

An  
Bord  
Pleanála

## Inspector's Report

### ABP-319073-24

<b>Development</b>	Reserve Gas-Fired Power Generator, GIS Electrical Substation, Energy Storage System (ESS) and associated site development works.
<b>Location</b>	Coolpowra, Ballynaheskeragh, Coolnageeragh and Gortlusk, Co. Galway.
<b>Prospective Applicant</b>	Coolpowra Flex Gen Limited
<b>Type of Application</b>	Pre-Application Consultation under 37B of the Planning and Development Act 2000, as amended.
<b>Planning Authority</b>	Galway County Council
<b>Date Of Site Inspection:</b>	28/02/2024
<b>Inspector</b>	Jimmy Green

## **1.0 Pre-Application Consultation**

- 1.1. The Board received a request on 16<sup>th</sup> February 2024 from Halston Environmental and Planning Ltd. on behalf of Coolpowra Flex Gen Limited, (Parsons House, 56 Axis Business Park, Tullamore Offaly) to enter into pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended, ("the Act") in relation to the proposed development of a Reserve Gas-Fired Generator, Gas Insulated Switchgear (GIS) Electrical Substation, Energy Storage System (ESS) and Synchronous Condenser (Synch Con) and associated site works at the townlands of Coolpowra, Ballynaheskeragh, Coolnageeragh and Gortlusky, Co. Galway.
- 1.2. A virtual meeting was held with the prospective applicant on the 7<sup>th</sup> of March 2024. A record of the meeting is attached to the file. The presentation made to the Board's representatives at the meeting is also attached to the file. Closure of the pre-application consultation was requested in correspondence dated 6<sup>th</sup> April 2024.

## **2.0 Site Location and Description**

- 2.1. The proposed site is located in the townlands of Coolpowra, Ballynaheskeragh, and Gortlusky Co. Galway, and I note that the landholding (blue lined boundary of submitted proposed site location map) also includes part of the townland of Coolnageeragh, albeit no development is proposed within that townland on the layouts submitted. The site is located approximately 5km north west of Portumna and 3.7km south east of Killimor.
- 2.2. The site of the proposed development is currently under agricultural use and an existing dwelling house and farmyard with associated buildings is also present within the holding. The dwelling and farm buildings are intended to be demolished as part of the subject works. The existing Oldstreet 400kV Air Insulated Switchgear (AIS) Substation and the associated 400kV overhead line which runs from Moneypoint to Woodland is located adjacent and to the north of the subject site works.
- 2.3. The site is relatively level, with only minor undulations and a range of mature hedgerows throughout. Access to the site is via the N65 and local road network. The Local roads in the vicinity are typical country lanes which serve the overall agricultural context. There is a dispersed and fairly typical rural settlement pattern in the area and

the documentation submitted stating that the closest dwelling to the development boundary being c.300m to the west.

### **3.0 Proposed Development**

3.1. The initial documentation submitted and presented at the meeting set out the proposed development as follows:

- i. Reserve Gas Fired Generator consisting of three 375MW open cycle gas-fired turbines (OCGT) providing a total electrical capacity of 1,125MW using natural gas as the primary fuel source. There will also be 19,000 tonnes of gas oil stored on site as a secondary fuel source.
- ii. 400kV Gas Insulated Switchgear (GIS) substation and associated high voltage lines, to upgrade and replace the existing AIS Oldstreet substation.
- iii. 200MW energy storage system including a battery compound with a total of 224 modular single story battery enclosures and a synchronous condenser.

3.2. Following discussions at the meeting and in closing out the pre-application consultation the prospective applicant provided additional details and revised plans and drawings dated 6<sup>th</sup> April 2024 clarifying the extent and nature of the infrastructure to be considered under the current pre-application consultations.

