An Bord Pleanála

Inspector's Report

ABP-319080-24

Development	Proposed transition and conversion of the existing 900MW electricity generating station from coal to heavy fuel oil and associated ancillary development at Moneypoint Generating Station, Moneypoint, Co. Clare.
Location	Moneypoint Generating Station, Moneypoint, Co. Clare.
Planning Authority	Clare County Council
Applicant(s)	Electricity Supply Board (ESB)
Type of Application	S.37E of the Planning and Development Act, 2000 (as amended)
Observer(s)	1. An Taisce 2. Commission for Regulation of Utilities 3. Environmental Protection Agency 4. Health and Safety Authority 5. Transport Infrastructure Ireland 6. Kieran Hosty 7. Wild Ireland Defence CLG
Date of Site Inspection	24/05/2024
Inspector	Jimmy Green

Contents

1.0 Introduction

1.1. The ESB has applied under the provisions of Section 37E of the Planning and Development Act, 2000 (as amended) ("the Act") to An Bord Pleanála ("the Board") for approval in relation to the proposed transition and conversion of the existing 900MW electricity generating station from coal to heavy fuel oil (HFO) and associated ancillary development at Moneypoint Generating Station, Moneypoint Co. Clare ("the Proposed Development"). The Proposed Development essentially seeks the conversion of the primary fuel source for the power station from coal to HFO with limited run hours from late 2024 to the end of 2029 (and all associated works) that will act as an out of market generator of last resort operating only when requested by the Transmission System Operator (TSO) (i.e. Eirgrid) to ensure security of supply.

1.2. Pre-application consultations were held in relation to this development under ABP-317184-23, which culminated in the Board issuing a letter dated 17th November 2023 confirming that the Proposed Development fell within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act, and accordingly a direct application to An Bord Pleanála should be made.

2.0 Site Location and Description

2.1. The site of the Proposed Development is located within the site of the existing Moneypoint Generating Station on the northern shoreline of the Shannon Estuary, in the townlands of Carrowdotia North, Carrowdotia South, and Ballymacrinan, Co. Clare. The site is stated as being approximately 53.1 hectares in area and is located c.4km south east of Kilrush, and c.2km west of Killimer. The site is bordered to the south by the estuary and is currently occupied by the various components of the existing generating station in place. The adjacent landscape is rural in nature with agriculture being the predominant land use, and a typical low density settlement pattern and some forestry in the vicinity. The site is accessed by land off the N67 via an existing entrance point and from the sea via an existing landing point/jetty from which coal and HFO deliveries can be made.

2.2. The existing Moneypoint generating station has a generating capacity of 900MW and operates as a coal fuelled power station meeting on average 12-15% of national demand. It is also the largest energy store in Ireland as it stores sufficient coal for 3

months of generation. The ESB has stated it intends to cease coal burning at Moneypoint from the end of 2025 and announced its plans for the transformation of Moneypoint as a hub for offshore renewables to include floating off-shore wind generation, wind turbine construction, the development of green hydrogen production, storage and generation. The application documentation confirms that there are no project interdependencies between the current proposal and these future plans which are to be carried out under a separate consenting process and entitled “Green Atlantic @ Moneypoint”.

2.3. The existing Moneypoint Generating Station consists of inter-alia:

- Three boiler/generating units located centrally within the landholding,
- Two Heavy Fuel Oil (HFO) tanks (located to the north of the boiler units),
- A 400kV substation (located north of the HFO tanks),
- A main reservoir (to the east of the HFO tanks),
- A coal yard (to the east of the reservoir),
- A Flue Gas Desulphurisation (FGD) by product landfill area (Area A – the easternmost part of the landholding),
- A Synchronous Compensator (south of the boiler units),
- A Jetty (for importation of fuel within the Lower Shannon Estuary – the marine area is under the ownership of the ESB),
- Ash Storage Area (ASA) in the northern portion of the landholding which is connected directly to the rest via an existing underpass of the N67, and
- Five Wind turbines.

There is also a consent in place for an additional FGD by-product landfill area (area B) to the west of the main generator units. To date, this area has not been used as such, however, and is currently utilised for site laydown and contractor areas.

2.4. The existing site is essentially bisected by the N67 with the ASA being located to the north west of the road and the remainder of the works and plant being located to the south east. Both parts of the holding are linked by an existing service road which runs through an underpass under the N67, allowing ash to be taken from the plant to the ASA without having to interact with traffic on the national secondary road. The most visually prominent elements on site are the existing wind turbines, the two

chimney stacks (at a height of 220m) for the generators and the crane structures at the jetty. There are also significant overhead lines and associated pylons running from the on-site substation.

2.5. The application documentation states that the ESB are a private landowner of part of the maritime area which occurs at Moneypoint generating station, which consists of just over 65 hectares of the nearshore adjacent to their onshore holdings including in the vicinity of the existing jetty. The construction of the existing generating station required land reclamation and accordingly the historic high-water mark extends partially across the existing complex. Section 99 of the Maritime Area Planning Act 2021 (as amended) notes that a privately owned part of the maritime area does not require a Marine Area Consent prior to the lodgement of a planning application. Furthermore, I note that while the applicant's site ownership extends into the nearshore area no works subject to the current application are proposed along this nearshore.

2.6. The existing site and operations are subject to an Industrial Emissions (IE) licence (Register no. P0605-04) which authorises two activities, as follows:

- Combustion of fuels in installations with a total thermal input of 50MW or more, (in relation to the generators) and
- Landfill receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes other than landfills of inert waste (in relation to the ASA).

2.7. The existing Moneypoint Generating Station is listed as an "Upper Tier Establishment" under the COMAH Regulations and is subject to regular routine inspection by the Health and Safety Authority (HSA).

3.0 Description of the Proposed Development

3.1. The Proposed Development is described generally as the transition and conversion of the existing coal fired power station's primary fuel from coal to Heavy Fuel Oil (HFO) for limited hours of operation and a temporary period of five years until the 31st of December 2029. The existing generating units have been designed to run on coal, HFO or a mixture of both, therefore, there is no requirement for upgrades to the units themselves.

3.2. It is envisioned (and established in the contract between ESB and Eirgrid) that the generating station will no longer operated as a base load plant in the energy support market but will be an out of market generator of last resort for an average of 3,000 hours per annum, although each of the three units will must also be available to operate up to 5,000 hours per year to provide capacity in times of high demand (and lack of alternative generation) in the electricity system. The total maximum run hours across all three units will not exceed 45,000 hours over the five years.[1] Within these parameters the Proposed Development will be available to operate 24-hours a day, 7-days a week. It is intended to run down coal stocks up to the end of 2025, with HFO being used as the sole fuel from then on, with distillate (diesel) and propane being used for startup and shut down procedures.

3.3. The relevant works proposed to facilitate the operations comprise of the following components:

- Construction of 2 no. HFO tanks with a capacity of 25,000 tonnes (483.7m in diameter and 15m high). These will be the same height and diameter as, (and finished in a similar colour to) the existing two tanks on site and combined a total of 100,000 tonnes of HFO will be capable of storage (enough to fuel 20 days of generation running at full capacity). Existing HFO pumping and piping infrastructure will be used to fill the tanks, therefore only new connections to the existing system will be required. Additional bunding works will also be provided (including new reinforced concrete bund walls, impermeable liner, and a new floor consisting of a 200mm thick reinforced concrete slab) to provide appropriate storage for emergency events.
- Construction of a new boiler house (24m long, 18m wide and 11m high) which will be metal clad and house 2 no. auxiliary boilers (1 no. electric and 1 no. distillate, each with approximately 22.7MW - thermal output), including:
    - 1 no. blow down vessel (4.5m wide x 13m high)
    - 1 no. metal clad diesel auxiliary exhaust stack (1.0m diameter and 30m high) with an access platform at 14.5m above ground surrounding the

[1] The Board should note that all environmental assessments within the submitted EIAR have considered impacts from this maximum run time of 45,000 hours over 5 years.

stack and accessed by external ladder for the purposes of emissions monitoring.

- 1 no. annex structure (10m in length, 5m wide and 4m high).

The purpose of these boilers is for HFO and deaerator heating and boiler startup.

- Construction of an extension to each of the existing 3 no. flue gas desulphurisation (FGD) absorbers, to provide additional reclaimed ash unloading facilities (ash injection plant extension), at each comprising:
  - 1 no. conveyor enclosure (7m long, 2.5m wide, and 22m high)
  - 1 no. hopper enclosure (6m long, 5m wide, and 6m high).

  Ash is required as part of the flue gas desulphurisation process and with the move to HFO there will be a resultant reduction in fly ash available to contribute to the desulphurisation process. It is therefore proposed to obtain the required ash content by reclaiming it from the existing newer fly ash cells in the existing Ash Storage Area (ASA), using an excavator and tipper truck via the existing underpass of the N67 to bring it back to feed into the existing ash storage silos. From there a separate low loader will take the material to one of the three proposed hopper enclosures for feeding into the desulphurisation process via a series of conveyors and shredders housed within the absorbers extensions which will be finished in a brown cladding to match the existing buildings. It is estimated that the FGD process will require approximately 120 tonnes of ash per week (30 tonnes per unit plus an additional 30 to allow for flexible operations).
- Construction of a reclaimed ash unloading facility at the existing landfill capping batching plant, comprising a hopper enclosure adjoining the existing batching plant (14m long x 6.5m wide x 6.0m high) and conveyor enclosure (3.5m long, 3.5m wide and 11.5m high). These extensions will be finished in a brown cladding to match the existing. As set out previously the change to HFO will produce less ash than coal. Ash is a component part of the capping material made at the batching plant and used at the ASA. To replace the shortfall, fly ash will be recovered from the ASA and brought to the proposed

hopper and fed into the batching plant via conveyor all housed within the new extension.

- Dismantling and removal of 2 no. mobile stackers/reclaimers and 1 no. coal conveyor bridge, these are predominantly metal structures, and it is proposed to dismantle the above ground components only (the mobile stackers/reclaimers travel along tracks within the coal yard, it is not proposed to remove the tracks under this application). The removal of the coal conveyor bridge (a structure which houses conveyors 13a/b) includes the removal of the conveyors, all structural supports and the weather housing. The removal of the conveyor bridge will leave an opening in the side of the main station building bunker which will be reclad. The dismantling programme will require the parking of the stackers/reclaimers within the works area, carrying out a hazardous material survey, decontamination and decommissioning of equipment.
- Changes to existing permitted Flue Gas Desulphurisation (FGD) by-product and Ash Storage Area (ASA) arrangements (previously granted under Pl. Ref. 14/373) to utilise spare capacity in the existing ASA [capping layer thickness increase from 0.6m (minimum) up to a maximum of 1.6m] with an overall proposed reduction in height of the currently permitted ASA by c. 1.85m. The final profile level may be lower still as Eirgrid will have control on the overall run hours required from the generators, albeit these will not exceed the maximum total run time of 45,000hrs over the five years. The reduced levels arise as there will be reductions in the amount of ash produced for storage should HFO be used as a fuel in lieu of coal, ash concentration from burning HFO (0.15%) is much reduced than that from coal firing (7.7-9.1%). Once completed the final profile will be finished with a layer of topsoil and seeded with native meadow grass mix.
- All associated ancillary site development works to facilitate the proposed development, including new lighting arrangements, surface water drainage, internal roads and temporary construction compounds and laydown areas.

3.4. The Proposed Development does not include any changes to the existing generating units beyond standard maintenance as these have been designed from the outset to fire either fully or partially with HFO. Furthermore, no changes are required to the

HFO forwarding systems, electricity transmission infrastructure nor the existing loading jetty area.

3.5. All new buildings will connect to existing on-site surface water drainage systems as no treatment is required. Surface water from the bunded area around the existing and new HFO tanks will be to the existing drainage lines via an upgraded oil/water separator and will be controlled by a manually operated valve as is currently the case.

3.6. The construction phase is anticipated to take approximately 21 months. During construction the three generating units will undergo maintenance and one unit will switch to firing HFO followed by the others as coal stock diminish, accordingly the plant could operate on HFO almost immediately in the event of favourable consideration. Dismantling works required are proposed to be undertaken once all coal stocks have been exhausted, and will take 4 months to complete, it is not envisioned that these works will coincide with construction activities.

3.7. There are currently 130 full time workers in place on site, including a mixture of ESB staff and contractors. During outages and overhauls contractor numbers increase by up to an additional 250. These figures are to remain consistent during the operational phase.

3.8. In relation of deliveries of HFO to the site these will all be by ship and the required infrastructure is in place as such deliveries already occur to fill the two existing HFO tanks. Accordingly, the existing jetty and infrastructure will be able to service the required HFO delivery ships without requiring changes (the jetty area is outside the red line boundary of the current application). In 2021 the generating station received 15 coal ship deliveries and 9 HFO ship deliveries, and it is stated that this total shipping delivery figure will remain the same (i.e. 24 deliveries) per annum albeit these will all be HFO deliveries. Accordingly, the overall numbers of vessels will not increase but the number of oil tankers will. Oil tanker vessels are typically smaller than the coal delivery vessels (average payloads of 27,000 tonnes compared to up to 200,000 tonnes) and will be off-loaded quicker (2-4 days for HFO compared to 2-3 weeks for coal).

3.9. There are no proposed changes to the wastewater management systems in place on site.

3.10. The application documentation makes clear that the operational phase of the Proposed Development is up until the end of 2029 and clarifies that final decommissioning of the station and any future use of the site beyond 2029 will be subject to a separate consent process. In this regard the Board should note that the EIAR includes consideration of future potential decommissioning works across all relevant environmental media. Furthermore, a Decommissioning Management Plan and Closure, Restoration and Aftercare Management Plan (CRAMP) has been submitted to and agreed with the EPA as part of the IE licence for the current activities.

4.0 Planning Policy and Context

4.1. National

4.1.1. National Planning Framework, 2018.

The National Planning Framework, 2018 (NPF) includes National Strategic Outcome (NSO) 8 which refers to the Transition to a Low Carbon and Climate Resilient Society, NSO 5 (A strong economy supported by enterprise, innovation and skills), NSO 3 (Strengthened Rural Economies and Communities) and NSO 6 (High Quality International Connectivity). The achievement of the NSOs are all dependent on the provision of a sustainable and secure energy supply. The NPF notes *'Ireland's national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. The Government recognise that Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% by 2050, compared to 1990 levels, while at the same time ensuring security of supply of competitive energy sources for our citizens and businesses.'* The transition to a low carbon energy future requires (inter alia) a shift from predominantly fossil fuels to predominantly renewable energy.

National Policy Objective 55 promotes renewable energy use and generation and the NPF states renewable energies are a means of reducing reliance on fossil fuels.

4.1.2. National Development Plan 2021-2030

The National Development Plan, 2021-2030 (NDP) sets out investment priorities underpinning the implementation of the NPF.

Chapter 13 deals with NSO 8. Strategic Investment Priorities include the delivery of c.2 GW of new conventional (mainly gas-fired) electricity generation to support a predominantly wind/solar electricity system and provide security of supply. To achieve this the NDP acknowledges that a coordinated programme of investment will be required in inter-alia 'conventional electricity generation capacity to support the operation of the electricity system and provide security of supply for when variable generation (wind/solar) is not sufficient to meet demand.' The NDP notes that the CRU and EirGrid will ensure the delivery of this conventional electricity generation capacity and that conventional generation will spend much of its time in reserve for when needed.

4.1.3. **National Marine Planning Framework 2020**

The National Marine Planning Framework 2020 (NMPF) sets the framework for our marine planning system. Policies relevant in the context of the current proposed development include:

- Protected Marine Sites Policy 1: Proposals must demonstrate that they can be implemented without adverse effects on the integrity of Special Areas of Conservation (SACs) or Special Protection Areas (SPAs).
- Seascape and Landscape Policy 1: Proposals should demonstrate how significant impacts on the seascape and landscape have been considered. Proposals will only be supported if they demonstrate that they a) avoid, b) minimise, or c) mitigate significant adverse impacts, or else d) set out the reasons for proceeding.
- Energy Transmission Policy 4: Where possible, opportunities for land-based, coastal infrastructure that is critical to and supports energy transmission should be prioritised in plans and policies. Designation of land-based zones for the purposes of co-ordination and integration with relevant Marine Plans must be considered, where appropriate.
- In relation to air quality the NMPF supports proposals that reduce air pollution (Air Quality Policy 1) and should increases arise it should be demonstrated that they will (in order of preference and accordance with legal requirements) avoid, minimise, or mitigate air pollution (Air Quality Policy 2).

4.1.4. **Climate Action and Low-Carbon Development Act 2015 (as amended)**

The Climate Action and Low-Carbon Development Act 2015 (as amended) ('the Climate Act') commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade.

Section 4.8 of the Climate Act requires the Minister and the Government to have regard to matters including the risk of substantial and unreasonable carbon leakage as a consequence of measures to pursue national climate objectives. S.6(12) defines 'carbon leakage' as the transfer, due to climate policies, of production to other countries with less restrictive policies with regard to GHG emissions.

Section 6A of the Climate Act mandates the Climate Change Advisory Council (CCAC) to propose carbon budgets for Government approval for five-year periods.

Section 15(1) of the Climate Act requires:

"(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

(a) the most recent approved climate action plan,

(b) the most recent approved national long term climate action strategy,

(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

(d) the furtherance of the national climate objective, and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

"Relevant body" means a prescribed body or a public body.

4.1.5. **Climate Action Plan 2024,**

The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan, with the objective to lead the country to meeting the national climate objective of having a climate neutral economy by 2050 and provides a roadmap for taking action to halve Ireland's emissions by 2030 and reach net zero no later than 2050, as committed to in the Climate Act.

The carbon budgets for electricity are stated in CAP24 as 40MtCO_2eq (2021-2025), and 20MtCO_2eq (2026-2030) and it goes on to state that 49% percent of the first

carbon budget has been used in the first two years which means that the electricity sector requires a decarbonisation rate of 17.3% per annum from 2023-2025.

The relevant measures and actions in CAP 24 in relation to electricity include:

- Increasing renewable energy generation to supply 80% of demand by 2030,
- Transforming the flexibility of the electricity system by increasing storage and improving system services. Section 12.4.1.2 of CAP24 includes the phasing out and the cessation of use of coal and peat as fuels in electricity generation as one of the measures to achieve accelerated grid flexibility.
- Delivery of at least 2GW of new flexible gas-fired generation.

CAP24 includes an annex of Actions under which action EL/24/17 is relevant as it seeks to reduce the minimum number of conventional synchronous generation units from 8 to 7 to 'facilitate higher levels of renewables on the system' and reduce carbon emissions from non-renewable generation.

CAP24 also identifies implementation of the CRU Energy Demand Strategy to manage electricity demand across all sectors as a key action for 2024.

4.1.6. National Energy and Climate Action Plan 2021-2030

The National Energy and Climate Action Plan 2021-2030 (NECP) was prepared in accordance with Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action, to incorporate all planned policies and measures identified up to the end of 2019 and which collectively deliver a 30% reduction by 2030 in non-ETS greenhouse gas (GHG) emissions (from 2005 levels).

Section 2.3 refers to 'Dimension Energy Security' and notes that *'it is expected that peat and coal will no longer be part of Ireland's electricity generation mix by 2025'*, and this commitment/target/action is referenced throughout the document albeit a timeline is not established.

Section 3.1 of the NECP notes the following in relation to electricity generation:

> *'Energy is indispensable to contemporary social and economic functioning, while energy policy seeks to balance the sometimes competing aspects of sustainability, competitiveness and security of supply. Given the scale, scope and extent of energy use, it inevitably has significant environmental aspects including greenhouse gas emissions arising from power generation, heating*

and transport. Harnessing Ireland's renewable energy resources will play a key role in the transition towards a sustainable, secure and competitive energy system.'

In relation to oil the NECP notes that Ireland has no commercial oil reserves and there is no expectation that Ireland will be able to decrease its reliance on imported oil product in the medium to long term.

4.1.7. **Long-term Strategy on Greenhouse Gas Emissions Reductions (April 2023)**

In 2022, electricity accounted for 16.6% of Irelands Greenhouse Gas (GHG) emissions, and approximately 50% of our electricity came from fossil fuel generation (oil, gas, peat and coal). The Strategy notes that Irelands decarbonisation efforts will continue through the continued deployment of renewables while noting that such energy is not as easily stored as energy in a liquid or gaseous form and therefore the actions set out in CAP will need to be focused on.

4.1.8. **National Adaptation Framework (NAF) (June 2024)**

Irelands second statutory National Adaptation Framework (NAF) was published on the 5th of June 2024, and replaces the original from 2018. The NAF notes that climate change presents one of the most complex challenges of our time with discernible impacts already evident and reconfirms that the primary causes of climate change are human actions such as the emission of GHGs. The NAF also notes that due to past human activities that even if the world decarbonises rapidly, we are now locked into a level of unavoidable climate change which will require adaptation. The NAF aims to reduce Ireland's vulnerability to the impacts of climate change by promoting a whole-of-government, and whole-of-society approach. The key concepts of adaption planning include 'Incremental Adaptation', such measures involve modifications to existing systems and practices, building upon current capacities and technologies. The NAF notes that *'While incremental adaptation measures offer immediate benefits, they often need to be combined with other incremental or even transformative adaptation measures to address more severe and complex climate impacts and associated vulnerabilities.'* The NAF also notes that climate change mitigation in the form of reducing and stabilising GHG emissions is the most effective strategy for preventing the crossing of critical environmental tipping points (i.e. abrupt and/or irreversible changes in the climate system).

4.1.9. **Irelands Integrated National Energy and Climate Action Plan 2021-2030**

Irelands Integrated National Energy and Climate Action Plan 2021-2030 (July 2024) (NECP) outlines specific actions and goals for phasing out the use of fossil fuels in electricity generation, in order to reduce carbon emissions and transition towards a more sustainable energy system. The key points regarding this transition include:

- **Coal:** The NECP commits to phasing out coal in electricity generation by the end of 2025. This includes the closure of existing coal-fired power plants and halting the development of any new coal-fired capacity.
- **Oil:** The NECP targets a reduction in the use of oil for electricity generation, recognizing its environmental impact, however notes that there is no expectation that Ireland will be able to decrease its reliance on imported oil product in the short to medium term.

While supporting the phasing out of fossil fuels, the NECP stresses the importance of maintaining energy security and reliability. This includes ensuring that the electricity system can handle periods of low renewable energy generation and maintain a stable supply.

Overall, the NECP sets out a clear trajectory towards the decarbonization of the electricity sector, focusing on phasing out coal, peat, and oil, while managing a gradual reduction in natural gas use. This transition is supported by policies, investments, and regulatory frameworks aimed at fostering renewable energy development and enhancing the resilience of the electricity grid. The NECP acknowledges the commitment to end the burning of coal at Moneypoint by 2025 and notes that *'The ESB is engaging with DECC regarding the future of Moneypoint as it will be retained as a backup unit operating on HFO for several years until sufficient alternative plant is developed'.*

4.1.10. **Policy Statement on Security of Electricity Supply (November 2021)**

The Policy Statement on Security of Electricity Supply published in November 2021 by the Department of the Environment, Climate and Communications outlines Ireland's approach to ensuring a stable and reliable electricity supply amidst growing demand, evolving energy sources, and climate goals. The policy aims to maintain and enhance the security of Ireland's electricity supply while transitioning to a low-carbon energy system.

Section 2 identifies key challenges, including maintaining security of electricity supply throughout the transition to up to 80% renewable energy by 2030.

The Policy statement notes *'Much of the older, higher emission conventional generation, which is powered by peat, coal and heavy fuel oil, is expected to close over the coming years. This will need to be replaced by generation that provides the same support and backup capability but that is also flexible, thus enabling it to support high levels of generation from wind and solar. For instance, such generation may need to increase and decrease rapidly in response to changes in output from renewable generation.'* As more wind, solar, storage and interconnection is added to the system, conventional generation is expected to operate less (i.e. be held in reserve) but sufficient conventional generation capacity will still be required to facilitate increased renewables.

Section 3 of the policy statement sets out that the Government recognises that in advance of development of new conventional electricity generation capacity, there is a need to retain existing conventional electricity generation capacity in order to ensure security of electricity supply. The policy statement concludes by setting out that the Government has approved that inter-alia:

- the development of new conventional generation (including gas and gasoil / distillate-fired generation) is a national priority and should be permitted and supported to ensure security of supply and support the growth of renewable electricity generation.
- it is appropriate that existing conventional generation capacity, including coal, heavy fuel oil, and biomass fired generation, be retained until the new conventional electricity generation capacity is developed.

4.1.11. **National Energy Security Framework (April 2022)**

The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors and sets out a 'whole-of-Government' response. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions.

Section 2.3.1 Oil, notes that Ireland imports 100% of its oil and while the country maintains a 90 day strategic oil reserve and that the commercial oil sector in Ireland

generally operates on a just-in-time basis with relatively limited supplies held by suppliers at any one time. In 2020 oil provided the fuel for 45% of lreland's primary energy requirements with the majority (c. 28%) used in transport and the remainder in residential and business heating, industry and electricity generation (c.1%). Section 6.4 Electricity Supply, notes that any disruption to natural gas or oil supplies has the potential to disrupt the generation and supply of electricity. Response 14 of the Framework states that the electricity system must be prepared for potential disruptions and that the planning for this should be led by the CRU and Eirgrid. Response 15 of the framework states that the programme of work set out by the CRU to ensure the security of electricity supply needs to be implemented as a priority.

4.1.12. **Security of Electricity Supply – CRU Programme of Actions**

In September 2021 the CRU published an information paper: Security of Electric Supply – Programme of Actions which is being implemented in response to the security of supply concerns from the projected shortfall in generation capacity to meet future demand and to mitigate against such a shortfall. The programme of Actions includes the following:

- Extending the operation of older generation units, on a temporary basis, to be called upon only when necessary, until the arrival of new enduring capacity.

The CRU issued an update to the programme of actions in October 2023 which provided the following update in relation to the third pillar (retention of existing units) of the programme:

> *"EirGrid engaged with several operators concerning the feasibility of retaining in service a number of generation units …. The outcome of this action saw EirGrid cease engagement with a number of units where they continue to participate in the market and will remain in operation; a number proceeded to closure; and specific contractual arrangements were entered into with one party. In this regard, in August 2023, following Direction from the CRU, EirGrid entered into a Services Agreement with ESB for the continued availability of the three (3) units at Moneypoint after their planned closure date for the*

provision of Security of Supply services on an out of market and temporary basis."

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

The latest available all-Ireland Generation Capacity Statement (2022-2023) (GCS) was published by EirGrid and SONI in January 2024. The GCS predicts capacity deficits during the 10 years to 2032, with deficits increasing up 2025 due to the deteriorating availability of power plants ahead of intended retirement dates, and that following 2025 as new generation comes on-line reducing deficits. The GCS notes the low availability of conventional generation as an issue for concern and acknowledges the CRUs programme seeking to extend the operation on a temporary basis of older generators to retain them in service to delay the loss of capacity to allow time for the enduring measures (additional new renewable and less carbon intensive conventional generators) to be implemented. The GCS, however, notes this among a number of measures that are temporary in nature and as such are not included in the analysis as this would not send "…a clear signal to the energy ecosystem that permanent capacity is needed." In this regard the Moneypoint generators have been modelled as not available from October 2024, but notes that they may be retained beyond this date for security of supply purposes.

4.1.14. **National Maritime Oil/HNS[2] Spill Contingency Plan 2020**

The National Maritime Oil/HNS Spill Contingency Plan (Oil Spill Contingency Plan) was developed and published in 2020 to meet national obligations under International Conventions, putting in place an effective plan to provide for the prevention and reduction of damage to the environment and property arising from Oil / HNS spills. The NMOSCP establishes a national framework and strategy to co-ordinate marine pollution preparedness and response. It addresses all oil and HNS pollution whether it originates from ships, harbours, offshore units or Oil / HNS handling facilities and land-based sources. It covers waters in the Irish Exclusive Economic Zone (EEZ). The NMOSCP places a requirement upon operators to have in place plans for the prevention and minimisation of damage arising from an oil /

[2] Hazardous and Noxious Substances

HNS pollution incident, and to ensure that associated emergency preparedness and response plans are in effect.

4.2. Regional

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

The 2013-202 SIFP was commissioned by Clare, Kerry and Limerick City and County Councils, as well as Shannon Development and Shannon Foynes Port Company, as a marine and land use plan to facilitate and promote future marine related developments. The SIFP has been incorporated into the 2023-2029 Clare County Development Plan, (it is included as Appendix 9).

Nine Strategic Development Locations (SDL's) are identified (A-I), as likely to generate the greatest potential opportunities in terms of economic and social aspirations, while safeguarding the essential integrity of the natural environment. Their identification was influenced and informed by SEA and Habitats Assessments.

Development Objective MRI 1.1 of the SIFP refers to safeguarding the role and function of the SDLs and encourages their sustainable growth, development and appropriate diversification for economic development in accordance with regional and national priorities and subject to the environmental objectives.

Strategic Development Location B refers to Moneypoint and adjacent lands in Clare (which incorporate the entirety of the current Proposed Development). This SDL is identified and prioritised for marine related industry and the SIFP notes the existing presence of the generating station as well as the substantial maritime infrastructure including a large commercial jetty capable of accommodating vessels up to 250,000 tonnes. The SIFP also notes the excellent transport linkages in place '… including direct access to sea traffic for fuel deliveries that ensures efficient replenishment of stand-by fuel generation reserves.' The following objectives relate to SDL location B:

- **MRI 1.2.2**: 'To safeguard the role and function of ESB Moneypoint as a key strategic driver of economic growth in the Region, encouraging its sustainable growth, operational expansion and diversification in accordance with national and regional energy objectives.'
- **MRI 1.2.3:** 'To support and facilitate the development of marine related Industry on lands adjacent to Moneypoint, which is compatible with the

primary use of this SDL, as a Strategic Energy Location, subject to compliance with the criteria in SIFP MRI 1.2.' (which reference inter-alia the habitats directive, Water Framework, proper planning and sustainable development, flood risk and environmental considerations)

Moneypoint has also been identified as one of four Strategic Energy Sites in section 5.6.4 of the SIFP, which notes that priority will be given to proposals that reinforce the status of these sites as strategic national and regional energy sites. In this regard the SIFP notes that Moneypoint enjoys the benefit of existing linkages onto the transmission network (including the 400kV regional and national network), the serviced location of the site (large diameter water main), and direct access to the sea traffic for fuel delivery. The SIFP goes on to note that '*The Moneypoint site is therefore a strategic asset that should be safeguarded to ensure the continuation of core power generation, transmission and distribution functions and to ensure that future expansion and re-development requirements in this area are not compromised by inappropriate neighbouring land uses or activities'.* The following objectives relate to the four Strategic Energy Sites:

- **Objective ERG 1.2**: To safeguard the role and function of the strategic energy infrastructure existing within and adjacent to the Shannon Estuary, and encourage the further sustainable development of energy, enterprise and industry within these identified strategic energy locations, subject to the requirements of the Habitats & Birds Directive, Water Framework Directive, and all other relevant EU Directives.
- **Objective ERG 1.3**: To facilitate the further development of energy infrastructure at identified strategic energy sites and encourage appropriate diversification projects subject to compliance with sustainable planning, and the requirements of the Habitats & Birds Directive, Water Framework and all other relevant Directives.

4.2.2. Regional Spatial and Economic Strategy for the Southern Region 2020

The Regional Spatial and Economic Strategy for the Southern Region, 2020 (RSES) notes that Moneypoint is a strategic national asset on the Shannon Estuary producing (at that time) 25% of the national energy, and acknowledges that the SIFP

provides a coherent spatial plan to recognise the economic potential of the Shannon Estuary.

RPO 79 relates to the Shannon Estuary and Other Harbour Plans and states as follows:

(a) The RSES recognises the national and international importance of the Shannon Estuary, its potential to attract multinational development and the work undertaken to progress its promotion and development. It is an objective to support and promote the delivery of the Strategic Development Locations as set out in the SIFP for the Shannon Estuary subject to the implementation of mitigation measures outlined in the SEA and AA undertaken on SIFP and zoned in the Local Authority Development Plans.
(b) It is an objective to promote the SIFP initiative as a good practice model for the Southern Region.
(c) It is an objective to support the promotion, marketing and seeking of financial and expertise support for the SIFP and specific projects emerging therefrom.
(d) Such initiatives shall be subject to the relevant environmental assessment requirements including SEA, EIA SFRA and AA as appropriate.

RPO 97 relates to power stations and renewable energy as follows:

'It is an objective to support the sustainable technology upgrading and conversion of power stations in the region to increase capacity for use of energy efficient and renewable energy sources'

RPO 142 refers to ports and the objective to strengthen investment to deliver actions under the National Ports Policy and investment in sustainable infrastructure that:

(e) Support the sustainable development of the 9 no. strategic development locations adjoining sheltered deep-water in line with recommendations of SIFP for the Shannon Estuary and subject to the implementation of mitigation measures outlined in the SEA and AA undertaken on the SIFP.

Section 8.2 of the RSES refers to the strategic energy grid and notes the provision of thermal generation at Moneypoint. RPO 219 New Energy Infrastructure, supports 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. RPO

221 supports the provision of renewable energy generation onto the transmission network while RPO 222 supports the development of a safe, secure, and reliable supply of electricity to support new transmissions projects.

4.3. Clare County Development Plan

4.3.1. The Clare County Development Plan 2023-2029 ('the CDP') was adopted on the 9th of March 2023. Under the provisions of the CDP the site of the Proposed Development is zoned as "Marine Related Industry" the objective of which is to:

> *"...provide for marine related industry and large-scale uses that create a synergy with the marine use. Marine-related industry shall be taken to include the use of land for industry that, by its nature, required a location adjacent to estuarine/deep water including a dependency on marine transport, transhipment, bulk cargo or where the industrial processes benefit from a location adjacent to the marine area."*

4.3.2. The subject location is also designated as "Strategic Development Location B – Moneypoint" (CDP section 12.6 refers) which states that it is the Council's objective:

> *"(a) To safeguard the role and function of Strategic Development Location B – Moneypoint as a key strategic driver of economic growth in the country, facilitating its sustainable growth, operational expansion and diversification, in accordance with national and regional energy objectives.*
>
> *(b) To support the redevelopment of the Moneypoint power generation station site as a green energy hub and the development of the Shannon Estuary as a focal point for the offshore wind industry in Europe.*
>
> *(c) To support and facilitate the development of marine related industry on lands adjacent to Moneypoint which is compatible with the primary use of the SDL as a Strategic Energy Location.*
>
> *(d) To ensure that all proposed developments shall be in accordance with the Birds and Habitats Directive, Water Framework Directive and all other relevant EC Directives.*

(e) To ensure that all proposed development at Strategic Development Location B shall incorporate the mitigation measures as contained in the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary (Volume 9 of this plan) for ensuring the integrity of the Natura 2000 Network."

4.3.3. The CDP acknowledges the strategic importance of Moneypoint and states that it is a *"strategically important energy hub in terms of capacity and security of supply through providing diversity in fuel use and providing critical energy storage for the global energy market. It has a network of 400, 200 and 110KV power lines radiating from the station and these lines are core elements of the national and regional grid network."*

4.3.4. The site of the Proposed Development straddles two landscape types the portion of the site located to the south of the N67 is located in the Shannon Estuary Working Landscape, and that to the north of the N67 (i.e. the ASA area) located in a settled Landscape. The general provisions for each of these are set out in Development Plan Objectives 14.2 (settled landscape) and 14.4 (Shannon working landscape) of the CDP respectively. Objective 14.2 notes that within settled landscapes it is an objective to permit developments that sustain and enhance quality of life and residential amenity and promote economic activity subject to, inter-alia selection of appropriate sites, conformity with plan provisions, and avoiding intrusion on scenic routes, ridges or shorelines. The CDP identifies all shores and waters between Moneypoint to Ballynacragga Point (excluding Clonderalaw Bay) as being within the Shannon Estuary Working Landscape and notes that this area contains a nationally significant concentration of economic and natural resources (extensive areas of sheltered deep water, one of the largest concentrations of high voltage transmission and generation capacity in the country, as well as proximity to Shannon Airport). Objective 14.4 identifies all states that it is an objective of the Council within the Shannon Estuary working landscape:

(a) To permit development in these areas that will sustain economic activity of regional and national significance – especially through the protection of resources to sustain large-scale energy projects, logistics, large-scale manufacturing and associated infrastructure. All such developments shall be required to conform to relevant management and conservation

objectives for designated and protected habitats and species within the estuary;

(b) To ensure that selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design, are directed towards reducing visual impact and that residual visual impacts are minimised;

(c) To ensure that particular regard be had to avoiding intrusions on scenic routes and on ridges or shorelines;

(d) To ensure that developments in these areas be required to demonstrate:

i. That sites have been selected to avoid visually prominence wherever feasible;

ii. That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads;

iii. That design for buildings and structures reduces visual impact through careful choice of form, finish and colours and that any site works seek to reduce visual impact of the development

4.3.5. The CDP also defines seascape character areas with the site of the Proposed Development being located in Seascape are 10 – Lower Shannon. Objective 14.6 of the CDP relates to seascape character areas and states that it is an objective to require that every effort has been made to visually integrate any proposed development within the seascape character area and assessing the proposal in terms of view from land to sea, sea to land and views along the coastline, as well as ensuring that appropriate standards of siting, design, location, finishing and landscaping is achieved.

4.3.6. The N67 to the west of the access road into the Moneypoint generating stage (where it runs along the coastline) north west towards Kilrush is a scenic route. CDP Objective 14.7 relates to scenic routes, stating that it is an objective to: (a) protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community, (b) ensure developments consider their effects on views from the public road and are designed/located to minimise impacts, and (c) ensure that appropriate design, location, siting, finishing and landscaping standards are achieved.

4.3.7. Other relevant objectives, statements and policies of the CDP include:

- CDP 2.6 Floodrisk assessment and Management, requiring developments to have regard to the floodrisk management guidelines and all relevant provisions including floodrisk assessment.
- CDP 2.14 Transition to a low carbon economy and society, i.e. facilitating measure which will accelerate the transition to a low carbon economy, support green technologies and industry, facilitate the development of energy sources which will achieve low carbon output, promote climate change issues across all sectors.
- CDP 6.10 Shannon Estuary, the CDP states that it is an objective to proactively implement the SIFP as well as supporting its promotion, marketing and provision of financial and expertise support.
- Section 6.11 of the CDP notes the strategic importance of Moneypoint generating station, its capacity to generate 915MW of electricity (25% of Ireland's demand for electricity), its significant contribution to local economy, and states that the Council will support its on-going diversification, and expansion to transform from a fossil fuel burning power station into a green energy hub while also ensuring a just transition for all.
- CDP 6.17 Energy Supply relates to enabling and facilitating renewable energy supplies and production.
- CDP 11.43 SEVESO II Directive, the objective of the Council in this regard relates to controlling the siting of Major Accident Hazard sites, or development in the vicinity of such sites as well as any modification of any existing sites.
- CDP11.44 Energy Security, relates to the CDP commitment to promote and facilitate the sustainable development, maintenance, and upgrading of electricity networks and infrastructure to integrate renewable sources thereby creating a secure and efficient energy supply.
- CDP 11.45 states that it is an objective of the CDP to inter-alia facilitate improvements in energy infrastructure and encourage the expansion of the infrastructure within the county.
- CDP11.47 sets out the CDP objectives in relation to supporting increased renewable energy developments and all associated infrastructure.

