that it is reasonable to conclude on the basis of the information on

the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would / would not adversely affect the integrity of the European site nos. 004077, 002165 or any other European site, in view of the site's Conservation Objectives.

24.0 Recommendation

Having regard to the foregoing, I recommend that permission for the construction of the Open Cycle Gas Turbine power plant (350MW) and associated infrastructure should be **GRANTED** permission for the following reasons and considerations subject to conditions.

25.0 Reasons and Considerations

Having regard to;

- County, European, National, Regional, and other support for renewable energy development as follows:
  - The Policies set out in the Kerry County Development Plan 2022 – 2028, specifically KCDP 9-25, 9-26 and 12-1,
  - Strategic Integrated Framework Plan for the Shannon Estuary (SIFP)
  - Regional Spatial & Economic Strategy for the Southern Region 2020
  - Listowel Municipal District Local Area Plan 2020 – 2026
  - Kerry County Council Climate Change Adaptation Strategy 2019-2024
  - RED III (European Renewable Energy Directive (EU/2023/2413)),
  - REPowerEU Plan 2022 and Directive EU 2018/2001, as amended 18.05.2022,
  - The European Green Deal 2020,
  - The National Planning Framework 2018-2040 (NPF),
  - The National Development Plan 2021-2030,
  - The Climate Action and Low Carbon Development (Amendment) Act 2021,
  - The Climate Action Plan 2024 (CAP 2024),
  - The Energy Security in Ireland to 2030, Energy Security Package, Nov. 2023,
  - The National Energy Security Framework, April 2022,
  - The Policy Statement on Security of Electricity Supply, November 2021,
  - The Long-Term Strategy on Greenhouse Gas Emissions Reductions (April 2023),

  - The National Climate and Energy Plan 2021-2030 (NCEP),
  - The National Biodiversity Action Plan,
  - The All-Island Generation Capacity Statement 2022 – 2031,
- The documentation submitted with the planning application including the Environmental Impact Assessment Report (EIAR), Appropriate Assessment Screening and NIS,
- The submissions made in connection with the application,
- Mitigation measures proposed for the construction, operation and decommissioning of the site,
- The pattern of development in the area,
- The separation distances between the proposed development and dwellings or other sensitive receptors,
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence of likely significant effects of the proposed development on European Sites.

25.1. Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, National, and Regional renewable energy policies and with the provisions of Local policy including the Kerry County Development Plan 2022-2028, be consistent with the obligations of the Climate Action Plan 2024, would not seriously injure the visual amenities of the area or have an unacceptable impact on the character of the landscape, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

25.2. Likely Effects on the Environment/Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

a) the transitionary nature of the proposed development which will operate as and when needed to ensure security of electricity supply,

b) the scale and location of the proposed development within a long established industrial and energy generating site,

c) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

d) the Screening for Appropriate Assessment and NIS and associated documentation submitted in support of the application,

e) the planning authority reports, and the submissions received from the Observers and Prescribed Bodies, and

f) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, residual and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated as follows:

- Negative impacts on **biodiversity** arising from construction and decommissioning activities. The proposed development would give rise to significant localised impacts. These impacts will be mitigated through the adherence to best practice construction measures and the implementation of a final CEMP. Excavations will be left with a method of escape for mammals and breeding birds and nesting locations will be safeguarded.

- Temporary Adverse impact on **landscape and visual** during construction due to temporary site infrastructure such as machinery etc. This will be for a limited time and mitigation will include limited use of lighting including directional lighting etc.
- **Noise** effects on NSR 1 will occur during the peak month of construction. This impact will be temporary and short-term. Mitigation will include the selection of quieter plant and general mitigation measures comprising those in BS 5228-1 Table B.1.

  During operation **noise** will impact NSR1. This is considered a long-term / reversible effect. This will be mitigated by implementing minimum acoustic requirements on the performance of an acoustic gas turbine air intake louvre and gas turbine building envelope including wall/roof construction.
- During construction, there will be temporary negative **Traffic and Transport** effect with HGV construction traffic flow generated by the development on minor roads. This will be mitigated by the implementation of the detailed Construction Traffic Management Plan (CTMP).