3.3. In the updated submission the prospective applicant stated that the current pre-application consultation under Section 37B of the Act is only being pursued in relation to item (i) above, i.e. the Reserve Gas Fired Generator element of the project and its associated works. Revised plans and drawings were submitted highlighting the elements for which a section 37A determination was being sought, these include the following:

- OCGT building to house the 3 no. 375MW OCGT generators, each of the OCGT units will include a generator, air intake, filter-house enclosure, gas turbine, exhaust and stack.
- Two-storey administration and control room building.
- Sterile areas, cooling fans, emergency generators, fire water pump house and tank, workshop building and stores, a secondary fuel compound (which will store approximately 19,000 tonnes of gas oil in

tanks), fuel polishing pump, fuel storage, fuel unloading area, above ground installation (AGI) gas compound to receive natural gas from the gas network and provide for its distribution via on-site connection elements, raw firewater tank and pumps, fire waste water retention tank, three emergency containerised diesel generators, distribution transformers and switchrooms, and

- All associated infrastructure including access roads, attenuation ponds, landscaping, and temporary construction compound.

- 3.4. The prospective applicant clarified that a separate pre-application process is being undertaken under Section 182E of the Act in relation to the proposed 400MW GIS substation building, compound and associated high voltage electrical connections (item (ii) above). This has been initiated by the prospective applicant already under ABP-319385-24 and is intended will provide for all electrical components and transmission infrastructure to connect items (i) and (iii) to the GIS. Accordingly, this element is not subject to the current Section 37B determination process.
- 3.5. The proposed energy storage system (battery compound) and synchronous condenser is intended to be brought through the Section 34 planning process with the Planning Authority (Galway County Council) and accordingly these elements have been withdrawn from consideration of this section 37A pre-application process.
- 3.6. The site boundaries will remain the same to allow the extent of ancillary works (including landscaping and access roads etc.) to be provided within the section 37A process if applicable.
- 3.7. In the interests of clarity, the Board should note that the only elements being considered under the current Section 37B process are those set out in 3.3 of this report above.

## **4.0 Planning History**

- 4.1. There is no recent relevant planning history on the site of the proposed development, however, there are recent planning applications associated with the existing Oldstreet 400kV substation and its overhead line including:

- **PI. Ref. 23/60849** – permission granted by Galway County Council on the 30<sup>th</sup> of October 2023 for demolition of existing vacant farmhouse and outbuildings, provision of 3 no. 400kV angle masts to facilitate diversion of the existing Oldstreet-Woodland 400kV overhead line, extension of existing Oldstreet Substation compound and provision of a range of additional and ancillary electrical equipment.
- **PI. Ref. 16/1747**, Permission granted by Galway County Council for refurbishment of the existing Moneypoint-Oldstreet 400kV Overhead line.
- **PI. Ref. 00/5409**, Permission granted by Galway County Council in February 2001 for the construction of a new 220kV overhead line from a proposed 400/220kV substation at Ballynaheskeragh, near Killimor to the existing Cashla 220kV substation at Barretspark near Athenry.
- **PI. Ref. 00/5408**, Permission granted by Galway County Council in February 2001 for the construction of a 400kV outdoor substation and looping of the Moneypoint/Woodland 400kV line at Ballynaheskeragh.

4.2. Other applications in the wider area refer to older permissions relating to a range of residential and associated development.

## 5.0 Legislative Provisions

5.1. Section 2(1) of the Act defines the meaning of Strategic Infrastructure Development (SID), as including inter alia:

*“(a) any proposed development in respect of which a notice has been served under section 37B(4)(a), ....*

5.2. Section 37B of the Act states the following:

*“(4) Where, following consultations under this section, the Board is of the opinion that the proposed development would, if carried out—*

*(a) fall within one or more of paragraphs (a) to (c) of section 37A(2), it shall serve a notice in writing on the prospective applicant stating that it is of that opinion, or*

*(b) not fall within any of those paragraphs, it shall serve a notice in writing on the prospective applicant stating that it is of that opinion.”*

5.3. Section 37A of the Act states as follows:

*“(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*

*(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—*

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

*(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,*

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

5.4. The Seventh Schedule of the Act lists the relevant forms of infrastructure developments for the purposes of Section 37A and 37B, and includes the following under the “Energy Infrastructure” section:

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

5.5. In the interests of clarity, I note that there is no element within, or interpretation of, the seventh schedule classification of a thermal power station that could be construed as providing for an electrical storage system (ESS) such as that initially proposed under this pre-application consultation. Furthermore, the GIS substation and electricity transmission components such as that initially proposed is dealt with under section 182A of the Act and not Section 37A of the Act.