- CDP 11.50 Power stations and renewable energy, relates to the CDP supporting the upgrading and conversion of power stations including Moneypoint to the use of energy efficient and renewable energy resources and as a green energy hub.
- Chapter 12 of the CDP refers to the Shannon Estuary and commits the Council to implementing the SIFP (CDP objective 12.1 refers), capitalising on the natural deep water potential and existing port and maritime infrastructure by encouraging environmentally sustainable maritime industries at appropriate locations (CDP objective 12.3 refers), safeguard the roles and functions of the SDL locations SIFP for the Shannon Estuary, (CDP objective 12.4 refers).
- CDP 12.8 refers to harnessing the Energy Resources of the Shannon Estuary and states that it is an objective of the Council, inter-alia, to ensure that the Shannon Estuary fulfils its optimum role on contributing to the diversity and security of energy supply.
- CDP 12.15 states it is a CDP objective to facilitate appropriate development which is compatible with the areas of the Estuary which are designated under the Habitats and Birds Directives, ensuring the dual goals of economic development and environmental conservation can be achieved.
- CDP 15.3 refers to European Sites, and commits to affording the highest level of protection to such sites and requiring an NIS to be submitted in relation to any developments that cannot rule out potential effects on protected sites.
- CDP 15.6, 15.6, 15.7, and 15.8 affords CDP protections to NHAs, pNHAs, County Geological Sites, the Burren National Park, Wildlife Sanctuaries and Nature Reserves as well as sites, species and ecological networks/corridors of biodiversity value.
- CDP 15.11 refers to brownfield site regeneration and contaminated land and requires issues in relation to contaminated lands and waste management to be considered as part of any redevelopment proposals.
- CDP 15.19 Woodlands, Trees and Hedgerow commits the Council to protecting and conserving trees and to carry out further survey work. There are two areas of forestry to the north of the Proposed Development which are

designated as “trees for preservation” under the CDP (for clarity no works are proposed within these areas and they are outside the red line boundary).

- CDP 16.3 refers to Industrial Heritage, and states it is an objective to preserve buildings and features of industrial heritage.
- CDP 16.8 refers to Sites, Features and Objects of Archaeological Interest, CDP 16.10 to Zones of Archaeological Potential, and CDP 16.11 to Archaeology and Infrastructure Schemes. All of which seek to safeguard, protect and preserve relevant features and to ensure sufficient consideration of archaeological features in the design and implementation of development proposals.
- Volume 3d of the CDP contains the West Clare Municipal District Settlement plans and notes the economic importance of Moneypoint for the area, and provides the settlement plans for west Clare.

4.4. EIA Screening

4.4.1. Schedule 5 (Part 1 and 2) of the Planning and Development Regulations, 2001 (as amended) (‘the Regulations’) transposes Annex I and II of the EIA Directive and lists the relevant project for which EIA is mandatory. Among the listed projects are:

- A thermal power station or other combustion installation with a heat output of 300MW or more (Schedule 5, Part 1, 2(a) refers).
- Storage facilities for petrochemical and chemical products, where such facilities are storage to which the provisions of Articles 9, 11, and 13 of Council Directive 96/82/EC apply. (Schedule 5, Part 2, 6(d) refers)
- Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule (Schedule 5, Part 2. 11, Other Projects (b) refers).

The above categories are applicable in relation to the proposed development and accordingly (as set out in the application documentation) an EIA is mandatory in the current case. Furthermore, it should be noted that as this application has been lodged directly to the Board under the provisions of section 37E of the Planning and Development Act 2000 (as amended) the provision of an EIAR is also mandatory under s.37E(1).

4.5. Planning History

4.5.1. The site has an extensive planning history, which includes the following applications and decisions of note:

- **CCC-23/32:** Permission granted by Clare County Council (CCC) for boreholes and trial pits across the Moneypoint site.
- **ABP-312734-22:** Pre-application consultation in relation to the provision of a fabrication facility for the construction and assembly of floating offshore wind turbines – not yet decided.
- **CCC-20/318:** Permission granted by CCC for the provision of a synchronous condenser with an electrical rating up to 400 MVA that would share the existing 400 KV/17kV transformer and 400kV underground cable belonging to the existing coal fired unit 2. This application represents a relocation/optimisation of the previously permitted development under CCC 19/746. Under CCC 19/746 permission was granted for the provision of a 300 to 400 MVA synchronous condenser within the Moneypoint complex at a location north west of the 20/318 permission. The synchronous condenser has been constructed at the location of 20/318.
- **ABP-307798-20:** Permission granted for 400kV electricity transmission cables, extension to the existing Kilpaddoge Electrical Substation and associated works, between the existing Moneypoint 400kV Electrical Substation County Clare and existing Kilpaddoge 220/110kV Electrical Substation in County Kerry incl. provision of c.2.8km of submarine cabling.
- **CCC 18/520**: Permission granted for the provision of a 7.5MW capacity battery storage facility/complex and all associated works.
- **CCC 17/809**: Permission granted by CCC for water tanks and associated works within the Moneypoint complex.
- **CCC 16/1011:** Permission granted by CCC for refurbishment of the existing Moneypoint to Oldstreet 400kV overhead line.
- **CCC 15/81**: Permission granted for an electrical transformer station, 2 single storey buildings and all associated works (amending transformer substation

previously granted under ABP – 03.241624 - wind turbines consent set out further below).

- **CCC 14/373:** Permission granted in relation to the existing 32 ha Ash repository on site, increasing the height from the permitted 19.35m OD to 28.4mOD. ABP 243842 also relates, at which the Board considered a first party appeal against the financial contribution applied.
- **CCC 14/190:** Permission granted for a new GIS substation (amending one of those permitted under 11/457 below) and all associated equipment and works.
- **CCC 13/573:** Permission granted for the continued use of telecommunications mast granted under 08/1849 below.
- **CCC 12/74; ABP – 03.241624:** Permission initially refused by the Planning Authority but granted by ABP on appeal for 5 no. 3MW wind turbines with an overall tip height of 152m.
- **CCC 11/457**: Permission granted for the development of electrical transmission infrastructure, incl. new 400kV, 220kV, and 110kV GIS substations, new transformers and electrical equipment, and relocation of waste segregation building. Extension of duration granted under 16/616.
- **CCC 08/1849:** Permission granted for 30m high telecommunications mast and all associated infrastructure.
- **CCC 07/2701:** Permission granted for the construction of a Mechanical and Electrical Workshop building.
- **CCC 06/935:** Permission granted for the construction of a canteen building.
- **CCC 03/625; ABP 204329:** Permission granted for Environmental Retrofit project involving installation of Dry Flue Gas desulphurisation technology to reduce emissions of sulphur dioxide, installation of nitrogen oxides reduction equipment and the construction of engineered landfill areas.
- **CCC 01/1538, ABP 3130164:** Permission granted for a wind energy project comprising 9 no. 2.5MW wind turbines.
- **CCC 91/744, 91/1102, 92/777, 93/860, 99/797, 99/1390:** Separate permissions granted for (a) chain link fence, (b) security building and stores,

(c) extension to administrative building, (d) conveyor housing and vehicle building, (e) administrative block extension, (f) ash beneficiation process plant including storage silos, compressor building and access roadway, and (g) a 40m anemometer mast, respectively at the Moneypoint generating station.

- **P8-27018:** Permission granted to change use of part of the ash handling facility to allow transport of ash from the site by road for sale in bulk.
- **P8-24408:** Permission granted to construct reception and security buildings and car park.
- **P8-22368**: Permission granted to change use of part of the coal store to allow screening and grading of coal and transport of coal from the site by road.
- **P8-23179** – Permission granted to retain the construction quay and change of use of part of the coal store to allow screening/grading of coal and transport of coal by water.
- **P8-13759** – Permission granted to erect an electricity generating station and all ancillary works.

4.5.2. As well as the above on-site planning history the application documentation lists a number of other planning applications in the wider area in the vicinity of the Shannon Estuary, these are set out in section 4 of the applicants planning report refers. Reference is also made to 4 no. foreshore / maritime usage licence applications made in the vicinity of the proposed development:

- LIC230008 – Maritime usage licence application by ESB to undertake marine environmental surveys for the purposes of site investigations for the Moneypoint Hub Project in the vicinity of the generation station at Moneypoint. Licence granted by MARA August, 2024.
- FS007137 – Investigative Foreshore Licence Application by ESB Wind Development Ltd. and relates to an extensive area (within 12nm of the coastline) to allow for SI works required to inform the design/suitability of two floating offshore wind farm sites and cable connection back to Moneypoint (at time of writing this was still under review).
- FS007141 – Foreshore licence granted to the ESB for Ecological survey within Ballymacrinan Bay (immediately west of the existing Moneypoint generating station).

- FS006318 – Foreshore licence granted to ESB to build two of the five permitted wind turbines granted under ABP-241624 (summarised above), as these were located in foreshore area.

4.6. Ecological Designations.

4.6.1. There are a number of proximate Natura 2000 sites (Special Areas of Conservation – [SACs] and Special Protection Areas [SPAs]), with the closest such sites to the Proposed Development being the River Shannon and River Fergus Estuaries SPA [Site Code 004077], and the Lower River Shannon SAC [002165], whose boundaries run along the northern shoreline of the Sannon Estuary and which are both located c. 5m from the red line boundary of the current application at their closest points. The Board should note that the EIAR and NIS documentation submitted considers a large number of designated sites (in excess of 50 no. SPAs and SACs) arising from the consideration that in the event of an oil spillage potential effects could arise for designated marine dependent habitats and species at distances of up to 120km from the Proposed Development and these are considered in full in the AA section of this report below.

4.6.2. Table 4.8.1 below sets out the nationally designated sites within 10km and/or within the potential zone of influence (ZOI) of the Proposed Development.

Table 4.1 Distances to nationally designated ecological sites

Site Name	**Site Code**	**Approximate (straight line) Distance** (closest point to Proposed Scheme)
Ballylongford Bay pNHA	001332	3.2km south west
Tarbert Bay pNHA	001386	3.7km south east
Scattery Island pNHA	001911	4.9km west
St. Senan's Lough pNHA	001025	1.8km north east (however not within ZOI as no source-pathway links present)
Clonderalaw Bay pNHA	000027	4.8km east
Poulnasherry Bay pNHA	000065	7.4km north west
Bunnaruddee Bog NHA	001352	9.5km south (not within ZOI)
Tullaher Lough and Bog pNHA	000070	11.4km north west
Beal Point pNHA	001335	12.6km south west
Farrihy Lough pNHA	000200	15.5km north west
Carnmore Point to Spanish Point and Islands pNHA	001021	17.5km north west

Site Name	Site Code	Approximate (straight line) Distance (closest point to Proposed Scheme)
Inner Shannon Estuary – South Shore pNHA	000435	21km east
Sturamus Island pNHA	001436	21.1km east
Fergus Estuary and Inner Shannon, North Shore pNHA	002048	22.2km north east
Loop Head pNHA	000045	31.2km
Akeragh, Banna, and Barrow Harbour pNHA	000332	36.5km south west
Tralee Bay and Magharees Peninsula, West to Cloghane pNHA	002070	43.8km south west
Illaunnabarnagh Island pNHA	001359	43.9km south west
Mucklaghmore Island pNHA	001962	44.7km south west
Illauntannig (Magharees) pNHA	001964	49.3km south west
Inishtooskert and Illaunimmil pNHA (Magharees)	001965	51.5km south west
Gurrig Island (Magharees) pNHA	001963	53.3km south west
Mount Brandon pNHA	000375	56.7km south west
Sybil Point/Carrigbrean pNHA	001379	79.4km south west
Slea head pNHA	001377	88.2km south west
Little Skellig pNHA	001953	117.7km south west
Great Skellig pNHA	001954	119.2km south west

5.0 Submissions

Submissions have been made in relation to the Proposed Development (6 no. from prescribed bodies and 2 no. from third parties). The applicant was afforded the opportunity to comment on these submissions, and the interested parties were, in turn, afforded the opportunity to respond to the applicant's comments. The submission details and cross-referenced responses are summarised below.

5.1. Prescribed Bodies

Six prescribed bodies have made submissions in relation to the Proposed Development, these are set out and summarised below.

5.1.1. Clare County Council Submission to Application.

The submission made by Clare County Council (CCC) includes a Chief Executive's (CE) Report, a copy of the council resolution passed at, and an extract of the

minutes of, the Council's April 2024 meeting, and a submission on behalf of Cllr. I. Lynch. (The Board should note that while the cover letter references an incorrect project the documentation submitted refers correctly to the Proposed Development.)

The CE Report is dated 2nd April 2024, provides a project and site description and can be summarised as follows:

- A range of relevant policies and objectives from the National Planning Framework, Policy Statement on Security of Energy Supply, National Energy and Climate Plan 2021-2030, National Energy Security Framework, Climate Action Plan 2024, Regional Spatial and Economic Strategy for the Southern Region, and the Clare County Development Plan, 2023 – 2029 (CDP) are listed.
- In relation to the CDP the submission notes that the site is zoned for "Marine Related Industry", designated as "Strategic Development Location B – Moneypoint", partially within the "Shannon Estuary Working Landscape" and partially within a "Settled Landscape", immediately adjacent to the Lower River Shannon SAC and the River Shannon and River Fergus SPA.
- The proposed development will facilitate the continued operation of the generating station, provide employment and economic benefits to the area and nationally whilst aiding the transition of the site towards a green energy hub in the area. The CE report concludes as follows in this regard *"Therefore, from a planning policy objective the Planning Authority considers that the Proposed Development would be in compliance with the on-site zoning, site specific objectives and associated European, National, and Regional level policy objectives with respect to decarbonisation of electricity generation."*
- The majority of works are located centrally on the site with the only works visible beyond being the alterations to the ash storage area. These alterations result in a reduction to the overall permitted height by 1.85m, with all methodologies and management measures remaining the same as those permitted in the previous 2014 consent. Proposed construction activities will be in excess of 300m from the most proximate dwellings. The Planning Authority considers that significant adverse impacts on adjacent amenities and land uses by reason of noise, dust, vibration and air quality would not be significant.

- In relation to traffic arising from construction and dismantling the Planning Authority requests that the Board consider the potential impacts on local communities along the route and to ensure adequate measures are in place to ensure protection of existing amenities and land uses. CCC notes traffic should be dispersed to ensure there isn't over-concentration on any one route (particularly in the vicinity of Kilrush) and construction phase impacts on the road surfaces should be monitored. Operational phase traffic is considered to be similar to that established and so will have no additional impacts on the roads.
- The two mobile stacker/reclaimers and coal conveyor bridge proposed to be dismantled and removed are not considered to be of sufficient architectural merit to be retained. The changes to the ash storage areas will lead to similar or slightly less of a visual impact. The Planning Authority considers that the Proposed Development will *"…not have adverse impacts on the existing views available in the area, the character of the receiving landscape, or the views available from the designated 'Scenic Route' to the west."*
- The Planning Authority considers that flood risk issues will not arise from the Proposed Development.
- In terms of air quality, the change in fuel proposed represents an improvement over the current baseline operations (as CO_2 emissions from the plant arising from the Proposed Development will be reduced by 29% when operational in comparison to the established levels.
- The Planning Authority recommends that the Proposed Development be carried out in accordance with the mitigation measures set out in section 12.7 and 19.1 of the EIAR to ensure protection of lands, soils and hydrogeology.
- In the event of favourable consideration, a condition should be imposed to ensure implementation of all mitigation measures set out in the submitted NIS to protect the Natura 2000 sites in the vicinity. Similarly, the planning authority considers that the application of the stated archaeological mitigation measures from the EIAR will ensure that adverse direct or cumulative impacts will not arise.
- The applicability of the COMAH regulations and the upgrading of existing bunds are noted, and it is recommended that all relevant mitigation measures

set out in the application documentation should be applied in the event of favourable consideration.

- The CE report concludes by stating that the Proposed Development is in compliance with the on-site zoning, site specific objectives, associated European, national and regional level policy objectives with respect to the decarbonisation of electricity generation, and that in the event of a grant of permission conditions requiring the application of all stated mitigation measures should be imposed.

The CCC submission also includes an extract of minutes from the April 2024 council meeting discussing the CE report and which noted concerns in relation to air quality issues arising in Ennis and requiring the applicant and CCC to put in a strategy for air quality in Ennis.

The CCC submission includes an attached submission by Cllr. Ian Lynch, which is broadly supportive of the project but requests, clarification in relation to the traffic management plan, and that the relevant roads are suitably upgraded. The remediation of the coal yard is also sought as well as consideration of impacts from potential fire in relation to the fuel storage areas and risk of explosion. Concern is also raised that capping the ash storage area will render it unsuitable for further development in the future.

5.1.1.1. Applicants Response to Clare County Council Submission

The ESB made a response to the CCC submission on the 2nd May 2024, noting that CCC welcomes the phasing out of coal use in the station and points to the various sections of the EIAR which deal with issues raised in relation to a number of the environmental headings. The response also stated:

- A maximum of 17 no. HGVs are expected during peak construction (Q1 2025)
- Only the removal of coal handling infrastructure is proposed under the current application. Remediation/redevelopment of the coal yard is proposed to be covered in a future planning application in relation to the Green Atlantic project and furthermore decommissioning is controlled under conditions 10 and 12 of the existing IE licence.

- The capping of the ASA does not preclude it from any future uses as part of any future application.
- Increased oil storage and associated risks are addressed in the Transport Land Use Plan submitted with the application, and as updated in response to the HSA submission.
- The Proposed Development will not have any significant impacts on Air Quality as shown in section 7 of the submitted EIAR, and the provisions of the IE licence will continue to apply, along with its monitoring and notification requirements.

5.1.1.2. Clare County Council's Response to the Applicants comments.

Clare County Council responded to the applicant's comments by letter dated the 16th of July 2024, in which it notes that the CDP supports the safeguarding of the role and function of Moneypoint, and that while fossil fuel is still to be used that it is as a backup generator until such time as alternatives are available. The submission concludes that in the event of favourable consideration conditions should be imposed to ensure implementation of all mitigation measures, free flow of traffic, protection of the environment and surrounding land uses.

5.1.2. Transport Infrastructure Ireland

Transport Infrastructure Ireland (TII) notes that the application documentation states that traffic arising will be similar to that of the existing development and that access will be via an existing/established entrance onto the N67. As neither a new access nor increased traffic arises the Proposed Development does not appear to conflict with Government policy regarding national roads.

While it is noted that the preference is for oversized loads to arrive at the site via ship it confirms that abnormal loads will be required and should these need to use the road network the TII set out the relevant requirements, regulations, permits, and stakeholders to be engaged with.

5.1.2.1. Applicants Response to TII submission

The applicant confirmed by letter dated 2nd May 2024, that it is likely that notwithstanding the preference for marine based delivery that some (c.1 per month)

abnormal/oversized loads will be delivered by road, and appropriate consents and escorts will be provided.

TII did not make any further submission to the applicant's response.

5.1.3. **Commission for Regulation of Utilities**

5.1.4. The Commission for Regulation of Utilities (CRU) notes that their information paper "Security of Supply – Programme of Actions" published in September 2021 presents a programme of actions being implemented in response to concerns of security in electricity supply. Action 3 of that sought to explore the possibility of extending the operational life of a number or older generation units on a temporary basis until new capacity can be delivered to replace them. In October 2023 the CRU published an updated programme that noted Eirgrid (following direction from the CRU) had entered into a service agreement with the ESB for the continued availability of the three generating units at Moneypoint after their planned closure date. The CRU also states that the ESB has committed to cease burning coal at Moneypoint by the end of 2025, and that the agreement in place is based on the use of heavy fuel oil (HFO) from 2025 to 2029.

5.1.5. The CRU states that operating on HFO will increase the availability of the Moneypoint units and reduce their carbon intensity when compared to coal operation while also retaining fuel diversity. The agreement is temporary and only allows the Moneypoint units to run for security of supply reasons as generators of last resort as directed by Eirgrid.

5.1.6. The CRU concludes by stating:

> *"The retention of the Moneypoint units and conversion to HFO is in line with current government policy including the 2021 policy statement on Security of Electricity Supply in which the Government approved that 'existing electricity generation capacity, including existing coal, heavy fuel oil and biomass fired generation, should be retained until the new conventional electricity generation capacity is developed in order to ensure security of electricity supply'. This action is also in line with the Energy Security in Ireland to 2030 package, published in November 2023 which commits to implementing the Security of Supply Programme of Actions."*

5.1.6.1. Applicants Response to the CRU submission

The applicant responded to the CRU submission by letter dated 2nd May 2024, noting that the proposed development was in line with the 2021 Policy Statement on Security of Energy Supply as set out in the CRU submission.

The CRU did not make any further submissions in relation the applicants response.

5.1.7. Environmental Protection Agency

The Environmental Protection Agency (EPA) confirms that the ESB was issued with an Industrial Emissions (IE) licence (Register No: P0605-04) in July 2018 for the Moneypoint Generating Station, for two listed activities, namely landfill (waste) and combustion of fuels in installations with a total rated thermal input of 50MW or more (energy). The EPA note that the licence may need to be reviewed or amended to accommodate the changes proposed in the SID application. Should a licence renew application be made the EPA will undertake an EIA on the relevant matters which will include consultation.

5.1.7.1. Applicants Response to the EPA submission

The applicant's response (2nd May 2024) acknowledges the existing IE licence and clarifies that it is not intended to apply for a licence review as the existing licence (and its subsequent technical amendments of April 2021 and February 2024) accommodate the Proposed Development, and that the EPA carried out an EIA and AA of the licenced activity as part of the licencing process and which included continuous plant operation on both coal and HFO.

The EPA did not make any further submissions in relation the applicants response.

5.1.8. An Taisce

Welcomes the rapid phase out of coal in evidence in the application but requests that the Board assesses the alignment of the proposed development against the carbon budgets set while noting that the first carbon budget of 295Mt (2021-2025) and second carbon budget of 200Mt (2026-2030) are predicted (by the EPA) to be exceeded by a significant margin. The Climate Action and Low Carbon (Amendment) Act 2021 states that any overshoot of the first five-year budget (to the end of 2025)

must be carried forward to reduce the following 5-year budget therefore the sectoral emission ceiling for electricity will be smaller than the current limit.

Further clarification is required to ensure a firm commitment to the cessation of oil-fuelled generation at the facility by December 2029, as this would avoid a lock-in to fossil fuel as an energy source beyond 2030, which is required to meet decarbonisation targets.

An Taisce recommends that the project be assessed against article 4 of the water framework directive to determine whether it could cause deterioration of the status of the Lower Shannon Estuary ground water body. Furthermore, the potential for impacts on the proximate SAC/SPA site should be considered in any future decision.

5.1.8.1. Applicants Response to An Taisce Submission

In relation to compliance with carbon budgets and sectoral emissions ceiling, the applicant's response (May 2024) notes that the Proposed Development will have c. 29% lower emissions than current coal based operations, and in 2030 (the closest year projections are available) the response states that it will account for an estimated 4-5% of projected sectoral emissions. (The Board should note that this appears to be a transcription of a typographical error in the EIAR, the stated figure is incorrect and should read 4-5% of national emissions, the Proposed Development would represent 39-46% of sectoral emissions if it operated in 2030 – this is discussed further in section 8.5.6 of this report below). The applicant's response goes on to state that these figures are based on worst case operations where the maximum possible run hours as set out in the agreed contract are used, it is not anticipated that these operating hours will be maximised as the generator will be a generator of last resort and as additional low-, and zero- carbon energy sources become available HFO fuelled run time (/generation) at Moneypoint will be reduced with a proportionate reduction in GHG emissions. The applicant also stated that as the Proposed Development will replace coal-fired generation it aligns with the objective of the Climate Action Plan 2024 to cease coal-fired generation and that the proposal is an interim step in the decarbonisation of the Irish energy production sector.

In terms of operation the application states that "the proposed development is expected to be operational until the end of 2029", after which time they state that the

ESB intends to transform the station and redevelop it as a hub for offshore renewables.

In relation to the Water Framework Directive the applicant refers to section 11 of the submitted EIAR and states that with the implementation of mitigation measures proposed (both during construction, and in accordance with the operational parameters set by the IE licence) the Proposed Development will not result in a change of status of the Shannon Estuary WFD quality status or prevent it from reaching good status in the future.

In relation to the Habitats and Birds Directive the applicant states that all potential impacts have been assessed in the submitted NIS.

Following cross-referral, An Taisce has not submitted any further comments on the applicant's response to their initial submission.

5.1.9. Health and Safety Authority

The Health and Safety Authority (HSA) has made two submissions, the first is dated February 2024, and confirms that the Proposed Development will constitute a modification to a COMAH[3] establishment. The second submission is dated 28th of March 2024, and notes that the HSA has insufficient information to provide technical advice on the application and accordingly seeks the following further information:

> *"...an update to the document entitled HFO Project Technical Land Use Planning Report (ref:IE0311713-23-RP-002, Issue: A) to provide further technical detail on the environmental control measures which will be in place to prevent a major accident to the environment."*

5.1.9.1. Applicant's Response to Health and Safety Authority

The applicant responded to the HSA's submission by submitting an updated HFO Project Technical Landuse Planning Report (TLUP), issue C, dated 30th May 2024. This document updates the previously submitted Land Use report (Appendix D of the EIAR), by:

- Providing copies of the drawings referenced in the document,

[3] Control of Major Accident Hazards

- Updating the explanation of modelling for category 3 flammable substances,
- Providing updated modelling of marine transfer scenarios,
- Providing additional detailed assessment of potential (a) HFO tank failure and overtopping, (b) marine tanker transfer leak at the jetty and how these scenarios are mitigated by technical and operational control measures.

Similar to the original report the updated TLUP concludes that the risk of a major accident at the ESB Moneypoint site as a result of the proposed development is acceptably low with respect to the Land-Use Planning criteria set out in the HSA's TLUP guidance.

5.1.9.2. Health and Safety Authority's Response to the Applicants comments

Following cross-referring of the applicant's response the HSA responded to the updated TLUP report submitted by letter dated 28th June 2024 stating inter-alia:

> *"On the basis of the information submitted, including the further information supplied in document HFO Project Technical Land Use Planning Report …. received on 21/06/2024 the Authority DOES NOT ADVISE AGAINST the granting of planning permission in the context of Major Accident Hazards."*

5.2. Third Party Submissions

5.2.1. Kieran Hosty

States that he objects to the Proposed Development on health grounds as well as dust, noise and lighting.

5.2.1.1. Applicant's Response to Kieran Hosty

The applicant notes that Kieran Hosty is a local resident and the concerns raised. Section 7.7 of the EIAR is referred to which sets out the dust mitigation measures, and states that the Proposed Development reduces the volume of material to be landfilled, cessation of coal handling, and therefore a reduction in the potential to generate dust. In relation to noise, section 9 of the EIAR is referenced as well as the conditions of the IE licence and the applicant states the transition to HFO combined with the proposed best practice mitigation measures proposed will mitigate the noise to acceptable levels. In discussing light section 4.4.7 of the EIAR is referenced as is

the motion detection, and directional lighting system proposed. Accordingly, the applicant states that the proposed development and its mitigation measures will reduce dust emissions, noise and lighting.

5.2.1.2. Kieran Hosty Response to Applicants Submission

The third party responds to the applicant's submission by confirming that his boundary is approximately 17 metres from Moneypoint and stating that noise, dust (alleges that water bowsers have not been used on site to dampen dust emissions from the site), fire or catastrophic tank failure remain his primary concern and an additional 5 years of operations will cause significant adverse impact.

5.2.2. Wild Ireland Defence CLG.

Mr. P. Sweetman has made a submission on behalf of Wild Irish Defence CLG, setting out the Board's legal functions under the Planning Acts, the EIA Directive and Habitats Directive. The submission states that it is not possible for the Board to make a decision in terms of the required thresholds to be established for Appropriate Assessment due to the total lack of certainty in the information submitted. The third party does not, however, highlight or identify any specific lacunae, point of uncertainty or omission in relation to the submitted documentation.

5.2.2.1. Applicant Response to Submission

The applicants acknowledged the submission in relation to the requirements of the Planning Acts, EIA Directive, and Habitats Directive.

Following cross-referral, Wild Defence CLG has not submitted any further comments on the applicant's response to their initial submission.

6.0 Oral Hearing

6.1. No parties have requested an oral hearing, and I consider that there is sufficient and comprehensive detail on file to inform a decision on this matter through written procedures.

7.0 **Assessment**

7.1. The planning assessment below has had regard to all the information provided. I have read all the documentation on file including the EIAR, NIS, planning report and supporting documentation submitted with the application. I have visited the subject site and its surroundings. I have read in full the observations submitted in respect of the application including the third-party observations, the observations from the Planning Authority as well as the observations from the prescribed bodies, the applicant's responses to the submissions and the further responses from the various parties. Having regard to all the information that has been received, I consider that the key issues for consideration by the Board in this case are as follows:

- EPA Licence – Procedural.
- Policy Context/Principle of the Proposed Development.
- Fuel Deliveries and Risk of Accident.
- Biodiversity.
- Air Quality and Emissions.
- Ash Management Area/Landfill
- Coal Handling Facilities.
- Landscape/Visual Impact
- Roads and Traffic
- Residential and General Amenity

7.2. **EPA Licence - Procedural**

7.2.1. The existing Moneypoint Generation station and site of the proposed development is licenced by the EPA under Industrial Emissions (IE) Licence P0605-04 (which was subsequently amended in April 2021 and February 2024). The IE licence has been issued in relation to two activities occurring on the site (a) combustion of fuels in installations with a total rated thermal input of 50MW or more and (b) landfill receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes. The submission on file from the EPA both confirms the existence of, and the activities subject to, the licence.

7.2.2. The provisions of Section 37G(4) of the Planning and Development Act 2000, (as amended), provides that where a development proposed under section 37E (i.e. direct application to the Board) is subject to the requirement to obtain a licence from the EPA, the Board shall not, where it decides to grant permission, subject that permission to conditions for the purposes of:

(a) controlling emissions from the operation of the activity, including the prevention, limitation, elimination, abatement or reduction of those emissions, or
(b) controlling emissions related to or following the cessation of the operation or the activity.

Subsection (5) of the Act, however, provides that the Board may refuse a grant of permission where it is considered that the development, notwithstanding the licensing of the activity, is unacceptable on environmental grounds having regard to the proper planning and sustainable development of the area.

7.2.3. Section 3 of the Environmental Protection Act 1992 (as amended) defines emissions in relation to an activity as any direct or indirect release of substances, heat or noise from individual or diffuse sources in the activity into the atmosphere, water or land, and includes —

(a) an emission into the atmosphere of a pollutant within the meaning of the Air Pollution Act 1987,
(b) the release of a greenhouse gas or a precursor of a greenhouse gas into the atmosphere,
(c) a discharge of polluting matter, sewage effluent or trade effluent within the meaning of the local Government (Water Pollution) Act 1977, to waters or sewers within the meaning of that Act, or
(c) waste.

7.2.4. The submission from the EPA confirms that where the activities cannot be carried on or effectively regulated under a licence, then the Agency cannot grant a licence and that any licence granted incorporates conditions to ensure that appropriate National and EU standards are applied, and that Best Available Techniques (BAT) are used in carrying out any activity. The assessment of the Proposed Development as set out below has full regard to the relevant roles of the Board and the Agency as set out in relevant legislation.

7.3. Policy Context / Principle of the Proposed Development

7.3.1. All European, National and Local policy highlights the need to decarbonise the economy and to greatly reduce or omit the use of fossil fuels in energy generation. The Proposed Development constitutes amendments to an existing operational electricity generating station which will result in the facility (i.e. the three thermal generators in place) continuing being fuelled by non-renewable fossil fuel (i.e. entirely by HFO) where they are currently fuelled predominantly by Coal with HFO being used as a backup. On initial review therefore the Proposed Development does not comply with the overall climate change targets and objectives in relation to emissions and decarbonising the economy. It should be noted, however, that the primary drive behind the Proposed Development is to ensure the security of energy supply and support to the national grid while it transitions towards less fossil fuelled generation. Furthermore, the Proposed Development supports additional electricity generation flexibility that is designed to support the increased penetration of additional sources of renewable generation onto the national grid while also bridging the gap pending the provision of less carbon intensive means of electricity generation.

7.3.2. The Proposed Development will facilitate the three Moneypoint generators being run under contract to provide electricity to the national grid as a generator of last resort (i.e. the Moneypoint generators will only be put into operation at times when electricity demand on the network outstrips the electricity generation capacity available from renewable or less carbon intensive generators), and for a limited duration (each generator running for a limited average maximum of 3,000 hrs per unit per annum over a limited operational period up until the end of 2029). The Proposed Development is being brought forward specifically to allow the existing infrastructure to be kept operational in order to facilitate the specific contract agreement the applicant (ESB) has entered into with Eirgrid (the Transmission System Operator – TSO) with the approval of the Commission for Regulation of Utilities (CRU).

7.3.3. The contract provides for a total run time across the three generating units per annum of 9,000hrs, which if applied evenly to the three generators is 3,000hrs each, however, there is a degree of flexibility provided for, in that each generator unit would be able to run for up to 5,000hrs per year providing the combined total run

hours across the three does not exceed 9,000hrs. The Board should note that previously there was no restriction on the operating hours of the three generators when being fuelled by coal in that each could theoretically run all-year round (i.e. all three could theoretically operate for 8,760hrs each per annum). The application documentation states that the contract also provides for breakout clauses in 2027 and 2028 to cease generation if sufficient new (i.e. less-carbon intensive) generation has entered the market at that stage to provide sufficient operational capacity to cater for demand levels on the network.

7.3.4. The latest available All-island generation capacity Statement 2022-2023 predicts capacity deficits during the ten years up to 2032, with the most significant deficits arising up to 2025 and tailing off thereafter as new generation comes on-line. The energy system is focused on delivery of additional renewable energy and less carbon-intensive sources of generating electricity. This fact is borne out by the significant number of renewable energy generation (such as wind farms and solar arrays) as well as additional natural gas fuelled conventional generation (such as Open Cycle Gas Turbines) planning applications that have (and continue to be) brought through the planning system. All evidence in this regard points to Ireland's electricity system transitioning towards the renewable energy targets that have been set, however, all stakeholders acknowledge that the transition, while progressing, is not progressing with sufficient pace to keep up with the increasing demands being placed on the network. Additional renewable and less intensive carbon sources of electricity generation are being provided and incorporated into the network, but by their very nature such projects are complex and can have significant lead-in periods. As such, I consider it appropriate that sufficient conventional back-up power generation is available to the national network to cater for the rising demand and ensure that sufficient power is available for periods where sufficient renewable energy is not available (i.e. seasonal/weather conditions not providing sufficient renewable generation). In the long term such seasonal issues will be addressed through the provision of additional renewable generation and energy storage solutions, in combination with more efficient and less-carbon intensive conventional generation, however, pending the provision of such additional infrastructure, an interim solution must be sought. The CRU programme of Actions for the Security of Electricity Supply has identified the need to extend the operation of older generation units on a temporary and backup basis pending the arrival of enduring renewable

capacity. The Proposed Development can achieve this backup without creating any inappropriate impediment to the overall goal of decarbonising electricity production all while minimising environmental impacts by using existing infrastructure at an established industrial site already connected to the network. The proposed development does not require a significant amount of resources to construct or service as the existing infrastructure (including grid connection, generators, workforce, industrial site etc.) is already in place. Furthermore, the applicant is seeking a relatively short term duration for the operations (i.e. 5 years) with specific defined run times per annum. The specific nature of this application and its tight operating framework as established in the contractual arrangements presents the Proposed Development as an appropriately managed backup operation that has been designed as a support towards the permanent transition of the network to more renewable and less carbon intensive generators.

7.3.5. In terms of the Policy framework, the NPF supports the transition to a low carbon and climate resilient society (NSO 8) as well as a strong economy supported by enterprise, innovation and skills. The Proposed Development may not on initial review be considered to directly support decarbonisation, as it does represent the use of fossil fuels to generate electricity (albeit on a short-term strictly controlled basis), however, the specific nature of the proposal will:

(a) Result in the removal of coal managing infrastructure from the site, thus physically ensuring the cessation of the use of coal as a fuel source at the site,

(b) Reduce the greenhouse gas emissions arising from the generation of electricity from the Moneypoint site by 29% (when compared to the established baseline) due to its increased use of HFO and specific operational parameters. HFO is a less carbon-intensive fuel than coal with the emissions intensity from the Proposed Development being stated/estimated at 286 gCO_2e/kWh (a 12% reduction from the baseline)

(c) Ensure that the transition to low carbon/renewable energy generation does not result in capacity issues arising (i.e. demand exceeding supply resulting in black/brown outs) on the national network which would adversely affect the population and economy. Thus, mitigating delays that have been experienced in rolling out additional renewable generation and

the intermittency arising from increased renewables pending the provision of additional less-carbon intensive conventional generation.

(d) Not compete or impede the longer term objectives of increasing renewable generation due to the backup and short-term nature of the operational phase of the Proposed Development.

On the basis of the above I am satisfied that the Proposed Development does support the transition to a low-carbon and climate resilient society while also supporting a strong economy. The defined nature and strict operational parameters set out within the application documentation represent a significant consideration in this conclusion.

7.3.6. The National Marine Planning Framework supports the protection of designated marine sites, seascape and landscape and coastal infrastructure critical to energy transmission. While landscape and biodiversity are discussed further below, I consider that, in principle the Proposed Development is consistent with the provisions of the NMPF and does not materially contravene its objectives, particularly as the Proposed Development relies on existing infrastructure, established shipping lanes and berthing practices, will have quicker offloading times of fuel deliveries, and the reduction in emissions that will arise between existing and proposed operations. I also note that the NMPF seeks land-based coastal infrastructure that is critical to and supports energy transition to be prioritised.

7.3.7. Renewables and less carbon intensive generation operations have been slower than anticipated to be deployed, permitted and accepted into the energy mix. Although significant policy support is in place at international, national, and regional level consenting, roll-out and implementation of such critical infrastructure has not reached the levels required to meet the national climate change targets for a variety of reasons. This has been acknowledged through a myriad of studies and policy documents, and confirmed in the Policy Statement on Security of Electricity Supply (November 2021), the National Energy Security Framework (2022), the Security of Electricity Supply – CRU Programme of Actions, and the All-island generation capacity Statement. I also note the content of the CRU submission on file which notes the retention of the Moneypoint generating units and their conversion to HFO is in line with current government policy including the 2021 policy statement on

security of energy supply, as well as the Energy Security in Ireland to 2030 package which commits to implementing the security of supply programme of actions.

7.3.8. In relation to compliance with the CDP, the site is located in an area designated as "Strategic Development Location B – Moneypoint", where it is an objective to safeguard the role and function of Moneypoint, facilitating its growth, expansion and diversification in accordance with national and regional energy objectives. The SIFP (which is incorporated into the CDP and also supported by the RSES) identifies the Moneypoint site and adjacent lands similarly as a strategic energy location, at which the continuation of core power generation, transmission and distribution functions should be safeguarded. The site is zoned as "Marine Related Industry" which includes the use of the land by industry that by its nature requires a location adjacent to deep water and depending on marine transport. In this regard I note that the Proposed Development will be reliant on ship-borne oil tanker deliveries for the duration of its limited operations and I am therefore satisfied that it is in compliance with this zoning objective. The ASA is also included within the zoning provision (MAP G of the CDP refers), and consent is already in place for the use of this area for ash storage. The Proposed Development will reduce the overall height of storage area and facilitates the use of stored ash as part of the HFO fuelled generation process, all of which are intrinsically linked to the electricity generating process. I therefore consider that the principal of all elements of the Proposed Development are consistent with the Development Plan provisions, and I note that the submission from the Planning Authority states that the Proposed Development is in compliance with the on-site zoning. Furthermore, the Board should note that the Development Contribution Scheme for Clare provides an exemption for the development of Marine-related industry on strategic sites along the Shannon Estuary identified in the CDP[4], and that therefore should the Board consider a grant of permission in this case it would not attract a development contribution.

7.3.9. I note that the CDP supports the provision of renewables (as well as the continued development of Moneypoint), and I acknowledge that the Proposed Development is not a renewable energy project, however, it's very make-up and strict contractual obligations renders it as a solely supportive backup facility to other renewable targets, which have not yet been met. The CDP's support for renewable projects

[4] Table 2 of the Clare County Council Development Contributions Scheme 2017 – 2023 refers (the current scheme at time of writing).

does not preclude the Proposed Development, and through the specific zoning objectives in place the proposal is supported in principle as set out in the submission on file from CCC.