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

25.3. Appropriate Assessment: Stage 1

The Board considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Board noted that the proposed development is not directly connected with or necessary for the management of any European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with the screening exercise carried out by the Inspector.

The Board concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of connections to and distance between the application site and the European sites, including Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA [004161], Moanveanlagh Bog SAC [002351, Blasket Islands SAC [002172], Kilkieran Bay and Islands SAC [002111], Slyne Head Islands SAC [000328], they could be screened out from further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effects on these European Sites or any other European Site in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is therefore not required in relation to these European Sites. The Board considered that an appropriate assessment of the implications of the proposed development for the the River Shannon and River Fergus Estuaries SPA (004077) and the Lower River Shannon SAC (002165) required further investigation.

25.4. Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the River Shannon and River Fergus Estuaries SPA (004077) and the Lower River Shannon SAC (002165). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment as well as the report of the Inspector. In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for these European Sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the River Shannon and River Fergus Estuaries SPA (004077) and the Lower River Shannon SAC (002165)) or any other European Site in view of the sites' Conservation Objectives.

26.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. For the avoidance of doubt: -

   (a) The output from the proposed Open Cycle Gas Turbine shall be a maximum of 350MW.

   (b) The operational lifespan the proposed Open Cycle Gas Turbine shall be 25 years, after which the facility shall be decommissioned, and the site reinstated in accordance with Condition no.4 below.

   Reason: In the interest of clarity and the proper planning and sustainable development of the area.

3. The mitigation measures identified in the EIAR and NIS and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

   Reason: In the interest of clarity and protection of the environment during all phases of the proposed development.

4. Prior to commencement of operation, the developer shall submit for the written agreement of the planning authority detailed plans and proposals for the restoration and reinstatement of the entire site following decommissioning of the plant. The restoration works shall be completed within two years of the closure of the plant site or cessation of use for a period or one year or more.

Reason: To ensure the satisfactory restoration of the site.

5. The services of a suitably qualified and experienced Ecological Clerk of Works shall be retained to oversee and supervise the entirety of the construction works, and to provide monthly electronic reports to the planning authority (Planning and Environment Sections) detailing the stage of the works, and compliance with EIAR and CEMP mitigation measures.

   Reason: In the interest of protecting ecology and wildlife in the area.

6. All plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

   Reason: In the interest of the proper planning and sustainable development of the area, and to prohibit the spread of invasive species.

7. Water supply and drainage arrangements, including the treatment of wastewater, attenuation and disposal of surface water and connection to the existing drainage system, shall comply with the requirements of Uisce Éireann and the planning authority for such works and services as appropriate.

   Reason: In the interest of public health and to ensure a proper standard of development.

8. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all relevant environmental issues including intended construction practices, hours of working, noise, vibration and dust management measures and monitoring of such levels; pest control plan, traffic management and protection of roads and bridges; storage of hydrocarbons, chemicals and liquids; site specific risk assessments, and off-site disposal of construction, demolition and

contaminated waste, which shall be managed in accordance with an agreed Construction and Demolition Waste Management Plan.

Reason: In the interests of public safety and residential amenity.

9. The construction of the development shall be managed in accordance with a Construction and Demolition Resource Waste Management Plan (RWMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021), including demonstration of proposals to adhere to best practice and protocols.

Reason: In the interests of public safety and residential amenity.

10. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

11. Prior to commencement of development, a Construction Transport Management Plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority. The traffic management plan shall incorporate details of the road network to be used by construction traffic in accordance with the Abnormal Loads Report. The traffic management plan shall incorporate details of the road network to be used by construction traffic, including over-sized loads, and detailed arrangements for the protection of bridges, culverts or other structures to be traversed, as may be required. This shall include pre and post construction phase survey's in conjunction with Kerry County Council and other County Councils where necessary. The plan should also contain details of how the developer intends to manage the interaction between the construction traffic and the traffic queuing for the Shannon Ferry's Tarbert – Killimer ferry and how it intends to engage with and notify the local community in advance of

the delivery of oversized loads. Any damage caused to existing road pavement due to deliveries will be rectified in accordance with TII Pavement Standards.