## **6.0 Pre-Application Consultation Meeting**

- 6.1. A virtual meeting was held with the applicant on the 7<sup>th</sup> of March 2024. The record of the meeting has been attached to the file. The applicant provided a description of the overall proposed development at this location as set out in section 3.1 of this report above.
- 6.2. At the meeting the applicant made a presentation in relation to the range of elements, being proposed and noted that the various studies and surveys required to complete an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) were underway. Furthermore, details of the site selection, the options for the routing of the gas pipeline (which will be subject to a separate application process by Gas Networks Ireland) and the range of relevant national, regional and local planning and policy objectives were set out.
- 6.3. The prospective applicant also noted that any future planning application would include an assessment of the potential gas network connections sufficient to allow an informed and comprehensive decision to issue considering any potential cumulative effects. The applicant also confirmed that the power plant would operate as a peaking power plant and therefore only be activated when there is a requirement for additional power on the network, thus providing significant grid reinforcement/reserve to allow it to cope with the fluctuating nature of renewable energy sources. The secondary fuel source in the event of the gas supply off the national network not being available and the electricity demand on the network exceeding supply.
- 6.4. The development is being proposed to be able to deliver a nationally significant quantum of flexible, fast start up generation capacity to the national electricity grid via the existing Oldstreet node onto the 400kV transmission line which runs immediately north of the proposed development site. It is stated that the proposed development will facilitate additional penetration of renewables onto the national grid by providing additional flexibility and speed of generation to offset the intermittent nature of renewables.
- 6.5. Discussions were held in relation to the various elements of the overall proposed development and the prospective applicant was advised to consider the various components of the project and the relative applicability of sections 37B, 182A and 34 of the Act respectively.

- 6.6. The applicant was advised at the meeting that any future application(s) at this site would need to be accompanied by sufficient environmental information to allow a comprehensive cumulative assessment to be undertaken by the relevant authority in relation to the various elements of infrastructure being proposed, with details to include inter alia, comprehensive noise, air, landscape, and transport assessments covering both operational, construction, and decommissioning phases of the proposed development. Engagement as appropriate with the Health and Safety Authority and compliance with the COMAH regulations in relation to site activities and operations. Ongoing public engagement was also advised. Furthermore, as the proposed development is in an unzoned rural area, provision of details outlining compliance with the relevant provisions of the County Development Plan and of clear justification in relation to the site selection process and alternatives should be included in any future planning application. The provision of an EIAR and NIS in support of any future application was noted.

## 7.0 Applicant's Case

- 7.1. The prospective applicant's case as set out in the documentation submitted and clarified at the pre-application consultation meeting and in the close-out, correspondence received can be summarised as follows:

- This pre-application consultation under section 37B of the Act has been narrowed to relate solely to the Reserve Gas Fired Generator only, and revised drawings have been submitted (dated April 6<sup>th</sup>, 2024) setting out the extent of this facility.
- The energy output of the reserve gas fired generator will have a nominal electrical output of 1,125MW. Therefore, it is of a class specified under the "Energy Infrastructure" section of the Seventh Schedule of the Planning and Development Act 2000 (as amended). i.e. it is *"A thermal power station or other combustion installation with a total energy output of 300 megawatts or more"*.
- The proposed development will be of strategic economic and social importance to the state due to its location proximate to the 400kV transmission network and the scale of generating capacity that will be available to the national grid.