7.3.10. I note that the Proposed Development makes sustainable use of existing infrastructure, is dependent on its location proximate to a jetty capable of accommodating HFO deliveries from tankers, and will ensure security/sufficient backup power is available to the national grid for a temporary period to cover the interim shortfalls between generation and demand that are predicted over the next c.5 years, while not providing any impediment or competition towards the provision of additional renewable or less-carbon intensive generation. All this is being provided from an established industrial location, zoned appropriately and subject to ongoing EPA monitoring. I consider that the need to provide sufficient back-up electricity generation to the national network using convention means is of sufficient merit and importance to justify the Proposed Development pending the provision of adequate alternative renewable and less-carbon intensive generation. Accordingly, I am satisfied that the Proposed Development is in the interests of the Proper Planning and Development of the area until such time as sufficient alternatives become available. In this regard, I recommend that should the Board consider granting permission for the Proposed Development that appropriate conditions confirming the strict operational parameters set out in the application documentation, and in particular the timeframe (up to the end of 2029) be included. Accordingly, arising from the above I consider that the Proposed Development is acceptable in principle at this location.

7.4. Risk of Accident from HFO Deliveries and On-site Management.

7.4.1. The proposed development comprises works entirely within the IE licenced boundary of the Moneypoint Generating Station (REF: P0605-04) which is an existing upper-tier establishment for the purposes of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I.209 of 2015) in respect of which the HSA is the competent authority. The HSA have confirmed that they do not advise against granting permission for the Proposed Development in their latest submission (dated 23rd June 2024, following review of the updated TLUP (revision C) submitted by the applicant in response to submissions), and accordingly the HSA are now understood to have no objection in principle to the proposal.

7.4.2. The *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment* (August 2018), notes that:

> "*The EIA must include the expected effects arising from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project. Where appropriate, the description of expected significant effects should include details of the preparedness for and proposed response to such emergencies.*
>
> *There are two key considerations, namely:*
>
> - *The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment;*
> - *The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters (e.g. flooding) and man-made disasters (e.g. technological disasters).*
>
> *These considerations are separate to any assessment of the project required under the Seveso III Directive, which is likely to include a detailed risk assessment*."

7.4.3. Chapter 17 of the EIAR considers the risk of Major Accidents and Disasters and considers a wide range of potential accidents and disasters (which are discussed further below in Section 8.5.15 of this report). The EIAR was supported by a Technical Landuse Planning Report (Appendix D) which was updated/revised in a subsequent submission by the applicant in response to commentary from the HSA.

7.4.4. Table 8.5.12 of this Report (below) lists the full range of credible scenarios for accidents/disasters to arise as well as identifying mitigation measures in respect of each. Following application of the range of preventative and mitigation measures proposed it is concluded that the risks arising are not significant.

7.4.5. In terms of floodrisk the Proposed Development as an electricity generator is a sensitive form of development under the provisions of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities', and a Floodrisk Assessment is included in Appendix H1 of the EIAR. In the context of the guidelines the subject works are proposed within an appropriate area (Zone C as identified in the Clare County Development Plan) which due to its location will not increase the current flood risk in the catchment nor adversely impact on flooding.

7.4.6. The Proposed Development will continue the need for Oil tankers to deliver fuel to the site at the existing jetty. Such operations already take place and the EIAR clarifies that in 2021 there were a total of 24 no. fuel deliveries by ship to the Moneypoint facility, of these, 15 no. were coal deliveries (with average ship sizes of 180,000 tonnes), and 9 no. were HFO tanker deliveries (with ship sizes of 24,000 to 35,000 tonnes). HFOs are dense and while very toxic to aquatic life with long-lasting effects, its water solubility is negligible, and it must be heated to be pumped as at temperatures below c.30^{o}C they act as viscous semi-solids (i.e. resistant to flow and dispersal as they cool).

7.4.7. The existing jetty has been designed to accommodate ships with a payload of up to 200,000 tonnes and the Proposed Development does not entail any alterations to the jetty. The submitted EIAR and NIS documents make reference to the cessation of HFO deliveries to Tarbet generating station in discussing HFO deliveries, which in 2021 (last year of full operations) had 12-14 HFO oil deliveries (vessels of c. 35,000 to 43,000 tonnes). The Proposed Development will, according to the submitted information result in the same number of ship deliveries to Moneypoint as 2021 (i.e. 24 no.) albeit that these will all be HFO tankers with no coal deliveries. The ship numbers will therefore be consistent but smaller and will have a quicker off-loading period.

7.4.8. The reference to the cessation of oil deliveries to Tarbert is used by the applicant to present the argument that cumulatively the number of HFO deliveries to the Shannon Estuary in the event of the Proposed Development being operational will be consistent with the numbers that had arisen in 2021 (as HFO deliveries will no longer occur to Tarbet). This appears to have been presented in response to a pre-planning consultation concern raised by the NPWS that increased HFO deliveries in the estuary will give rise to a cumulative increase in underwater noise, an increase in risks of oil spill and introduction of invasive marine organisms. In relation to the increase in risk of oil spills I note the number of vessels accessing Moneypoint for the duration of proposed operations will be the same as that which serviced the facility in 2021 albeit that all fuel deliveries will be HFO under the Proposed Development. Furthermore, I consider that if the appropriate measures, procedures and regulations are in place to facilitate safe passage of the estuary and delivery of HFO to the Moneypoint jetty, then any increased risk can only arise in the event of their being additional navigation or ship-traffic management issues.

7.4.9. No issues have been raised by third parties or statutory bodies in relation to navigation methods and shipping hazards in the Shannon Estuary. I also note that the Shannon Foynes Port Company (SFPC) is the sole statutory authority which has jurisdiction over all ship movements/activities on the Shannon Estuary, (from Kerry Head / Loop Head to Limerick City) and it is responsible for the safety of navigation within this area in accordance with its established protocols and regulations. Furthermore, I note that pilotage is compulsory for all large vessels navigating the estuary, all vessels must display appropriate lights and signals and the International Rules for the Prevention of Collisions at Sea apply to all vessels[5]. Accordingly, I am satisfied that all reasonable measures are in place to ensure the safety of all ship traffic within the Shannon estuary.

7.4.10. In terms of management and measures provided in relation to the HFO deliveries to the site the application documentation sets out the following:

- Oil tankers shipping HFO to Moneypoint will have regard to the International Safety Guide for Oil Tankers and Terminals (ISGOTT 6) produced by Oil companies International Marine Forum, and the International Chamber of Shipping.
- The recommendations of the international Maritime Organisation will be reviewed and implemented as necessary.
- A procedure for unloading oil ships is in place at the facility the details of which are set out in the updated HFO Project Technical Landuse Planning Report, (revision C, dated May 2024), in relation to HFO transfer line failure, measures include:
    - The jetty and ships deck are continually staffed during HFO transfer and continual radio contact is maintained.
    - Pumping pressure/flow rate is only increased to standard level once preliminary transfer rates have confirmed no leaks.
    - Shut off procedures can be triggered immediately should a leak arise.

[5] Port Information Guide, Shannon Estuary, Shannon Foynes Port Company, March 2021

- Unloading arm will receive a comprehensive overhaul and replacement (if required) and supply line to tanks will undergo an internal magnetic flux leakage inspection.
- A sump (designed to hold in excess of the same volume of HFO that could be contained in the marine unloading arm up to the first isolating device) is located on the jetty under the unloading arm.
- Prior to offload the loading master (ESB appointed) meets with the master and chief officer of the vessel.
- Prior to offloading the arm connection is pressure tested.
- There is a permanently fitted spill tank under the connection to the Marine unloading arm on the HFO vessel and all safety devices on board the ship are tested prior to berthing at Moneypoint.

- An Oil Spill Response Plan is in place on site containing checks and measures to ensure compliance with the IE Licence.
- Moneypoint is a member of the Shannon Estuary Anti-Pollution Team (SEA-PT) which was formed to coordinate any response to pollution incidents on the Estuary. The SEA-PT Oil Spill Plan has been prepared to current industry best practice standards and has been approved by the Irish Coast Guard. The plan provides for a number of options which can be used including the use of booms, skimmers, and absorbents for containment and collection of oil spills.

7.4.11. Ireland has a comprehensive set of policies and frameworks to address and respond to oil spills and maritime pollution. The key policy context and framework includes:

- **The National Maritime Oil & HNS Spill Contingency Plan 2020,** which outlines Ireland's preparedness and response strategies for oil and Hazardous and Noxious Substances (HNS) spills. It aligns with international conventions and EU directives, and involves coordination between the Irish Coast Guard, local authorities, and other entities.
- **Marine Pollution and Sea Pollution Acts (as amended)**, which include legislative measures that govern the prevention of, and response to, oil spills. Ireland is also a party to various international conventions, such as MARPOL (International Convention for the Prevention of Pollution from Ships) which set

standards for preventing and controlling marine pollution and OSPAR (protection of the Marine environment of the North-East Atlantic).

- **Harbour Authorities and Local Authorities** are responsible for managing oil spills within their respective jurisdictions. They are supported by the Office of Public Works and the Department of Agriculture, Fisheries, and Food, especially in state harbours and fishing ports.
- **Oil Spill Contingency Planning**, include detailed strategies for addressing various spill scenarios, equipment stockpiles, and cooperation with international bodies. These plans emphasize having well-trained personnel, regular exercises, and the availability of necessary equipment.

I am satisfied that these documents, strategies and plans collectively ensure that there is adequate contingency and response planning to deal with oil spills and other marine pollution incidents effectively, minimising potential environmental impacts. The existing and any proposed future HFO deliveries to the site will continue to be governed by this legislative and regulatory framework.

7.4.12. On the basis of the above, including the location of the jetty on a major shipping and navigation channel, the ongoing (and existing) nature of operations, and the safety measures that are in place, the controlled and regulated shipping practices and pilotage in place on the Shannon Estuary, in combination with adherence to all relevant oil tanker operational safety procedures I consider that the Proposed Development will not present a significant adverse risk of Oil Spills arising from HFO ships. I also note in this regard that the volume of shipping to Moneypoint will not be increased. I consider it prudent however, given the language used in the application documentation to recommend that appropriately worded conditions be attached to ensure adherence to all relevant shipping standards and that the maximum number of deliveries to the facility per annum be capped at 24 no. per annum for the operational phase of the Proposed Development.

7.4.13. In relation to potential oil/hydrocarbon leaks emanating from the site during construction I am satisfied that the mitigation, monitoring and management measures set out in the submitted CEMP will ensure significant adverse effects will not arise. Furthermore, I am satisfied that while the Proposed Development will effectively double the on-site storage capacity for HFO on site (from 50,000 to 100,000) tonnes, that the containment infrastructure will greatly improve that

existing. Two new 25,000 tonne tanks (similar in scale to the two existing) are proposed, and upgrades to the existing bund will be provided in the form of:

- The provision of a concrete floor across the entire bund (this is not currently in place).
- New bund walls of reinforced concrete will be provided to a height of 3.98m (bund wall 1) and 4.41m (bund wall 2), to ensure adequate containment (volumes of 110% of the largest tank) are in place which will account for the requirements of both the Guidance note to Industry on Fire Water Retention Facilities (EPA, 2019) and relevant CIRIA Guidance C736 (Containment Systems for the Prevention of pollution).

7.4.14. As referenced previously above in response to submissions from the HSA the applicant provided an updated HFO Project Technical Landuse Planning (TLUP) Report, (revision C, dated May 2024), which provides detailed consideration of potential risks arising during operations including diesel road tanker fires, spills to ground, on-site HFO tank failure followed by over-topping of bund subsequent ignition and fire, (as well as the previously discussed HFO transfer line failure). In relation to the on-site HFO storage the updated TLUP report notes that the failure of any tank is extremely unlikely however, the following mitigation measures are being provided over and above the bund improvements set out above:

- Tanks and associated pipe networks and controls will be installed to current best practice engineering standards,
- A documented system of inspection, testing and maintenance is in place at the Moneypoint site,
- Ten year tanks inspections have been completed on the existing tanks (2018 and 2022) and both were found to be in good condition.

7.4.15. The TLUP report also sets out that the relevant safety measures and separation distances have been applied so that there are no landuse planning implications arising from any of the risk scenarios considered. Essentially this demonstrates that in the event of a fire/explosion event at identified risk locations that the extent of effects will be contained at the site and not impact sensitive third party lands. Furthermore, in relation to a Major Accident to the Environment (MATTE) assessment, the TLUP report notes that neither the submitted EIAR nor NIS identify

significant impacts on surface water, land, soils or hydrogeology as a result of construction or operation. The TLUP report also notes the most relevant conditions of the IE licence in place for the site, which include:

- Implementation and maintenance of an Environmental Management System which is reviewed on an annual basis by senior management for suitability, adequacy and effectiveness,
- Appropriate provision of bunding and containment,
- Inspection and maintenance of stormwater drainage system, oil separators and bunds,
- Documented Accident Prevention and Emergency Response procedures which are reviewed annually and updated as necessary,
- Storage of adequate supply of containment booms and/or suitable absorbent material,
- Implementation of a fire safety system (incorporating prevention, detection, control and response), in consultation with the Fire Service, reviewed annually and updated as necessary.

7.4.16. Following review of the updated TLUP Report the HSA confirmed that it "does not advise against the granting of planning permission in the context of Major Accident Hazards".

7.4.17. In conclusion, oil tanker deliveries to the site have been taking place for in excess of 30 years and full protocols, monitoring, and safety measures are in place to ensure the safety of HFO deliveries. I note that the number of deliveries to the site will remain consistent with that carried out annually to date (i.e. 24 no.) although all of these will now be HFO as opposed to being split between HFO and coal. The Shannon is a busy and strategically important shipping area which is managed in order to ensure safety of navigation. I note the safety provisions for vessels at sea (including ISGOTT) as well as the plans and protocols that are in place locally (on site at Moneypoint), regionally (for the Shannon Estuary) and nationally (National Maritime Oil/HNS Spill Contingency Plan 2020) in terms of protecting against oil spills. Due to the nature of the proposed development (alterations to an existing operational electricity generating station which has been previously approved to be partially fuelled by HFO), its limited duration, strictly controlled operational

parameters and established operating procedures, I consider that the Proposed Development can be operated and serviced in a safe manner and that the operational risks can be adequately mitigated through the IE licence and adherence to HSA protocols.

7.5. Biodiversity

7.5.1. The Proposed Development is located at an existing operational industrial site and subject to IE licencing which controls operational emissions, and the potential impacts arising on biodiversity have been discussed below in section 8.5.8 of this report (EIA – Biodiversity). I note that construction activities will occur within the existing operational areas and while some natural habitats (e.g. scrub) will be removed these are neither sensitive nor unique. There are otters and badgers in the wider area which may use parts of the site, however, neither operations nor construction activities will impact areas or habitats which are important for these species. As the site is an existing operational facility any Badgers or Otters using this area will be habituated to industrial operational activities such as noise, emissions, fuel deliveries and traffic. For construction purposes it is proposed to provide a noise barrier around piling works and pre-construction surveys will be carried out to ensure species site activities have not altered prior to commencement and that works will not occur within 150m of any holt (Otter) or 10m of any sett (badger) entrance and no works within 50m of active setts within the breeding season. Similarly, there are bats present on site, however, no roosts have been identified within the red line boundary or any location which is subject to demolition/removal and pre-commencement surveys will be carried out to ensure this situation has not altered.

7.5.2. Breeding and wintering birds do use the site, the relevant locations being to the west (in and around the Ash Storage Area) and to the east in and around the coal yard. As referenced these areas are subject to on-going industrial activities (coal yard in terms of management and moving of coal resources) and the ASA in terms of the deposition and capping of ash. The Proposed Development will result in reduced activity at the coal yard area (following the dismantling of the coal management equipment), while changes of activity at the ASA will be negligible, as less ash will be produced (through the burning of HFO) for storage however, additional ash will be required from the ASA deposits to feed into the flu gas desulphurisation process. The operational phase noise modelling has shown that noise levels at the shoreline

will be below 55dB(A) (a level which waterbirds have been confirmed to tolerate) and accordingly I consider that adverse impacts will not arise from the Proposed Development in the context of the existing site operations. For construction phase noise I note that surface noise during construction may reach up to 62dB at the shoreline during the dismantling works and that such an impact could be considered as a moderate effect, and in this regard, I note and concur with the comments of the inspectorate ecologist[6] that this moderate temporary effect is not considered to give rise to likely significant effect as animals are habituated to noise from this established industrial site. The existing records of birds in the vicinity have occurred in the context of the ongoing existing industrial operations, any vegetation removal will be carried out outside the bird breeding season or following pre-construction surveys, with operational noise being broadly consistent with extant levels and accordingly I do not consider that the Proposed Development will present significant adverse effects or impacts on breeding birds or waterbirds. The existing records of birds in the vicinity have occurred in the context of the ongoing existing industrial operations, any vegetation removal will be carried out outside the bird breeding season or following pre-construction surveys, with operational noise being broadly consistent with extant levels and accordingly I do not consider that the Proposed Development will present significant adverse effects or impacts on breeding birds or waterbirds.

7.5.3. The Shannon Estuary to the immediate south of the Proposed Development is an SPA at this location, however, here again (and as set out in the Appropriate Assessment section of this report below), I do not consider that adverse impacts will arise, and in fact with the limited contractual operational hours proposed, smaller vessels accessing the site, reduced emissions and general activity on site the Proposed Development represents a reduced impact on breeding and wintering birds from that existing. In relation to the separation distances between the SPA and construction activities I am satisfied that these are sufficient to ensure that significant noise disturbance will not arise for birds.

7.5.4. In relation to marine mammals, I note that underwater noise and ship traffic in the estuary provides a pathway through which potentially adverse impacts could arise as the Proposed Development is intended to be supplied HFO via ships. I am satisfied

[6] Refer to Appendix 1 of this recommendation

that construction activities (which are removed from the coastline) will not adversely impact marine mammals, however, impacts could arise from the operational phase. The number of ships required to deliver fuel to the Proposed Development during operations (24) is consistent with current levels, albeit that the size of HFO vessels (with payloads of c. 27,000 tonnes compared to coal vessels with up to 200,000 tonne payloads) and the time required for their offload (2-4 days compared to 2-3 weeks for a coal vessel) will be greatly reduced in comparison to coal fuelled operations. The marine noise levels arising from the Proposed Development will, therefore, be reduced from that of the established operations, albeit any improvements may be considered negligible in the context of the overall ship traffic in the Estuary. In this regard I also note that the Shannon Estuary is an SAC and SPA at this location and that these designations were put in place in the context of the Moneypoint generation station being fully operational and fuelled predominantly by coal. I consider that the Proposed Development (due to the smaller vessel size and quicker off-loading times) will not create an adverse impact on marine mammals in the context of existing/ ongoing operations will not give rise to significant adverse impact on the designated sites, and should in fact reduce the impact level arising albeit any such reductions could be considered negligible in the context of shipping operations in the Estuary.

7.5.5. Lighting for the Proposed Development will not be significantly greater than that currently in place and will be designed and operated in a sympathetic manner designed to minimise light-spill and effects on light sensitive or nocturnal species that use the site/area.

7.5.6. The site already has a significant surface water drainage system which includes interceptors and the only natural watercourse (Molougha Stream) was culverted under the ASA during previous construction activities at this location, accordingly while it is not anticipated discharges from construction activities will give rise to impacts off-site or in the immediately adjacent SPA or SAC an appropriate suite of mitigation measures have been incorporated for the construction phase (as detailed in the submitted CEMP and summarised in tables 8.5.5 and 8.5.6 of this report below). Similarly, the CEMP contains sufficient mitigation measures in relation to dust deposition and invasive species control, to ensure that the integrity of designated sites in the vicinity are not impacted.

7.5.7. Two areas to the north of the Proposed Development have been designated as ‘trees for preservation’ under the CDP, on review of the site, application documentation and available mapping I am satisfied that these areas will not be infringed by any proposed development or operations.

7.5.8. Accordingly, in terms of biodiversity, I am satisfied that the design, construction methodologies, mitigation measures and operational parameters of the Proposed Development will ensure that significant adverse effects will not arise subject to the provision of suitable conditions. In this regard, I recommend that should the Board be considering a grant of permission in this instance that all mitigation measures set out within the application documentation should be confirmed by condition, and that a further condition be imposed confirming that the number of HFO deliveries by vessel to the site be limited to 24 per annum as set out in the application documentation.

7.6. **Air Quality and Emissions**

7.6.1. Sections 8.5.5 (EIA, Air Quality) and 8.5.6 (EIA, Climate) of this report consider in detail the potential impacts arising from the Proposed Development in terms of Air, Quality and Climate. The Air Quality assessment carried out and presented in the EIAR and EIA are based on comparison between coal fired and HFO fired electricity generation, with the levels of pollutant emissions arising from HFO fuelled generation under the contractual arrangements proposed (i.e. generator of last resort with limited run-time) resulting in fewer emissions than coal fired emissions that have arisen to date. I note that in terms of the IE licence and EPA monitoring that condition 5 of the licence and schedule B provide the operational emission limits to air.

7.6.2. A third party submission alleged the lack of use of a water bowser on the site to dampen dust emissions. In this regard, as an operational matter, an emission limit is set by the EPA under condition 5 of the IE licence, and dust monitors were on place on site at site inspection. I note that additional dust emissions could arise during the construction and dismantling phases with the application documentation providing for dust suppression mitigation and accordingly I consider it appropriate to include a condition requiring the implementation and agreement of the CEMP with the planning authority which will include dust suppression practices. I would also advise

the Board that at time of site inspection, which was a dry sunny day that there was a water bowser in use along the internal access road.

7.6.3. In relation to climate the Proposed Development constitutes the continuation of use of fossil fuelled (HFO) electricity generation. As assessed in the EIA section of this report (and acknowledged in the submitted EIAR), the operational phase of the Proposed Development will result in a Major Significant Adverse impact on climate due to its use of fossil fuel. This impact must, however, be considered against the benefits and need for the project which include:

- The identified need (as set out in the Policy Statement of Electricity Supply (Nov. 2021) and National Energy Security Framework (April 2022) -
    - to retain existing conventional generation capacity including coal and HFO pending the development of new (lower carbon intensive and flexible) conventional electricity generation to ensure security of supply and offset the intermittency in renewable generation.
    - That the electricity system must be prepared for potential disruptions, the planning for which should be led by the CRU and Eirgrid, and that the programme of work set out by CRU to ensure the security of supply should be implemented as a priority.
- The CRU programme of actions in relation to security of supply includes the need to extend the operational period of older generation units on a temporary basis to be called upon when necessary, pending the delivery of appropriate alternatives to ensure shortfalls between capacity and demand are catered for.
- Eirgrid entering into specific contractual arrangements with the Moneypoint generation station to retain the use of the three existing on-site generators for a temporary period, operating as an out-of-market generator of last resort (i.e. when alternative generation is either not available or does not cover network demand).
- The predicted shortfall between generation/capacity and demand as set out in the All-Island Generation Capacity Statement 2022-2031, and the low availability of conventional generation on the network.

- The need for additional time to allow the provision of additional alternative (i.e. low carbon intensive conventional generation and additional renewables) generation capacity to be brought on-line.
- The dismantling of coal management infrastructure will ensure the permanent removal of this as an optional fuel source for Moneypoint.
- The use of HFO under the contractual arrangements proposed will ensure a reduction of approximately 29% in emissions from the established baseline coal generation at this location, with HFO use representing a less carbon intensive form of generation in terms of CO_2 per kilowatt hour.
- The specific and defined operational period of the Proposed Development (up to the end of 2029).
- The minimal additional works and investment required to the existing facility and support services, systems and equipment (including grid connections and substation) to facilitate the proposal.
- Due to the specific operational parameters set out the Proposed Development will not preclude, or compete with, the provision of additional renewable or less carbon intensive electricity generators onto the network but will actually facilitate the increased penetration of additional intermittent renewables.
- Ongoing oversight by the EPA through the licencing process.

7.6.4. In the context of the above I consider that the Proposed Development is an appropriate intervention that will ensure the security of electricity supply pending the provision of additional and sufficient renewable energy generators and/or alternative less carbon intensive conventional generators. The anticipated shortfalls between supply and demand capacities will be addressed by the Proposed Development and it is in the interests of wider societal need to ensure that sufficient energy is available to the national grid to cater for demand. The Proposed Development in and of itself will only be used as a last resort generator that will only be called upon at times when alternative energy sources are not available. Therefore, the provision of this backup will not give rise to significant emissions, albeit its use/operation, which will be at the behest of the Transmission System Operator (TSO) i.e. Eirgrid, will.

7.6.5. Overall while I consider that the Proposed Development is appropriate, necessary and has been provided for within policy documents (while moving towards a more

carbon resilient society), I must emphasise that that the suitability and appropriate nature of the Proposed Development in my opinion is highly dependent on its temporary/interim nature, and any future grant of permission should clearly emphasise this, in terms of its operational parameters (generator of last resort, and its duration up to 2029). While I note that operational emissions are subject to the EPA licencing regime, I consider this is necessary in relation to the principle of the proposed development, to minimise any perception of adverse impact on overall renewable energy roll-out production which is, and should remain, the primary focus of all relevant policy documentation and provide the opportunity of adhering to/achieving specified sectoral carbon budgets.

7.6.6. In July 2024 the CRU published its National Energy Demand Strategy (NEDS) which states that emissions from electricity generation had decreased year-on-year from 2019-2020 but in 2021 and 2022 emissions increased by 1.4 and 1.6 million tonnes from 2020 levels. In 2023 this trend reversed with a 2.2 million tonne reduction in emissions in the context of electricity demand increasing by 3%. The NEDS also noted that renewables accounted for 40.7% of energy generation in 2023, which was an increase from 38.6% in 2022 and states that Ireland is "…well off the National Climate ambition of a 51% carbon reduction by 2030...", with data indicating that between 2021 and 2023 Ireland has already used 64% of its total 295 Mt $CO2_{eq}$ carbon budget for the five-year period 2021-2025. In relation to the electricity sector, 68% of the 2021-2025 sectoral carbon budget has already been used which results in annual emissions reductions of 10.3% per annum being required for 2024 and 2025. Carbon budget exceedances accumulate and roll over into the following carbon budget period (i.e. 2025-2030).

7.6.7. As stated previously the use of HFO will reduce emissions from Moneypoint coal operations by 29%, and although the applicants have previously committed to the cessation of use of coal at this location (which in planning terms could continue as all relevant consents and licences remain in place) the proposed development will physically ensure coal can no longer be used as a fuel source at this site[7]. While reduced from coal operations (HFO being less carbon-intensive – the application documents estimate that emissions intensity will be at 286gCO_2e/kWh, or a 12% reduction from the established coal fuelled operation), the proposal will continue to

[7] Through the dismantling of coal management equipment proposed.

give rise to significant emissions from operating on HFO. The application documentation states that the Proposed Development will cease operations by the end of 2029 and accordingly HFO fuelled emissions from Moneypoint will not contribute to the 2030 emissions. I also note that projections have stated that the shortfalls between generation capacity and demand (while remaining) will reduce from 2025 and in this regard under the contractual arrangements for operating as an out-of-market generator of last resort there are breakout clauses in 2027 and 2028 if sufficient new generation has entered the market. I therefore consider that in the context of the established sectoral carbon budgets, and the flexibility provided within the Proposed Development (through both its contractual arrangements and as a back-up of last resort to the intermittency of renewable generation) that it remains appropriate and in the interests of proper planning and sustainable development provided a specific condition is included ensuring that HFO operations will cease by the 31st December 2029 as specified in the application documentation.

7.6.8. Overall, I note the need to ensure that there is a smooth transition towards increased use of renewables and that the intermittent nature of renewable sources is managed effectively to ensure that pending the provision of suitable low-carbon intensity and renewable sources that electricity demands from society and the general economy can be satisfied. I consider that the Proposed Development can provide this security of supply up to the end of 2029 provided that strict limitations be applied to the use of the facility (as set out in the agreed generator of last-resort contract) and that its operational timeframe is limited to the end of 2029. I would therefore advise that should the Board consider a grant in this case that a specific unambiguous condition be placed on the application stating that the operational phase of the Proposed Development (i.e. the fuelling of electricity generation by HFO) cease by the 31st December 2029. This approach will facilitate the transition towards a low carbon and climate resilient society as well as providing for increased penetration of renewables into the national network, while also maintaining the focus of all stakeholders, regulatory bodies, planning authorities and policy makers on the ultimate goal of achieving lower emissions by bringing forward and implementing alternative sources for generating electricity.

7.6.9. An Taisce's submission has welcomed the formal cessation of coal use at the site but also sought clear confirmation of the cessation of HFO use, while also seeking that the project should be examined in the context of carbon budgets. I am satisfied

that the application documentation and its attendant works (dismantling of coal handling equipment) confirm that coal will no longer be used. I note, however, that a specific timeframe has not been provided in relation to the removal of the coal handling facilities. In this regard it is stated in the application documentation that dismantling will occur once coal stocks have been exhausted, that the works will take 4 months and that such works will not coincide with other construction activities (21 months). At time of site inspection there were extant coal reserves in place. Due to the open nature of the language used in relation to this issue I recommend that should the Board consider granting consent that conditions requiring the agreement of timeframes for removal of the relevant coal management equipment and ensuring further/additional coal deliveries are not made to the site, be included for clarity. In this context I am also satisfied that while the temporary use of HFO is not the ideal solution in terms of achieving carbon budgets and provision of renewable solutions that it is a satisfactory and appropriate approach that will reduce emissions from Moneypoint, while also making sustainable use of the existing significant infrastructure on site and ensuring security of supply pending the delivery of more renewable and less carbon intensive generation alternatives.

7.6.10. As a generator of last resort, the Proposed Development will only be engaged in the event of alternative electricity generation not being available or sufficient to satisfy demands on the network which, if not met, would lead to significant adverse effects on human beings, society and the national economy through a deficiency in power supply. As a back-up generator of last resort the Proposed Development will ensure these adverse societal and economic effects would not arise while still affording every opportunity to the network to provide and facilitate additional renewable energy provision. The carbon budgets that have been set have been derived backwards from an overall target date of 2030 and while sector emissions targets are being exceeded in terms of an evenly split annual allocation, it remains possible that the increased provision of additional renewable and modern less-carbon intensive electricity generation infrastructure over the remainder of the decade will continue to reduce emissions arising. I note that CAP24 acknowledges that “the electricity sector has been set one of the smallest carbon budget allocations and the steepest trajectory (-75%) across all sectors” and goes on to state that “The scale of the challenge to meet the sectoral emissions ceiling is immense and requires policies to me moved from an ‘end of decade’ target trajectory towards a ‘remaining carbon

budget' target." Such an approach is entirely appropriate in the context of highlighting the importance and critical need to expedite the delivery of new renewable as well as modern and less carbon intensive generation onto the electrical grid, however, I am satisfied that it is appropriate to consider the Proposed Development in an end of decade trajectory as it constitutes a back-up generator of last resort to the system only used in a temporary manner to ensure security of supply pending the delivery of additional alternative generation.

7.7. Ash Management Area / Landfill

7.7.1. The Proposed Development provides for alterations to the existing Ash Storage Area (ASA) as fuelling the generators by HFO will result in the production of less ash than using coal. The alterations will change the profile of the previously approved (under Pl. Ref. 14/373) ASA by (a) increasing the capping layer thickness from 0.6m (minimum) up to a maximum of 1.6m, and (b) a proposed reduction in the overall final profile level of approximately 1.85m. The Proposed Development will effectively reduce the height of the finished mound over the extent of the existing (and previously approved) ASA by at least this amount. The run-time of the generators will be controlled by Eirgrid, and it is likely that the actual hours of operation will be lower than the maximums provided for within the application which will result in lower final levels in the ASA following capping and re-seeding. In this regard the hours of operation are likely to be lower than the maximums modelled/assessed as the proposal will be a generator of last resort which should not be required to operate at maximum levels as additional renewable and alternative modern conventional electricity generation comes online through its operational period up to the end of 2029. The reduced ash levels arising from use of HFO will mean that additional ash will have to be sourced from the newer ash cells within the existing ASA to feed into the flue gas desulphurisation process of the plant. This requires that ash already been stored in cells in the ASA being excavated and brought back to the Moneypoint ash storage silos to be fed into the desulphurisation process.

7.7.2. The ASA lies to the northern side of the N67 and is accessed from the Moneypoint Station via an underpass, so there will be no impact on the public road network in terms of increased traffic between the ASA and the generator buildings, and as such traffic impacts will not arise. I also note that the reduced levels within the ASA will lead to less of a visual impact from that already permitted, and that the boundaries

and extent of the ASA will not be altered. I also consider the re-use of existing ash resources that have been placed in the ASA to be a sustainable and appropriate use of this material which will be of benefit to the proposed operations by aiding the desulphurisation process.

7.7.3. I note that the ASA has been established under a previous planning permission and that its operations have been (and will continue to be) subject to the IE licencing process. I consider that the amendments to the proposed operational use of the ASA and its physical alterations (i.e. reductions in height, and being used as a source for additional ash material for the flu gas desulphurisation process) are appropriate and will not give rise to significant adverse effects. The ASA will be managed and finished in a manner consistent with the previous consent with the area to be left as a grassed mound on completion. Operational requirements of the ASA will be managed under the IE licence (condition 8 of the IE licence refers) as are the details of capping, levels and finishes (condition 10 of the IE licence refers). The application documentation notes that additional wetting by water bowser will be applied to active landfill cells should conditions require which will ensure dust emissions do not arise or cause adverse effects.

7.7.4. Accordingly, I am satisfied that the Proposed Development and its associated alterations to the ASA is in accordance with the proper planning and sustainable development of the area.

7.8. Coal Handling Facilities

7.8.1. The Proposed Development includes the dismantling of coal handling/management infrastructure including 2 no. mobile stackers/reclaimers and a conveyor bridge. The removal of these structures will render it physically impossible to feed coal into the Moneypoint generators. I note that in their submission An Taisce has welcomed the commitment to the cessation of use of coal set out within the application. The removal of the coal handling equipment will physically render it impossible to feed coal into the generators and will affirm the cessation of coal use. In terms of the construction schedule the dismantling of the coal management equipment has not been given an assigned timeframe. There remains a large stockpile of coal at Moneypoint and it is stated that one of the generator units will switch to HFO followed by the other two as stocks of coal are reduced and that the dismantling of

the mobile stackers/reclaimers and relevant conveyors will occur once all coal stocks have been exhausted. Furthermore, it is stated that the dismantling process will take four months and that these will not coincide with the rest of the proposed construction works which are stated will take approximately 21 months.

7.8.2. In relation to the physical works, I am satisfied that the CEMP and EIAR submitted provide sufficient mitigation measures to ensure that the works will be carried out in a manner that will not adversely affect amenities, and I note that the cessation of coal use (and management) on site will result in reduced emissions and noise. The removal of the conveyor bridge will leave voids in existing buildings, however, these will be covered/clad with materials similar to and consistent with the existing structures to ensure visual impacts do not arise.

7.8.3. In relation to the removal of the two mobile coal stackers/reclaimers I note that these are unique pieces of plant in the context of the development of the Irish energy sector, and I also note the industrial heritage provisions of the CDP (CDP 16.36 refers). In this regard the submission from the Planning Authority states that they do not consider the two mobile stackers to be removed to be of sufficient architectural merit to be retained. I concur with this opinion; however, I also acknowledge they do have a heritage value worth record and note. Accordingly, should the Board consider granting permission for the development as proposed I recommend that an appropriate record in the form of an industrial heritage report, drawings and photographs of the stackers/reclaimers, their operations, function and management be required. I further recommend, in order to ensure appropriate timing of dismantling works and cessation of coal fired use that should favourable consideration be forthcoming that prior to commencement the applicant confirm that (a) there will be no more coal deliveries to the site, and (b) the timeframe within which the existing coal stockpiles will be exhausted and dismantling of the mobile stackers/reclaimers and coal conveyor bridge will be dismantled.

7.9. **Landscape/Visual Impact**

7.9.1. The site of the Proposed Development is located at an established industrial development with all proposed works being proposed within the backdrop of the established large-scale industrial buildings, plant and tanks. The structures proposed include HFO storage tanks (c. 15m high), new boiler house (11m high) with auxiliary

exhaust stack (30m high), annex structure (4m high), extensions to the 3 no. flue gas desulphurisation absorbers (hoppers – 6m high, conveyors 22m high etc.), ash unloading facility (11.5m high) at the existing landfill capping batching plant are all located proximate to existing large scale structures and plant. The changes proposed to the ASA will result in an overall reduction in finished height from that previously consented with the same finishes.

7.9.2. The Proposed Development is subject to two landscape designations under the CDP, with the lands to the north of the N67 (i.e. the ASA) being a “Settled Landscape” and that to the south being in the “Shannon Estuary Working Landscape”. Section 4.3.4 of my report above sets out the relevant CDP policies in relation to these landscape types, and I am satisfied that the Proposed Development represents an appropriate extension/alteration of existing uses and elements of the built environment at this location that will not give rise to significant adverse visual impacts. The structures proposed are all adjacent to existing similarly scaled or larger structures, are generally set at the lower elevations within the overall landscape, and when viewed from outside (and inside the site boundaries) will always be read within the backdrop of existing industrial development. All proposed structures were appropriate are proposed to be finished in similar materials/colour as the existing proximate structures to aid visual assimilation into the established built environment.

7.9.3. The site is adjacent to the Wild Atlantic Way and the N67 is a designated scenic route to the north west of the entrance point to the generating station. I am satisfied that the primary views from this route are out over the Shannon Estuary and the proposed works (both the ASA and the structures buildings) will not impact on available views due to the existing established boundary treatments in place, topography, separation distance between works and scenic route, the nature of the works in the context of the established large-scale industrial buildings and estuary-centric focus of the available views at this location. This matter is discussed further in the EIA landscape section below; however, I am satisfied that the Proposed Development will not impact on the landscape character of the area or available views at this location. In this regard I note that my conclusion is consistent with that of the Planning Authority in relation to landscape considerations.

7.10. Roads and Traffic

7.10.1. The Proposed Development site is accessed directly off the N67. The access is strictly controlled/gated with manned security located immediately adjacent to the visitor's car park. It is estimated that the construction phase will take an estimated 21 months, involving approximately 90-100 personnel. No lane or road closures are anticipated during construction. The level of traffic for the operational phase of the Proposed Development is stated as being consistent with current operational levels.

7.10.2. The modelling carried out demonstrates that the roads are operating well within their design capacities and that there is a relatively low percentage (c.4-5%) of HGV traffic on the designated construction routes (N67 between the site and Kilrush, N68 between Kilrush and Ennis) up to the M18 motorway via the N85. Due to the existing low percentage of HGV traffic currently using the road network the construction activities will give rise to a 30% increase, however, the road design capacity can adequately accommodate such an increase (further discussion on this is provided in section 8.5.13 below). Abnormal loads will be required, notwithstanding the preference for such deliveries to be by sea it is anticipated that there will be a three-month period during the construction phase which will require one abnormal load delivery by road per month. The applicant has confirmed that such deliveries will be agreed in advance with the relevant authorities through permitting, will be off-peak and garda escorted if required.

7.10.3. The application documentation includes a Traffic Management Plan (TMP), which sets out the construction route, details of access, wheel wash and road cleaning commitments, signage, parking provisions, monitoring and provides for the appointment of a community liaison contact. The application also commits to engagement with other projects in the vicinity in order to ensure cumulative effects will not arise from intensive construction periods occurring at the same time.

7.10.4. There are existing construction/material lay-down compounds within the Moneypoint generation station site which are currently used by contractors on site. It is intended that these will also serve as the construction compound for the proposed works.

7.10.5. I acknowledge that both the Planning Authority and TII have raised discussion points in relation to the traffic and transport provisions of the Proposed Development, however, the TMP and CEMP submitted, in combination with other commitments within the application documentation in relation to encouraging shared staff travel,

and provision of a workplace travel plan will ensure that the Proposed Development can be provided and operated without significant adverse effects on the access roads and transport arrangements in the vicinity. Furthermore, for the avoidance of doubt I am satisfied that the operational phase of the Proposed Development will not give rise to any issues in relation to transport and traffic as the traffic loads during the operational phase will be broadly consistent with those in place from the existing operations at Moneypoint. I also note in this regard, that while additional vehicular movements will arise to and from the ASA to source ash for the desulphurisation process these movements will be internal to the site via the existing underpass of the N68. I am satisfied that the Proposed Development is appropriate in the context of traffic and transportation requirements provided that the provisions within the CEMP and TMP are applied, and in this regard, I consider it appropriate to provide for a condition in the event of a grant of permission ensuring that the TMP arrangements are agreed with the Planning Authority in advance of construction.