Reason: In the interest of traffic safety**.**

12. The developer shall provide for a community benefit fund in compliance with Section 12.5.5 of Chapter 12 of the Kerry County Development Plan 2022 – 2028, to be managed by a Community Liaison Committee. Details of the community benefit fund shall be agreed in writing with the Planning authority prior to the commencement of development.

Reason: In the interest of local community benefit.

13. The developer shall appoint a Community Liaison Representative for the duration of the construction phase works.

Reason: In the interest of residential amenity.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authorities may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Laura Finn
Planning Inspector

21st June 2024

Appendix 1 - Form 1 – EIA Pre-Screening

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318540-23
Proposed Development Summary	10 year planning permission for the proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) and associated site works
Development Address	at Tarbert Island, Tarbert, Co. Kerry

1. Does the proposed development come . the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	X
	No	

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?

Yes	X	Class 2 (a) under Part 1 Schedule 5 of the Planning and Development Regulations 2001 (as amended) '*a thermal power station or other combustion installation with a heat output of 300 megawatts or more'*.	EIA Mandatory
No			Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	**Comment (if relevant)**	**Conclusion**
No		N/A		N/A
Yes		Class/Threshold…..		N/A

4. Has Schedule 7A information been submitted?		
No	N/A	**Preliminary Examination required**
Yes	N/A	**Screening Determination required**

Inspector: __Laura Finn_____ Date: __21st June 2024_____

Appendix 2 – AA Screening Determination

Screening for Appropriate Assessment
Screening Determination

Step 1: Description of the project

I have considered the Proposed OCGT (350MW) plant fueled by Hydrotreated Vegetable Oil (HVO) in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located within the existing established and operational SSE Tarbert site. The nearest European Sites include River Shannon and River Fergus Estuaries SPA [004077] and the Lower River Shannon SAC [002165] located immediately adjacent to the Site Boundary. Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA [004161]is located 6.6km southeast. Other European Sites which have also been considered include Moanveanlagh Bog SAC [002351] (13.9km south of the site), Blasket Islands SAC [002172] (89km south-west, 95km hydrological connection), Kilkieran Bay and Islands SAC [002111] (70km north, 117km hydrological connection), Slyne Head Islands SAC [000328] (106km north-west, 134km hydrological connection)

The proposed development comprises an OCGT (350MW) plant fuelled by Hydrotreated Vegetable Oil (HVO). The power output of the plant will be controlled and limited to a maximum of 350MW. The OCGT will be located within the existing established and operational SSE Tarbert site. The Proposed Development will include an overhead cable 75 m in length, which will connect to an existing electrical substation to the south of the proposed OCGT building. There will be no alterations to the electricity transmission system outside of the Site as part of the Proposed Development.

KCC Ecologists report noted no impact in relation to AA subject to mitigation measures being implemented as explained in Section 2.5 of this report.

Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

Construction

- **Noise and visual disturbance to birds –** Disturbance arising from the presence of personnel, plant and machinery, noise generated by demolition and construction works, including piling, may disturb birds using habitats surrounding the Site. Any lighting used during the construction phase could also cause disturbance of SCI birds when foraging or roosting.
- **Contaminated Surface water runoff** – Impact of contaminated water into intertidal or estuarine habitats during construction.
- **Noise/Vibration disturbance to Marine Life –** Due to the location of dolphin habitat within the SAC, piling works may be a cause of disturbance, but its not expected to be significant. Likewise, there is potential for noise / vibration to effect salmon and lamprey species which may spawn in and migrate up the estuary. Such impacts could lead to the displacement of QI species away from areas which would otherwise be suitable for foraging or commuting.