- The proposed development would contribute substantially to the fulfilment of the objectives of the National Planning Framework as it will support the transition towards low carbon energy supply and facilitate the increased penetration of renewable energy generation/supply onto the national electricity grid. It is stated that the proposed development will complement intermittent renewable resources by delivering a nationally significant quantum of flexible, fast start-up generation capacity that will supply electricity to the national grid for periods when there is insufficient renewable generation to meet demand. In this regard it will support the further development of renewables and will deliver affects far beyond the local planning authority area. In this regard the prospective applicant also states that the proposed development will satisfy various regional policy objectives from Chapter 8 of the Northern and Western Regional Spatial and Economic Strategy 2020 – 2032.

- 7.2. The applicant has stated that an Environmental Impact Assessment Report (EIAR) will be prepared for the proposed development as it exceeds the relevant threshold for a thermal power station (300MW) established in Schedule 5 of the Planning and Development Regulations, 2001 (as amended) ("the Regulations"). In this regard the prospective applicant has confirmed that the EIAR for the proposed Gas-fired generator will consider the other infrastructure elements proposed at this location as well as the route options for providing a connection to the gas network.
- 7.3. The applicant has also stated that any future application will be supported by the relevant ecological reporting in terms of the Habitats Directive requirements.

## **8.0 Precedent Decisions**

- 8.1. In relation to the originally proposed extent of works (i.e. GIS substation, Energy Storage System, synchronous condenser, and Gas-Fired generator), the board should note that following the meeting on this case the prospective applicant opened a pre-application consultation under Section 182E in relation to the GIS substation element, (ABP-319385-24 refers).
- 8.2. Under the Seventh Schedule of the Act (infrastructure developments for the purposes of Sections 37A and 37B) there is no applicable or relevant class of infrastructure specified in relation to the Energy Storage System and synchronous

condenser component of the overall works. There are several precedent cases highlighting that such components do not constitute strategic infrastructure (under the provisions of S182A), in this regard the following files are of note:

- 301236-18, provision of a battery storage system at Poolbeg, deemed not to be S182A strategic infrastructure, and that an application should be made to the local planning authority, (Dublin City Council)
- 301173 – 18, provision of a battery storage system and substation at Caherdowney, deemed not to be strategic infrastructure and that an application should be made to the local planning authority (Cork County Council).
- 311992-21, provision of a battery energy storage system and synchronous condenser, at Lanesborough, deemed not to be S182A strategic infrastructure and that an application should be made to the local planning authority (Longford County Council).
- 311993-21, provision of a battery energy storage system and synchronous condenser at Shannonbridge, deemed not to be strategic infrastructure and that an application should be made to the local planning authority (Offaly County Council).
- 318011-23, provision of a battery energy storage system and 110KV substation and cabling at Great Island Kilmokea. Substation and cabling were considered to be within the scope of S182A, however, the battery storage system was deemed to not be S182A strategic infrastructure and that an application should be made to the local planning authority (Wexford County Council) in its regard.

8.3. In relation to the Reserve Gas Fired Generator the most relevant precedent case is ABP-3152013-22, at Derryfrench, Co. Galway, under which a 350MW Open Cycle Gas Turbine power plant and ancillary buildings was considered to constitute strategic infrastructure development under the provisions of section 37A of the Act.