7.11. Residential and General Amenity

7.11.1. One third-party submission has been lodged by a near-neighbour to the Proposed Development which notes that their boundary is located 17 metres from Moneypoint, and that operational noise, dust, lighting, fire, health and catastrophic tank failure are their primary concerns in relation to the Proposed Development. In this regard I refer to the relevant sections of the EIA in this report below (8.5.4 – Human Health, 8.5.7 – Noise and Vibration, and 8.5.14 – Major Accidents and/or Disasters) as well as the previous discussions above in relation to Air Quality and Risk of Accident. The issues raised are predominantly operational issues which are controlled by the IE Licence conditions by the EPA, and the Board will note the provisions of Section 37G(4) discussed previously above in this regard. Notwithstanding this however, I note that the controlled and limited contractual parameters for the Proposed Development, including its limited duration (i.e. up to the end of 2029) in combination with the cessation of coal use which will ultimately result in less dust and noise arising. Furthermore, I note that the proposed operations will result in fewer emissions than what has occurred under the coal fuelled generation.

7.11.2. In relation to the lighting arrangements required for the Proposed Development, additional temporary lighting will be required during the construction phase, however, I am satisfied that there are sufficient commitments within the application

documentation to ensure that this is sensitively sited and focused to avoid light spill. Additional operational lighting has been stated to be on-demand (i.e. only on where necessary) and I do not consider that effects will be significantly different from the lighting in place.

7.11.3. In relation to the potential for catastrophic tank failure and/or fire, I refer to the application provisions which outline the fire-fighting provisions that are on site, as well as the details within the Technical Landuse Planning Report, and the works proposed. The HFO tanks are to be installed in accordance with best practice, with appropriate and improved bunding provided through the provision of reinforced concrete bund walls and a concrete floor throughout which will improve the current situation. Appropriate shut-off valves and emergency procedures are in place should a fire or catastrophic tank failure arise and these are outlined and detailed in the updated revision C of the technical landuse planning report dated May 2024. I also note that the conditions of the of the IE licence, include provisions to:

- Ensure the adequacy of bunds for tanks and incorporate a leak detection system in accordance with Best Available Technology (BAT),
- Ensure that an adequate supply of containment booms and/or suitable absorbent material to contain and absorb any spillage at the site,
- The provision of adequate silt traps and oil separators,
- Provide a documented Emergency Response Procedure to address any emergency situation that may originate on site,
- Implement a fire safety system to address fire prevention, detection, control and response. This includes an emergency response plan prepared in consultation with the Fire Service for dealing with a tank farm fire, this is reviewed annually and updated as necessary.

7.11.4. Following review of the updated Technical Land Use Report the Health and Safety Authority have stated that they do not advise against granting permission in relation to the Proposed Development.

7.11.5. I note that the setting of the Proposed Development is rural in character, however, it is a significant industrial complex that is provided and zoned for in the County Development Plan. I note that there is not a high density of residential development in the vicinity and that ongoing and continued operations will be controlled by the IE

licence and EPA. The site is well established and insofar as practicable for an industrial site of its size and scale has been accommodated within the landscape. The existing Moneypoint generating station is set within its own large site with established boundaries and I do not consider that the Proposed Development will give rise to adverse impacts on residential amenities nor significantly adversely affect the general amenities of the area, as these will continue to be monitored and controlled through the provisions of the IE licence. I do note, however, in relation to the concerns raised by the third party that the current operational parameters of the Moneypoint generating station will change in the event of favourable consideration with reduced run-time, a defined overall operational period until the end of 2029 resulting in reduced emissions and cessation of coal fuelled generation.

8.0 Environmental Impact Assessment

8.1. Introduction

8.1.1. The Environmental Impact Assessment Directive requires that projects that are likely to have significant effects on the environment must be suitably assessed prior to any consent decision being made. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with s.37E(1) of the Act, as amended, and Schedule 5, Part 1, 2(a), Part 2 6(d) and 11(b) of the regulations, as discussed previously refer.

8.1.2. The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations came into effect.

8.1.3. This section of my report comprises an Environmental Impact Assessment (EIA) of the Proposed Scheme. Some matters considered have been discussed previously above in the Planning Assessment section (above) and are also considered in the Appropriate Assessment section (further below) and accordingly this section should be read in conjunction with these other relevant sections as necessary.

8.2. EIAR Content and Structure

8.2.1. The application documentation includes an EIAR which has been prepared on behalf of the ESB (the applicant) by Mott MacDonald Ireland Limited.

8.2.2. The EIAR is presented in the grouped format across three volumes:

- Volume 1: Non-Technical Summary (NTS).
- Volume 2: Presents the main EIAR and discusses the Proposed Development over 19 chapters with Chapter 20 providing references.
    - Chapter 1 sets out the introduction including legislative context, consultation and engagement.
    - Chapter 2 discusses the need for the proposed development.
    - Chapter 3 reviews the alternatives considered.
    - Chapter 4 provides a detailed description of all the elements within the proposed development.
    - Chapter 5 sets out the EIAR methodology.

    The likely significant direct and indirect effects of the proposed development are considered in chapters 6 to 18 of Volume 2, which address the following headings, in accordance with Article 3 of the EIA Directive 2014/52/EU.

    - Chapter 6, Population and Human Health,
    - Chapter 7, Air Quality,
    - Chapter 8, Climate,
    - Chapter 9, Noise and Vibration,
    - Chapter 10, Biodiversity,
    - Chapter 11, Surface Water Resources and Flooding,
    - Chapter 12 Land, Soils and Hydrology,
    - Chapter 13, Archaeology, Architecture and Cultural Heritage,
    - Chapter 14, Landscape,
    - Chapter 15, Traffic and Transport,

- Chapter 16, Material Assets and Waste Management,
- Chapter 17, Major Accidents and/or Disasters,
- Chapter 18, Interactions between Environmental Factors

The final chapters of the EIAR provide the following:

- Chapter 19, Summary of Mitigation measures
- Chapter 20, References.

- Volume 3, contains the technical appendices to the EIAR, as follows:

(A) – Team Credentials (Setting out the qualifications, experience and roles of contributors to all the relevant EIAR chapters).

(B) – Stakeholder Letters issued by applicant, ABP determination of SID status, and parish newsletter highlighting Moneypoint neighbours meeting.

(C) – Construction Environmental Management Plan (CEMP), C.1- Resource and Waste Management Plan (RWMP), C.2 - Traffic Management Plan (TMP).

(D) – Technical Land Use Planning Report (TLUP) – the Board should note a revised TLUP (Rev. C) was submitted by the Applicant in their response to a submission from the Health and Safety Authority (HSA).

(E) – Air Quality Supporting Information

(F) – Noise Supporting Information,

(G) – Biodiversity Supporting Information,

(H) – Drainage Report (H.1), Floodrisk Assessment Report (H.2).

(I) – Traffic and Transport Supporting Information

(J) – Archaeology, Architectural and Cultural Heritage Supporting Information

(K) – Photomontages

8.3. Compliance with Legislation

8.3.1. As is required under Article 3(1) of Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, the submitted EIAR describes and assesses the direct and

indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and/or disasters that are relevant to the project concerned are considered (with flooding considered under the provisions of chapter 11 'Surface Water Resources and Flooding', with a detailed floodrisk assessment included as Appendix H.2).

8.3.2. Article 94, of the Planning and Development Regulations, 2001 (as amended) sets out the required content of an EIAR which includes the information specified in paragraphs 1 and 2 of Schedule 6, I assess below compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

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) [i.e. schedule 6 paragraph 2].	*A description of the proposed development is contained in Chapters 1 (Introduction) and 4 (Development Description) of the EIAR which includes details on the location, site, design, operations and size of the development, arrangements for access and construction methodology, spoil and waste to be generated. In each technical chapter the EIAR details are provided on use of natural resources and the production of emissions and/or waste (as relevant). Sufficient details are also provided in these sections of the EIAR in relation to the proposed dismantling works.*
A description of the likely significant effects on the environment of the proposed development [including the additional information referred to under section 94(b)].	*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 (Chapters 6-18 as set out previously above). 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 EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are set out in each of the relevant technical chapters (6-18) and are summarised in chapter 19 of the submitted EIAR (Summary of Mitigation Measures), Appendices C (CEMP), C1 (Resource and Waste Management Plan), C2 (Traffic Management Plan), D*

the environment of the development [including the additional information referred to under section 94(b)].	*Technical Land Use Management Plan (as updated in the applicant's response to submissions). Mitigation measures comprise standard good practices and site-specific measures for the construction, operational and decommissioning phases and are largely capable of offsetting significant adverse effects identified in the EIAR, where further measures or matters of additional clarification are appropriate these have been included as specific conditions for the reasons and considerations 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. The alternatives considered include, do nothing', alternative sites, technologies and fuels, as well as using alternative equipment/plant.* *The main reasons for opting for the current proposal were based on minimising environmental effects while making the optimum sustainable use of existing plant and infrastructure while ensuring security of energy supply pending the increased penetration of renewable and further alternative energy resources onto the national electricity network. 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 baseline/receiving environment is set out in each of the technical chapters and within which the do nothing scenario is considered, in which the existing industrial site and activities continue without change.*
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 is set out in Chapter 5 – EIAR Methodology with the forecasting methods across each of the relevant environmental assessment criteria set out within the relevant technical chapters assessing the environmental effects.* *The applicant has indicated where relevant if difficulties have been encountered (technical or otherwise) in compiling the information in the EIAR. I comment on these, where necessary in the technical assessment below and for the reasons stated, I am satisfied that forecasting methods are adequate in respect of the various technical assessments.*
A description of the expected significant adverse effects on	*This issue is specifically dealt with in Chapter 17 of the EIAR, as well as in Chapter 11 (Surface Water Resources and Flooding)*

the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	*and Appendix D Technical Land Use Management Plan (as updated in the applicant's response to submissions) regarding the COMAH regulations. Specific risks have been identified in relation to the project's vulnerability in the context of inter alia, oil spill. The range of risks assessed, and details presented 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 (Volume 1 – Non Technical Summary). 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 within each technical chapter with section 20 of the EIAR listing all relevant references. 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 A of the EIAR, where the details of the individual contributor's expertise, qualifications are listed which demonstrates the competence of the person in preparation of the individual chapters within the EIAR.*

8.3.3. I am satisfied that the EIAR has been prepared by competent experts (detailed in appendix A of the EIAR) to ensure its completeness and quality, and that the information contained in the EIAR, and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

8.3.4. Overall, I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the Proposed Scheme on the environment, taking into account current knowledge and methods of assessment. Additional pre-construction surveys will be required in order to provide up-to-date information in relation to invasive species, mammals (e.g. badgers, otters and bats) and birds, to inform any proposed construction processes and confirm mitigation measures however, such issues can be dealt with adequately by condition in the event of favourable consideration.

8.3.5. The applicant has carried out non-statutory consultations in advance of lodging the current application and engaged with a range of statutory bodies during the preparation of the EIAR including Clare County Council, the EPA, the HSA, as well as carrying out pre-application consultations with the Board. The EIAR has been circulated to the range of prescribed bodies and the public notices of the current application include the relevant references to the submission of an EIAR. Submissions have been received from members of the public and prescribed bodies and these have been 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 engage with the process and comment on the proposed development in advance of decision making.

8.3.6. In carrying out this EIA, I have examined the information presented by the applicant, including the EIAR, and the submissions made by the planning authority, prescribed bodies and observers during the course of the application. I have also had regard to relevant legislation and guidance including, Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR) (EPA 2022).

8.4. Consideration of Reasonable Alternatives

8.4.1. Article 5(1)(d) of the 2014 EIA Directive identifies the requirement to describe the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment. The consideration of reasonable alternatives in relation to the Proposed Development is set out in Chapter 3 of the submitted EIAR, while the need for the Proposed Development is discussed in Chapter 2.

8.4.2. The need for the Proposed Development centres on the need to reduce greenhouse gas emissions while ensuring the security and continuity of electricity supply in the context of the intermittent nature of renewable energy sources and delays in the delivery of new gas fired and renewable generators as well as energy storage options. The All-Ireland Generation Capacity Statement (2022-2023) predicts capacity deficits during the ten years to 2032 despite the ongoing investment and universal policy support for increasing renewable energy generation that has been, and continues to be in place. The Proposed Development will provide a temporary

back-up generator of last resort which will supply electricity to the national grid in the event of demand exceeding supply from other more sustainable and renewable sources. The proposal is designed to mitigate against the delays being experienced nationally in the delivery of additional renewable energy generating sources onto the electricity network as well as addressing the intermittency of existing renewables on the system while also reducing GHG emissions through replacing coal as a fuel source at the Moneypoint generating station. In that context (and as set out previously in my report) the principle of the need for the proposed development is acknowledged and accepted.

8.4.3. Chapter 3 of the EIAR considers the reasonable alternatives that have been considered in relation to the proposed development including the do nothing scenario in relation to each of the component parts of the proposed development (fuel conversion, new HFO tanks, new boilers, ASA modifications, ash recovery processing, and coal yard dismantling). In the do nothing scenario to ensure the security and continuity of electricity supply the continued use of coal as a fuel source would be required, which is contrary to the stated aim of the ESB, would lead to continued higher levels of emissions (than from HFO) and restrict the ability to use the site to cater for additional renewable energy development. Other elements in the discussion of alternatives include:

- Alternative sites were not considered as a reasonable, viable or a more environmentally friendly option. The proposed development is for a stated period to provide back-up generation up to 2029 and all the required infrastructure (generators and network connections) are already in place at Moneypoint, and these would have to be provided at any alternative site. The physical works required to provide the alternative conventional energy back-up generation at Moneypoint are minimal in the context of what would be required to provide the same level of generation at any alternative greenfield site (in terms of resources, materials, construction, environmental impact and investment) and furthermore all required grid connection infrastructure into the national electricity grid is already in place.
- Alternative technologies and fuels were also considered. The technology in place can already run on HFO and the alternatives of gas conversion or bio-mass co-firing would not be practicable as they could not be delivered

in an appropriate timeframe, would have wider ranging environmental impacts (new 21km gas line required) and/or require significant re-tooling and technology/plant replacement and upgrades on the site which would not be delivered within the requisite timescale. Furthermore, such investment and works could not be justified in the context of the proposed limited duration of operations (i.e. up to the end of 2029)

- Various options in terms of operations and technology were considered prior to advancing the Proposed Development. These included operating the facility with the current 2 no. HFO tanks, leasing tanks elsewhere, consideration of the most appropriate auxiliary boiler technology options, alternative ash storage area modifications, studying available markets for ash, ash recovery alternatives, as well as a range of alternative options/approaches to coal yard dismantling.

8.4.4. Having regard to the details set out by the applicant I consider that the requirements in relation to the consideration of alternatives have been adequately addressed.

8.4.5. In relation to consideration of alternatives I am satisfied that the option brought forward as the Proposed Development represents the optimum design and operational approach which makes the most efficient, sustainable and best use of the available infrastructure while ensuring environmental impacts are minimised. In this regard I note that the use of HFO exclusively (while resulting in reduced emissions in comparison with coal) still constitutes the burning of fossil fuel, however, it will ensure security and continuity of supply over the next 5 years, bridging the identified generation deficits in the short term pending the future provision of additional renewable/alternative sources. I accept that the Proposed Development represents the sustainable use of the equipment and plant in place, however, my acceptance of the continued use of HFO as a generating fuel for the site is entirely linked to the temporary/short term nature of the operational phase. I acknowledge that it would neither be appropriate nor viable to invest the resources, infrastructure and environmental impact of providing a similar level of conventional generation at an alternative site given that the operational phase will cease at the end of 2029 particularly given the timeframes for delivery of such a project. I note that the electricity market and all relevant stakeholders have been focused on delivering additional renewable and more modern, less-carbon intensive, means of generation onto the market for a considerable time, and that notwithstanding this

there continues to be an identified shortfall in capacity versus demand which requires conventional generation to be continued (as acknowledged in the CRU's Security of Supply actions). Additional conventionally powered (and less-carbon intensive) generators continue to be brought forward but neither these nor the current renewables in place are sufficient to cater for predicted demands over the next five year window. It is in this context that I consider the Proposed Development to be an appropriate alternative, in the short term (i.e. up to the end of 2029).

8.5. Assessment of Likely Significant Direct and Indirect Effects

8.5.1. The tables and discussion below considers the likely significant direct and indirect effects of the Proposed Development across the relevant range of environmental criteria. In terms of cumulative effects arising, the submitted EIAR notes the extensive planning history on site and states that consented and constructed permissions now form part of the baseline environment, while others which have been consented but not constructed or which are at pre-planning stage (such as ESB's Green Atlantic @ Moneypoint, offshore wind farm) are listed in table 5.2 of the submitted EIAR and considered for cumulative effects.

8.5.2. In the do nothing scenario two alternative options can be considered:

1. Electricity generation from Moneypoint ceases completely, in which case it is possible that power outages could occur in the absence of sufficient generation to cater for demand at a minimum during the winter peaks from 2024 to 2029 (and potentially beyond pending construction of additional generation), or
2. In the interests of securing and continuity of energy supply in lieu of the scenario above it would be necessary to continue to use coal to fuel the existing facility, i.e. it would continue to operate with the existing level of emissions and deliveries and the established and accepted impacts arising along all criteria would continue.

Under (1) above significant adverse impacts would be likely to arise nationally both socially and economically, with direct and indirect impacts arising through capacity shortfalls in electricity generation and failures for capacity to meet demand requirements.

Under (2) above significant adverse impacts would be likely to arise on climate, with continued base-loading electricity being supplied to the network through continuing the existing emissions profile from the Moneypoint generators.

8.5.3. In relation to decommissioning of the Proposed Development, the application documentation notes that there is an agreed decommissioning plan in place under the provisions of the IE licence on site, and that any further decommissioning works (apart from dismantling the two mobile coal stacker/reclaimers and conveyer bridge subject to the current application) would be subject to a separate consenting process. The Proposed Development is due to contribute energy supply for a further 5 years, after which it is intended that the site will facilitate the provision of an additional project (Green Atlantic @ Moneypoint), and the ongoing design of that project may require certain existing on-site elements to be repurposed. Any future decommissioning will be similar to the construction phase with similar mitigation measures. The following sections consider the submitted EIAR and provides the EIA of the Proposed Development.

8.5.4. **Population and Human Health**

Chapter 6 of the submitted EIAR considers population and human health. Impacts arising on human health and population (i.e. dwellings in the vicinity) from air, noise, dust emissions and traffic are considered in the specific sections dedicated to these criteria further below. The consideration of land use, population, housing, employment and economic activity, tourism and recreation, community facilities and amenities, and human health at a study area population level are set out in table 8.5.1 below. For the purposes of analysis, the populations in the EDs of Kilrush Rural, Kilrush Urban and Killimer have been considered as the study area, thus covering the location of the Proposed Development and the populations of the two nearest settlements (Kilrush and Killimer) which I consider appropriate. Table 8.5.1 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.1 – Consideration of impacts, significance, and mitigation measures for Population and Human Health.

Potential Population & Human Health Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Land Use	Neutral/Imperceptible as land use and zoning is established, works will be carried out in an existing fully serviced and operational industrial area which is already in use for the generation of electricity and landfill (ASA).	Mitigation for land use is not necessary as uses are established within this industrial area.	Neutral/Imperceptible residual effect.
Population (demographics and settlement patterns)	Neutral/Imperceptible impacts on population (demographic profile or settlement patterns) within the study area due to the scale and nature of the works within an established industrial facility.	Mitigation measures outlined within section 4 of the CEMP and 6.7 and 19 (summary of Mitigation Measures) of the EIAR will be implemented during the construction phase, including: - All work will be carried out having regard to international and national legislation and best practice guidance. - The CEMP measures will be implemented to safeguard the environment, site personnel and nearby sensitive receptors (i.e. occupiers of residential and commercial properties) during construction. - The contractors will maintain close liaison with the local community and stakeholders, contact numbers will be provided for engagement throughout the construction phase. - The CEMP and TMP measures will mitigate impacts on general population and human health. Specific measures are set out in later sections below, with no additional	Neutral/Imperceptible residual effect.
Housing	Neutral/Imperceptible impacts on housing due to location, nature and scale of works. Impacts on individual dwellings are considered in the relevant sections further below.		Neutral/Imperceptible residual effect.
Employment and Economic Activity	Temporary imperceptible positive impacts predicted as construction activities will give rise to temporary increases for construction employment while maintaining ongoing operations and employment levels, similarly temporary imperceptible positive impacts will arise on services in the local economy.		Temporary/imperceptible positive residual effect.
Tourism and Recreation	Neutral/imperceptible impacts on tourism and recreation are predicated as no works are proposed outside the established industrial site, or within the estuary, and access to tourist routes and amenities will not be significantly altered.		No significant adverse residual effect.
Community Facilities and amenities	Temporary imperceptible adverse impacts could arise for emergency response times along the N67. Community severance will not occur as works are within an established industrial site. Traffic flows will		Temporary imperceptible adverse residual effect.

Potential Population & Human Health Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	remain lower than the design capacity of the roads on the construction route.	targeted mitigation necessary for population and health.	
Human Health	Construction Activities could give rise to construction accidents on site for workers. (Potential impacts from noise, dust, water quality etc. on receptors are considered in detail in the relevant sections below).	The requirements of the Safety, health and Welfare at work (construction) Regulations 2006, as amended will be implemented during the construction phase.	No significant adverse residual effect.
Operational Phase			
Land Use	No change in land use arising from the Proposed Development during the operational phase, as existing uses will be maintained on site.	No specific mitigation proposed	Neutral/Imperceptible residual effect.
Population (demographics and settlement patterns)	Neutral/Imperceptible impacts on population (demographic profile or settlement patterns) during the operational phase as the majority of staff and functions will remain as is with some slight variation in specialisms (i.e. coal handling/loading functions will be replaced by HFO operations).	No specific mitigation proposed	Neutral/Imperceptible residual effect.
Housing	Neutral/Imperceptible impacts on housing during the operational phase as general activities will be consistent with those already in place.	No specific mitigation proposed	Neutral/Imperceptible residual effect.
Employment and Economic Activity	Neutral/Imperceptible operational impacts on local employment and economic activity as staffing numbers are to remain as business needs require with functions remaining consistent albeit bulk fuel handling will transition from coal to HFO. Positive short term beneficial impact in the wider national economic sense.	No specific mitigation proposed	Neutral effect in terms of the local employment and Activity. There will be a positive short term (5 years) effect for population, employment over the wider economy through the security of electricity supply that will

Potential Population & Human Health Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
			be facilitated by the Proposed Development.
Tourism and Recreation	Neutral/imperceptible impacts on tourism and recreation as operations will continue within the established industrial site.	No specific mitigation proposed	Neutral/imperceptible impacts, i.e. no significant adverse residual effect.
Community Facilities and amenities.	Neutral/imperceptible impacts on tourism and recreation as operations will continue within the established industrial site	No specific mitigation proposed	Neutral/imperceptible impacts, i.e. no significant adverse residual effect.
Human Health	Significant adverse impacts are unlikely given the site will continue to operate in accordance with the industrial emissions licence issued by the EPA for operations. The site will also remain an Upper Tier Seveso site under the COMAH regulations. The Technical Land Use Planning Report submitted (Appendix D of the EIAR, as updated in Rev. C) notes that the risk of a major accident is acceptably low in relation to the land use planning criteria, and that human health would be unlikely to be significantly affected (directly or indirectly) in the event of an oil spill.	No specific mitigation proposed	No significant adverse residual effect.

Decommissioning:

The exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence and similar mitigation measures relevant to Population and Human Health as for the construction phase will be necessitated. I consider that such works or activity will not give rise to significant adverse effects.

Cumulative Effects:

Cumulative Population and Human Health impacts from the Proposed Development could give rise to slight moderate impacts of a temporary nature with other projects in the vicinity during the construction phase. The construction phase of the Proposed Development is not long in duration and construction activities (with the exception of deliveries and personnel travel) are contained within an existing industrial site which is already under industrial use and subject to EPA licencing. The application documentation commits the applicant to engage with other projects and mitigation will be applied if necessary in relation to scheduling

Potential Population & Human Health Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
of various elements of construction activities. In terms of the operational phase of the proposed development (which is proposed up to 2029), there are no significant adverse cumulative impacts arising on Population and Human Health.			
Submissions: Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. Specifically in relation to population and human health I am satisfied that the documentation submitted demonstrates that the emissions requirements of the IE licence issued by the EPA are in place and will continue to ensure adverse effects will not arise from operations at the site. Similarly, construction activities will be appropriately mitigated through the implementation of the CEMP, and mitigation measures set out within the application documentation will ensure significant adverse effects will not arise.			
Conclusion: I have considered all of the submissions made in relation to population and human health, as well as the submitted application documentation. I am satisfied that while there is potential for adverse impacts to arise at certain times and phases within the scheme that these would be either sufficiently managed and mitigated by the measures which form part of the proposed scheme and/or through the provision of suitable conditions. I also note that while the Proposed Development will continue the use of fossil fuels for a defined period with limited operational hours, the use of HFO will overall result in less emissions than coal, the proposal will result in the cessation of use of coal as a fuel at this site, and that emissions arising will continue to be limited, controlled, and monitored in accordance with the IE licence. I am, therefore, satisfied that the Proposed Scheme would not have any unacceptable significant direct or indirect impacts in terms of population and human health and that ultimately the Proposed Scheme will give rise to positive impacts in relation to the economy through ensuring security of electricity supply, and providing a sufficient and significant backup generator to the national grid to ensure continuity of electricity supply at a nationally significant level, I am also satisfied that while some cumulative effects may arise from the Proposed Scheme together with existing and permitted developments, these would be avoided, managed, and mitigated by the measures which form part of the Proposed Scheme and through suitable conditions.			

8.5.5. **Air Quality**

Chapter 7 of the submitted EIAR considers air quality (with supporting information provided in Appendix E) and has been carried out in accordance with national requirements and best practice including the EPAs 'Air Dispersion Modelling from Industrial Installations Guidance note (EPA AG4)'. Emissions to air during construction and operational phases are considered with the new emission point from the proposed new 22.7MWth diesel fired auxiliary boiler included within the proposed operations. The air quality assessment identifies key pollutants arising from the Proposed Development (including Oxides of Nitrogen [NO_x], Carbon monoxide [CO], Sulphur Dioxide [SO_2], Particulate Matter [PM], and Ammonia [NH_3]) and considers their potential emissions levels and dispersion through modelling. Table 7.4 of the EIAR compares the proposed operations with HFO generation against coal fired operations and the relevant emissions limits applied by the IE licence currently in place, as well as those arising from 'Best Available Technique – Associated Emission Level' (BAT-AEL) that would be applicable to the site should current coal fired operations continue into the future (under the provisions of Directive 2010/75/EU regarding industrial emissions). Table 7.4 of the EIAR shows that the Proposed Development's HFO operation will result in annual mass emissions of up to 50% lower than the limits set out in the current IE licence and up to 40% lower in comparison to coal operations into the future under the applicable BAT-AEL. Overall direct impacts from atmospheric NOx and SO_2 are negligible and the air quality standards (AQS) for NOx or SO_2 are not exceeded. In relation to nutrient and acid deposition, critical loads for nitrogen and acid deposition from the proposed development are less than the current coal operation and there is no likely significant effect.

Table 8.5.2 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.2 – Consideration of impacts, significance, and mitigation measures for Air Quality.

Potential Air Quality Impacts	Effect Significance in the absence of Mitigation.	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Construction dust emissions – Coalyard dismantling	Potential slight temporary impacts in the unmitigated scenario, given the established nature of on-going site operations and the location of works within a substantial site.	Set out in section 4 of the CEMP, and 7.7 and 19 (summary of Mitigation Measures) of the submitted EIAR, including: - Best Practice dust control measures taken from IAQM[8] guidance 2023. - Communications with stakeholders, - Development and implementation of a dust management plan. - Provision of effective water suppression during dismantling operations, - Bag and remove any biological debris or damp down such material before dismantling. - Continued monitoring of dust deposition levels, - Daily on- and off-site inspections.	No significant adverse residual effect.
Construction dust emissions – construction of new structures	Potential negligible temporary impacts arising as new structures will be provided on concrete foundations and are predominantly steel structures within an established operational industrial site.	Set out in section 4 of the CEMP, and 7.7 and 19 (summary of Mitigation Measures) of the submitted EIAR, including: - Good site management, recording dust and air quality complaints, identify causes and taking appropriate measures to reduce emissions in a timely manner, - Plan works so that dust causing activities are located as far away as possible from sensitive receptors,	No significant adverse residual effect.

[8] Institute of Air Quality Management.

Potential Air Quality Impacts	Effect Significance in the absence of Mitigation.	Mitigation and Monitoring Measures	Significance following Mitigation
		-Fully enclose site or specific operations where there is potential for dust production over extended periods. - Avoid site runoff, use enclosed chutes, conveyors and skips, -Cover/fence any stockpiled materials and remove any materials likely to generate dust if they are not to be reused on site. -No burning of waste materials, -Ensure effective water suppression is used during dismantling operations.	
Construction plant air/exhaust Emissions (e.g. cranes, excavators, on-site generators.)	Potential temporary negligible impact.	Set out in section 4 of the CEMP, and 7.7 of the submitted EIAR, including: - Ensure all vehicles switch off engines when not in use, - Use mains electricity where possible (to avoid on-site generators), - Impose on-site maximum speed limits.	No significant adverse residual effect.
Construction Road Traffic Emissions	Potential temporary negligible impact.	Set out in section 4 of the CEMP, the TMP and 7.7 of the submitted EIAR, including: - Implement a travel plan that supports sustainable travel and vehicle sharing, - Construction logistics to manage the sustainable delivery of goods and materials, - Provision of truck wash and use of road sweeper as necessary. - Adequate vehicle parking to be provided at site compound.	No significant adverse residual effect.

Potential Air Quality Impacts	Effect Significance in the absence of Mitigation.	Mitigation and Monitoring Measures	Significance following Mitigation
Operational Phase			
Dust Emissions from Ash Storage Area and Coalyard operations.	Ongoing monitoring at the site has shown that no exceedances of dust levels permitted under the IE licence have arisen since 2012, demonstrating that on-site dust management measures are effective. Potential negligible – not significant impact over the medium term (5 year operational life) could arise.	Mitigation measures are set out in Section 7.7.1.2 and 7.7.1.3 of the EIAR. Coal yard operations will be discontinued following the dismantling of the mobile coal yard plant (stackers/reclaimers). Works at the ASA (both in storing material and sourcing Ash for use on-site or elsewhere) will continue to be subject to the established and agreed Landfill Operational Plan, Moneypoint Generating station, which includes the following: - Material dispatched from batching plant will be conditioned with water, - Conveyors used for material transport/placement will be contained. - Material placed in ASA will be immediately compacted. - Additional wetting by water bower will be applied to active landfill cells should conditions require, - On completion of cell capping with of a minimum 0.6m thickness up to 1.6m thickness will be applied, covered by a drainage layer, subsoil, topsoil and seeded. - Sales of Ash involving exporting material off-site will use covered loads. - Continued monitoring will remain in place, daily on-site and off-site dust inspections, within 100m of site boundary, maintenance of records and inspection logs. Monitoring and inspections will be increased during prolonged dry periods, windy conditions or	No significant adverse residual effect.

Potential Air Quality Impacts	Effect Significance in the absence of Mitigation.	Mitigation and Monitoring Measures	Significance following Mitigation
		when activities with a high potential to produce dust are being carried out.	
Road Traffic Emissions	No/negligible effect as the operation of the proposed development will not change the number of operational staff, nor extent/range of deliveries to site from that already in place during the operational phase	No additional mitigation measures proposed.	No significant adverse residual effect.
Energy Generation Emissions	Negligible on human health receptors (closest dwellings and school using dispersion modelling) and sensitive ecological receptors (designated sites within 30km). Modelling shows the process contributions and predicted environmental concentrations are not likely to cause a significant effect on health or ecological receptors in the context of existing operations, with the Proposed Development having lower annual mass emissions than those from the existing coal operations. The modelling used conservative as it assumes continuous operation all year which will not arise due to the contractual agreement in place regarding run-time.	Emissions will be controlled through the IE licence on site provided by the EPA. Emissions from existing boilers will continue to be monitored by a Continuous Emissions Monitoring System (CEMS), to demonstrate compliance with emission limits specified in the IE licence. The diesel auxiliary boiler will be monitored on a periodic basis in accordance with the requirements of Annex III Part I of the Medium Combustion Plant Directive (MCPD)	No significant adverse residual effect.

Decommissioning:

The exact nature of any decommissioning works are not known at this stage as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence and similar mitigation measures relevant to Air Quality as for the construction phase will be necessitated. I consider that such works or activity will not give rise to significant adverse effects.

Potential Air Quality Impacts	Effect Significance in the absence of Mitigation.	Mitigation and Monitoring Measures	Significance following Mitigation

Cumulative Effects:

Cumulative dust impacts will not arise from the proposed development and any other plans or projects in the vicinity during the construction phase. The construction phase of the Proposed Development is not long in duration and activities are contained within an existing site which is already under industrial use and subject to EPA licencing. In terms of the operational phase of the proposed development (which is proposed up to 2029), the Tarbert Emergency Generation Plant has been considered, modelling scenarios carried out show that none of the modelled pollutants are predicted to exceed Air Quality Standards (AQS) levels and that the Proposed Development has a minimal cumulative contribution to the AQS in the region of overlap. Accordingly, there are no significant adverse cumulative impacts arising.

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. Specifically in relation to health and habitats provisions I am satisfied that the documentation submitted demonstrates that the emissions requirements of the IE licence issued by the EPA are in place and will continue to ensure adverse effects will not arise from operations at the site and furthermore the proposed use of HFO will result in reduced emissions to air than the continued use of coal. In relation to the physical works being carried out I am satisfied that the CEMP, and mitigation measures set out within the application documentation will ensure significant adverse effects will not arise.

Conclusion:

I have considered all of the submissions made in relation to air quality, as well as the submitted application documentation. I am satisfied that while potential adverse impacts could arise at certain times and phases within the scheme (for example during construction) that these would be either sufficiently managed and mitigated by the measures which form part of the proposed scheme and/or through the provision of suitable conditions. Furthermore, while I note that the use of HFO as a fuel source at this location will continue emissions to air from electricity generation the proposed development is for a temporary period (up to the end of 2029) and emissions to air arising will be reduced from the levels currently permitted from the site and that the proposed development will result in coal no longer being used as a fuel source for the Moneypoint generating station. I am, therefore, satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impacts in terms of air quality during the construction and operational phases and that ultimately the EPA licencing regime will ensure that appropriate emissions limits will be applied, and appropriate environmental monitoring, mitigation and reporting will be carried out. I am also satisfied that while some cumulative effects may arise from the Proposed Scheme together with existing and permitted developments, these would be avoided, managed, and mitigated by the measures which form part of the Proposed Scheme and through suitable conditions.

8.5.6. **Climate**

The data sources for the discussion in chapter 8 (Climate) of the submitted EIAR include the ESBs Moneypoint emissions spreadsheet for 2021, and 2022, as well as Irelands national inventory report (2023) and the EPA's Energy Sector CO_2e emissions and projections. The study area focuses on activity (i.e. the generation of electricity at Moneypoint from HFO rather than concentrating on a physical boundary), the assessment considers the construction and operational phases of the Proposed Development but does not consider decommissioning in detail as site specific data is not available, however, it is likely to be similar to construction and unlikely to be significant in comparison to operational emissions.

In terms of greenhouse gas (GHG) emissions and climate the receiving environment is the atmosphere and accordingly specific receptors cannot be readily identified, and the baseline is established by taking the average of the GHG emissions data from the 2021 and 2022 operating years (cumulatively considering Coal, HFO, Gas Oil, Temporary Boiler Gas Oil, Urea, Sodium Polyacrylate). The total emissions for 2021 and 2022 in terms of GHGs were 3,229 and 2,652 ktonnes respectively and therefore the average adopted for baseline consideration is 2,940 kilotonnes. Using the 2022 numbers the emissions associated with the Moneypoint Generating Station were approximately 5% of total Irish emissions, or 31% of the power generation sector in Ireland.

Table 8.5.3 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects in relation to Climate.

Table 8.5.3 – Consideration of impacts, significance, and mitigation measures for Climate.

Potential Climate Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Green House Gas (GHG) emissions from the materials and resources required, as well as construction activities on site.	The majority of construction activities, materials, resources (including delivery) will give rise to GHG emissions. Having regard to the extent and scale of physical works required the level of emissions from the construction phase is considered to be insignificant but adverse. Due to the required use of steel and concrete, the HFO bund walls, floor and foundations will give rise to the majority of emissions from the construction phase.	Mitigation measures set out in Section 8.7 and 19 (summary of Mitigation Measures) of submitted EIAR and 4 of the CEMP including: -Promoting GHG saving opportunities when determining definitive specifications of products (e.g. using cement replacers to reduce embedded emissions in concrete manufacture). -Energy efficient processes and technologies will be utilised, and existing assets reused/refurbished where appropriate. - Promote fuel switching or substitution in transport of materials and use efficient delivery routes.	No significant adverse residual effect.
Operational Phase			
GHG Emissions from the burning of HFO to produce electricity.	Notwithstanding the fact that the Proposed Development will produce 29% fewer emissions than current operations, there remains a Major Adverse and Significant impact arising from the combustion of HFO to produce electricity, in the event of favourable consideration the plant will still account for 4-5% of projected national emissions, and 39-46% of projected sector emissions using 2030 as the calculating year as it is the closest for which projections are available (albeit consent to 2030 is not sought).	Mitigation measures set out in Section 8.7 of submitted EIAR and 4 of the CEMP including: -Regular maintenance checks to ensure that the station and other equipment is operating at optimum efficiency. -Best practice control measures to be implemented to mitigate GHG emissions.	Major Adverse Significant

Potential Climate Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Decommissioning:			
At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to an approved decommissioning plan under the IE licence and similar mitigation measures relevant to Climate as for the construction phase will be necessitated. I consider that such works or activity will not give rise to significant adverse effects on Climate, although I do note that on cessation of the proposed development the combustion of HFO for electricity production will cease that this will have a significant positive effect on climate arising from a reduction in overall GHG emissions to atmosphere.			
Cumulative Effects:			
Cumulative climate effects will arise as the ultimate receptor of emissions is the atmosphere and from there the global climate system. Using national EPA figures the existing Moneypoint generators as currently running accounted for 5% of national GHG emissions and 31% of energy sector emissions in 2022. From EPA projections should the Proposed Development (HFO combustion) be in operation in 2030 (the current application is seeking permission to operate up to December 2029) it would account for between 4-5% of national emissions and 39-46% of projected sector emissions depending on whether the EPA's 'with existing-' or 'with additional measures' scenarios are considered[9]. For the purposes of EIA consideration such cumulative sectoral impacts are consistent with the findings in relation to the operational phase of the Proposed Development in that effects would be major, adverse and significant.			
Submissions:			
Third party submissions have been lodged raising concern in relation to potential health impacts, health and safety, dust, noise, and lighting as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. An Taisce has also made a submission which welcomes the phasing out of coal as a fuel source on site, while seeking a firm commitment to the cessation of oil-fuelled generation by 2029 and requesting that alignment of the Proposed Development within the relevant carbon budgets (2021–2025, and 2026-2030) be confirmed. In relation to climate I note that the Proposed Development will constitute the burning of HFO (a fossil fuel) in order to provide electricity and that both the continued use of coal fired operations (the do-nothing scenario) and the proposed HFO generation will constitute a significant proportion of sectoral emissions, albeit that the proposed use of HFO and operational parameters under the Proposed Development will result in a stated reduction of approximately 29% in emissions from the existing coal fuelled operations due to the switch in fuels and contractual operational parameters. HFO is a less carbon-intensive fuel source and I note the Applicant's estimation that emissions intensity of the proposed development being 286gCO_2e/kWh, or a 12% reduction from the established coal fuelled operation. Furthermore, I			

[9] In this regard the Board should note that reference to 4-5% of sectoral emissions in 2030 contained in section 8.8 of the EIAR is incorrect and should be considered a typographical error, as section 8.5.3 and table 8.6 of the EIAR specify that the 4-5% figure refers to the percentage of national emissions in 2030, while the Proposed Development would give arise to 39-46% of sectoral emissions in 2030 (if it were to operate in 2030). The incorrect figure of 4-5% of sectoral emissions is also unfortunately quoted in the response to submissions made by ESB which again must be considered a transcribing error. I do not consider this typographical error to impede the consideration of this application and while unfortunate I do not consider it to be misleading as the correct figures are specified at the outset and it is acknowledged that the impact arising is major, adverse and significant.