Operation

- **Accidental Spillages** - The Proposed Development will run on HVO fuel which will be delivered by lorry. When transferring this fuel into the storage tanks there is

potential for spills to occur, however in line with industry standards, the tank area will have an impermeable base and will be bunded, with a capacity at least 110% of the total volume of a fuel delivery lorry.

- **Surface Water Discharges** - There will be minor discharge of uncontaminated water to the Shannon Estuary during operation as part of the demineralisation process, as per existing limits, and there will also be emissions from surface water run-off and foul water following wastewater treatment.

Step 3: European Sites at risk

With reference to the potential impact mechanisms from the proposal, identify the European site(s) and qualifying features potentially at risk. Examine Site specific conservation objectives and relevant and supporting documents.

Table 1 European Sites at risk from impacts of the proposed project

Conservation objectives:
To maintain favourable conservation condition **M**
To restore favourable conservation condition **R**

River Shannon and River Fergus Estuaries SPA (004077) – Located Directly Adjacent to Site
River Shannon and River Fergus Estuaries SPA | National Parks & Wildlife Service (npws.ie)
The Site is surrounded by the SPA, and the northern and eastern boundaries of the Site are contiguous with River Shannon and River Fergus Estuaries SPA. The SPA is designated for 21 bird species, and wetland habitats which support these species.

Effect mechanism	Impact pathway/Zone of influence	Qualifying interest features at risk
A. Noise and visual/lighting disturbance to birds from construction phase works B. Contaminated surface water run-off from construction works C. Accidental spillages of HVO fuel leading to contaminated run-off to the SPA	0km – Directly adjacent to the boundary of the Site	Cormorant *Phalacrocorax carbo* (A017) **M** Whopper Swan *Cygnus cygnus* (A038) **M** Light-bellied Brent Goose *Branta bernicla hrota* (A046) **M** Shelduck *Tadorna Tadorna* (A048) **M** Wigeon *Anas Penelope* (A050) **M** Teal *Anas crecca* (A052) **M** Pintail *Anas acuta* (A054) **M** Shoveler *Anas clypeata* (A056) **M** Scaup *Aythya marila* (A062) **M** Ringed Plover *Charadrius hiaticula* (A137) **M** Golden Plover *Pluvialis apricaria* (A140) **M** Grey Plover Pluvialis squatarola (A141) **M** Lapwing *Vanellus vanellus* (A142) **M** Knot *Calidris canutus (A143)* **M** Dunlin *Calidris alpina* (A149) **M** Black-tailed Godwit *Limosa limosa* (A156) **M** Bar-tailed Godwit *Limosa lapponica* (A157) **M** Curlew *Numenius arquata* (A160) **M** Redshank *Tringa totanus* (A162) **M** Greenshank *Tringa nebularia* (A164) **M** Black-headed Gull *Chroicocephalus ridibundus* (A179) **M**

		Wetland and Waterbirds [A999] M

Lower River Shannon SAC (002165) – Located Directly Adjacent to Site

Lower River Shannon SAC | National Parks & Wildlife Service (npws.ie)

The SAC is designated for a range of Annex I habitats, mostly marine or coastal in nature, and seven Annex II species, all of which are aquatic except for otter which is terrestrial but relies on freshwater or coastal habitats. Otter, bottlenose dolphin, Atlantic Salmon and three species of lamprey are likely to be present within the Shannon Estuary immediately north of the site. No evidence of otter was evident on the site.