## 9.0 Strategic Infrastructure Assessment

- 9.1. This pre-application consultation concerns the development of a reserve gas-fired generator comprising three 375MW open cycle gas turbines (OCGT) and all associated works. The Board should note that the extent and nature of the works subject to this pre-application consultation has been amended following the virtual meeting, and accordingly for clarity, the description of the works under consideration in relation to this determination are those set out in section 3.3. of this report above.
- 9.2. The proposed gas fired generator will operate for periods of time when there is insufficient electricity being generated from renewable technologies and other conventional base-loading generators to satisfy energy demands on the national network. The proposed development is therefore a power station which will derive its power from the combustion of gas (with a secondary fuel source in place if required).
- 9.3. It is stated by the prospective applicant that the proposed development will generate a gross total energy output of 1,125MW. Thresholds within the Seventh Schedule to which Section 37B refers, specify that development for the purpose of 37A or 37B include the development of '*a thermal power station or other combustion installation with a total energy output of 300 megawatts or more*'. The proposed development satisfies this project description (i.e. power station or combustion installation) and exceeds the relevant total power output threshold established within the Seventh Schedule.
- 9.4. As the proposed development exceeds the relevant seventh schedule threshold, I now move on to consider the requirements of Section 37A(2) of the Act. In this regard the proposed development must satisfy at least one of the following criteria, it must:
- (a) Be of strategic economic or social importance to the State or the region in which it would be situate,
  - (b) Contribute substantially to the fulfilment of any of the objectives of the NPF, or RSES in force in respect of the area that the development will be situated, or
  - (c) Have a significant effect on the area of more than one planning authority.

These criteria are discussed further below.

## 9.5. Strategic, Economic or social importance to the State or Region.

- 9.5.1. Circular Letter PL12.2021 issued from the Department of Housing, Local Government and Heritage on the 10<sup>th</sup> of December 2021. It seeks to ensure security of electricity supply which is at short to medium term risk due to, lower than expected availability of some existing power stations, anticipated new power stations not being developed as planned, expected growth in electricity demand due to increased activity by high energy consuming industries, and the expected closure of some power stations which make up approximately 25% of existing conventional electricity generating capacity. The Department's circular letter includes the following statements:

*"The development of new conventional generation (including gas-fired and gasoil distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation."*

*"Planning authorities are advised that where planning applications are submitted for electricity infrastructure or infrastructure that may impact on electricity supply –including for existing conventional electricity generation – that they should, until further notice, be considered having regard to the [Government] Policy Statement [on security of Electricity Supply, November 2021]. Furthermore, it is requested that the determination of all such planning applications should be prioritised as much as possible in light of the current circumstances relating to electricity supply."*

- 9.5.2. The Government Policy Statement on Security of Electricity Supply<sup>1</sup>, November 2021, recognises inter alia that ensuring security of electricity supply continues to be a national priority as the electricity system decarbonises towards net zero emissions and that there is a need for very significant investment in additional flexible conventional electricity generation, electricity grid infrastructure, interconnection, and storage, in order to ensure security of electricity supply.

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<sup>1</sup> Department of the Environment, Climate and Communications.

- 9.5.3. Furthermore, the National Energy Security Framework, April 2022 states the following in relation to electricity.

*“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.”*

- 9.5.4. In my opinion the proposal is of strategic, economic, and social importance to the state and region, given the scale of the proposal (1,125MW – exceeding the seventh schedule threshold) and the priority being afforded to the provision of additional conventional energy generation set out in the Departmental Circular and National Energy Security Framework. The proposed development is of a significant scale in terms of generating capacity, is located immediately adjacent to the 400kV overhead line transmission network and represents a significant capital investment in the region, which will stimulate the local economy, as well as reinforcing and providing back-up to the national and regional power supply network. Accordingly, I consider that the proposed development is of strategic economic importance to the region in which it will be situated as well as within the overall state and that it therefore satisfies section 37A(2)(a) of the Act.

## **9.6. Substantial Contribution to the fulfilment of NPF or RSES objectives**

- 9.6.1. In relation to the objectives of the National Planning Framework (NPF) and Northern and Western Regional Spatial and Economic Strategy (RSES), the delivery of additional flexible conventional electricity generation onto the national grid improves its dynamism and its ability to deal with the fluctuations in renewable energy generation. The provision of additional reserve power plants such as that proposed facilitate the penetration of additional renewables onto the national grid as they are held in reserve until such time as they are needed, and they can respond quickly to energy need requirements in the event of a lack of power being available from the renewable sector due to its inherent intermittency. I therefore consider that the proposed development will contribute to the fulfilment of National Strategic Outcome (NSO) 8 of the NPF (i.e. transition to a low-carbon and climate resilient society)