Potential Climate Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation

note that the Proposed Development is being brought forward specifically to enable the running of the Moneypoint generation station as a generator of last resort, which will be engaged only when shortfalls in other generating options (such as renewable energy production) arise, with stated annual maximum hours applicable, for a temporary period up to the end of December 2029. The reduction in emissions of 29% (and less carbon intensive generation) represents a significant step towards more sustainable energy production while the back-up nature of the proposal ensures that it will not displace nor discourage additional renewable/alternative less carbon intensive energy sources being put in place. The Proposed Development will operate as a backup which will effectively smooth the transition towards additional renewable generation while ensuring grid capacity is sufficient to meet demand over the next five years pending achievement of the stated renewable energy goals. I consider the approach being adopted to be reasonable and appropriate in the context of the available renewable generators, the long lead in time required to provide new less carbon intensive generation and the ongoing wider infrastructure works required to upgrade the energy network to derive optimum use of renewable sources of energy. Notwithstanding this, however, (and in the event of favourable consideration) I consider it to be appropriate to include a condition specifying the duration of the permitted use of HFO as a fuel (i.e. up to 31st December 2029) and the parameters of operation (i.e. the contractual hours set out in the current application documentation). In my opinion, this is required to clarify, firstly, the date on which HFO generation should cease and secondly to recognise and acknowledge the requirements of the carbon budgets and highlight that the current proposed development is a temporary fall-back position. In considering this matter I also note that the operating emissions from the facility will continue to be subject to an EPA IE licence. Specifically in relation to climate I note that the Proposed Development represents a significant adverse impact in terms of operational emissions of GHG, however, the proposal also represents a reduction in emissions from that existing and I note that as additional renewable and less carbon intensive resources come on-line the generation operation hours required from the Proposed Development by the TSO will be reduced. I consider construction activities will be appropriately mitigated through the implementation of the CEMP and mitigation measures set out within the application documentation will ensure significant adverse effects on climate will not arise during the construction phase.

Conclusion:

I have considered the submissions made in relation to climate, as well as the submitted application documentation. I am satisfied that while the Proposed Development will give rise to significant adverse impacts on the climate from the emissions arising during the operational phase that these are justified in the current context as the proposed development:

- Is being provided to run as a back-up electricity generator which can be called upon to fulfil any shortfalls in electricity generation to cater for demand arising from the fluctuating nature of renewable generators,
- Represents an improvement (i.e. overall reduction) in emissions arising from the Moneypoint facility in the context of a ‘do nothing’ scenario wherein coal remains as the fuel source for generation. Furthermore, the Proposed Development would be available for immediate deployment as existing HFO facilities and associated infrastructure is in place, thus facilitating a smoother, quicker, transition making sustainable use of existing infrastructure and ensuring that power outages due to a shortfall in supply will not arise in the context of a ‘do nothing’ scenario where electricity generation from the Moneypoint facility ceases.
- The Proposed Development will secure the cessation of coal fuelled generation from the site as committed to within the application documentation and which will be guaranteed through the removal of necessary coal management infrastructure (coal stackers/reclaimers and conveyor bridges etc.) which forms part of the current proposal.

Potential Climate Impacts	Effect Significance in the absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation

- Will make the most sustainable and optimal use of existing infrastructure (both on site and associated national grid), while also allowing reliance on the Moneypoint generators to be stepped down in a planned and controlled manner to facilitate the increased penetration of renewables onto the national grid while also ensuring security and continuity of supply over the period to the end of December 2029.
- Will minimise other environmental impacts that could arise from having to provide a similar quantum of more traditionally powered electricity generation at greenfield sites and ancillary works elsewhere to cover shortfalls in grid capacity.
- Facilitates the provision of a committed date for the cessation of use of HFO as a fuel source at this location (December 2029).
- The facility will continue to be subject to EPA IE licencing with all emission levels set and monitored.

I am, therefore, satisfied that the Proposed Scheme and noted emissions impacts are justified in terms of the specific parameters of the current application and the need to provide for longer-term climate goals while also facilitating sufficient back up generation to the national grid to accommodate increased renewables and to ensure security and continuity of electricity supply. Furthermore, I am satisfied that the impacts arising can be sufficiently managed and to a certain degree mitigated by the measures which form part of the Proposed Development and/or through the provision of suitable conditions. In relation to the attachment of relevant conditions I recommend that the date of cessation of use of HFO on site as proposed be specified (i.e. end of December 2029) and that the timing of the removal of coal handling/management facilities also be set out (which will provide a deadline for the cessation of use of coal on site) and to ensure the temporary nature of the permission is highlighted, to emphasise the importance of prioritising additional renewable and less-carbon intensive electricity generation onto the grid and to formalise the cessation of use of coal as a fuel source at Moneypoint. I am therefore satisfied that while impacts will arise, these are acceptable in the overall context of the energy generation requirements for the country, the policy context, and relevant timeframes set out within the application.

I am also satisfied that while some cumulative effects may arise from the Proposed Scheme together with existing and permitted developments, these can be managed and mitigated through the operational nature of the Proposed Development which provides for reduced generation running times in the context of additional renewable forms of energy coming onstream over the relevant period.

8.5.7. **Noise and Vibration**

Chapter 9 of the submitted EIAR considers noise and vibration with supporting information in relation to noise provided in Appendix D. The data sources used to inform the discussion in chapter 9 include the Moneypoint generating station environmental noise monitoring June 2022, January 2023, compliance noise monitoring (October 2017) as well as TII traffic data. The Proposed Development has the potential to create noise and vibration impacts during the construction and operational phases.

The study area established is 500m from the red line boundary for noise and 100m from red line area for vibration which I consider appropriate. The existing operations on site are already subject to noise limits of 55dB L_{Aeq}, 50dB L_{Aeq}, and 45DB L_{Aeq} for daytime, evening and nighttime respectively under the provisions of the EPA IE Licence. The most proximate noise sensitive locations (NSLs) (dwellings) to the proposed development red line boundary are located to the north, east and west of the Ash Storage Area (ASA) portion of the site [with the closest dwelling being located c.40m to the east). In this area the proposed ash storage and management activities will be broadly consistent with the existing permitted operations albeit it is Proposed that ash will also be sourced from the ASA to input into the desulphurisation process. The NSLs/dwellings located most proximate to areas of proposed construction activities are located to the north of the existing on-site substation (c. 300m north east of proposed new HFO tanks) with other dwellings located to the north east of the coal yard (the closest being located c.500m from where dismantling activities are proposed). The dominant sources of noise in the baseline climate were identified as road traffic and noise from the generating station at night time when background noise was low. I have considered impacts of noise in relation to sensitive habitats and species in the Biodiversity section below.

Table 8.5.4 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.4 – Consideration of impacts, significance, and mitigation measures for Noise and Vibration.

Potential Noise and Vibration Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Noise	Temporary and not significant noise impacts will arise – modelling of construction equipment required on site shows that the daytime criterion of 65dBL_{Aeq} during daytime and 55 dBL_{Aeq} in the evening for the temporary duration of construction activities. It is not anticipated that works will be required to be carried out at night.	Mitigation measures set out in Section 9.7 and 19 (summary of Mitigation Measures) of submitted EIAR and 4 of the CEMP including: - Noise emissions will be minimised at source, in accordance with best practice and relevant codes of practice, to minimise the exposure of site personnel to noise from construction and operational plant. However, the existing Emission Limit Values and monitoring as required under the Industrial Emissions Licence will be continued. -The CEMP will be implemented during the construction phase to minimise noise and vibration. -A temporary noise barrier will be erected around piling works and/or between the site and the ASA. -The contractor will adhere to Local Authority controls on noise and vibration. -A comprehensive noise and vibration monitoring protocol will be implemented. -A stakeholder communications plan to facilitate community engagement will be put in place prior to commencement of construction.	No significant adverse residual effect
Vibration	Not significant – proposed construction activities (including any potential piling) in relation to new structures/foundations or dismantling subject to the Proposed Development are located in excess of 100m from any sensitive locations (third party dwellings or structures) and within the site of an existing industrial facility. Accordingly, such construction activities have a very low likelihood of causing complaint, cosmetic, or structural damage. Works at the ASA which are within 100m of a third party dwelling will be consistent with the works already permitted at this location (albeit less ash is proposed to be stored and additional ash used as a feed-in resource to the desulphurisation process).		No significant adverse residual effect
Construction Traffic Noise	Not Significant, modelling predicts that construction traffic could potentially give rise to an increase of +1.0dB on the N67 and +0.3dB on the N68 under worst case scenario conditions of the peak traffic month of light and heavy goods vehicles.		No significant adverse residual effect
Operational Phase			

Potential Noise and Vibration Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Noise	Not significant, modelling carried out in relation to the elements of the Proposed Development demonstrated that noise levels at noise sensitive locations in the vicinity will not exceed 55dBL_{Aeq}, 50dBL_{Aeq} or 45dBL_{Aeq} for daytime, evening or night-time respectively and accordingly significant effects will not arise from the Proposed Development on residents in the vicinity.	No specific mitigation measures are proposed although I note that the site will continue to be subject to an IE licence sets maximum noise emission levels. Documentation has been provided which demonstrates that these levels have not been exceeded from the existing operations and modelling shows that the Proposed Development will be capable of operating within these levels. The number of fuel deliveries to the site will be consistent with established levels (i.e. 24 no. vessels in total) albeit these will all be HFO and not coal. HFO vessels are smaller and can be offloaded quicker than coal vessels (2-4 days in lieu of 2-3 weeks), which will reduce noise duration and levels, furthermore the removal of coal management equipment on site and cessation of coal use will reduce noise arising from the coal yard area.	No significant adverse residual effect.
Vibration	Negligible – operation phase will not give rise to additional vibration from the established/existing operations. The management, storage and off-loading of coal at the site will no longer be carried out which should reduce effects; however, any reduction will be negligible.	No specific mitigation measures.	No significant adverse residual effect.

Decommissioning:

At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence and similar mitigation measures relevant to Noise and Vibration as those used for the construction phase will be necessitated. I consider that such works or activity will not give rise to significant adverse effects as they will be temporary in duration and generally less intensive than construction activities. I do

Potential Noise and Vibration Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation

note that the dismantling of coal handling facilities and equipment (mobile stackers/reclaimers and conveyors) will effectively decommission the coal management facilities on site and negate the need for coal unloading (which can take 2-3 weeks per ship), and this will lead to a reduction in overall operational noise in the interim giving rise to slight/negligible beneficial effects.

Cumulative Effects:

It has been demonstrated that vibration effects arising from the construction and operational phases of the Proposed Development will not give rise to significant effects and works/operations are located within an existing large industrial site for a defined period (up to and including December 2029). Accordingly cumulative vibration effects with other Projects will not arise.

In relation to noise there is potential for cumulative effects to arise during the construction and operational phases with the ongoing industrial noise of the Moneypoint generation station, road noise and wind turbines, as well as ABP-307798-20 [extension to the existing Kilpaddoge substation and 400kV transmission cables]. In terms of cumulative effects with the existing on-site Moneypoint operations, noise modelling shows that the Proposed Development will result in an increase of the noise levels at noise sensitive locations in the range of 0 to 2.7 dB which is considered to be small and imperceptible in the context of ongoing operations and existing background noise levels. The construction phase of the Proposed Development is not long in duration and activities are contained within an existing site which is already under industrial use and subject to EPA licencing, the application documentation commits the applicant to engage with other projects and mitigation will be applied, if necessary, in relation to scheduling of various elements of construction activities. In terms of the operational phase of the proposed development therefore coal handling/management will no longer be required on site and the cumulative increases in levels are >3dB and as such are not considered significant, accordingly there will be no significant adverse cumulative impacts arising in relation to Noise and Vibration.

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. Specifically in relation to noise and vibration I am satisfied that the documentation submitted demonstrates that the emissions requirements of the IE licence issued by the EPA are in place and will continue to ensure adverse effects will not arise from operations at the site. Similarly, construction activities will be appropriately mitigated through the implementation of the CEMP, and mitigation measures set out within the application documentation will ensure significant adverse effects will not arise.

Conclusion:

I have considered all of the submissions made in relation to noise and vibration, as well as the submitted application documentation. I am satisfied that while there is potential for adverse impacts to arise at certain times and phases within the scheme that these would be either sufficiently managed and mitigated by the measures which form part of the proposed scheme and/or through the provision of suitable conditions, in this regard I recommend that equipment used during construction will not exceed the noise generation levels set out in table 9.7 of the submitted EIAR and that operational noise levels of any permitted plant to not exceed the sound power levels set out in table 9.10 of the submitted EIAR. A temporary noise barrier will be erected around piling works and/or between the site of construction works and the ASA, primarily to mitigate against disturbance to species (refer to Biodiversity section below). I also note that the Proposed Development will result in the cessation of coal ship deliveries and coal management operations on site and while the

Potential Noise and Vibration Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
number of ship deliveries to site will remain consistent the types of ships will be smaller, and off-loading/delivery operations will be quicker (days in lieu of weeks per delivery) and accordingly I consider that the marine noise arising from the proposed operations will be reduced from those of current operations (which could continue in a do-nothing scenario). I am, therefore, satisfied that the Proposed Scheme would not have any unacceptable significant direct or indirect impacts in terms of noise and vibration. I am also satisfied that while some cumulative effects may arise from the Proposed Scheme together with existing and permitted developments, these would be avoided, managed, and mitigated by the measures which form part of the Proposed Scheme and through suitable conditions.			

8.5.8. **Biodiversity**

Chapter 10 of the submitted EIAR considers biodiversity with supporting documentation provided in Appendix G, G1 and G2 (habitat map, list of European sites, planning history and potential for in-combination effects of relevant projects) and was informed through a desk study of all relevant available datasets and review of findings of previous ecological studies, including bat, marine mammal, marine habitat, seabird and bird surveys (breeding and winter) as well as two site surveys carried out by the EIAR authors specific to the Proposed Development.

The Zone of Impact (ZoI) of the Proposed Development varies dependent on the extent of potential pathways from construction and operational activities on a range of receptors (i.e. species and habitats) dependent on their sensitivity to effects. For the purposes of the Proposed Development the following ZOIs have been set in the submitted EIAR over and above direct impacts on terrestrial habitats within the site – 120km for coastal and marine habitats and species in the case of a catastrophic oil spill in the estuary, 253m from the site for nesting, foraging and feeding bird species (as this is the distance beyond which construction noise levels will fall below 55dB and therefore disturbance is not considered to be significant), 100m for Badger setts and 150m for noise impacts on breeding badgers, 100m for dust effects on vegetation, 6km for foraging bats and 422m for roosting bats (422m being the modelled range at which noise effects will drop to below 50dB which has been considered the threshold for disturbance for roosting bats[10]), 150m for disturbance to breeding otter holt, and within the tidal limit of the Shannon Estuary for water discharge. Section 10.3.3.1 of the EIAR sets out the guidelines, and sources for establishing these various ZoIs and I am satisfied that they are appropriate.

All sensitive receptors (species and variously designated sites) within the relevant ZOIs have been considered in terms of potential for impacts to arise with evaluation criteria assigned on the basis of whether sites/habitats/species are internationally (e.g. European/RAMSAR sites/Annex I species), nationally (e.g. NHAs/pNHAs or regularly occurring species with a nationally important population protected under the Wildlife Acts), County (e.g. Areas of Special/High Amenity/regularly occurring populations of species assessed to be of county level importance in Annex II or IV),

[10] UK Bat Mitigation Guidelines A guide to impact assessment mitigation and compensation for developments affecting bats (2023) CIEEM, Version 1.1

or higher/lower value local (e.g. on-site habitats or locally important populations of species) importance. Impact assessment is undertaken for Key Ecological Receptors (KERs) which are features within the ZOI that are both of sufficient value to be material in decision making and likely to be affected significantly by the Proposed Development. KERs are those classified as being of local importance (higher value) or higher.

The receiving environment for the Proposed Development is considered as the existing onsite operations and emissions (as controlled by the IE licence) in the context of the two immediately adjacent Natura Sites (River Shannon and River Fergus Estuaries SPA, and the Lower Shannon SAC) with other Natura sites and EU designated shellfish waters in the wider area. Of the on-site habitats scrub and mixed woodlands are the only habitat types identified as KERs with the others at this location predominantly including spoil and bare ground, as well as buildings and artificial surfaces. There is an area classified as possible ancient woodland, located to the immediate north of the red line boundary, north west of the location of the new proposed HFO tanks which the EIAR considers to be of local importance. In relation to the broadleaved woodland north of the proposed development I note that it is referenced as 'Annex I Broadleafed forestry north of the Moneypoint generating station' when the EIAR discusses badger surveying. This area of forestry is also one of two areas to the north of the red line boundary which are designated as "trees for preservation" under the Clare County Development Plan 2023. For clarity no works are proposed within these areas and they are outside the red line application boundary. No rare or protected flora have been identified from on-site surveys or review of records, although sea-buckhorn (a non-native species subject to restrictions under the third schedule of the European Communities (Birds and Natural Habitats) Regulations 2011(S.I. No. 477 of 2011)[11] was identified adjacent to buildings outside the red-line boundary to the east. There is a wide range of bat species in the area with a potential Lesser Horseshoe bat roost noted in a building immediately adjacent (but outside) the red line boundary. Otter and Badger are present on site and in the wider area, as are other mammals such as Irish Hare.

[11] The Board should note that Section 10.4.5.5 of the submitted EIAR correctly identifies Sea-buckthorn as invasive, however, table 10.6 of the EIAR incorrectly refers to it as not being listed as a third schedule invasive species. For clarity, while this discrepancy is unfortunate, I do not consider it to be misleading, and does not preclude the Board from fully considering potential impacts as the invasive species mitigation and responses are provided as part of the Proposed Development.

Marine Mammals such as bottlenose and common dolphin, as well as harbour porpoise are present in the inner and outer estuary as are seal species. A wide range of breeding and wintering bird species were identified in the area, predominantly occurring outside the red line boundary with the exception of the Ash Storage Area (ASA) which hosts (Swallow, Ringed Plover, Linnet, and Meadow Pipit) from the breeding bird survey, while from the winter bird survey both the ASA and the area west of the coal yard host Mallard, Teal, Black-headed gull, Common gull and Snipe.

In the do-nothing scenario the existing use of the site would continue and effects on biodiversity would remain unchanged from current operations. I note that existing species and habitats in the vicinity are in place in the context of the existing ongoing industrial operations at this location. In this regard species at this location and in the vicinity are habituated to the degree of on-site activities taking place. The Board should also note in terms of ship deliveries to the site during the operational phase that the total number of ships delivering per year is to remain consistent with the established levels – i.e. a total of 24 ship deliveries, albeit that all of these deliveries will be oil tankers under the Proposed Development (with the stated levels of deliveries currently experienced being 15 coal and 9 HFO deliveries in a year). As oil tankers are substantially smaller and can be off loaded quicker than coal deliveries (2-4 days compared to 2-3 weeks) noise levels arising on the environment (both terrestrial and marine) from such activities will be reduced, I also note that the proposed development will result in the phasing out/cessation of the need for coal management activities at the coal yard which will further reduce on-site operational noise generating activities.

The table below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.5 – Consideration of impacts, significance, and mitigation measures for Biodiversity.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Habitat disturbance, loss / alteration and/or fragmentation.	The proposed development will result in the permanent loss and/or disturbance/alteration of a range of on-site terrestrial habitats including scrub and mixed broadleaved woodland (which are the only two that have been identified as Key Ecological Receptors [KERs]), and bare ground habitats. A degree of alteration/loss/impact on such habitats will occur from ongoing and previously permitted works and operations (e.g. the ASA). The majority of habitats directly affected are within the existing industrial site, overall, such impacts are considered to be medium to long term moderate and negative. Disturbance, adverse water quality (from discharges to water), and spread of invasive species are impacts that could arise during construction in the absence of mitigation in relation to the River Shannon and River Fergus Estuaries SPA, the Lower River Shannon SAC, the Mid Clare Coast SPA, certain designated shellfish waters (West Shannon - Ballylongford, Poulnasherry Bay, Carrigaholt and Rinevella) due to their proximity and connectivity to the Proposed Development, from water quality impacts, general disturbance and	Mitigation measures set out in Section 10.8 and 19 (summary of Mitigation Measures) of the submitted EIAR and 4 of the CEMP include: - In relation to permanent loss of scrub this clearance will be kept to the minimum required to facilitate works (i.e. 0.1 ha). Similarly, the potential disturbance/temporary loss of up to 1.5ha of scrub and 0.4ha broadleaf woodland habitat within the ASA, will be kept to a minimum, to facilitate ash and FGD by-product storage. - Each completed storage cell within the ASA will be capped and finished with a layer of topsoil and seeded with native meadow grass mix, and managed to allow maintenance of grassland habitats. - All works areas will be demarcated with fencing and no works will occur outside these areas. - Stockpiling of materials will not occur within 50m of the Shannon Estuary or any drainage ditches, will be adequately covered to prevent run-off, and surrounded by silt fences or gravel drains. - If onsite concrete batching is required it will take place within a controlled, bunded area, dust and noise suppression techniques used (or it will occur within the noise barrier). - Environmental Clerk of Works (EnCoW) will oversee implementation of all mitigation measures, to ensure impacts are avoided and/or minimised, carry out toolbox talks and ensure pre-construction surveys are carried out where appropriate, and be empowered to	No significant adverse residual effect. Potential Impacts on habitats, water quality, aquatic receptors will be localised, short term and of slight significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	introduction of invasive species. In the unmitigated scenario this could potentially give rise to temporary to permanent significant adverse effects. There is potential for dust generated from the construction phase to give rise to short-term slight negative effects at a local scale on Woodland habitats located immediately north of the red line boundary.	cease construction in the event of an issue arising. EnCoW will also liaise with statutory bodies where relevant and secure any disturbance licenses where required. - Monitoring will be carried out and reported to the EnCoW in relation to any works in the vicinity of known bat roosts, otter or badger features. - Pre-commencement confirmation surveys will be carried out (see species specific details discussed further below)	
Discharges to water (not including an oil spill at sea)	There is potential for hydrocarbon spills to arise during the construction phase which would give rise to a potentially significant adverse temporary impact on local habitats and species in the vicinity given the proximity of the estuary and its sensitivity.	Mitigation measures set out in Section 10.8 and 19 (summary of Mitigation Measures) of the submitted EIAR and 4 of the CEMP including: - Where mobile equipment is required (e.g. generators) these will be housed in suitably sized bunds/'plant nappy' to intercept leaks. - Construction chemicals will be stored in designated impermeable areas, be bunded or double-skinned. - Refuelling and lubrication of plant will be carried out on impermeable surfaces or using mobile drip trays and will not be allowed within 50m of the estuary or drainage ditches. - All hazardous wastes will be disposed of in accordance with the waste management acts. - Spill kits and hydrocarbon absorbent packs will be available in vehicle cabins and operatives trained in their use. - Water/hygiene facilities will be located within the construction compound – a minimum of 50m distant from watercourses/drains, and all wheel wash water will be removed from site and disposed of in line with waste	No significant adverse residual effect. Impacts on Annex I habitats, water quality, aquatic receptors will be localised, short term and of slight significance.
Impacts on Marine Ecology	Impacts from possible spills related to construction (e.g. fuels, silt or concrete batching/casting runoff) have the potential to add to the pollution loads within the estuary potentially impacting benthic habitats, marine mammals and birds. All outfalls from the site of the Proposed Development pass through interceptors before discharge to the estuary which is robust in its ability to accommodate additional inputs at this location, furthermore construction activities proposed are within an existing industrial site and accordingly, the potential impacts that could arise		No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), Annex I habitats, water quality, associated aquatic receptors will be localised, short term and of slight significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	on marine ecology in the construction phase are temporary and slight negative impact.	legislation there will be no discharge into water courses or drainage ditches.	
Freshwater ecology and Water Quality	There are no natural surface water bodies on site (the Molougha Stream has been culverted underneath the ASA as part of previous works) and it is stated that all artificial ponds and drainage on site discharges to the Estuary via interceptors. Accordingly, there is no risk to the freshwater environment or freshwater fisheries and no significant impacts are identified.	No specific mitigation proposed.	No significant adverse residual effects. .
Impacts on Rare and Protected Flora	No protected flora were recorded on site during desk study or through surveys. Impacts are therefore considered to be unlikely slight and negative.	Pre-construction surveys will be carried out in advance of any works activities to ensure no impacts arise	No significant adverse residual effect.
Dust Deposition	Construction activities could potentially give rise to short term slight negative effects at a local scale due to dust deposition on vegetation in the vicinity inhibiting growth.	Dust mitigation measures for the construction phase are set out in 7.7.1.2 and 7.7.1.3 of the submitted EIAR, Section 4 of the CEMP, and have been summarised above previously in Section 9.5.5 of this report.	No significant adverse residual effect. Impacts on habitats, will be localised, short term and of slight significance.
Introduction/spread of terrestrial invasive species.	The introduction and spread of non-native invasive species during the construction phase has the potential to result in long-term, significant negative effects at a local scale.	Mitigation measures are set out in Section 10.8.1.10 of the submitted EIAR and 4 of the CEMP and include: - Pre-construction invasive species survey will be carried out. Stands of invasive species identified will be marked out and exclusion zones applied for construction activities, and EnCoW will provide staff briefings.	No significant adverse residual effect.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
		- All machinery will be steam-cleaned prior to entering and before leaving the site.	
Badger	No badger setts were identified within the red line application boundary; however, signs of badger were noted in the vicinity. Given the nature of the wider landscape (agricultural and woodland) there is potential for setts in the vicinity and accordingly disturbance could arise on existing (or future) setts and associated foraging areas during construction, giving rise to short term, moderate negative effects at a local scale.	Mitigation measures are set out in Section 10.8 of the submitted EIAR and 4 of the CEMP and include: - Carrying out preconstruction confirmatory surveys of identified significant ecological receptors to update previous survey findings and confirm/update relevant mitigation plans. At a minimum Otter holts and couches within 150m, badger setts within 150m, potential bat roosts within 420m of the Proposed Development, and an invasive species survey within the proposed site will be carried out. Should a period of 12 months or longer lapse between the last survey and start of works additional surveying such as higher value local habitats, as well as breeding and wintering bird's surveys within 253m will be carried out. - For badger where setts have been confirmed, no heavy machinery will be used within 30m (unless under NPWS licence), and works will not take place within 10m of any sett entrances. No works will take place within 50m of active setts during the breeding season (December to June). All identified exclusion zones will be clearly marked, and all site staff will be made fully aware of procedures. - For Otter, works within 150m of any breeding holt will only occur with NPWS consultation and agreement. No wheeled or tracked vehicles will be used within 20m of an active holt, identified exclusion zones will be fenced and clearly marked, and all contractors made fully aware of procedures in the vicinity of holts. - In relation to breeding birds the removal of vegetation which may be used as nesting sites will only be carried out outside bird nesting season (1st March to 31st	No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), will be localised, short term and of slight significance.
Otter	Two otter couches and field signs were recorded in the ZOI and there is suitable habitat in the vicinity of the proposed works accordingly direct impacts and disturbance could occur giving rise to temporary moderate negative effect at the local scale.		No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), will be localised, short term and of slight significance.
Breeding Birds	Notwithstanding the ample breeding, resting and nesting habitat in the wider area, the removal of woody/scrub vegetation and grassland habitat during the construction (and particularly during the nesting season 1st March to 31st August) has the potential to remove/disturb resting, breeding and nesting sites and could result in a temporary to short term moderate negative effect at local scale. Noise during construction (particularly piling (if required) could give rise to		No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), will be localised, short term and of slight significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	disturbance to birds in the woodland to the north of the site.	August). Should such clearance be necessary in the nesting season pre-construction survey by a qualified ecologist will be carried out to assess risk of disturbance of nests and appropriate exclusion zones applied as necessary within 72hrs of works. - In relation to noise disturbance on species a temporary noise barrier will be erected around piling works and/or between the works area and the woodland to the North of the site and the ASA. Furthermore, mufflers will be used on pneumatic tools, and exhaust silencers and sound reducing enclosures on construction plant and machinery. Machinery will be turned off and not allowed to idle when not in use. - In relation to bats construction lighting will be sympathetically considered and any trees to be removed will be examined for bat presence immediately prior to (i.e. 24hrs) works. - All temporary lighting required will be strategically placed by the EnCoW to ensure light spill is eliminated from areas surrounding important resting, and foraging habitats, including features with bat roost potential. Lighting will be cowled and directional.	
Wintering Birds	Notwithstanding the presence of significant areas of foraging and roosting habitat in the wider locality, due to the proximity of the works to the shoreline and proximity to the River Shannon and River Fergus Estuaries SPA, the construction phase could cause disturbance effects for wintering birds due to certain construction activities (namely piling works for the new HFO tanks and auxiliary boiler as well as the coal yard dismantling works) resulting in noise levels in excess of 55dB(A) beyond the shore line. Accordingly, temporary, slight, negative effects could arise		No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), Annex I habitats, water quality, associated aquatic receptors will be localised, short term and of slight significance.
Bats	Two buildings (one with moderate bat roost potential and the other a confirmed bat roost) are located in the vicinity outside the red line boundary, surveys have shown that the area is an important area for local bat populations, particularly lesser horseshoe bats. The noise modelling shows that a significant risk of noise disturbance does not arise at the bat roost locations however temporary construction lighting has the potential to alter behaviour so a temporary, significant negative effect could arise. Also, the removal of woody habitat (notwithstanding the ample presence		No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual) will be localised, short term and of slight significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	of such habitat in the wider area) has the potential to result in a permanent, slight negative effect.		
Amphibians	While no signs were identified of these species suitable habitat to support breeding frog (artificial ponds and drainage ditches) were identified. No works to these highly modified habitats are proposed however construction activities could give rise to temporary, slight negative effects on local populations.		No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), habitats, water quality, associated aquatic receptors will be localised, short term and of slight significance.
Other Mammals	Disturbance impacts could arise on other mammals in the vicinity, these would be temporary, slight and negative effects on local populations	Mitigation measures set out above in relation to breeding birds will provide simultaneous protection for pygmy shrew, hedgehog, stoat and hare as their breeding periods (or peak breeding period in the case of hare) occur in the same period as the breeding bird season.	No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), habitats, water quality, associated aquatic receptors will be localised, short term and of slight significance.
Operational Phase			
Habitat disturbance, loss / alteration and/or fragmentation	There is potential for dust generated from the operational phase to give rise to slight negative effects at a local scale on Woodland habitats located immediately north of the red line boundary. Impacts on habitats could arise from an oil spill from –	Dust mitigation measures for the operational phase are set out in 7.7.1.2 and 7.7.1.3 of the submitted EIAR, and have been summarised above previously in Section 9.5.5 of this report. Mitigation measures in relation to potential oil spills are set out in Section 10.8.1.6 of the submitted EIAR as well as in the updated HFO Project Technical Landuse Planning	No significant adverse residual effect. Impacts on habitats, water quality, associated aquatic receptors will be localised, short term and of slight significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	(a) grounding of, collision with, or leakage from an oil tanker on approach to Moneypoint. (b) Spillage during offloading of tankers at site. (c) Spill or leakage from onsite HFO tanks. The potential effects on estuarine/coastal habitats, seabirds, aquatic species, and marine mammals arising from a catastrophic oil spill would be very significant to profound, long-term to permanent and potentially irreversible. These impacts could potentially arise for coastal and marine habitats occurring within 120km including the SACs and SPAs listed in Section 10.6.5.1 of the EIAR[12].	Report Issue C, dated May 2024 submitted by the applicant in response to HSA submission, and include the following: <u>Oil spill prevention and control from Tanker Ships:</u> - All tankers will have regard to the International Safety Guide for Oil Tankers and Terminals (ISGOTT 6) produced by the Oil Companies International Marine Forum (OCIMF) and the International Chamber of Shipping (ICS) 2020. - The recommendations of the International Maritime Organisation will be reviewed and implemented, as necessary. <u>Measures in place in the event of a spill in the Shannon Estuary.</u> - Execution of Moneypoint Oil Spill Response Plan – with immediate assessment and actions set out in Figure 10.4 of the submitted EIAR, including discovery and notification of appropriate personnel, identification of whether the incident is Tier 1 (small on-site spill with no external impact), Tier 2 (an incident which requires the on-site resources of the Shannon Estuary Anti-Pollution Team [SEA-PT], involve the regulatory bodies, local authorities, and activation of the Shannon Foynes Port Company [SFPC] Incident management Team), or Tier 3 (major oil pollution event with potential for environmental, social and economic impacts beyond the capability of local resources and require national	
Otters	An oil spill during the operational phase could lead to significant, long term adverse impact on otter populations and their habitat.		No significant adverse residual effect. Impacts on habitats, water quality, associated aquatic receptors due to disturbance will be localised, short term and of slight significance

[12] The Board should note that table 10.7 of the submitted EIAR does not include the entire list of designated sites which would be subject to impacts that are set out in Section 10.6.5.1 of the EIAR, and in this regard should refer to the discussion on this matter above in the AA section of this report below, as well as in the Report of the Inspectorate Ecologist included as appendix 1 in discussing the content of the submitted NIS. In total 23 no. SPAs and 32 no. SACs have been considered in the Stage II AA of this project set out in the report of the Inspectorate Ecologist and section 9 of this recommendation below.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Marine Ecology and Marine Fisheries	In the event of a catastrophic oil spill in the estuary there would be a temporary to long-term significant impact on benthic habitats, marine mammals and birds up to a distance of 120km (based on marine habitats and connectivity or potential impacts and spill spread). Noise impacts on marine ecology and the marine environment will be negligibly improved as there will be a similar number of ship deliveries to site (albeit they will all be smaller HFO tankers and not the larger coal ships), furthermore unloading fuel/deliveries will be quicker – i.e. 2-3 days as opposed to 2-3 weeks. Therefore, there will be a reduction in quayside activities from unloading activities in the operational phase of the Proposed Development.	and potentially international resources and co-ordinated under the National Contingency Plan and within the Management of Mahor Emergencies Framework) incident, Incident response and incident action plans. - The ESB has a supply of oil booms available on site which is a requirement for the IE licence. - Control of environmental damage through prompt isolation and containment of an oil spill, isolating local drains using absorbent booms, securing the area against traffic, containing the spill and monitoring oil interceptor outlets. - Carrying out regular emergency preparedness exercises to ensure all staff are aware of measures to be implemented in emergencies. <u>Measures in Place for HFO unloading</u> - Oil unloading arm and valves on jetty manned at all times. - The full length of the HFO line is inspected periodically, and unloading arm will receive a comprehensive overhaul, and the supply line will undergo extensive internal magnetic flux leakage inspection. - Pressure and temperature is constantly checked and recorded. - Oil sump under the jetty (which is adequately sized to contain volume of loading arm and transfer pipe section to first isolating device, with additional capacity for spill onto jetty) emptied prior to arrival of new ship. - Meeting between loading master, vessel master and chief officer before unloading commences.	No significant adverse residual effect. Impacts on habitats, water quality, associated aquatic receptors due to disturbance will be localised, short term and of slight significance

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
		- Unloading arm is pressure and temperature tested, security is maintained, and fire-fighting equipment positioned prior to ship arrival. - Oil spill containment equipment and oil dry (2 tonne minimum) is provided on the jetty. - Hot work and smoking prevented during offloading. <u>Measures to prevent Oil Spill from HFO tanks</u> - All tanks, containers and drum storage that contain HFO will have leak containment bunds and leak detection systems in place. - Design and construction of HFO tanks will be carried out to current best practice engineering standards. The existing tanks on site were subject to 10-year inspections in 2018 and 2022 and were found to be in good condition. - There is a documented system of inspection, testing and maintenance at the facility which will be continued. - The existing bunds in place will be fully upgraded with raised bund walls and concrete floors. Bunds are designed to retain a tank rupture and 90mins of firewater generation and shut-off valves for the bund drainage system will be set to closed by default.	
Wintering Birds / Seabirds	No noise/disturbance impacts will arise during the operational phase as noise modelling shows noise levels will be below 55dB(A) at the shoreline. An oil spill would have the potential to give rise to very significant to profound long term impacts on waterbird and marine habitat dependent birds in the	No additional noise mitigation measures are proposed for operational noise, while noting that the site will continue to be controlled through the IE licence. Relevant oil spill mitigation measures have been previously set out above.	No significant adverse residual effect. Impacts on fauna sensitive to disturbance (noise, light and visual), and habitats, will be localised, short term and of slight significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	wider area (up to 120km distant marine habitats as set out previously above).		
Generation of air pollutants	As set out in the air quality section previously above direct impacts from atmospheric NOx and SO_2 at sensitive receptors arising from the Proposed Development will be negligible – not significant.	Mitigation measures set out previously in the air quality section above, as well as in chapter 7 of the submitted EIAR.	No significant adverse residual effect
Noise disturbance	Operational noise levels from the Proposed Development will not give rise to significant effects in the context of the existing operations on site. Coal management activities will no longer be carried out and while this will result in less noise generating activities on site, and will be beneficial it is considered that this impact will be negligible in the terrestrial environment.	The site operates in line with existing IE licence P0605-04. The EPA will continue to be the relevant authority in relation to emissions and environmental management on site through the licencing system.	No significant adverse residual effect.
Water discharges to marine environment	Process wastewater discharges will not change and continue to be controlled by the EPA as per the existing operations and accordingly a neutral impact will arise.		No significant adverse residual effect.
Badger	The revised ASA management processes proposed for the operational phase could give rise to potential short term, moderate negative impacts.	Operational lighting will be on demand and focused away from natural areas of importance for badger (e.g. setts) and ASA will be reinstated as grassland following its use.	No significant adverse residual effect, with impacts on fauna and habitats sensitive to disturbance being short term and of slight local significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Introduction/spread of marine invasive species.	The introduction and spread of non-native invasive species during the operational phase from ships delivering HFO has the potential to result in long-term, significant negative effects at a local scale.	Mitigation measures set out in Section 10.8.1.10 and 19 (summary of Mitigation Measures) of the submitted EIAR and 4 of the CEMP including: - Ships shall adhere to the international convention for the control and Management of Ships' Ballast Water and Sediments. - An Anti-fouling system (AFS) will be installed and maintained. - A ship-specific contingency action plan, based on the specific triggers from monitoring of biofouling parameters will be described in a Biofouling Management Plan, which will include inter-alia identifying the details of the AFS installed, description of monitoring of bio-foul risk parameters, regime for cleaning and procedures for reactive cleaning actions that will be performed if triggered by inspection results.	No significant adverse residual effect.
Operational lighting impacts on bats, badger and otters.	Additional Operational phase permanent lighting at the HFO tanks (to be used as required) has the potential for short term slight negative effects on bats at a local scale,	Mitigation measures set out in Section 10.8.1.5 and 19 (summary of Mitigation Measures) of the submitted EIAR and 4 of the CEMP including: - Lighting will be cowled and directional to reduce significant light splay with column heights used to minimise light spill, avoiding areas surrounding the more important habitats (i.e. shoreline, woody and foraging habitats, and disused building with potential as a bat roost). - Lighting at night will be via automatic sensors and only activate as needed, focusing on buildings and away from sensitive features incl. Shannon estuary, shoreline habitats, woody habitats that act as foraging, community and resting areas, confirmed bat roosts, badge setts and otter couches.	No significant adverse residual effect, with impacts on fauna and habitats sensitive to disturbance being short term and of slight local significance.