Effect mechanism	**Impact pathway/Zone of influence**	**Qualifying interest features at risk**
A. Noise and Vibration Disturbance for Dolphins, Salmon and Lamprey species from Piling Works during Construction B. Contaminated surface water run-off reaching intertidal or estuarine habitats C. Wastewater discharges during operation works	0km – Directly adjacent to the boundary of the Site	Sandbanks slightly covered by seawater all the time (1110) **M** Estuaries (1130**) M** Mudflats and sandflats not covered by seawater at low tide (1140) **M** Coastal lagoons (1150) **R** Large shallow inlets and bays (1160) **M** Reefs (1170) **M** Perrennial vegetation of stony banks (1220) **M** Vegetated sea cliffs of Atlantic and Baltic Coasts (1230) **M** Salicornia and annuals colonising mud & sand (1310) **M** Atlantic salt meadows (1330) **R** Mediterranean salt meadows (1410) **R** Water courses of plain to montane levels (3260) **M** Molinia meadows on calcareous, peaty or clayey-silt-laden soil (6410) **M** Alluvial forests (91E0) **M** Freshwater Pearl Mussel Margaritifera margaritifera (1029) **R** Sea Lamprey Petromyzon marinus (1095) **R** Brook Lamprey Lampetra planeri (1096) **M** River Lamprey Lampetra fluviatilis (1099) **M** Atlantic Salmon (fresh water) Salmo salar (1106) **R** Bottlenose Dolphin Tursiops truncatus (1349) **M** Otter Lutra lutra (1355) **R**

Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) – Located c.6.6km south-east from Site

Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA | National Parks & Wildlife Service (npws.ie)

This SPA is located 6.6km south-east of the Site and is designated for hen harrier. Although a mobile species, hen harrier is unlikely to be present at or near the Site given the lack of suitable habitat, and thus there are no pathways for effect on this species. There is no hydrological connection to this site from the Proposed Development.

SCREENED OUT – NO LIKELY SIGNIFICANT EFFECTS DUE TO DISTANCE FROM SPA AND THE LACK OF SUITABLE HABITAT FOR THE HEN HARRIER.

Effect mechanism	Impact pathway/Zone of influence	Qualifying interest features at risk
None – no pathways for effects	This SPA is located 6.6km south-east of the Site	Hen Harrier *Circus cyaneus* (A082) **M**

Moanveanlagh Bog SAC [002351]
Moanveanlagh Bog SAC | National Parks & Wildlife Service (npws.ie)

This SAC is located 13.9km south of the Site and is designated for raised bog habitat. The results of air quality modelling of construction and operational emissions in relation to the Proposed Development indicates that there will be no effect on the raised bog habitats of the SAC, due to the distances involved and the Conservation Objectives of the site will not be compromised. There is no hydrological connection to this site from the Proposed Development.

SCREENED OUT – NO LIKELY SIGNIFICANT EFFECTS DUE TO DISTANCE FROM SAC AND NO DIRECT HYDROLOGICAL CONNECTION TO THE SITE

Effect mechanism	Impact pathway/Zone of influence	Qualifying interest features at risk
None	13.9km south of the site	Active raised bogs (7110) **R** Degraded raised bogs still capable of natural regeneration [7120] **R** Depressions on peat substrates of the Rhynchosporion [7150] **R**

Blasket Islands SAC [002172]
Blasket Islands SAC | National Parks & Wildlife Service (npws.ie)

Although grey seal is a mobile selection feature of Blasket Islands SAC, the Shannon Estuary does not appear to be regularly used by grey seal, and only several individuals have been recorded during the past three surveys (Cronin et al. 2003; Morris and Duck, 2019). Therefore, any noise arising from the construction works will not have a significant effect on the SAC population of Blasket Islands SAC. Vibrations do not propagate well through the ground and are generally attenuated quickly, typically within 20-50m from the vibration source.

SCREENED OUT – NO LIKELY SIGNIFICANT EFFECTS DUE TO DISTANCE FROM SAC

Effect mechanism	Impact pathway/Zone of influence	Qualifying interest features at risk
None	89km south-west, 95km hydrological connection	Reefs [1170] **M** Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] **R** European dry heaths [4030] **M** Submerged or partially submerged sea caves [8330] **M** Phocoena phocoena (Harbour Porpoise) [1351] **M**

		Halichoerus grypus (Grey Seal) [1364] **M**

Kilkieran Bay and Islands SAC [002111]
Kilkieran Bay and Islands SAC | National Parks & Wildlife Service (npws.ie)

Harbour seal is a mobile QI of Kilkieran Bay and Islands SAC, however, this species does not appear to regularly use the Shannon Estuary, and only several individuals have been recorded during the past three surveys (Cronin et al. 2003; Morris and Duck, 2019). It is unlikely these belong to the SAC population which is over 100km away.