notwithstanding the fact that the proposed thermal power plant will run off fossil fuels. Further, the proposed development will enhance and improve the security of energy supply which will feed into a broad range of the other 10 NSOs including NSO 5 (a strong economy supported by enterprise, innovation and skills), NSO 6 (strengthened rural economies and communities), and NSO4 (sustainable mobility). Similarly, the proposed development will contribute to RPO 8.1 of the RSES which seeks to ensure a safe, secure and reliable electricity supply. Furthermore, I consider that the contribution of the project towards these objectives will be significant given the generating capacity proposed when compared to the seventh schedule threshold. Accordingly, the proposed development will make a significant contribution to the fulfilment of NPF and RSES objectives and satisfies 37A(2)(b) of the Act.

**9.7. Significant effect on the area of more than one planning authority.**

- 9.7.1. For completeness, in relation to 37A(2)(c), I note that the proposed development will provide energy to the national network and therefore will contribute to electricity generation at a regional and national level. However, in this context I do not consider that the proposed development satisfies this criterion of the Act. I, however, do not consider the effect of the transmission of electricity over and through existing lines and throughout an existing network to be of significance in terms of effects in this instance as physical and material effects on areas outside Galway County Council will in essence be limited, negligible and intangible in planning terms.

**9.8. Strategic Infrastructure Assessment Conclusion**

- 9.9. Having regard to the above I conclude that the proposed development does fall within the scope of section 37A of the Planning and Development Act 2000, as amended because it exceeds the relevant seventh schedule threshold and satisfies two of the three criteria established under S37A(2)<sup>2</sup>. In this regard I consider that the proposed development will be of strategic economic and social importance to the state, as it will enhance the security of the national electricity supply, and furthermore it will

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<sup>2</sup> Where only one of the three criteria under section 37A(2) need to be satisfied for a seventh schedule project to be considered as strategic infrastructure.

substantially contribute to the objectives of the NPF and RSES for the area in terms of the climate change and low-carbon transition objectives of these documents.


- 9.10. In view of the scale, nature and location of the proposed development, as described in this report, Appendix I below identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 37E(3)(a) of the Act.
- 9.11. consult with the prescribed bodies listed below in the attached Appendix I in respect of any future application for approval.

## 10.0 Recommendation

I recommend that Coolpowra Flex Gen be informed that the proposed development consisting of a Reserve Gas Fired Generator and its associated works as set out and delineated in the revised plans and particulars received by An Bord Pleanála in correspondence received 6<sup>th</sup> April 2024, falls within the scope of Section 37A of the Planning and Development Act 2000, as amended, and that a planning application should be therefore be made in the first instance to An Bord Pleanála.

For clarity I recommend that the applicant be informed that the GIS substation, Energy Storage System, Synchronous Condenser and their associated works set out in the initial submission received by the Board on the 16<sup>th</sup> of February 2024, and shown on revised plans received 6<sup>th</sup> April 2024 do not fall within the scope of Section 37A of the Planning and Development Act, 2000 as amended.

I confirm that the 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.



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Jimmy Green  
Senior Planning Inspector  
2<sup>nd</sup> May 2024

## **Appendix I**

### **List of prescribed bodies**

The following list identifies the prescribed bodies which are considered relevant in this instance for the purposes of Section 37E(3)(a) of the Act.

- Minister of Housing, Local Government and Heritage,
- Minister of the Environment, Climate and Communications,
- Galway County Council,
- Transport Infrastructure Ireland,
- Commission for Regulation of Utilities,
- Uisce Eireann
- Inland Fisheries Ireland
- Health Service Executive,
- Eirgrid,
- ESB,
- Environmental Protection Agency,
- An Taisce
- The Heritage Council,
- Health and Safety Authority,
- Office of Public Works.

Further notifications should also be made, where deemed appropriate.