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation

Decommissioning:

The exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence and similar mitigation measures relevant to Biodiversity as for the construction phase will be necessitated. I consider that such works or activities will not give rise to significant adverse effects.

Cumulative Effects:

Potential Cumulative Biodiversity impacts from the Proposed Development are considered in Appendix G2 of the EIAR. A range of permitted and proposed projects in the vicinity are set out (including the Prospect to Tarbert Cable Route, Tarbert temporary generation, Cross Shannon Cable Project, ESB's GreenAtlantic @ Moneypoint Project and Moneypoint Hub SI works) are listed, described and the potential for cumulative or in-combination effects are considered. It is concluded that in-combination effects will not arise due to a combination of the mitigation measures set out within the relevant projects, mitigation measures set out within the Proposed Development, the relative locations of the projects, the results of modelling for the projects (e.g. emissions modelling), the nature of the proposed projects, lack of construction phase overlaps, negligible operational phase effects across environmental media following mitigation, and lack of project interdependencies. The construction phase of the Proposed Development is not long in duration and activities are contained within an existing site which is already under industrial use and subject to EPA licencing, the application documentation commits the applicant to engage with other projects and mitigation will be applied, if necessary, in relation to scheduling of various elements of construction activities. Having reviewed the documentation submitted and the planning registers of the relevant local authorities, I am satisfied that the range of projects permitted in the vicinity and proposed will not give rise to significant adverse cumulative impacts on Biodiversity.

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The submission from An Taisce raises concern that the Proposed Development may impact the status of the surface and/or ground waters in the vicinity as well as the potential adverse impacts on the adjacent SAC and SPA (centred on the Shannon estuary) arising from '…. the proposed expansion of the ash storage area on the site…'. In relation to the potential impacts on groundwater and to the estuary (SAC/SPA) I am satisfied that the existing drainage network, interceptors and IE licence will ensure that adverse impacts will not arise (in conjunction with ensuring that all proposed mitigation measures are applied). In relation to the comment that the Proposed Development will result in an expanded ASA on site with additional impacts, I note that the ASA already enjoys the benefit of planning permission and the Proposed Development, if permitted, will in fact result in less ash having to be stored and existing ash deposits being brought into beneficial use as an input to the flue gas desulphurisation process. Therefore, less ash will be deposited, and management of existing deposits will change but all within the confines of the previously permitted depository. I am satisfied that the management measures (in particular regarding dust) through the operational phase will ensure that significant adverse impacts will not arise on the SAC/SPA from the ASA operations of the Proposed Development. The HSA has also made a submission requesting further detail on the environmental control measures which will be in place to prevent a major accident to the environment. The applicant has responded to this in their response submission in June 2024, and set out the relevant mitigation measures in place for

Potential Biodiversity Impacts	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
ships at sea, fuel deliveries, control measures and emergency procedures and equipment in place. The HSA has confirmed in response to the applicant's submission that it does not advise against the granting of planning permission in the context of the Major Accidents Directive. I note that HFO is already delivered to and stored on site, and that while the Proposed Development will result in increased storage capacity it will also result in improvements to the quality and standard of the existing bunds in place. While there will be an increased number of annual HFO deliveries to the site there will not be an increase in the overall number of vessels, I consider that all reasonable precautions and standards are being provided and maintained. I also note that the movement, control and safety of HFO tankers is subject to international shipping standards and that the existing HFO offloading operations have an established good record. In this regard I consider that subject to the application of mitigation measures and safety measures set out within the application documentation that the Proposed Development will not give rise to significant adverse effects. The Planning Authority's submission is supportive of the Proposed Development and does not raise any significant issues in relation to Biodiversity beyond recommending that conditions be imposed to ensure the mitigation measures set out in the application documentation are implemented. Accordingly, in relation to biodiversity I am satisfied that the documentation submitted demonstrates that the Proposed Development can be provided and operated in a manner that will ensure significant adverse effects will not arise from operations or construction activities.			

Conclusion:

I have considered all of the submissions made in relation to biodiversity, as well as the submitted application documentation. I am satisfied that while there is potential for adverse impacts to arise at certain times and phases within the scheme that these would be either sufficiently managed and mitigated by the measures which form part of the proposed scheme and/or through the provision of suitable conditions. I am, therefore, satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impacts in terms of Biodiversity and that ultimately the Proposed Development can be provided and operated in a manner that will ensure protection of sensitive habitats, species and ecosystems while ensuring security of electricity supply, and providing a sufficient and significant backup generator to the national grid to ensure continuity of electricity supply at a nationally significant level over a defined period. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as these would be avoided, managed, and mitigated by the measures which form part of the Proposed Scheme and through suitable conditions.

8.5.9. **Surface Water Resources and Flooding (Chapter 11 of Submitted EIAR)**

Chapter 11 of the submitted EIAR considers surface water resources and flooding, which is supported by appendices H1 (Drainage Report) and H2 (Floodrisk Assessment). The EIAR section has been informed using data sources including the EPAs Water Framework Ireland Map viewer, Water Quality in Ireland 2016-2021, WFD Status 2016-2021, 2022 EcoStatus Value and Assessment Technique, Clare County Council's flood risk assessments, studies and mapping, OPW flood mapping, as well as site specific topographical data from surveys and available from Tailte Éireann.

The study area established is the land required for the Proposed Development and the immediate receiving surface waterbodies. The existing Moneypoint Generating Station complex currently discharges storm water, cooling water and neutralised waste water into the River Shannon Estuary which lies to the south of the proposed development. EPA mapping also shows one watercourse passing through the site, the Mologha River[13], which is culverted under the ASA at this location before it discharges into the Shannon Estuary. A lagoon was constructed in the eastern section of the ASA to capture and regulate the flow of this river, the lagoon is also used as a source of water for dust suppression on site. The Lower Shannon Estuary is classified as a transitional waterbody with a good status and not at risk under the WFD Waterbody status 2016-2021, while the Mologha is a river waterbody with moderate status with its risk status being 'review'. As the Mologha river is culverted in the vicinity of the proposed works its sensitivity is low while the Shannon Estuary is considered to be an extremely high sensitivity receptor due to its European designations (SAC and SPA). The closest designated bathing water area at Cappagh Pier, Kilrush, received an annual water quality rating of Good in 2022 and 2023. The existing Moneypoint generating station is subject to an IE licence which regulates 14 no. licenced emission/discharge points of which 12 are in use for a range of storm water, foul water (treated in an on-site septic tank prior to discharge) and process emissions. I note that the recorded WFD status of the waterbodies (Lower Shannon Estuary and Mologha/Tonavoher_010) have been established in the context of the existing Moneypoint operations which have been (and will continue to be) controlled through the IE licencing process, furthermore, the Mologha has

[13] Also referred to under its WFD name as Tonavoher_010

been culverted through the site, and the constructed lagoon north east of the ASA serves to regulate the flow, and facilitate deposition prior to the river entering the culvert. These existing drainage arrangements are not proposed to be altered and I am therefore satisfied that the Proposed Development will not result in a change of WFD status of any waterbodies and that it will not prevent any from reaching good status.

The floodrisk assessment (FRA) submitted with the application documentation notes that the FFL of the Proposed Development (5.65m OD), which is c. 1.07m above the High-End Future Scenario (HEFS) level of 4.57 set for coastal flood risk (which provides for future climate change sea level rising). I also note that while published coastal flood hazard mapping identifies parts of the ASA proximate to the coastline as being below the HEFS flood level that updated surveys show that this area is in fact above this level and under the Proposed Development will remain so. There has been one recorded flooding incident (coastal) at the N67 near the north western boundary of the site. The Molougha River has no mapped fluvial floodrisk available due to its limited catchment, however, the FRA shows that should the culverted river experience a blockage, low-lying agricultural land in the vicinity of the existing lagoon will provide storage for a number of days prior to the waters reaching a level that would flow along a narrow path to the west, over the N67 and into the Estuary. In reality this should not arise as the culverted river and its discharge point are subject to ongoing monitoring and the documentation asserts that any blockage would be dealt by station staff within hours. Impacts could arise from pluvial flooding as the proposed development is increasing the impermeable area within the existing site, particularly at the HFO tank bunds. The impermeable areas within these bunds will be increased from the existing 7,450m^2 (between both bunds) to 20,720m^2, while the new auxiliary building will increase the impermeable area by 432m^2. Appendix H of the EIAR provides details of the existing drainage system, which incorporates petrol interceptors, and provides for management of the bund during extreme rainfall events (valves controlling discharge from the bund areas will only be opened following regular inspections, and bunds have been sized such that in the event of a major oil spill event, they will be able to contain the full volume of one of the tanks, plus recommended allowances for firefighting, cooling water, and rainfall). The Proposed Development will improve the existing earthen banked bunds to modern standards through the provision of new reinforced concrete slab floors, impermeable

liner and reinforced walls. The site of the Proposed Development is underlain by sandstone, siltstone and mudstone with bedrock close to the surface and available mapping suggests that the proposed development is not impacted by groundwater. In terms of floodrisk the Proposed Development as an electricity generator is a sensitive form of development under the provisions of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities', however, the subject works are being proposed within an appropriate area (Zone C – from the Clare County Development Plan mapping[14]) in terms of flooding, and due to its location, topography and nature will not increase the current flood risk in the catchment.

In the do nothing scenario there will be no change to the baseline conditions as the Moneypoint generating station would continue to operate as it is under the control of the existing IE licence.

Table 8.5.6 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

[14] Clare County Development plan Map I10 refers.

Table 8.5.6 – Consideration of impacts, significance, and mitigation measures for Surface Water Resources and Flooding.

Impact – Surface Water Resources and Flooding	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Surface Water Quality from sediment/silt runoff, spillages, discharge to receiving waters	The spillage of hydrocarbons, sediment runoff and/or pollution events during construction is likely to be a significant short term adverse impact on water quality in the unmitigated scenario given the sensitivity of the Lower Shannon which is designated as both a SAC and SPA in the vicinity of the site and which would ultimately be the receiving waters for any such event.	Mitigation measures set out in Section 11.7 and 19 (summary of Mitigation Measures) of the submitted EIAR and 4 of the CEMP including: - The appointment of an EnCoW prior to commencement of works. - Management of construction activities to prevent impacts on surface waters; e.g. concrete wash will be retained temporarily on site and not allowed to discharge to drainage network, refuelling will only be carried out using bunded equipment, refuelling of plant will only occur on impermeable surfaces, or using mobile drip trays, spills will be immediately cleaned and any affected soils excavated and removed. - All pollution control measures will be designed, installed and maintained, in accordance with CIRIA guidance as well as the IE licence. - Sediment control measures will be provided throughout construction including the provision of settlement tanks, silt fences, and silt traps adjacent to excavations. - Erosion controls to prevent runoff across exposed/excavated ground such as minimising the areas of exposed ground, ensuring excavation does not proceed faster than the rate of construction and monitoring weather forecasts to plan excavation works.	No significant adverse residual effect.

Impact – Surface Water Resources and Flooding	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Impacts on Water Supply and drainage infrastructure.	The contractor's compound will be located within the existing operational compound and all services are present, foul drainage is available on site as is the existing water supply. Accordingly negligible impacts with an imperceptible effect will arise on water supply and drainage infrastructure.	No specific mitigation measures being proposed beyond, good site management and provision of proper connections to existing site services as set out in the application documentation.	No significant adverse residual effect.
Impacts on Floodrisk	As discussed previously above given the nature of topography, the receiving environment, combined with the location and scale of works there will be an imperceptible impact on flooding from construction activities.	No specific mitigation measures being proposed other than the overall design of the Proposed Development and good standard construction practices.	No significant adverse residual effect.
Operational Phase			
Potable and Process water supplies	Process water supply is expected to be reduced as coal is phased out, while potable water requirements for staff welfare will remain consistent with existing levels. Overall negligible impacts resulting in imperceptible effects will arise.	The Proposed Development will be operated in accordance with the limits for waste water discharge set by the EPA under the IE licence, and the water quality monitoring programme across the range of set parameters will continue	No significant adverse residual effect.
Process Wastewater	The Proposed Development will require the management of intentionally wasted water (to avoid concentration of impurities) from the new auxiliary boiler. Discharge will be controlled and emission limits from the existing IE licence for the relevant discharge point (SW2) will be complied with, accordingly the effect will be negligible and imperceptible.		No significant adverse residual effect.

Impact – Surface Water Resources and Flooding	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Surface Water Runoff / Drainage	During the operational phase runoff from the new expanded bunds will be managed and pass through interceptors prior to discharge in accordance with the IE licence. The provisions of the IE licence and parameters monitored will remain in place accordingly the effects arising on surface water runoff and site drainage will be negligible and imperceptible.	No additional specific mitigation measures beyond the overall drainage design adopted for the Proposed Development using the existing onsite infrastructure and associated interceptors and manual visual checks from the upgraded bund areas, as well as the continued application and monitoring of the parameters and limits set by the IE licence.	No significant adverse residual effect.
Foul Water	There are no foul water proposals as part of the Proposed Development, accordingly operational effects will be negligible/imperceptible.	No additional specific mitigation measures proposed, site discharges will continue to be monitored under the IE licence.	No significant adverse residual effect.
Oil Spillage from Tankers	In the event of an oil spill in the Lower Shannon Estuary there will be potential temporary to permanent significant to profound adverse effect on Water Quality	Mitigation measures in relation to potential oil spills are set out in Sections 10.8.1.6 and 11.7.2 of the submitted EIAR as well as in the updated HFO Project Technical Landuse Planning Report Issue C, dated May 2024 submitted by the applicant in response to HSA submission, and have been set out in the previous section of this report, measures include ensuring tankers have regard to the International Safety Guide for oil Tankers and Terminals, as well as providing detailed safety arrangements in relation to the oil delivery process and ensuring the Proposed Development includes the upgrade and expansion of the existing HFO tank bunds to appropriate standards.	No significant adverse residual effect.
Flood risk	The Floodrisk Assessment concludes that the Proposed Development will not increase current floodrisk, and the proposal has been designed with an appropriate freeboard level to avoid	No additional specific mitigation measures proposed.	No significant adverse residual effect.

Impact – Surface Water Resources and Flooding	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	coastal or other floodrisk, accordingly impacts will be imperceptible.		

Decommissioning:

At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the GreenAtlantic@Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence and similar mitigation measures relevant to surface water resources and flooding as for the construction phase will be necessitated. I consider that such works or activity will not give rise to significant adverse effects.

Cumulative Effects:

Cumulative surface water resource and flooding effects could arise in the event of works in the vicinity of the same watercourse being carried out concurrently, or immediately before or after the Proposed Development. Having regard to the nature of the Proposed Development, and the fact that potential impacts arising are not significant, the limited duration and extent of the construction works, the short term operational phase (up to December 2029), combined with the fact that the site emissions will continue to be monitored and limited by the IE licence, I consider that there is limited scope for cumulative effects to arise. Notwithstanding this, I have considered the projects in the vicinity (those set out in Section 5.5.9 of the EIAR, - including the Prospect to Tarbert Cable Route, Tarbert temporary generation, Cross Shannon Cable Project, ESB's GreenAtlantic @ Moneypoint Project and Moneypoint Hub SI works). I consider that cumulative effects will not arise due to a combination of the mitigation measures set out within these relevant projects as well as within the Proposed Development, the relative locations of the projects, the results of modelling for the projects (e.g. emissions modelling), the nature of the proposed projects, lack of potential significant construction phase overlaps, negligible operational phase effects across environmental media following mitigation, scale/nature of the estuary and lack of project interdependencies. The application documentation commits the applicant to engage with other projects and mitigation will be applied, if necessary, in relation to scheduling of construction activities. Having reviewed the documentation submitted and the planning registers of the relevant local authorities, I am satisfied that the range of projects permitted in the vicinity and proposed will not give rise to significant adverse cumulative impacts on water. In terms of the operational phase I note that the proposed development constitutes changes to an existing industrial energy generation activity within an existing industrial site which is already under industrial use and subject to EPA licencing, the operational phase is up until the end of 2029, accordingly I consider that there will not be any significant cumulative adverse impacts arising in terms of water/flooding.

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The prescribed bodies have not raised any significant issues in relation to the proposed drainage measures proposed albeit the HSA initially sought additional detail in relation to the proposed on site safety measures surrounding the HFO deliveries, which the applicant responded to, following which the HSA has confirmed that it does not advise against the granting of planning permission in the context of the Major Accidents Directive. The Planning Authority submission notes that the surface water

Impact – Surface Water Resources and Flooding	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
drainage proposals are generally considered to be acceptable and subject to the construction and operation of the development as proposed flood risk issues would not arise in this instance. I am satisfied that the drainage design proposals are appropriate and that the proposed development will not give rise to significant impacts on water or water quality in the vicinity provided works and operations are carried out in the context of the stated mitigation measures. I am also satisfied that the Proposed Development due to its nature, the local topography and overall design will not give rise to flood risk issues and that the documentation submitted demonstrates that the emissions requirements of the IE licence issued by the EPA are in place and will continue to ensure adverse effects will not arise from operations at the site. Similarly, construction activities will be appropriately mitigated through the implementation of the CEMP, and mitigation measures set out within the application documentation will ensure significant adverse effects will not arise.			
Conclusion: I have considered all of the submissions made in relation to Water and Floodrisk, as well as the submitted application documentation. I am satisfied that while there is potential for adverse impacts to arise at certain times and phases within the scheme that these would be either sufficiently managed and mitigated by the measures which form part of the proposed scheme and/or through the provision of suitable conditions. I am, therefore, satisfied that the Proposed Scheme would not have any unacceptable significant direct or indirect impacts in terms of water or floodrisk due to the nature of the works, nature of the drainage design adopted, site topography, character of the subject works and mitigation measures which form part of the proposed scheme and/or through the provision of suitable conditions. I am, therefore, satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impacts in terms of water and floodrisk and that ultimately the Proposed Development can be provided and operated in a manner that will ensure protection of water quality, and have no flood risk impacts while ensuring security of electricity supply, and providing a sufficient and significant back-up generator to the national grid to ensure continuity of electricity supply at a nationally significant level over a defined period. For clarity, I am also satisfied that the Proposed Development will not result in a change of any surface water WFD quality or prevent any surface water bodies from reaching good status. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as these would be avoided, managed, and mitigated by the measures which form part of the Proposed Scheme and through suitable conditions.			

8.5.10. **Land, Soils and Hydrology**

Chapter 12 of the submitted EIAR considers the impacts arising on Land, Soils and Hydrology and is informed by site specific studies on groundwater, existing HFO tanks, environmental site assessment, as well as relevant available national datasets available from the GSI and EPA. The study area established is the land required for the continued generation and change of fuel type at the generating station plus a 500m buffer, and includes shallow groundwater in the coastal zone of the estuary as this is likely to be influenced by seawater during high tides. The study area receiving environment is identified as industrial and commercial units, dump (ASA) agricultural pastures and broad-leaved forestry under Corine land use mapping. Historical mapping and aerial photography shows there were several quarries in and adjacent to the site. The predominant soil type is classified as 'urban', and comprises of made ground. There was a release of HFO at the site in May 2021 and while remediation work was carried out it is anticipated that there remains residual contamination in the soil[15], the sensitivity of soil receptors is considered to be high given the industrial history. Accordingly, arising from the historical and ongoing industrial nature of the site it must be assumed that underlying soils, geology, and groundwater have been exposed to some degree of contamination.

There are no karst landforms within the study area nor are there any recorded structural features or geological heritage sites, bedrock is sandstone/ siltstone/ mudstone. There have been no landslide events in the study area and landslide susceptibility is classified as low.

In terms of hydrogeology the groundwater flow at the site is towards the Shannon, and the bedrock aquifer is classified as locally important with bedrock being moderately productive only in local zones, and the most proximate groundwater source protection area is located in excess of 10km south of the study area. Under the IE licence groundwater monitoring is required from at least 30 monitoring wells at Moneypoint on a bi-annual basis. This monitoring has provided results showing elevated concentrations of metals and major ions (Aluminium, Arsenic, Chromium, Nickel, Copper, Barium, Boron, Cadmium, Mercury, Lead and Zinc) which exceed the defined licence trigger levels, these levels continue to be monitored and certain

[15] A map of this spill area is not provided; however, it is stated to have occurred within the western portion of the generating station at Unit 3 burner sump

elevated levels will arise due to the coastal setting and influence of brackish/saline water. Groundwater at the Moneypoint Generating Station is considered to be high to extremely vulnerable with areas of rock at or near the surface. There are 9 no. wells (e.g. boreholes, springs) within the study area, all of which are located to the north and north east of the proposed works. Kilrush (IE_SH_G_123) is the WFD groundwater body underlying the site which has an overall classification of Good status and not at risk in terms of WFD risk result. In the do nothing scenario the existing conditions will persist, and the site will continue to be controlled and monitored under the existing IE licence, which is a similar scenario to the do something scenario. For clarity, I do not consider that the Proposed Development will impact on the groundwater status due to the nature of the works, minor construction activities involved, provisions (and application) of the CEMP and application of IE licence conditions.

Table 8.5.7 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.7 – Consideration of impacts, significance, and mitigation measures for Land, Soils and Hydrology.

Impact – Land, Soils and Hydrology	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Land use	While there will be no land use changes during the construction phase having regard to the nature of the existing operations, mobilisation of contaminants can pose a negative moderate adverse impact on lands adjacent to the site.	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.12 of EIAR including: - EnCoW will be responsible for identifying contaminated ground. - Contaminants encountered will be managed and treated in accordance with best practice, risk assessment carried out. - Groundwater Quality Risk Assessment as well as a soil/materials waste classification report in relation to materials arising where works are required. A material reuse plan will also be carried out to investigate the fill material around the HFO tanks to judge its suitability for use. - Adherence to the CEMP.	Imperceptible – temporary, i.e. No significant adverse residual effect.
Land and Soils - Site levelling and grading, soil stripping, including vegetation removal, and removal of site material as waste.	Site levelling and grading, vegetation clearance could give rise to negative slight adverse effects Removal of site material as waste could give rise to slight adverse effects	Avoidance and design measures are set out in table 12.13 of EIAR. Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, including - Bund areas will be backfilled using imported and compacted engineered graded material to make up the required levels for the site. If excavated material is deemed suitable and uncontaminated, it will be reused for infill. - In relation to material removal no mitigation is proposed as excavated material will be soil with excavations shallow relative to the size of the site and the overall site use will remain consistent with existing with the notable cessation of coal management.	Imperceptible – permanent, i.e. No significant adverse residual effect.

Impact – Land, Soils and Hydrology	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Geology and soils – material imports for infilling, disturbance and/or remobilisation of contaminants through the ASA materials management, potential for workers to encounter contaminated soils in made ground.	Import of material (stated as being c.21,840m^3) to site for infilling for construction purposes could give rise to small positive effects of slight/moderate significance	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including - Imported materials will be tested (geotechnically and chemically) to ensure suitability for use. - Contaminated soil and subsoil will be exported and replaced with clean materials	Slight beneficial effect long term, i.e. no significant adverse effect
	Disturbance and remobilisation of contaminants during construction could give rise to moderate adverse effects of moderate/significant significance	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - Contaminated materials identified will be subject to further risk assessment, remediation and/or removal. - Materials to be moved will be subject to classification under the waste management act, and subject to materials management plan	Imperceptible, temporary - i.e. No significant adverse residual effect.
	Potential for workers to encounter contaminated soils in made ground represents a moderate adverse effect of a moderate/significant significance.	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - Appropriate PPE, standard good practice and appropriate health and safety measures will be applied,	Imperceptible - No significant adverse residual effect.
Geology and Soils – potential creation of contaminated soils from proposed works, including during decommissioning and removal of coal handling plant, through contaminated water runoff or asbestos	Potential moderate/significant adverse effect.	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - Contaminated water runoff will be collected and disposed of off-site at an appropriately licenced facility.	Imperceptible, temporary – i.e. No significant adverse residual effect.

Impact – Land, Soils and Hydrology	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
containing materials (ACM) from plant or buildings.		- ACM will be removed by an appropriately approved specialist contractor and air-testing carried out prior to demolition if necessary. - Routine monitoring of the site including daily visual monitoring of any surface water outfalls.	
Geology and soils – contamination risk from increased use of vehicles during construction giving rise to potential hydrocarbon leaks/spills onto soils, and material onto public roads	Potential moderate/adverse effect.	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - Implementation of the Traffic Management Plan. - Provision of wheel wash facilities. - Fuel storage in appropriate bunds.	Imperceptible, temporary – i.e. No significant adverse residual effect.
Geology and soils – accidental spillage of oil from dismantling of coal yard equipment.	Potential moderate adverse effect (c. 6 tonnes of oil estimated to be involved)	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including oil collection by an appropriately licenced waste contractor for treatment/recycling in accordance with the waste regulations.	Imperceptible, temporary, - i.e. No significant adverse residual effect.
Hydrogeology – remobilisation of contaminants (during decommissioning/dismantling/ construction [including piling]), spillage or leakage of hydrocarbons. Due to proximity to the sea groundwater is likely to be tidally influenced and perched water may also be present in made ground, foundations	Potential moderate/adverse effect.	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - Contaminated materials identified will be subject to further risk assessment, remediation and/or removal. - Materials to be moved will be subject to classification under the waste management act, and subject to materials management plan. - Implementation of the CEMP and all associated fuelling and spill provisions listed previously above.	Imperceptible temporary, - i.e. No significant adverse residual effect

Impact – Land, Soils and Hydrology	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
may therefore provide a pathway to the estuary.		- Tool box talks and health and safety briefings provided for workers. - Implementation of Environmental Incident Response Plan. - Where feasible shallow foundation solutions such as ground bearing shallow reinforced concrete pads/rafts and strip footings may be used in lieu of piling.	
Operational Phase			
Soils and Geology – potential leakage or spills of HFO during operations and/or other hydrocarbons/chemicals/ pollutants required for on-site operations. Disturbance and remobilisation of contaminants during the management/movement of ash from the ASA.	Potential Moderate/Significant adverse effect	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - HFO tanks will be fully bunded to required extents, shut off valves on the bunds will be set to closed by default. - All chemicals stored on site with be regulated under the IE licence and subject to regulatory controls. - There are no proposed increases or alterations to existing wastewater provisions. - In the event of an accidental oil spill, the ESB Moneypoint Oil Spill Response Plan will be implemented. - Following removal of ash from an ASA cell a liner will be installed and the cell used for future storage. Contaminated materials identified during works will be subject to review and if necessary, remediation and/or removal, materials to be moved will be subject to classification under the waste act and will be subject to a materials management plan.	Imperceptible, long term, – i.e. No significant adverse residual effect.
Soils, Geology and Hydrogeology – leachable trace elements (arsenic, selenium, boron) from coal ash could harm ecosystems,	Potential effects of moderate adverse significance.	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including:	Imperceptible, long term, - i.e. No significant

Impact – Land, Soils and Hydrology	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
as could elements of cement (used in capping the ASA) and hydrocarbons required during operations.		- Ash is stored in capped cells to prevent infiltration of rainwater (/leaching) while some will be used during operations of the HFO generation. - Periodic sampling and analysis will be undertaken with results submitted to EPA as a condition of the IE licence for review and agreement.	adverse residual effect.
Hydrogeology – wastewater and process water has potential to cause pollution if not properly managed. Contaminated runoff from roads, parking, bunded areas may contaminate ground or groundwater aquifer Site Water Discharges (e.g. firewater discharge) may contain contaminants Proposed capping material at ASA may alter surface water infiltration to groundwater aquifer	Potential effects of waste/process water is of moderate adverse significance. Potential effects from runoff areas is of slight adverse significance. Site water discharge effects of slight adverse significance Capping material infiltration levels potential effects are of slight adverse significance	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - The process wastewater discharge will be limited so that existing EI licence levels will not be exceeded (only additional change to process wastewater will be the boiler blowdown from the new auxiliary boiler). - All discharges, including runoff will continue to be managed and monitored by the conditions of the IE licence. - Secure drainage system and controlled/monitoring/testing of discharges from bunds will reduce potential contamination. - Settlement ponds within the application boundary will be maintained during the operational phase. - Proposed capping has similar properties and permeability as the existing.	Imperceptible, long-term, - i.e. No significant adverse residual effect.
Hydrogeology – dewatering may mobilise some contaminants, cause temporary changes to flows, a lowered water table, and alter	Potential adverse effect of moderate significance	Mitigation measures set out in section 12.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, while avoidance and design measures are set out in table 12.13 of EIAR including: - Minimal cover in place and accordingly limited volume of dewatering is anticipated. If required relevant measures	Imperceptible, short-term, - i.e. No significant adverse residual effect.

Impact – Land, Soils and Hydrology	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
soil topography characteristics		outlined in CEMP will be adhered to (i.e. discharges will be treated to remove contaminants).	

Decommissioning:

At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence and similar mitigation measures relevant to land, soils and hydrology as for the construction phase set out above will be necessitated. I consider that such works or activity will not give rise to significant adverse effects.

Cumulative Effects:

Cumulative land, soils and hydrology effects could arise in the event of works in the vicinity of the Proposed Development being carried out. Having regard to the nature of the Proposed Development, and the fact that potential impacts arising are not significant, the limited duration and extent of the construction works, the short term operational phase (up to December 2029), combined with the fact that the site emissions will continue to be monitored and limited by the IE licence, I consider that there is limited scope for cumulative effects to arise. Notwithstanding this, I have considered the projects in the vicinity (those set out in Section 5.5.9 of the EIAR, - including the Prospect to Tarbert Cable Route, Tarbert temporary generation, Cross Shannon Cable Project, ESB's GreenAtlantic @ Moneypoint Project and Moneypoint Hub SI works). I consider that cumulative effects will not arise due to a combination of the mitigation measures set out within these relevant o projects as well as within the Proposed Development, the relative locations of the projects, the nature of the proposed projects, lack of potential significant construction phase overlaps, negligible operational phase effects across environmental media following mitigation, and lack of project interdependencies. The most likely source of cumulative effects would come from the cumulative need to export waste materials from the various sites (regardless of the construction timeframes) in this regard I note that the provisions of the relevant waste management act will be applicable and all large scale projects are subject to their own environmental and waste management plans. Having reviewed the documentation submitted and the planning registers of the relevant local authorities, I am satisfied that the range of projects permitted in the vicinity and proposed will not give rise to significant adverse cumulative impacts on land. Soils and hydrology. In terms of the operational phase I note that the proposed development constitutes changes to an existing industrial energy generation activity within an existing industrial site which is already under industrial use and subject to EPA licencing, the operational phase is up until the end of 2029, accordingly I consider that there will not be any significant cumulative adverse impacts arising in terms of water/flooding.

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The prescribed bodies have not raised any significant issues in relation to the soils, land and hydrology, albeit the HSA initially sought additional detail in relation to the proposed on site safety measures surrounding the HFO deliveries, which the applicant responded to, following which the HSA has confirmed in response to the applicant's submission that it does not advise against the granting of planning permission in the context of the Major Accidents

Impact – Land, Soils and Hydrology	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Directive. I am satisfied that the drainage design proposals are appropriate and that the proposed development will not give rise to significant impacts on land soils or hydrology in the vicinity provided works and operations are carried out in the context of the stated mitigation measures. I am also satisfied that the documentation submitted demonstrates that the emissions requirements of the IE licence issued by the EPA are in place and will continue to ensure adverse effects will not arise from operations at the site. Similarly, construction activities will be appropriately mitigated through the implementation of the CEMP, and mitigation measures set out within the application documentation will ensure significant adverse effects will not arise.			
Conclusion: I have considered all of the documentation and submissions made in relation to soils, land and hydrogeology, as well as the submitted application documentation. I am satisfied that while there is potential for adverse impacts to arise at certain times and phases within the scheme that these would be either sufficiently managed and mitigated by the measures which form part of the proposed scheme and/or through the provision of suitable conditions. I am, therefore, satisfied that the Proposed Scheme would not have any unacceptable significant direct or indirect impacts in terms of land, soils or hydrogeology due to the nature of the works, nature of the drainage design adopted, site topography, character of the subject works and mitigation measures which form part of the proposed scheme and/or through the provision of suitable conditions. I am, therefore, satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impacts in terms of land, soils or hydrogeology and that ultimately the Proposed Development can be provided and operated in an appropriate manner that will ensure no significant adverse effects arise on soils, land and hydrogeology while ensuring security of electricity supply, and providing a sufficient and significant backup generator to the national grid to ensure continuity of electricity supply at a nationally significant level over a defined period. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as these would be avoided, managed, and mitigated by the measures which form part of the Proposed Scheme and through suitable conditions. Furthermore, I note that the nature of the works relative to the extent of the WFD waterbodies in the vicinity give rise to effects (post mitigation) the magnitude of which will pose low risk to the delivery of long term WFD no deterioration and status objectives. In this regard I concur with the findings of table 12.14 of the submitted EIAR.			

8.5.11. **Archaeology, Architecture and Cultural Heritage (Chapter 13 of Submitted EIAR)**

Chapter 13 of the submitted EIAR deals with Archaeology, Architecture, and Cultural Heritage, and was informed by a desktop study, of all relevant documentation (including the Sites and Monuments Record, the Excavation Bulletins database [within the townlands crossed by the Proposed Development, two undertaken but nothing of archaeological significance discovered), Clare CDP and coastal architectural heritage survey] examination of aerial photography as well as a field survey. Appendix J of the EIAR provides supporting information in the form of photographs of the site and the current locations of various previously identified features of heritage merit as they currently exist on site. The study area for Archaeology, Architecture and Cultural Heritage was considered to be within 1km of the Proposed Development in relation to National Monuments and Recorded Archaeological Monuments (RMPs), Records of Protected Structures (RPS), Architectural Conservation Areas (ACAs), structures on the National Inventory of Architectural Heritage (NIAH), and within the Proposed Development Site in relation to unregistered features of archaeological potential and unregistered features of cultural heritage. I consider that such a study area facilitates the assessment of the potential for impacts to arise on the settings of heritage features while also informing the archaeological potential of the Proposed Development site.

The receiving environment is very much characterised by the existing Moneypoint generating station, with very little evidence of prehistoric activity occurring within 1km of the site, although there is greater evidence of early medieval settlement with a single Cashel and 13 no. ringforts/enclosures, a souterrain and a recorded hut site. There is a history of quarrying activity in the vicinity, and the Moneypoint Power generating station was commissioned between 1985 and 1987. There are 19 no. RMPs within 1km of the site, (none on site) with the closest being 70m north west of the application boundary in woodland/scrub. There are no national monuments or sites with preservation orders within the study area and the only RPS is St. Senan's/St. Imy's Church c. 890m northeast (which is also on the NIAH). There are no ACAs within the study area and one site from the Clare Coastal Survey (boat Slipway) c.620m to the west of the site boundary. There are six undesignated cultural heritage sites (3 wells – [identified as CH027-CH29 in the EIAR], a limekiln

[CH026], a vernacular settlement [CH30] and a salmon weir [CH031]) which were likely removed and/or buried due to the development of the generating station and ASA (similarly the Ballymacrinan/Carrowdotia North townland boundary runs partially under the ASA area with another – the Carrodotia north/south townland boundary running along the N67). Following field inspection, no further sites or features of archaeological, architectural or cultural heritage significance were identified. Two areas of archaeological potential were identified in the EIAR, (one coastal area at the western extent of the ASA [identified as CH024], the other riverine associated with the now culverted Molougha River [CH025]) however, these have been previously impacted through the development of the existing generating station and ASA.

Table 8.5.8 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.8 – Consideration of impacts, significance, and mitigation measures for Archaeology, Architecture and Heritage.

Impact – Archaeology, Architecture and Heritage	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
The Proposed Development is proposing works within an existing developed industrial site, accordingly no direct impacts are considered to arise on archaeological or architectural heritage during the construction stage.	Effects of Imperceptible significance	Construction activities have been designed to occur in areas that have already been developed, with new structures and dismantling occurring entirely within the extent of the existing south eastern portion of the site which is the location of the power generating station and coal yard that has been previously developed.	Imperceptible, i.e. No significant adverse residual effect.
The removal of the coal handling plant and cessation of coal use at Moneypoint represents the ending of this nationally significant activity, and removal of significant plant.	Removal of Coal handling equipment and cessation of such use represents a potentially profound negative impact on industrial heritage.	No mitigation measures are provided within the submitted EIAR in relation to preservation of the industrial heritage issue. While industrial use and energy generation will continue from this site and the need to cease coal-fired electricity production is acknowledged, in the event of favourable consideration a condition should be imposed requiring the preparation of an industrial heritage report setting out the history, nature and character of the coal fired management systems and recording the relevant structures and plant to be removed.	No significant adverse residual effect
Operational Phase			
Alterations to the ash management regime (removal of existing ash from established cells) in the ASA could potentially impact on Cultural Heritage sites at that location which have already been buried.	Effects on three wells (CH027, CH28, CH29), Vernacular settlement (CH030), limekiln (CH026) and townland boundary (CH022) could potentially have a slight negative significance given baseline sites values. Effects on coastal area of archaeological potential (CH024)	Mitigation measures set out in section 13.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP: - In the event of excavation areas go deeper than the earliest Ash deposits in the ASA works will be monitored by an archaeological consultant and should archaeological material be encountered works will cease and a strategy for recording, preserving and/or excavation will be	Imperceptible in relation to CH022, CH026, CH027, CH028, CH029, CH030, and Slight Negative in relation to CH024 i.e. No significant adverse residual effect.

Impact – Archaeology, Architecture and Heritage	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	could potentially be of significant negative significance given the baseline site value.	agreed with the County Archaeologist. Further work will only be carried out following consultations with the County Archaeologist and National Monuments Service	

Decommissioning:

At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence and similar mitigation measures relevant archaeology, architecture and heritage as for the operational phase set out above will be necessitated. I consider that such works or activity will not give rise to significant adverse effects.

Cumulative Effects:

Cumulative archaeology, architecture and heritage effects will not arise as the Proposed Development is located within an existing developed industrial site. The proposed works are within the immediate curtilage of a significant industrial structure with new structures being located immediately adjacent to existing large buildings. The proposed works will not affect the setting of any architectural, archaeological or heritage features in the wider area. While dismantling of coal yard equipment/plant and a conveyor is being proposed this will not alter the overall nature or character of the established site. Having regard to the nature of the Proposed Development, and the fact that potential impacts arising are not significant, I consider that there is no scope for cumulative effects to arise. Notwithstanding this, I have considered the projects in the vicinity (those set out in Section 5.5.9 of the EIAR, - including the Prospect to Tarbert Cable Route, Tarbert temporary generation, Cross Shannon Cable Project, ESB's GreenAtlantic @ Moneypoint Project and Moneypoint Hub SI works). I consider that cumulative effects will not arise due to a combination of the mitigation measures set out within these relevant o projects as well as within the Proposed Development, the relative locations of the projects, and their nature. Having reviewed the documentation submitted and the planning registers of the relevant local authorities, I am satisfied that the range of projects permitted in the vicinity and proposed will not give rise to significant adverse cumulative impacts on archaeology, architecture and heritage. In terms of the operational phase I note that the proposed development constitutes changes to an existing industrial energy generation activity within an existing operational industrial site subject to EPA licencing, the operational phase is up until the end of 2029, accordingly I consider that there will not be any significant cumulative adverse impacts arising.

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The prescribed bodies have not raised any significant issues in relation to archaeology, architecture and heritage. The submission from Clare County Council notes the industrial nature of the site and mitigation measures proposed and concludes that subject to implementation of the mitigation measures no residual cumulative impacts are envisaged. The Councils submission also notes the provisions of objective 16.3 – Industrial Heritage of the CDP and in that context notes that it would not be feasible to repurpose the two mobile stackers/reclaimers to be dismantled and that they are not of sufficient architectural merit to warrant their retention. I am

Impact – Archaeology, Architecture and Heritage	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
satisfied that the Proposed Development will not give rise to significant adverse impact on archaeology, architecture and heritage features on site or in the vicinity provided works and operations are carried out in the context of the stated mitigation measures with an additional condition recommended to record the industrial heritage of the coal yard works and equipment.			