SCREENED OUT – NO LIKELY SIGNIFICANT EFFECTS ON HARBOUR SEALS FROM CONSTRUCTION NOISE AND DISTANCE FROM SAC

Effect mechanism	**Impact pathway/Zone of influence**	**Qualifying interest features at risk**
None	70km north, 117km hydrological connection	Mudflats and sandflats not covered by seawater at low tide [1140] **M** Coastal lagoons [1150] **M** Large shallow inlets and bays [1160] **M** Reefs [1170] **M** Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] **R** Otter (Lutra lutra) [1355] **R** Harbour Seal (Phoca vitulina) [1365] **M** Mediterranean salt meadows (Juncetalia maritimi) [1410] **R** Slender Naiad (Najas flexilis) [1833] **M** Machairs (* in Ireland) [21A0] **R** Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] **M**

Slyne Head Islands SAC [000328]
Slyne Head Islands SAC | National Parks & Wildlife Service (npws.ie)

Slyne Head SAC is connected hydrologically to the Site at a distance of 135km via the Shannon Estuary and Atlantic Ocean, and is designated for reefs, bottlenose dolphin and grey seal. Given the separation distance, there is no source-pathway-receptor relationship between the Site and the SAC for significant effects to reefs, however, as mobile species, grey seal and bottlenose dolphin may potentially venture into the Shannon Estuary and in proximity to the Site.

SCREENED OUT – NO LIKELY SIGNIFICANT EFFECTS DUE TO DISTANCE FROM SAC

Effect mechanism	**Impact pathway/Zone of influence**	**Qualifying interest features at risk**
	106km northwest, 134km hydrological connection	Reefs [1170] **M** Halichoerus grypus (Grey Seal) [1364] **M**

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'				
European Site and qualifying feature	**Conservation objectives:** To maintain favourable conservation condition **M** To restore favourable conservation condition **R** Site_specific_cons_obj (npws.ie)	**Could the conservation objectives be undermined (Y/N)?**		
		Effect A – Noise/Lighting/ Vibration	**Effect B – Surface Water Run-**	**Effect C – Accidental Spillage**
River Shannon and River Fergus Estuaries SPA (004077) – Located Directly Adjacent to Site	Cormorant *Phalacrocorax carbo* (A017) **M**	Y	N	N
	Whopper Swan *Cygnus cygnus* (A038) **M**	Y	N	N
	Light-bellied Brent Goose *Branta bernicla hrota* (A046) **M**	Y	N	N
	Shelduck *Tadorna Tadorna* (A048) **M**	Y	N	N
	Wigeon *Anas Penelope* (A050) **M**	Y	N	N
	Teal *Anas crecca* (A052) **M**	Y	N	N
	Pintail *Anas acuta* (A054) **M**	Y	N	N
	Shoveler *Anas clypeata* (A056) **M**	Y	N	N
	Scaup *Aythya marila* (A062) **M**	Y	N	N
	Ringed Plover *Charadrius hiaticula* (A137) **M**	Y	N	N
	Golden Plover *Pluvialis apricaria* (A140) **M**	Y	N	N
	Grey Plover Pluvialis squatarola (A141) **M**	Y	N	N
	Lapwing *Vanellus vanellus* (A142) **M**	Y	N	N
	Knot *Calidris canutus (A143)* **M**	Y	N	N
	Dunlin *Calidris alpina* (A149) **M**	Y	N	N
	Black-tailed Godwit *Limosa limosa* (A156) **M**	Y	N	N
	Bar-tailed Godwit *Limosa lapponica* (A157) **M**	Y	N	N
	Curlew *Numenius arquata* (A160) **M**	Y	N	N
	Redshank *Tringa totanus* (A162) **M**	Y	N	N
	Greenshank *Tringa nebularia* (A164) **M**	Y	N	N
	Black-headed Gull *Chroicocephalus ridibundus* (A179) **M**	Y	N	N
	Wetland and Waterbirds [A999] **M**	Y	N	N