Conclusion:

I have considered any submissions made in relation to archaeology, architecture and heritage, as well as the submitted application documentation. I am satisfied that while there is potential for adverse impacts to arise during the operational phase of the scheme on archaeology (should excavations within an ash cell go below the levels of ash deposits made) and on industrial heritage (when dismantling the coal yard equipment and plant) that these would be either sufficiently managed and mitigated by the measures which form part of the proposed scheme and/or through the provision of suitable conditions. In this regard I recommend that an appropriate specialist report be commissioned to review the industrial heritage of the coal yard plant and operations including an accurate photographic record of equipment. In this context I am satisfied that the Proposed Scheme would not have any unacceptable significant direct or indirect impacts in terms of archaeology, architecture and heritage due to the nature of the works, established nature of the industrial site, character of the receiving environment and mitigation measures which form part of the proposed scheme and through the provision of suitable conditions. I am, therefore, satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impacts in terms of archaeology, architecture and heritage and that ultimately the Proposed Development can be provided and operated in an appropriate manner that will ensure no significant adverse effects arise while ensuring security of electricity supply, and providing a sufficient and significant backup generator to the national grid to ensure continuity of electricity supply at a nationally significant level over a defined period. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as these would be avoided, managed, and mitigated by the measures which form part of the Proposed Scheme and through suitable conditions.

8.5.12. **Landscape**

Chapter 14 of the submitted EIAR deals with Landscape, and is supported by photomontages (appendix K of the EIAR) which highlight the locations of the proposed structures in the landscape and against the backdrop of the existing works, as well as the differences in ASA levels and views towards the site from the sea. The Landscape section was informed by a desktop study of all relevant documentation (including the CDP), fieldwork to establish the landscape character, prior to assessing impact and provision of mitigation measures. A 2km study area was established which I consider appropriate having regard to the nature of the Proposed Development and the receiving landscape.

The study area is a relatively low lying landscape north of the Shannon Estuary, the most notable visual feature in the area is the Moneypoint generating station (with its two 220m high stacks) and the five wind turbines in place throughout the site, beyond these the coastline/seascape of the estuary and agricultural features with a dispersed settlement pattern establish character. The N67 which runs through the study area and the proposed site forms part of the Wild Atlantic Way and is a designated scenic route to the west of the Proposed Development under the CDP. Under the Landscape Character Assessment for Clare the site is located within the Landscape Character Type (LCT) 'Farmed Rolling Hills' and Landscape Character Area (LCA) 18 'Shannon Estuary Farmland', with the Lower Shannon seascape character area running along the southern boundary of the study area and site. Under the CDP the site of the proposed development is identified as a 'Working Landscape' to the south of the N67 and as a 'Settled landscape' to the north (i.e. the ASA). The Zone of Theoretical Visibility (ZTV) mapping produced shows that the proposed HFO tank structures will be largely screened from views by existing buildings and topography to the south although some views may be possible locally from outside the site from the north and west. The auxiliary boiler building, and associated stack will be visible to the south and west. These structures will, however, always be read within the landscape with the generating station as a backdrop. The ASA mound will be visible over a wider local area as it is more exposed, however, the Proposed Development will result in an overall reduction in its height from that previously permitted. In general, while the wider area is of a typical rural/agricultural character, the site of the proposed development has a strong, distinctive industrial

presence in the landscape, while the Shannon presents a strong coastal visual element. In relation to that part of the N67 designated as a scenic route the dominant and most distinctive views are towards and over the Shannon Estuary, however, the existing Moneypoint power station, its associated chimney stacks (220m in height) and wind turbines are a significant feature over the wider landscape. In terms of landscape effects the primary impacts arising from the Proposed Development is the provision of new structures/buildings (including HFO tanks, boiler house, reclaimed ash unloading facilities, hoppers and conveyors) located in the immediate vicinity of existing large scale industrial buildings and structures which will therefore be viewed against that industrial backdrop, alterations to the ASA will result in a reduction in height of up to 1.85m in the finished levels of the mound permitted under Pl. Ref. 14/373 (albeit with a similar profile and finish), and the removal of coal handling equipment and a conveyor.

Table 8.5.9 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.9 – Consideration of impacts, significance, and mitigation measures for Landscape.

Impact – Landscape	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Landscape effects from construction stage	Effects considered to be negative imperceptible in significance and short term.	Works will be carried out within an industrial site with significant industrial buildings and infrastructure in the vicinity. Specific mitigation measures are not considered necessary beyond the design scheme adopted.	Imperceptible, i.e. No significant adverse residual effect
Operational Phase			
Landscape effects from operational and maintenance phase.	Landscape effects from the operational phase will be imperceptible and permanent (in the context of the ASA mound which is intended to remain insitu). Decommissioning (discussed further below) may involve removal of structures.	Due to imperceptible significance of effects from design additional mitigation is not provided for.	Imperceptible, i.e. No significant adverse residual effect
Visual effects from operational and maintenance phase	Visual effects are neutral, imperceptible and permanent across six of the seven viewpoints analysed, with view point 1 (Ballymacrinan) having a negative imperceptible significance.	Due to imperceptible significance of effects from design additional mitigation is not provided for.	Imperceptible, i.e. No significant adverse residual effect
Decommissioning: At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence. Decommissioning will undoubtedly involve the further removal of structures from the site, while others may be retained, however, overall any future such works would be deemed to be positive in terms of landscape. I consider that any such future decommissioning works, or activity will not give rise to significant adverse effects on landscape.			
Cumulative Effects:			

Impact – Landscape	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Cumulative landscape effects will not arise as the Proposed Development is located within an existing large scale developed industrial site with very large buildings and structures insitu, and effects from the works are imperceptible or negligible in terms of landscape and visual amenities. The works are minor in the context of the overall site and all structures and activities will be read against the backdrop of the extant significant industrial buildings, equipment and operations that are in place, I also note that the ASA mound will be reduced in height (but not extent) from that previously permitted. I therefore conclude that there is no scope for cumulative effects to arise with other projects in the vicinity.			

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The prescribed bodies have not raised any significant issues in relation to landscape. The submission from Clare County Council notes the industrial nature of the site, the provisions of the CDP and concludes that the Proposed Development would not have adverse impacts on the existing views available in the area, the character of the receiving landscape, or the views available from the designated scenic route to the west.

Conclusion:

I have considered all of the submissions made in relation to landscape, as well as the submitted application documentation and the provisions of the County Development Plan. I note that the levels in the ASA will be reduced in height, (but not extent) under the Proposed Development in comparison to that previously granted, and that it will be finished in a similar manner as previously permitted (i.e. left as grassland). The proposed structures and buildings will be provided immediately adjacent to existing significant industrial buildings and visual impacts will be negligible due to the scale of the site, nature of the works and existing buildings in combination with the existing topography. I note that the ASA is located in close proximity to an existing scenic route, however, this is provided behind a large embankment which faces onto the scenic route that runs at a lower level closer to the coastline at this location. On longer range views when finished the ASA will read as grassland in the landscape, accordingly I do not consider that the Proposed Development will adversely infringe or amend available views from this scenic route. In this context I am satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impacts in terms of landscape impacts due to the nature of the works, design scheme adopted, established nature of the industrial site and the character of the receiving environment and that ultimately the Proposed Development can be provided and operated in an appropriate manner that will ensure no significant adverse effects arise while facilitating the security of electricity supply, and providing a sufficient and significant backup generator to the national grid to ensure continuity of electricity supply at a nationally significant level over a defined period. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as set out previously above.

8.5.13. **Material Assets – Traffic and Transport**

Chapter 15 of the submitted EIAR deals with Traffic and Transport, which notes that a full Traffic and Transport Assessment is not warranted in relation to the operational phase traffic as it will be similar to that of the existing development with effectively no additional impacts over and above existing/established operations on the public road network anticipated. Therefore, the assessment focused on the construction stage which is intended to last for 21 months and involve approximately 90-100 personnel. Supporting information for Chapter 15 is included in Appendix I of the EIAR which includes details of the core guidance used, maps of the construction route/study area, and provides the N68, N67 and Moneypoint construction traffic survey data. It is not envisioned that lane or road closures will be necessary to facilitate construction and the Board should note that an underpass is in place to connect the ASA to the generating station and accordingly any additional movements of ash between these two parts of the site will not impact on the public road network during operations. I am, therefore, satisfied that the operational phase will not give rise to additional impacts on the public road network over and above existing operations which are considered within the established baseline.

The study area has been established as the public road network proposed to accommodate construction traffic for the Proposed Development, which includes the N67 between the site and Kilrush, the N68 between Kilrush and Ennis, and onto the M18 Motorway via the N85. The existing road network is considered to be of low sensitivity due to its rural nature and levels of traffic. The assessment was informed by national transport modelling and TII traffic count data, against which predicted construction vehicle movements have been compared to establish impact. Significant effects are considered to arise if the percentage increase in general traffic (HGV and LGV) or HGV traffic increases by 30% on any of the identified routes. Pre-COVID levels of traffic growth are applied to modelling with public transport also considered. In general, the baseline roads are operating well within their design capacities, and they have an existing relatively low proportion of HGV traffic (c. 4-5%). This low starting point of HGV activity leads to additional construction traffic HGV giving rise to a large percentage increase, albeit the design and carrying capacity of the road network is more than adequate to deal with anticipated increase in such traffic. The application documentation states that the preferred method of

delivery of abnormal loads to the site will be via sea, however, the applicant has clarified that there will be a three-month period during the construction phase which will require one abnormal load delivery by road per month, these will occur at off-peak traffic times with appropriate permits and suitable escorts where necessary.

Table 8.5.10 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.10 – Consideration of impacts, significance, and mitigation measures for Traffic and Transport.

Impact – Traffic and Transport	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
General Construction Traffic	An increase varying between 3% (N68) - 9% (N67) will arise on the public roads accessing the site, effect is considered to be minor (not significant), adverse, and temporary in comparison to background levels.	Mitigation measures set out in section 15.6 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, include: - A Traffic Management Plan (TMP) will be adopted and regulated, the general purpose of which will be to optimise the efficiency and safety of all traffic activities. The TMP (appendix C2 of the EIAR) will be agreed with the Local Authority and other stakeholders as appropriate. - The TMP sets out the main construction route, details of access, general working hours, transportation protocols, driver requirements, speed limits, wheel wash and road cleaning/sweeping commitments, temporary signage, parking provisions, monitoring requirements, appointment of community liaison contact, and ensure updates/reviews are carried out as necessary. - Should the construction stage of any notably sized development appear likely to overlap with the Proposed Development the appointed contractor will liaise with the relevant developer regarding the scheduling of deliveries to identify means of reducing combined effects. - Car sharing will be promoted for construction staff during induction. - Subcontractors will be obligated to conform with the CEMP, and compliance monitored by the project manager.	No significant adverse residual effect
HGV Construction Traffic	An increase varying from 19% (N68) - 46% (N67) will arise on public roads accessing the site. Effect is Moderate (Significant), adverse and temporary on N67 between Kilrush and Moneypoint, and Minor (not significant) and temporary on the N68. The road operates well within design capacity at all times with the low existing HGV volumes on the N67 contributes to the relatively larger proportional increase.		No significant adverse residual effect
Driver Delay	Effect from increased construction traffic volumes on public road will be minor, not significant and temporary.		No significant adverse residual effect
Road Safety	Given the lack of significant increase in overall traffic the impact is considered to be not significant and temporary.		No significant adverse residual effect
Community effects regarding severance, non-montorised user amenity as well as fear/intimidation.	Severance will not occur as there is significant residual road capacity available. The effects on non-motorised user amenity will be minor, adverse and temporary due to the increased level of		No significant adverse residual effect

Impact – Traffic and Transport	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	HGVs notwithstanding the residual road's capacity. In terms of fear/intimidation for road users the effect is negligible and therefore not significant due to the limited changes from baseline levels.	- Abnormal loads, where required to be delivered by road will adhere to relevant requirements, with such deliveries being scheduled at off-peak times and with all appropriate escorts and licencing.	
Operational Phase			
Operational and maintenance phase traffic impacts	Traffic levels during the operational phase will be the same as the existing/established levels, accordingly significance of effects will be negligible	A Workplace Travel Plan (WTP) will be implemented with the aim of enabling sustainable travel opportunities within the operational phase including minimising car travel, and maximising use of public transport opportunities.	No significant adverse residual effect

Decommissioning:

At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence. Decommissioning for the proposed development will undoubtedly involve the further removal of structures from the site, while others may be retained, and accordingly similar impacts to those considered for the construction phase will arise. I note that should larger scale decommissioning of the Moneypoint generator arise potential impacts could be greater, however, in this regard I note that the route network serving the site does have capacity to cater for additional volumes, and decommissioning activities will be temporary in nature. I consider that any such future decommissioning works, or activity will not give rise to significant adverse effects on traffic and transport.

Cumulative Effects:

Cumulative significant adverse traffic and transport effects will not arise as the Proposed Development is serviced by the existing national secondary road network which is operating well within its design capacity. Existing operational traffic volumes and levels will be similar as the proposed development and form part of the established background receiving environment. Construction activities in relation to the Proposed Development will be temporary, and the existing road network has capacity to accommodate additional volumes and the application documentation commits the applicant to engage with other significant projects which may arise in the vicinity. At present consent is in place for the provision of transmission cables between Moneypoint and the Kilpaddoge substation in Kerry on the opposite side of the Estuary (ABP-307798), should construction activities be concurrent for these projects these will have to be co-ordinated, and the application documentation commits to co-ordination with other projects (albeit I note that construction for that project will be split between the road networks in Kerry and Clare). Other projects in the vicinity consented should not give rise to significant adverse cumulative impacts due to the scale of the works, likely timeframe and capacity in the road network. I therefore conclude that there is no scope for significant cumulative effects to arise on traffic and transport with other projects in the vicinity.

Impact – Traffic and Transport	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The prescribed bodies have pointed to some issues in relation to traffic and transport. The submission from Clare County Council notes the provision of a traffic management plan and the appointment of a community liaison officer as well as the identification of construction routes, and requests that routes should seek to minimise impacts on existing traffic flows and adjacent land uses and also seeks HGV traffic to be dispersed in Kilrush and its environs to ensure a single route isn't overburdened. The council also request that potential impacts on existing road surface treatments be considered. Clare County Council notes that the operational phase will not give rise to impacts on the surrounding road network. The TII note that the Proposed Development does not result in the generation of increased traffic from an existing access onto a national road and therefore does not conflict with Government policy, furthermore the TII set out the requirements for abnormal load permitting and rectifying of damage to roads should abnormal loads be required along the public road network.

Conclusion:

I have considered all of the submissions made in relation to traffic and transport, as well as the submitted application documentation and the provisions of the County Development Plan. I note that operational traffic levels under the Proposed Development will not differ from those of existing operations, and accordingly no significant adverse impacts will arise in relation to traffic and transport beyond those already in place in the established baseline. Construction phase impacts will arise due to the increased traffic (both general and HVG movements) along the defined construction routes that have been identified. There will be a significant relative increase in HGV movements, on the N67 between Moneypoint and Kilrush of 46%. This arises from the projected 33 peak daily additional HGV movements compared to 72 baseline movements (without the construction phase). I am satisfied that the capacity of the existing road (AADT of 11,600) can cater for this temporary increase in traffic levels and that significant adverse impacts will not arise subject to implementation of the stated mitigation measures (including compliance with the traffic management plan, and incorporation of the proposed Workplace Travel Plan), and subject to adequate conditions to ensure the established road network is maintained in its current condition. In this context I am satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impacts in terms of traffic and transport due to the nature of the works, established operational nature of the industrial site, duration of the construction activities, the capacity of the existing road network. Ultimately the Proposed Development can be provided and operated in a manner that will ensure no significant adverse effects arise while facilitating the security of electricity supply, and providing a sufficient and significant backup generator to the national grid to ensure continuity of electricity supply at a nationally significant level over a defined period. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as the TMP requires engagement with other projects throughout the application process to ensure construction traffic is managed effectively.

8.5.14. **Material Assets and Waste Management**

Chapter 16 of the submitted EIAR deals with Material Assets and Waste Management, essentially assessing the environmental effects associated with the consumption and use of materials and waste management during the construction, operational and decommissioning stages of the Proposed Development. The materials required to facilitate construction include steel, stone, concrete, sub- and top- soil, cement, concrete and plastic. Due to the nature of the works and site only a nominal amount of site-won material will be reused within the Proposed Development (for example of the 7,306m^3 of soils arising only c. 377m^3 will be reused on site, similarly of 6,565 m^3 of stone arising it is estimated only 312m^3 will be reused) and accordingly construction materials (c.21,840m^3 of bulk and concrete assets – equating to approximately 22,220 tonnes of sand and gravel and 16,232 tonnes of crushed rock) will have to be imported onto the site. Excavation and demolition (/dismantling) works are anticipated to result in c. 14,520m^3 of inert and non-hazardous waste (with an additional 6 tonnes of oils from dismantling coal yard equipment), with c. 2,366m^3 of inert and non-hazardous waste arising from materials required for construction (e.g. through materials damage, off-cuts or surplus).

In relation to the use of HFO as a fuel source, I note that this has already been approved for the Moneypoint Generators and that it will continue to be sourced on the open international markets from sources which will vary in accordance with market demands and prices. Furthermore, I note that due to the relatively small scale (in global production terms), and the limited duration of the operational phase of the Proposed Development, it will not impact on global HFO production levels nor its market operations. I, therefore, consider that the production of HFO is sufficiently removed from the Proposed Development, that production rates of HFO globally will neither be encouraged nor expanded (due to the scale of the international market) and that the impacts of the HFO production process is not capable of assessment in site-specific terms in relation to the current project, I am therefore satisfied that consideration of the effects of HFO production lie outside EIA considerations in relation to the Proposed Development.

Table 8.5.11 below identifies potential construction and operational impacts, significance of effects, mitigation measures and residual effects.

Table 8.5.11 – Consideration of impacts, significance, and mitigation measures for Material Assets and Waste Management.

Impact – Material Assets and Waste Management	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Construction			
Construction Phase Material Asset requirements	The Proposed Development will give rise to a demand of c. 0.25% of the sand and gravel production and c.0.06% of the crushed rock production in Ireland. There will be direct and permanent effects on these non-renewable resources, however these effects will not be significant in the context of the available materials.	Mitigation measures set out in section 16.7 and 19 (summary of Mitigation Measures) of the EIAR and section 4 of the CEMP, and include: - Where feasible materials will be delivered on a just-in-time basis to avoid damage, contamination and waste. - Temporary stockpiling will be avoided where possible to avoid wastage, if unavoidable best practice measures will be used. - Suitable excavated material will be reused in construction where feasible following appropriate testing/studies. - Where onsite material is not suitable secondary or recycled materials will be procured where possible and feasible. - Pre-cast elements will be used where feasible to ensure efficient use of materials and limit waste and off-cuts.	No significant adverse residual effect
Waste Management	Using worst-case scenario estimate of 30% of waste generated from the Proposed Development going to landfill it would take up 2.5% of the total annual land-fill capacity, giving rise to a permanent effect of slight significance in the absence of mitigation.	Mitigation measures set out in section 16.7 of the EIAR and section 4 of the CEMP, and include: - The waste hierarchy and circular economy principles will be implemented throughout the construction phase to minimise waste arising and maximising recycling. - Implementation of the Resource and Waste Management Plan (Appendix C1 of the EIAR) and CEMP, both of which will be available for inspection by the Local Authority.	No significant adverse residual effect
Operational Phase			

Impact – Material Assets and Waste Management	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Operational Stage Material Asset requirements	Two new boilers proposed to service the HFO requirements one electric, and one diesel, with the electric boiler being the primary auxiliary boiler leading to a likely reduction in diesel requirements. The Proposed Development will result in the facility being run under contractual arrangements as a generator of last resort, fuelled exclusively by HFO up to 2030, replacing/altering current coal fired generation. The use of HFO will increase while the use of coal as a fuel will cease. The use of other chemicals, oils and materials during operations will remain consistent with current levels. Overall, the replacement of coal with HFO and consistent use of other inputs will give rise to a neutral, temporary/short term and imperceptible effects during the operational phase.	No specific mitigation measures are provided within the EIAR in relation to the operational stage material asset input requirements, as inputs will be reduced from baseline/established levels by the very nature/design of the proposed development. In this regard, while HFO use and storage on site will increase this will replace the coal storage and result in coal no longer being used as an operational input. This will result in the continued use of non-renewable fossil fuel however, it will be for a strictly defined operational period (up to the end of 2029), and operations/generation as an out-of-market generator of last resort will be contractually limited to 3,000 hours per annum per unit up to a maximum of 5,000hrs which will typically run at times of low renewable energy generation.	No significant adverse residual effect in comparison to established baseline levels.
Operational Stage waste Management	The Proposed Development will result in reduced levels of Ash and FGD by-product generated and to be managed, with landfill requirements estimated to be reduced from 232,330m^3 in 2025 to 66,000m^3 in 2029 within the ASA. Other general operational waste will remain broadly consistent with	Mitigation measures set out in section 16.7, and 19 (summary of Mitigation Measures) of the EIAR and include: - Waste arising during operational phase on site will be managed as per the conditions of the IE licence (P0605-04). - Ash generated from operations will be managed higher up in the waste hierarchy by using reclaimed ash from the ASA to use for capping material which will be regulated through the IE licence.	No significant adverse residual effect

Impact – Material Assets and Waste Management	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
	current levels. The effects will be temporary and imperceptible and not be significant. Waste arising from ships delivering HFO to the site (e.g. ballast water or other discharges into the Shannon Estuary).	- The waste hierarchy and circular economy principles will be implemented throughout the construction phase to minimise waste arising and maximising recycling. - On-site facilities to separate waste streams will be provided. - Ensure employees are aware of best practices to optimise material assets use and minimise waste generation. - Production of an Operational Waste Management Strategy. - In relation to Waste arising from ship activity (ballast etc.) Section 4.4.8 of the EIAR notes that all vessels are governed by the provisions of the Sea Pollution Act 1991 (as amended) and will be compliant with the International Convention for the Prevention of Pollution from Ships (MARPOL)	
Production of Electricity and export to the national grid as a generator of last resort for periods where demand outstrips supply from other sources	Significant positive effect	No mitigation required	Significant positive effect.

Decommissioning:

At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence. Decommissioning for the proposed development will undoubtedly involve the further removal of structures, equipment and buildings from the site, while others may be retained and repurposed, and accordingly similar impacts to those considered for the construction phase will arise in terms of material assets and waste. I note that should larger scale decommissioning of the Moneypoint generator arise potential impacts could be greater, however, in this regard I note that materials and waste management objectives and legislative requirements will still have to be met and confirmed through any future planning consent and IE licence compliance. Furthermore, I note that should a similar proportion of waste materials arise (i.e. 30% in a worst case

Impact – Material Assets and Waste Management	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
scenario) this would occupy a small percentage of capacity available (in the context of current levels). Accordingly, with the controls in place, recycling capabilities in relation to materials and landfill capacities likely available, I consider that any such future decommissioning works, or activity will not give rise to significant adverse effects on Material Assets or Waste management.			
Cumulative Effects:			
Cumulative significant adverse material assets effects will not arise as the Proposed Development will (a) utilise very small proportions of national aggregate outputs (e.g. 0.25% of sand and gravel production, and 0.06% of crushed rock production using 2021 output figures) and landfill capacity (2.5% using worst case scenario) during construction, and (b) be operated in a manner that overall will require less material asset inputs. In relation to (b) I note that an increased level of HFO will be used on site, however this will be for a limited stated period (i.e. 5 years) and generation will only occur in contractually controlled circumstances as a generator of last resort for a specified number of hours with the use of coal being phased out. In this regard, while non-renewable fuel will continue to be used for a limited period (up until the end of 2029), I consider that the material asset inputs for operations will be stepped down from the current established (baseline) levels with the cessation of use of coal and the limited number of hours of generation required as an out of market generator of last resort. During construction and operational phases cumulative effects will arise as other projects being constructed and operated will be using the same national resources (and international resources in the case of the production of HFO). Effects arising include depletion of non-renewable aggregates, competition for material assets, occupation of annual landfill capacity for C&D waste and use of available waste management infrastructure capacity. I also consider that due to the specific contractual operational parameters for the proposed development and its narrow timeframe and operational hours, that the Proposed Development will neither delay nor impede the provision of additional renewable forms of electricity to the national grid, as it will only generate energy at times when other sources are not sufficient to cater for demand. Accordingly, it will not cause a cumulative impediment effect nor barrier to the increased provision of renewable energy. I consider the proportionately limited level of resources required in relation to construction of the Proposed Development and the controlled and time-limited nature of the operational phase, combined with the overarching regulatory requirements for all projects to minimise waste and optimise reuse/recycling of resources as set out in relevant national regulations and policies will ensure that cumulative impacts arising are not significant. I therefore conclude that there will be no significant cumulative effects arising in relation to material assets and waste management with other projects.			
Submissions:			
Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The prescribed bodies have not raised significant issues in relation to material assets and waste management. An Taisce have welcomed the cessation of use of coal as a fuel source during operations but have requested that full clarity be provided in relation to a commitment to ensure that oil fuelled generation will not continue beyond 2029 to avoid a lock-in to fossil fuel as an energy source beyond 2030 to ensure international and national decarbonisation targets. I consider that this can be assured through the imposition of a suitable condition.			
Conclusion:			

Impact – Material Assets and Waste Management	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
I have considered all of the submissions made in relation to material assets and waste management, as well as the submitted application documentation and the provisions of the County Development Plan. I consider that the construction and operational phase mitigation measures set out will ensure no significant impacts will arise in relation to waste management and material asset use. In terms of the operational phase I note that HFO will remain as a fuel source for the contracted generation hours for a five year period, and that the need for coal inputs will be ceased. In this regard I consider the continued use of HFO as a fuel for generation to present a negligible impact on site compared to the existing baseline operations in terms of consumption of non-renewable material assets. I note that the emissions arising from HFO generation are lower than those produced by coal fuelled generation (see previous discussions in relation to Air and Climate above) and that the proposed operational phase of the scheme is for a limited overall timeframe with limited annual hours of operation. This can be viewed as a beneficial impact, albeit it does constitute the continued use of non-renewable fossil fuels. When considered in the context of existing operations with the imposition of a condition limited term the Proposed Development does represent an appropriate stepping down and appropriate use of material inputs while emissions and waste arising will continue to be controlled through the IE licence. In this context I am satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impact in terms of material asset and waste management due to the nature of the works, established operational nature of the industrial site, duration/scale of the construction activities, existing baseline operations and that ultimately the Proposed Development can be provided and operated in an appropriate manner that will ensure no significant adverse effects arise while facilitating the security of electricity supply, and providing a sufficient and significant backup generator to the national grid to ensure continuity of electricity supply at a nationally significant level over a defined period. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as set out previously above.			

8.5.15. **Major Accidents and/or Disasters**

Chapter 17 of the submitted EIAR deals with Major Accidents, and notes the existing receiving environment of the generating complex operates under an existing IE licence regulated by the EPA. The Proposed Development will improve and expand the existing bunds and HFO storage capacity (will be doubled to 100,000 tonnes) and existing delivery mechanisms and operations for HFO will continue, albeit all ship deliveries to site will now all be by HFO tanker as coal deliveries will not be necessary. Diesel/distillate storage on site will remain as is. Two COMAH Technical Landuse Planning Reports have been prepared, the initial report is included as Appendix D, of the EIAR, with a second revised report submitted by the applicant in response to queries raised by the Health and Safety Authority (HSA). This second report was circulated to all parties and following review the HSA has confirmed that it "does not advise against the granting of planning permission in the context of Major Accident Hazards".

Table 8.5.12 below identifies potential impacts, significance of effects, mitigation measures and residual effects in relation to accidents and major disasters.

Table 8.5.12 – Consideration of impacts, significance, and mitigation measures for Major Accidents and/or Disasters.

Impact – Major Accident or Disaster	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
Tidal flooding / Climate Risk	No significant risk	Proposed Development is within an existing industrial complex and has been designed to occur within floodzone C and is not within an area considered to be at risk of flooding from the estuary as discussed previously above.	Not significant.
HFO/Diesel Fire	Unlikely but potentially a high adverse effect.	Mitigation measures include: - Established protocols in place, system of inspection, testing and maintenance of all oil tanks and pipework is in place. - 10 year tank inspections have been carried out on existing tanks. - Existing firefighting procedures/strategy in place and have been agreed with the fire service, providing for 90 minutes of firefighting, if this does not bring the fire under control, it will be allowed to burn until the fuel is depleted and other tanks are managed and cooled. Currently there is 8 million gallons of firewater stored at Moneypoint. - Proposed Development will provide sufficient bunds around all NFO storage tanks which will also provide for sufficient firewater and cooling water retention. - HFO storage and handling procedures are in place and operational.	Not significant.
Extreme Temperatures/ weather events	Not significant	Overall design and location of Proposed Development mitigates against major accidents arising from heat waves, cold snaps, high winds or storms	Not Significant
Electricity Failure	Not Significant	Proposed development is a power station and loss of power is unlikely, however, as site is owned and operated by the ESB electrical maintenance personnel and technicians will be constantly available.	Not Significant
Exposure to High Voltage	Potentially significant adverse effects on staff, contractors/workers and/or visitors to the site.	- Established induction processes are in place for visitors, and site is secure from access by members of the public. - Staff on site are, and will continue to be, fully trained and aware.	Not Significant

Impact – Major Accident or Disaster	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
		- All relevant health and safety measures and protocols are provided for.	
Major Traffic Accident	Potentially significant adverse effect.	Relevant traffic controls are in place and are provided for within the CEMP, TMP, and during operations.	Not Significant
Earthquake / Seismic event	Not significant	No significant risk in place, mitigation not provided for.	Not Significant.
Biological hazard/epidemic, pandemic	Not significant.	No specific mitigation proposed/necessary.	Not Significant.
Malicious attacks/cyber attacks	Unlikely but possible due to the strategic nature of the site, potential effects could be significant to operations.	Site is secured by high fences with security gates and security personnel in place. IT security measures are also in place on site and will remain during the proposed operations.	Not Significant.
Contaminated land/Groundwater	Potential significant effects could arise from release of hydrocarbons or other pollutants into receiving environment.	- All construction works will be carried out in accordance with the CEMP, contaminated materials identified will be subject to review, assessment and remediation. - All materials to be moved will be classified under the Waste Management Act and subject to the RWMP.	Not Significant
HFO spill on site	Potentially significant/profound adverse effect.	- Bunds are designed to take into account 110% of the volume of the largest tank, (to facilitate rainfall and firefighting). - Bunded areas have interceptors on the drain outfalls and manually controlled valves with a default closed setting. - There are emergency response plans in place for oil spills at Moneypoint, existing operations provide for the management of HFO at this location. - HFO is highly viscous (i.e. does not flow well) unless heated. Viscosity levels will therefore impede the spread of any spill particularly should it cool in atmosphere. Any overland spread will be further impeded through the presence of main buildings, structures and kerbing.	Not Significant.

Impact – Major Accident or Disaster	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation
		- Prompt isolation and containment of oil spills at the site can be facilitated by the ESB Moneypoint Oil Spill Response Plan which provides for the use of the existing oil booms available (also a requirement of the Licence).	
HFO spill from oil tanker.	Potentially significant/profound adverse effect.	- Oil tankers will follow the provisions of "International Safety Guide for Oil Tankers and Terminals" (ISGOTT 6) produced by Oil Companies International Maring Forum (OCIMT) and the International Chamber of Shipping (ICS) Maritime Organisation (IMO). - Detailed measures and protocols are in place for HFO unloading to avoid oil spill and contain oil in the event of emergency. Refer to HFO Project Technical Landuse Planning Report (Revision C) - An oil spill response plan prepared by ESB is in place within the Moneypoint site (refer to section 10.8.1.6 of the EIAR).	Not significant
Marine Navigation risks	Existing operations, and pier present for decades with all relevant lighting, markings and safety features in place, accordingly no significant effects arising from the Proposed Development.	No works are proposed to the jetty/pier, and a similar level of vessel movements/deliveries (albeit all will be via smaller oil tankers) will be used and therefore no additional mitigation measures are proposed in relation to marine navigation.	Not Significant.

Decommissioning:

At this stage the exact nature of any decommissioning works are not known as the future use of the site and existing structures and equipment remains to be confirmed through the design of the Green Atlantic @ Moneypoint project, and will be subject to future separate consenting and approval procedures. For the purposes of this assessment, I note that any decommissioning works will be subject to the approved decommissioning plan under the IE licence. Decommissioning for the proposed development will involve the further removal of structures, equipment and buildings from the site, while others may be retained and repurposed. The handling of materials and potential for impacts and risks in terms of accidents and disasters will remain consistent with the existing on-site issues identified above and any future consent or decommissioning works will be subject to the relevant safety standards and regulations in place. licence compliance. Accordingly, in the context of the regulatory regime in place I consider that any future decommissioning works or activity will not give rise to significant adverse effects in relation to Major Accidents or Disasters.

Cumulative Effects:

Cumulative significant adverse effects arising from accidents/disasters at the locations of other projects are unlikely given the design and operational parameters and protocols in place for the Proposed Development and considering the relevant controls and procedural measures that would be in place

Impact – Major Accident or Disaster	Effect Significance in the Absence of Mitigation	Mitigation and Monitoring Measures	Significance following Mitigation

for any other significant proposals or projects in the vicinity. The Proposed Development is located in a remote rural setting surrounded predominantly by agricultural lands, forestry, and the estuary with sporadic one-off housing located in the wider area. Other major projects in the wider area include the Tarbet emergency generator and other industrial proposals on the opposite side of the estuary. There are no establishments in proximity to the Moneypoint site with the nearest upper tier COMAH sites being located c. 3km distant at Tarbet (National Oil Reserves Agency and SSE Generation Ireland Ltd), which are too far distant to from the Proposed Site to increase the possibility or consequences of a major accident at Moneypoint and vice versa. I, therefore, conclude that there will be no significant cumulative effects arising in relation to material assets and waste management with other projects.

Submissions:

Third party submissions have been lodged raising concern in relation to potential health impacts arising from dust, health and safety, noise and lighting, as well as broadly requiring the application of the requirements of the Planning Act, EIA, and Habitats Directives. The HSA did initially request additional detail in relation to the environmental control measures which will be in place to prevent a major accident to the environment, in response to this submission the applicant provided an updated 'revision C' of the Technical Landuse Planning Report, which was circulated to the HSA (and all other parties). Following review of this document the HSA confirmed that it does not advise the Board against granting permission for the proposed development. Clare County Council also noted the EIARs conclusion that significant adverse effects would not arise from the likelihood of the proposed development's vulnerabilities to, or risks of, major accidents or disasters and requests that the mitigation measures set out within the application documentation be required by condition in the event of any future grant of permission.

Conclusion:

I have considered all of the submissions made in relation to major accidents and/or disasters, as well as the submitted application documentation and the relevant planning and policy context. I note the mitigation measures provided for and in particular the measures included within the EIAR and revised Project Technical Landuse Planning report in relation to the protocols and measures in place to ensure Oil spills do not arise and the measures and approaches that will be taken in the event of any issues arising. In this context I am satisfied that the Proposed Development would not have any unacceptable significant direct or indirect impact in terms of major accidents and/or disasters due to the nature of the works, established operational procedures and protocols in place. I am satisfied that impacts in relation to major accidents and disasters would be satisfactorily avoided, managed and mitigated by the measures which form part of the proposed scheme, and set out within the application documents and through appropriate conditions. I am also satisfied that the Proposed Development will not give rise to significant adverse cumulative effects together with existing and permitted developments, as set out previously above.

8.5.16. **Interactions**

Chapter 18 of the submitted EIAR refers to interactions between the environmental factors which are set out in the tables below.

Population and Human Health Interactions	
Air Quality	- Dust being generated and emissions have the potential to impact human health. Assessment has indicated no significant adverse effects and operations will continue to be controlled and monitored through the IE licence.
Climate	- The Proposed Development constitutes the continued use of fossil fuel (HFO) for energy generation and continued production of emissions albeit for a temporary period and with limited hours. HFO generation operations have 12% lower emissions intensity than coal, and will continue to be limited and monitored through the IE licence.
Noise and Vibration	- Construction and operational noise and vibration impacts will arise, these have been found to be not significant, below disturbance and damaging levels, and will be controlled in operations through the IE licence.
Surface Water and Flooding	- The impact of the construction and operational phases on water quality which could affect population and human heath has been found to be imperceptible and operational emissions will continue to be controlled and monitored though the IE licence. - The impacts arising from flooding are imperceptible and therefore risk to population/human health is low.
Land Soils and Hydrology	- Main interaction arises from contaminated land management. Appropriate mitigation measures in relation to contaminated land are incorporated into the Proposed Development.
Landscape	- Landscape effects have been found to not be significant and therefore significant population impacts will not arise.
Traffic and Transport	- Interaction from increased traffic volumes during construction will impact population, operational traffic levels will be consistent with current. TMP will be provided for construction and WTP incorporated in future operations.

Material Assets and Waste Management	- Primary interaction with population from waste management activities/traffic during construction, appropriate mitigation measures have been incorporated within the CEMP and RWMP to ensure significant effects do not arise. - The primary purpose of the Proposed Development is to produce electricity from a conventional source to provide sufficient power to satisfy demand when alternative sources are not available to cater for the populations needs of the national electricity grid,
Major Accidents and/or Disasters	- Major Accident could result in release of pollutants to air, land and sea with potential to impact public health, the Technical Land Use Planning Assessment notes that the risk of a major accident at Moneypoint is acceptably low, the HSA has also noted that it does not advise against a grant of permission in relation to the Proposed Development.

Air Quality Interactions	
Population and Human Health	- Dust being generated and emissions could interact with human health. Assessment has indicated no significant adverse effects and operations will continue to be controlled and monitored through the IE licence.
Climate	- The continued use of fossil fuel at this site as assessed previously will result in major adverse, significant impact which will have climate interactions (albeit proposed HFO operations and contractual arrangements will give rise to fewer CO_2e emissions than existing coal operations). The operational period of the proposed development is restricted (up to the end of 2029) as are generating hours, and the proposal results in cessation of coal fuelled electricity generation from this site. Furthermore, the Proposed Development is to operate as a generator of last resort pending the provision of alternative renewable and less-carbon intensive generation.
Biodiversity	- Potential for interactions between Air Quality and Biodiversity exists through dust deposition and operational emissions. Appropriate dust mitigation measures are provided for, and modelling shows that critical loads at sensitive sites will be

	lower than for existing coal operations at sensitive sites. IE licence will continue to control and monitor emissions levels.
Traffic and Transport	- Main interaction arises from dust generation during construction and appropriate mitigation is incorporated within the CEMP.
Material Assets and Waste Management	- Utility electricity generating operations using HFO will lead to emissions, however, these will be controlled by the IE licence.
Major Accident and/or Disaster	- A major accident could result in release of pollutants to air, appropriate controls, procedures and mitigation are provided and included in the overall design of the scheme and operational procedures.

Climate Interactions	
Population and Human Health, and Air Quality	- Interaction between climate, air quality and population as the Proposed Development constitutes the continued use of fossil fuel (HFO) for energy generation and continued production of emissions albeit for a temporary period and with limited hours. HFO generation operations have 12% lower emissions intensity per kilowatt hour than coal, and will continue to be limited and monitored through the IE licence while also resulting in the cessation of coal use.
Surface Water Resources and Flooding	- Main interaction potential is climate change impacts on flooding. Floodrisk assessment carried out provides an allowance for climate change and Proposed Development is in Flood zone C so there will be no significant effect.
Biodiversity	- Climate change impacts such as flooding, or temperature rises/cold snaps interacts with Biodiversity. The Proposed Development, while continuing reliance on fossil fuels is temporary in nature, results in reduced emissions than baseline coal fuelled generation and will provide back up to the intermittent renewable generation on the network pending the provision of additional alternative renewable and less carbon-intensive generation.
Traffic and Transport	- Interactions from construction phase transport emissions, appropriate suite of mitigation measures are incorporated.