European Site and	**Conservation objectives:**	**Could the conservation objectives be undermined (Y/N)?**

qualifying feature	Conservation objectives: To maintain favourable conservation condition **M** To restore favourable conservation Site_specific_cons_obj (npws.ie)	**Effect A** – Noise and Vibration Disturbance	**Effect B – Water Surface Run-off**	**Effect C – Wastewater during operation**
Lower River Shannon SAC (002165) – Located Directly Adjacent to Site	Sandbanks slightly covered by seawater all the time (1110) **M**	N	N	N
	Estuaries (1130**) M**	N	N	N
	Mudflats and sandflats not covered by seawater at low tide (1140) **M**	N	N	N
	Coastal lagoons (1150) **R**	N	N	N
	Large shallow inlets and bays (1160) **M**	N	N	N
	Reefs (1170) **M**	N	N	N
	Perrennial vegetation of stony banks (1220) **M**	N	N	N
	Vegetated sea cliffs of Atlantic and Baltic Coasts (1230) **M**	N	N	N
	Salicornia and annuals colonising mud & sand (1310) **M**	N	N	N
	Atlantic salt meadows (1330) **R**	N	N	N
	Mediterranean salt meadows (1410) **R**	N	N	N
	Water courses of plain to montane levels (3260) **M**	N	N	N
	Molinia meadows on calcareous, peaty or clayey-silt-laden soil (6410) **M**	N	N	N
	Alluvial forests (91E0) **M**	N	N	N
	Freshwater Pearl Mussel Margaritifera margaritifera (1029) **R**	N	N	N
	Sea Lamprey Petromyzon marinus (1095) **R**	Y	N	N
	Brook Lamprey Lampetra planeri (1096) **M**	Y	N	N
	River Lamprey Lampetra fluviatilis (1099) **M**	Y	N	N
	Atlantic Salmon (fresh water) Salmo salar (1106) **R**	Y	N	N
	Bottlenose Dolphin Tursiops truncatus (1349) **M**	Y	N	N
	Otter Lutra lutra (1355) **R**	Y	N	N

I conclude that the proposed development would have a likely significant effect 'alone' on the qualifying interests of **River Shannon and River Fergus Estuaries SPA (004077) and Lower River Shannon SAC (002165)** from effects associated with;

- Construction noise, vibration, lighting disturbance on birds
- Construction noise and vibration impacts on Lamprey Species, Salmon and Dolphins

Construction of the Proposed Development in close proximity to wetland and estuarine habitats has the potential to impact bird SCI. Noise and visual disturbance, arising from the presence of personnel, plant and machinery, noise generated by demolition and construction works, including piling, may disturb birds using habitats surrounding the Site. Any lighting used during the construction phase could also cause disturbance of SCI birds when foraging or roosting. Disturbance could cause birds to avoid areas otherwise suitable for foraging or

roosting, causing their distribution within the SPA to shift and potentially leading to reduced abundance of birds within the SPA.

An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time. **Proceed to AA.**

Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

There are no proposals within plans that could act in-combination with the Proposed Development.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the protected birds and habitat of the River Shannon and River Fergus Estuaries SPA (004077) 'alone' in respect of effects associated with construction noise, vibration and lighting disturbance on bird species within the SPA. In addition, the proposed development is likely to have a significant effect on QI species including Lamprey Species, Salmon and Dolphin of the Lower River Shannon SAC (002165) due to noise and vibration disturbance from construction works.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

This conclusion is based on:

- Objective information presented in the Screening Report
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.