Material Assets and Waste Management	- The Proposed Development, while continuing reliance on fossil fuels for operations is temporary in nature, results in reduced emissions than coal fuelled generation and will aid the transition towards additional renewable generation onto the network.
Major Accidents and/or Disasters	- An extreme weather event, or climate change could initiate a major accident or disaster, risk of this is unlikely and appropriate design measures have been implemented.

Noise and Vibration Interactions	
Population and Human Health	- Set out previously above in population and human health interactions.
Biodiversity	- Construction noise and vibration can interact with biodiversity at a range of distances depending on species/habitat sensitivity. Temporary noise/vibration disturbance can arise during construction for which mitigation is included while operational noise effects will continue to be controlled by IE licence. The site is an established operational industrial complex and wildlife in the vicinity will be habituated to existing noise and vibration levels. - Marine noise and vibration could arise from ship deliveries and off-loading. Numbers of ship deliveries will be consistent with established levels, while off-loading from HFO tankers will be much quicker in comparison to coal deliveries (days in lieu of weeks). Thus, underwater noise levels in the marine environment will be less than those currently established.
Traffic and Transport	- Traffic has an interaction with noise, operational levels of transport will be consistent with established levels. Construction traffic will give rise to temporary additional noise levels; however, these will not be significant and appropriate mitigation is provided.
Material Assets	- The Proposed Development relates to a utility generating electricity for national consumption giving rise to operational noise levels and vibration which will be limited through IE licence compliance.

Biodiversity Interactions

Air Quality	- Interactions between Air Quality and Biodiversity are discussed previously above in the Air Quality interactions table.
Climate	- Interactions between Climate and Biodiversity are discussed previously above in the Climate interactions table
Noise and Vibration	- Interactions between Noise & Vibration and Biodiversity are discussed previously above in the Noise and Vibration interactions table
Surface Water and Flooding	- Potential interaction during construction arising from silt, or hydrocarbons runoff causing pollution. Appropriate mitigation measures are incorporated to limit and negate risks as set out in the CEMP so that significant effects will not arise. - HFO leak from site or tankers has the potential to interact with surface waters. Operating procedures on site include; established unloading oil ships procedures/protocols, an oil spill response plan, and conducting emergency response exercises. Furthermore, the Applicant is a member of the Shannon Estuary Anti-Pollution Team and tankers will adhere to international conventions and safety standards.
Land Soils and Hydrology	- Habitat loss or reduction, mitigated through timing, project design and minimising works on natural habitats within the industrial site.
Landscape	- Habitat changes/loss through construction has the potential to interact with landscape. Works are being carried out within an industrial complex with alterations to the previously permitted ASA, impacts arising will be negligible and appropriate mitigation is being applied.
Traffic and Transport	- Spill or leakage of oil or fuels can interact with sensitive receptors, appropriate mitigation is being applied through the CEMP, project design, and on-site operational procedures. - Increased traffic during construction could result in disturbance, however, existing routes and TMP will be used and implemented.
Material Assets and Waste Management	- Proposed Development will require import of materials and fuels to the site which involves the use of non-renewable materials and fuels, and results in operational emissions which will interact with Biodiversity. Construction interactions will be temporary and subject to appropriate mitigation. The

	operational periods are defined and generating hours limited. Emissions will be reduced from current operations with on-site emissions being regulated by the IE licence.
Major Accidents and/or Disasters	- A release of pollutants (e.g. from oil spill, contaminated firewater etc.) could impact biodiversity. Appropriate controls, procedures and mitigation are provided and included in the overall design of the scheme and operational procedures.

Surface Water Resources and Flooding Interactions	
Population and Human Health, Climate and Biodiversity	- Interactions between surface water resources and flooding and these headings are discussed previously above in each of the relevant interactions' tables.
Material Assets and Waste Management	- Demand for additional water resources for operations and process water management will not be altered from existing and will continue to be controlled by the IE licence.
Major Accidents and/or Disasters	- Floodrisk not a significant issue and should not arise due to location of site within zone C and existing drainage networks. - A release of Pollutants (e.g. from Oil Spill, contaminated firewater etc.) could impact, surface waters appropriate controls, procedures and mitigation are provided and included in the overall design of the scheme and operational procedures.

Land Soils and Hydrology Interactions	
Population and Human Health / Air Quality / Biodiversity,	- Interactions between Land, Soils, and Hydrology and these factors have been set out previously above in each of the relevant interactions' tables.
Archaeology, Architectural and Cultural Heritage	- Any construction/excavation works have the potential to interact with undiscovered archaeological features, as the site is already developed the potential for such interaction is limited, however, appropriate mitigation is provided for.
Material Assets and Waste Management	- Interactions arising from aggregates required to be imported onto site, the effects of which have been established as being not significant.

	- Interactions with land and soils also arises from process ash management operations being altered from that previously permitted. While Ash management will be altered - with less having to be stored and existing stored ash being brought back into the process, impacts are not significant and appropriate mitigation is adopted.
Major Accident and/or Disaster	- A release of Pollutants (e.g. from Oil Spill, contaminated firewater etc.) could impact, soils and land, appropriate controls, procedures and mitigation are provided and included in the overall design of the scheme and operational procedures.

Archaeology, Architectural and Cultural Heritage Interactions	
Land Soils and Hydrology	- Interactions between Land, Soils, and Hydrology and Archaeology has been set out previously in the table above.

Landscape Interactions	
Population and Human Health / Biodiversity	- Interactions between Population and Human Health, Biodiversity and Landscape have been set out previously above in each of the relevant interactions' tables.

Traffic and Transport Interactions	
Population and Human Health / Air Quality / Climate / Noise and Vibration / Biodiversity.	- Interactions between Traffic and Transport and each of these factors have been set out previously above in each of the relevant interactions' tables.
Material Assets and Waste Management	- Interaction can arise from increased traffic during construction for waste management arising. This interaction will be temporary and appropriately mitigated by the TMP. Operational waste traffic will be consistent with established levels.

Material Assets and Waste Management Interactions	
Population and Human Health / Air Quality / Climate / Noise and	- Interactions between Material Assets and Waste Management and each of these factors have been set

Vibration / Biodiversity / Land, Soils and Hydrology Traffic and Transport	out previously above in each of the relevant interactions' tables.

Major Accidents and/or Disasters Interactions	
Population and Human Health, Air Quality, Climate, Surface Water and Flooding, Land Soils and Hydrology, Biodiversity,	- Interactions between Major Accidents and/or Disasters and each of these factors have been set out previously above in each of the relevant interactions' tables.

8.5.17. **Reasoned Conclusion on Significant Effects**

Having regard to the examination of environmental information contained above, and in particular to the EIAR and other information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers/third parties during the course of the application, the main significant direct and indirect effects of the proposed development on the environment are listed below in conjunction with the proposed mitigatory measures:

- Overall neutral/imperceptible effects on **human health**, due to the location of the proposed development remote from population centres, the established industrial nature of the existing site, ensuring the cessation of use of coal as a fuel source for electricity generation at Moneypoint and the continued limits, controls, and monitoring of emissions from the site under the IE licence.
- Positive short-term effects on the wider **population,** economy and employment through ensuring security of electricity supply, and providing a sufficient and significant back-up generator to the national grid to ensure continuity of electricity supply at a nationally significant level over the short term while additional renewable sources of electricity and less carbon intensive generators come on-line. The Proposed Development makes the most sustainable use of existing Heavy Fuel Oil and electricity generating infrastructure in place, thus facilitating a smooth and quick transition which will ensure that power outages due to a shortfall in supply will not arise in the context of a 'do nothing' scenario where electricity generation from the

Moneypoint facility ceases without sufficient conventional generation being available to cater for demand over the defined term of the Proposed Development.

- Potential negligible temporary effects on **Air Quality** from construction will be mitigated through the application of best practice dust control measures, application of the CEMP, good site management, and monitoring.
- Negligible effects on **Air Quality** from the Proposed Development in the context of the established baseline coal operations emissions. The Proposed Development will result in lower annual mass emissions from on-going coal fuelled electricity generation with emissions continuing to be limited, monitored and controlled through the IE licence on site.
- Major Adverse and Significant impact on **Climate** due to the proposed continued use of fossil fuel (Heavy Fuel Oil) and resultant greenhouse gas emissions to generate electricity at this location. This impact is justified as the Proposed Development will:
    - Secure the cessation of coal fuelled generation from the site through the removal of necessary coal management infrastructure (coal stackers/reclaimers and conveyor bridges etc.).
    - Result in an overall reduction in emissions arising from the Moneypoint facility in the context of coal remaining as the fuel source for generation.
    - Make the most sustainable use of existing HFO and electricity generating infrastructure and will be operated as a generator of last resort for a limited timeframe (up to the end of 2029) and with limited annual hours of operation that will only be used to fulfil any shortfalls in other alternative means of electricity generation should demand outstrip supply.
    - Minimise other environmental impacts that could arise from having to provide a similar quantum of more traditionally powered electricity generation at greenfield sites and ancillary works elsewhere to cover shortfalls in grid capacity.

- Facilitate the provision of a committed date for the cessation of use of HFO as a fuel source at this location (December 2029). Furthermore, the facility will continue to be subject to EPA IE licencing with all emission levels set and monitored.

- Construction activities will give rise to temporary **noise and vibration** effects which will be mitigated through the application of the CEMP, minimising noise emissions at source, adhering to relevant codes of practice for noise and vibration control on construction and open sites, erection of a temporary noise barrier around piling works and/or between the construction activities and the Ash Storage Area, implementation of a noise and vibration monitoring protocol,
- While coal management activities will cease, operational effects arising from the Proposed Development will not give rise to significant effects on **noise and vibration** as electricity generation activities from this operational industrial site will continue, and will be controlled and monitored through the relevant site IE licence.
- Temporary construction effects on **Biodiversity** will arise in relation to habitat loss, and disturbance to species. Such impacts will not be significant due to the existing industrial nature of the site and extent of on-going operations in place. Further mitigation will be provided by measures which include the implementation of the CEMP, overall design of the proposed development, fencing off works areas, provision of noise barrier(s) around certain works areas, and the appointment of Ecological Clerk of Works to oversee implementation of all relevant mitigation measures.
- Temporary construction impacts could arise on **Biodiversity** and **Water** from site discharges (hydrocarbon spills, silt, concrete runoff) or other contaminants entering watercourses during construction or draining into the Estuary. Such impacts will be mitigated through the implementation of the CEMP, including measures for the appropriate management and storage of hydrocarbons, the existing on-site drainage design, the lack of on-site surface water courses (with the Molougha stream having been previously culverted), the use of spill kits and bunding, soil and stockpile management, including separation from waterbodies.

- Temporary construction impacts could arise on **Biodiversity** due to disturbance to species such as badger, otter, breeding/ wintering birds, bats and amphibians. These impacts will be mitigated through the established nature of the industrial site, carrying out pre-construction surveys, provision of exclusion zones for works activities from areas of importance to particular species, restricting works activities such as vegetation removal to outside bird breeding season in the absence of pre-construction surveys, provision of temporary noise barrier(s), sympathetic design of temporary lighting requirements, and supervision by the environmental clerk of works.
- There is potential for very significant/profound long term adverse impacts on **Biodiversity** and **Water** in the operational phase arising from the effects of a catastrophic oil spill impacting on sensitive species and habitats (including the marine) from grounding/collision/leakage of a HFO oil tanker on approach to the site, a spillage during the offloading of a tanker at the site or spill/leak from the onsite HFO tanks. Risk of oil spill from HFO tanker vessels will be mitigated by:
    - All tankers will have regard to the International Safety Guide for Oil Tankers and Terminals (ISGOTT 6) produced by the Oil Companies International Marine Forum (OCIMF) and the International Chamber of Shipping (ICS) 2020.
    - The recommendations of the International Maritime Organisation will be reviewed and implemented, as necessary.

  HFO deliveries to the site are already occurring and the applicant has established, proven, and approved delivery and offloading protocols in place. Established Mitigation measures in place in the event of a spill in the Shannon Estuary include
    - Execution of the Moneypoint Oil Spill Response Plan,
    - The ESB has a supply of oil booms available which is a requirement for the IE licence.
    - Control of environmental damage through prompt isolation and containment of an oil spill, isolating local drains using absorbent

booms, securing the area against traffic, containing the spill and monitoring oil interceptor outlets.

- Carrying out regular emergency preparedness exercises to ensure all staff are aware of measures to be implemented in emergencies.

Mitigation measures in place for HFO unloading at the site include:

- Oil unloading arm and valves on jetty manned at all times.
- The full length of the HFO line is inspected periodically, and unloading arm will receive a comprehensive overhaul, and the supply line will undergo extensive internal magnetic flux leakage inspection.
- Pressure and temperature is constantly checked and recorded.
- Oil sump under the jetty will be emptied prior to arrival of new ship.
- Meeting between loading master, vessel master and chief officer before unloading commences.
- Unloading arm is pressure and temperature tested, security is maintained, and fire-fighting equipment positioned prior to ship arrival.
- Oil spill containment equipment and oil dry (2 tonne minimum) is provided on the jetty.
- Hot work and smoking prevented during offloading.

Mitigation Measures to prevent Oil spill from HFO tanks are as follows:

- All tanks, containers and drum storage that contain HFO will have leak containment bunds and leak detection systems in place.
- Design and construction of HFO tanks will be carried out to current best practice engineering standards. The existing tanks on site were subject to 10-year inspections in 2018 and 2022 and were found to be in good condition.
- There is a documented system of inspection, testing and maintenance at the facility which will be continued.
- The existing bunds in place will be fully upgraded with raised bund walls and concrete floors. Bunds are designed to retain a tank rupture

and appropriate firewater retention and shut off valves for the bund drainage system will be set to closed by default.

- Potential adverse impacts on **Biodiversity** and **Water** from the operational phase due to generation of air pollutants, noise disturbance, process- and waste- water discharges to the marine environment, lighting and introduction of invasive species from delivery ships. These impacts will be adequately mitigated through the limits, conditions and monitoring measures of the IE licence relating to noise, dust, water discharges and emissions, appropriate 'on-demand' operation of lighting, existing industrial nature of the site, appropriate design of on-site drainage systems and bunds, protocols to manage the risk of accidental spills and potential environmental impact, membership of the Shannon Estuary Anti-Pollution Team (SEAPT), and all shipping being required to adhere to international convention for the control and management of ships' ballast water and sediments.
- Construction activities have the potential to give rise to adverse impacts on **Water** from sediment, silt runoff, or spillages, which could result in potential sediment release and deposition in the estuary. The impacts from such activities would be adequately mitigated by:
    - The short-term nature of the activities.
    - The implementation of the CEMP, including standard construction best practice mitigation measures.
    - The design and nature of the works which are set back from the coastline,
    - Appointment of EnCoW to monitor and implement all relevant mitigation measures.
    - Sediment control measures (settlement tanks, silt fences, and silt traps) will be provided as required.
    - Existing drainage measures on site.
    - Provisions of the IE licence

- Traffic generated during construction will give rise to potential disturbance and congestion on the local road network. These impacts would be adequately mitigated by:
    - The implementation of a Traffic Management Plan and CEMP, to optimise delivery scheduling, detail the construction route, provide temporary signage, and appoint a community liaison.
    - Abnormal loads, if required to be delivered by road, will adhere to all relevant requirements and weight limits, with such deliveries being scheduled at off-peak times and with all appropriate escorts.
    - Existing low traffic volumes, and design of road network accessing the site (National secondary routes) and short-term nature of construction activities.
- Having regard to the nature and volume of materials and on-site activities, the development gives rise to the potential for major accident or disaster or Major Accident to the Environment. The impacts from such activities would be adequately mitigated by:
    - The design and operation in accordance with industry standards and operator requirements under the COMAH Regulations 2015.
    - The established protocols in place in relation to existing and proposed on-site infrastructure.
    - The safety protocols in place in relation to delivery of HFO to the site and its storage.
    - The firefighting procedures in place and extent of forewater storage provided for.
    - The international safety and operational standards in place in relation to HFO tanker vessels.
    - The established marine navigation measures in place.
    - The location and design of the Proposed Development

Cumulative Impacts and Impacts from interactions

It is considered that effects as a result of interactions, indirect and cumulative effects can be avoided, managed or mitigated by the measures which form part of the proposed development, the proposed mitigations measures detailed in the Environmental Impact Assessment Report, and the additional documentation furnished and with suitable conditions. There is, therefore, nothing to prevent the approval of the development on the grounds of significant environmental effects as a result of cumulative impacts or impacts arising from interactions between environmental factors.

8.5.18. **Conclusion**

The submitted EIAR has been considered with regard to the guidance provided in the *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Housing, Planning, Community and Local Government (2018), *Guidelines on the Information to be contained in Environmental Impact Assessment Reports*, EPA 2022, and (Draft*) Advice Notes for Preparing Environmental Impact Statements* Environmental Protection Agency 2015.

The assessments provided in the individual EIAR chapters and supplementary documentation, are generally considered to be satisfactory and have considered the main significant direct and indirect and cumulative effects of the proposed development on the receiving environment. Following mitigation, no residual significant long-term negative impacts on the environment or sensitive receptors will arise. The continued use of fossil fuel to generate electricity from this site will give rise to significant impacts in terms of climate and emissions, however, the proposal will result in the cessation of use of coal, and will operate for limited hours over a limited duration (end of 2029) in order to ensure security of electricity supply pending the provision of additional renewable and less-carbon intensive electricity generation sources. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. Overall, I am satisfied that the information contained in the EIAR complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

9.0 Appropriate Assessment

This section provides the consideration of the likely significant effects on European sites arising from the Proposed Scheme, and I refer the Board to the report by Conor Donnelly, Inspectorate Ecologist, dated 23rd August 2024 which has been prepared to inform the Boards Appropriate Assessment (and screening), and is included as Appendix I of this recommendation.

9.1. Article 6(3) of the Habitats Directive

9.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB of the Planning and Development Act, 2000 (as amended) are considered fully in this section and in the Inspectorates Ecologist's report (Appendix I). The areas addressed in this section are as follows:

- The Natura Impact Statement,
- Screening for appropriate assessment, and
- Appropriate Assessment (AA) of implications of the Proposed Scheme on the integrity of each European site.

9.2. The Natura Impact Statement and Supplemental Information

9.2.1. The application is accompanied by an Appropriate Assessment Screening and Natura Impact Statement Report (NIS) dated February 2024, which provides a description of the Proposed Development (set out in section 4 of the submitted NIS, and section 3 of this report above), the methodology and consultations undertaken (Section 2 of the NIS), as well as an overview of the receiving environment (Section 3 of the NIS). The screening for appropriate assessment within the submitted report (Section 5 of the NIS) lists potential impacts arising for the construction and operational/maintenance phases, including consideration of in-combination effects. Section 6 of the NIS contains the Natura Impact Statement and provides an assessment of potential effects on European sites, lists impact predictions, as well as setting out a summary of mitigation measures. The NIS Appendices include (A) Response consultation letters from Clare County Council, and the Department of Housing, Local Government and Heritage (/NPWS), (B) SAC and SPA figures, and (C) Drawings of the Proposed Development. The submitted NIS has been reviewed

by the Inspectorate Ecologist, who has prepared a report included as Appendix I, which reviews the submitted documentation, considers the likely significant effects on European Sites, Appropriate Assessment, submissions and conclusion. The Board should read the Inspectorate Ecologists Report in conjunction with this section as its findings, consideration and conclusion have been fully adopted to inform this Appropriate Assessment.

9.2.2. All ecology and appropriate assessment related documents have been prepared by Mott McDonald ecologists (credentials set out in section 1.5 of the submitted NIS) and the NIS has been informed by desk study including reference material (published and unpublished reports) from the NPWS, existing relevant mapping databases and through direct consultation with inter alia NPWS, Clare County Council and the Irish Whale and Dolphin Group.

9.2.3. A description of all baseline surveys is outlined within Section 3 of the AA screening and NIS report. These include habitat survey, ongoing marine mammal and seabird surveys, dropdown video survey, field surveys (between 2022 and 2023), winter bird surveys, and breeding bird surveys (2022 and 2023).

9.2.4. The receiving environment is described in line with standard methodology (Fossitt 2000) and results of the field surveys are presented in NIS Section 3. The Proposed Development is located within an established industrial site and does not overlap with any European Sites, but it is located proximate to the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC and it will result in increased HFO deliveries (by ship) running through these designated areas. In this regard the number of HFO deliveries will increase but the total number of fuel vessel deliveries will remain consistent as HFO deliveries will replace coal deliveries (with coal no longer being used as a fuel source).

9.2.5. The scientific assessment to inform the AA (Potential Impacts, Zone of Influence, identification of European Sites at Risk of Effects and Assessment of Potential Effects on European sites) is presented in Sections 5 (Screening for AA) and 6 (NIS) of the submitted document. The conservation objectives of the various qualifying interest features and special conservation interest species are listed, impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity are presented.

9.2.6. Mitigation measures are presented in section 6.4 of the NIS. Mitigation measures are also detailed in full in the CEMP, which is referenced in the NIS, and includes a Traffic Management Plan (TMP), assessment of potential in-combination effects is presented in Sections 5.5 and 6.2.3 of the NIS.

9.2.7. The NIS together with supplemental information concludes that:

> *"Based on the assessment of the project alone, and in combination with other projects and plans, and including the implementation of mitigation measures, it can be concluded that no adverse effects on the sites' integrity, and in view of the sites' conservation objectives, will arise."*

9.3. Adequacy of information submitted by the applicant.

9.3.1. Having reviewed the NIS and supplemental information that accompanies the application, I am satisfied that there is adequate information to undertake Screening and Appropriate Assessment of the Proposed Development. In this regard I concur with the findings of the Inspectorate Ecologists report.

9.3.2. I am satisfied that all ecological survey work and reporting has been undertaken and prepared by competent experts in line with best practice and scientific methods. Information on the competencies and professional memberships of the Ecological team are provided in the NIS. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document. While I note clarifications in relation to text, typographical errors and certain statements in the submitted NIS documentation, any such matters have been addressed in the report by the inspectorate ecologist (Appendix I) with any clarifications presented as a matter of informing the Board, and I do not consider that these prevent the Board from completing its AA of the Proposed Scheme.

9.4. Submissions in relation to Appropriate Assessment

9.4.1. Submissions raising Appropriate Assessment have been made by:

- An Taisce requests that the Proposed Development be assessed with regard to the potential effects on the River Shannon and River Fergus Estuaries SPA and the Lower River Shannon SAC, particularly in the context of the 'expansion of the ash storage area on the site'. In relation to the ash storage

area the Board should note that the Proposed Development does not, in fact, provide for its expansion beyond that already consented but proposes to reduce the amount of material to be stored.

- P. Sweetman on behalf of Wild Defence CLG, highlights the need for the Board to carry out an AA of the Proposed Development and summarises the procedures and information requirements in the context of certain relevant legal judgments.
- The submission from Clare County Council refers to the NIS submitted as well as the stated mitigation measures and requests that the Board attach appropriate conditions to ensure their implementation. In the context of adherence to the stated mitigation measures the Planning Authority states that it considers that the proposed development would not result in significant effects nor would it affect the integrity of the Lower River Shannon SAC, the River Shannon and River Fergus Estuaries SPA, the wider European site network in the area, or the receiving environment generally.

9.5. Screening for Appropriate Assessment (recommendation)

9.5.1. The first test of Article 6(3) is to establish if the Proposed Scheme could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed appropriate (stage 2) assessment.

9.5.2. Section 2.2 of the Inspectorate Ecologists report (Appendix I) considers the submitted screening for appropriate assessment, and notes the following:

- No part of the development is within a European site however it is immediately adjacent to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. Given their proximity, these sites are those for which the proposed development presents the most significant risk.
- Ecological connection between the development and other European sites has also been identified. This connection largely relates to risk of accidental oil spill with all sites which have SCIs or QIs that could be affected either directly or indirectly within a straight-line distance of 120km (120km having been chosen as a reasonable distance to consider potential impacts on marine and coastal habitats, birds and marine mammals).

- The submitted NIS report identifies that marine habitats and species including mobile Annex II species such as Atlantic salmon (*Salmo salar*) may be impacted up to 120km from the site in the case of a catastrophic oil spill in the estuary, citing a range of technical documents and guidance to support this impact range. Accordingly, a distance of 120km from the development site was chosen as the range to consider potential impacts on the QI and SCI of marine and coastal European sites.
- A total of 25 SPAs and 45 SACs were considered by the applicant at screening. These sites, their distance from the development site, the qualifying interests (QI) / special conservation interest (SCI) of each site and their conservation objective (i.e. maintain/restore) and a source – pathway – receptor assessment are detailed in Table 5.1 of the submitted screening report.

9.5.3. The potential impacts arising from the Proposed Development are discussed in Section 2.2.6 of the Inspectorate Ecologists Report (Section 5.4 of the submitted NIS) and include construction and operational phase impacts. I am satisfied that underwater noise will not increase as a result of the proposed development as it is not intended that the number of ships will change (in this regard the total number of vessel borne deliveries will remain at 24 per and these will all be smaller HFO vessels with no more larger coal delivery vessels being used). I am also satisfied on the basis of the inspectorate ecologists report and documentation submitted with the application that temporary effects arising from noise during the construction phase will not have a significant effect on water birds at this operational industrial site given the duration of the works, separation distances to shore and the ongoing noise levels in place at this operational industrial site. I also note that operational noise and atmospheric emissions will continue to be governed by the provisions of the IE license.

9.5.4. I agree with the comments and updated consideration set out in section 2.2.9 of the Inspectorate Ecologist's report which notes a number of clarifications, corrections and provides additional consideration in relation to the details of the submitted NIS including:

- The precautionary approach taken in relation to proximity of sites (other than the SAC and SPA centered on the Shannon Estuary) in the context of hydrological connectivity (i.e., using straight line distances).

- Amendments to considerations of sites QIs and SCIs such as the recent inclusion of the harbour porpoise as a QI of four SACs.
- The correct screening out of the Inishboffin, Omey Island and Turbot Island SPA, as the Corncrake is associated with grassland habitats.
- The correct screening out of SACs whose QIs are all terrestrial or freshwater based with no impact pathway to the Proposed Development.

9.5.5. Both the inspectorate ecologist's report and submitted AA screening identify projects that might give rise to in combination effects with the proposed development these projects include the Prospect to Tarbert cable project, the Tarbert temporary generation plant, Kilpaddoge High Inertial Synchronous Compensator, and the Cross Shannon Cable Project. I am satisfied that the range of projects considered is appropriate and that the conclusions drawn in relation to potential in-combination effect is accurate, i.e. that no potential for in combination effects will arise due to the absence of residual impacts after the implementation of mitigation in these other projects the distances between the proposed development and the relevant projects as well as the temporal difference in construction times.

9.5.6. I note and concur with the inspectorate ecologist's consideration of projects with potential for in-combination effects. The submitted AA screening report did not consider potential for in combination effects to arise in relation to plans, however, I am satisfied that this omission does not prevent the Board from completing an Appropriate Assessment in relation to the project. In this regard I note that all relevant land use and other plans relating to this area and the proposed development such as the regional spatial and economic strategy for the southern region, NPF, NMPF, and CDP all contain appropriate environmental and biodiversity protection policies and objectives that ensure the integrity of the relevant European sites and that all such plans were prepared in accordance with the relevant European Directives. I am satisfied, therefore, that in-combination effects will not arise in the context of existing relevant plans having regard to the nature of the proposed works (transitioning the fuel mix of the existing IE licensed Moneypoint Generation Station from predominantly coal with some HFO, to exclusively HFO, for a short-term specified duration, the dismantling of coal handling equipment/plant and associated works) and the environmental objectives included within the plans.

9.5.7. I note and concur with the findings of the inspectorate ecologist in relation to the screening report for appropriate assessment as set out in section 2.2.12, 2.2.13 and Table 1 of their report[16]. In this regard it cannot be excluded beyond reasonable scientific doubt that the Proposed Development will not have a significant effect on the Lower River Shannon SAC, or the River Shannon and River Fergus Estuaries SPA (both of which are located c. 5m distant from the red-line application boundary of the Proposed Development), due to the potential for impacts to arise on their relevant conservation objectives from (a) discharges to water during construction and operations (excluding oil spill), (b) accidental oil spill, and (c) spread of invasive species. Furthermore, it cannot be excluded that beyond reasonable scientific doubt that the Proposed Development will not have a significant effect on the conservation objectives of the following 22 no. SPAs and 31 no. SACs due to an accidental oil spill,

- **Other SACs**

  Black Head Poulsallagh Complex SAC, Inagh River Estuary SAC, Glengarriff Harbour and Woodland SAC, Inishmaan Island SAC, Inishmore Island SAC, Galway Bay Complex SAC, Inishbofin and Inishshark SAC, Slyne Head Islands SAC, Akeragh, Banna and Barrow Harbour SAC, Ballinskelligs Bay and Inny Estuary SAC, Castlemaine Harbour SAC, Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Lough Yganavan and Lough Nambrackdarrig SAC, Carrowmore Point to Spanish Point and Islands SAC, Dog's Bay SAC, Inisheer Island SAC, Omey Island Machair SAC, Connemara Bog Complex SAC, Tralee Bay and Magharees Peninsula, West to Cloghane SAC, Slyne Head Peninsula SAC, Kilkieran Bay and Islands SAC, Murvey Machair SAC, Kenmare River SAC, Blasket Islands SAC, Carrowmore Dunes SAC, Magharee Islands SAC, Valencia Harbour/Portmagee Channel SAC, Kerry Head Shoal SAC, Kilkee Reefs SAC, Kingstown Bay SAC, and West Connacht Coast SAC.

- **Other SPAs**

  River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA, Illaunonearaun SPA, Magheree Islands SPA, Blasket Island SPA, Skelligs SPA, Loop Head SPA, Cliffs of Moher SPA,Tralee Bay Complex SPA, Kerry

[16] Included as Appendix I.

Head SPA, Dingle Peninsula SPA, Puffin Island SPA, Castlemaine Harbour SPA, Inner Galway Bay SPA, The Bull and the Cow Rocks SPA, High Island, Inishshark and Davillaun SPA, Inishmore SPA, Iveragh Penninsula SPA, Beara Penninsula SPA, Slyne Head to Ardmore Point Islands SPA, Cruagh Island SPA, Deenish Island and Scariff Island SPA, Connemara Bog Complex SPA.

In total 23 no. SPAs and 32 no. SACs are screened in for Appropriate Assessment. The two most proximate to the Proposed Works are the Lower River Shannon SAC, and the River Shannon and River Fergus Estuaries SPA, with the remainder being screened in specifically for their conservation objectives relating to marine habitats and/or species reliant on the marine, including mobile annex II species which could be potentially impacted by an Oil Spill (within 120km of the Proposed Development – straight line distance).

9.6. Appropriate Assessment (recommendation)

9.6.1. The following is an objective assessment of the implications of the proposal on the relevant conservation objectives of the European sites based on the scientific information provided by the applicant and considering the expert opinion provided by the Inspectorate Ecologist as set out in their report attached as Appendix I, as well as considering the submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings and conclusions. Having reviewed the report from the inspectorate ecologist, I accept, adopt, and concur with their findings and conclusions. A final determination will be made by the Board.

9.6.2. I refer the Board to Section 3 of the Inspectorate Ecologist's report which provides general comments and corrections in relation to the details set out in tables 6.1 [Assessment of potential adverse effects on QIs of relevant SACs (those screened in)] and 6.2 [Assessment of potential adverse effects on SCIs of relevant SPAs (those screened in)] of the submitted NIS. I accept and acknowledge these considerations and note that they do not preclude the Board from completing an appropriate assessment of the proposed development. Specifically, the inspectorate ecologist identifies corrections in relation to the listed QIs of a number of SACs, and SCIs for a number of SPAs. Further, the recent addition of the Harbour Porpoise as

a QI of four SACs is considered by the Inspectorate Ecologist who concludes that the comprehensive mitigation measures proposed to prevent oil spills (the only identified pathway for effect) as well as oil spill response measures will ensure that there are no adverse effects on the integrity of the relevant SACs. While such omissions are unfortunate, I note that the Inspectorate Ecologist has confirmed that in each case potential impacts from the Proposed Development have been considered in relation to other European sites and that the conclusions reached hold true where such QIs or SCIs have been omitted within the submitted NIS.

9.6.3. In relation to breeding cormorant the Inspectorate Ecologist has considered the relevant attributes (which were not set out in the submitted NIS) and is satisfied that the mitigation proposed in the form of measures to prevent oil spills and oil spill response procedures as well as measures to prevent discharges to water and measures to prevent the introduction of invasive species is sufficient to address any risks and that there will be no adverse effects on the integrity of these European sites.

9.6.4. The findings of the submitted NIS tables have been reviewed, analysed and updated by the Inspectorate Ecologist in Annex one of their report which accounts for and considers certain shortcomings identified in tables 6.1 (SAC) and 6.2 (SPA) of the applicants NIS in relation to the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA which are the two most proximate sites to the Proposed Development. A precautionary approach has been taken by the Inspectorate Ecologist who has added potential impacts where additional pathways for effect potentially exist to the QI's and SCI's, which gives detailed consideration to the attributes, measures, targets, potential impact(s), potential for adverse effect on site integrity (AEOI), summarizes mitigation and identifies residual impact/ conclusion.

9.6.5. In relation to the other SAC's and SPA's tables 6.1 and 6.2 of the submitted NIS identifies that potential of effects from the Proposed Development are limited to the risk of accidental oil spill and also in the case of some of the SACs risk from the introduction of invasive species. I am satisfied that the NIS tables 6.1, and 6.2 (subject to the commentary, correction, and updated analysis provided by the Inspectorate Ecologist in section 3 of their report) sets out and lists the attributes, measures, targets, potential impacts, potential for adverse effect on site integrity per relevant QIs of the SACs (table 6.1) and per SCIs of the SPAs (table 6.2).The

Inspectorate Ecologist considers that these tables within the submitted NIS represents a reasonable and precautionary assessment in relation to the remaining 22 no. SPAs and 31 no. SACs identified while considering certain shortcomings and inconsistencies in each. I concur with, and adopt the findings of, the inspectorate ecologist's report in this regard, with the primary pathway for impact being the potential for oil spill.

9.6.6. I am satisfied on the basis of the information submitted and the Inspectorate Ecologist's conclusions as set out in section 3.1.11 of their report (and as discussed previously above) that having regard to other relevant projects identified that there are no in combination effects due to the absence of residual impacts after the implementation of mitigation on these projects, the relevant separation distances between projects, differences in construction timings, and/or the nature of the potential impacts arising which are not likely to interact to produce adverse effects on the integrity of European sites. I have previously set out that I am also satisfied that in combination effects will not arise and the context of relevant plans due to their overall objectives to provide appropriate environmental and biodiversity protections to ensure the integrity of the Natural 2000 network.

9.7. Mitigation Measures

9.7.1. Section 6.4 of the submitted NIS and section 3.2 of the Inspectorate Ecologist's report discusses mitigation measures, these measures include:

- Preconstruction confirmatory surveys to ensure up-to-date understanding of Otter holts and couches, breeding and wintering birds and distribution of invasive species.
- Strategic placing of construction lighting which will be cowled and directed to reduce light spill.
- Pollution control measures to address potential impacts from stockpiling of materials runoff of concrete and other hazardous substances which are set out in full within the CEMP.
- Operational matters will continue to be controlled and monitored through the IE licence process, with a range of levels being set and maintained.

- Measures to prevent oil spill from HFO vessels in transit, unloading and leakage on site are set out in full (these have been previously summarised in section 7.4.10 of this recommendation above) and are also discussed in detail in the Technical Land Use Planning Assessment Report (May 2024).
- Ships carrying HFO to Moneypoint are required to adhere to the International Convention for the Control and Management of Ships' Ballast Water and Sediments.
- The NIS recommends that the 2023 guidelines for the control and management of ships biofouling to minimize the transfer of invasive aquatic species is followed by shipping companies. The inspectorate ecologist notes ambiguity in the wording of the NIS in relation to the provision of this mitigation measure and recommends that an appropriate condition be attached to ensure its application. I acknowledge this recommendation and consider it appropriate to specify the application of these guidelines in the interests of clarity.

9.7.2. I concur with the Inspectorate Ecologists conclusion in regard to the stated mitigation measures in that they include details specified in industry specific guidelines and that they are satisfied that these measures should be effective in avoiding adverse effects.

9.8. Appropriate Assessment Conclusions

9.8.1. In screening the need for Appropriate Assessment, for the Proposed Development it was determined that the proposed transition and conversion of the existing electricity generating station from coal to heavy fuel oil (HFO) and associated ancillary works had the potential to result in significant effects on the Lower River Shannon SAC, River Shannon and River Fergus Estuaries SPA, Black Head Poulsallagh Complex SAC, Inagh River Estuary SAC, Glengarriff Harbour and Woodland SAC, Inishmaan Island SAC, Inishmore Island SAC, Galway Bay Complex SAC, Inishbofin and Inishshark SAC, Slyne Head Islands SAC, Akeragh, Banna and Barrow Harbour SAC, Ballinskelligs Bay and Inny Estuary SAC, Castlemaine Harbour SAC, Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Lough Yganavan and Lough Nambrackdarrig SAC, Carrowmore Point to Spanish Point and Islands SAC, Dog's Bay SAC, Inisheer Island SAC, Omey Island Machair SAC,

Connemara Bog Complex SAC, Tralee Bay and Magharees Peninsula, West to Cloghane SAC, Slyne Head Peninsula SAC, Kilkieran Bay and Islands SAC, Murvey Machair SAC, Kenmare River SAC, Blasket Islands SAC, Carrowmore Dunes SAC, Magharee Islands SAC, Valencia Harbour/Portmagee Channel SAC, Kerry Head Shoal SAC, Kilkee Reefs SAC, Kingstown Bay SAC, and West Connacht Coast SAC, Mid-Clare Coast SPA, Illaunonearaun SPA, Magheree Islands SPA, Blasket Island SPA, Skelligs SPA, Loop Head SPA, Cliffs of Moher SPA, Tralee Bay Complex SPA, Kerry Head SPA, Dingle Peninsula SPA, Puffin Island SPA, Castlemaine Harbour SPA, Inner Galway Bay SPA, The Bull and the Cow Rocks SPA, High Island, Inishshark and Davillaun SPA, Inishmore SPA, Iveragh Penninsula SPA, Beara Penninsula SPA, Slyne Head to Ardmore Point Islands SPA, Cruagh Island SPA, Deenish Island and Scariff Island SPA, and the Connemara Bog Complex SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in view of their conservation objectives.

9.8.2. Overall, I am satisfied that the NIS, supplementary information provided as part of the application as well as the report prepared by the Inspectorate Ecologist has examined the potential for all impact mechanisms in terms of the conservation objectives of the 23 no. SPAs and 32 no. SACs listed.

9.8.3. The potential for adverse effects can be effectively ameliorated by both design-based and applied mitigation measures associated with the Proposed Development which will ensure that in-combination effects will not arise, this will be further assured through the legislative requirements in place in relation to the consideration of currently proposed and future developments in the vicinity.

9.8.4. Following a detailed examination and evaluation of the NIS, all associated material submitted with the application as relevant to the Appropriate Assessment process, taking into account submissions of third parties and on consideration of the report by the Inspectorate Ecologist, I am satisfied that based on the design of the Proposed Scheme, combined with the proposed mitigation measures, adverse effects on the integrity of the 23 no. SPAs and 32 no. SACs listed above.

9.9. Accordingly, following an appropriate assessment, it has been ascertained that the Proposed Scheme/Project, individually or in combination with other plans or projects would not adversely affect the integrity of the 23 no. SPAs and 32 no. SACs listed or

any other European site, in view of the sites' Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following:

- Full and detailed assessment of all aspects of the Proposed Development that could result in significant effects or adverse effects on European Sites within a zone of influence of the Proposed Scheme.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitat.
- A full assessment of risks to special conservation interest bird species and qualifying interest habitats and species.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
- Consideration of the Report by the Inspectorate Ecologist dated August 23rd, 2024.

The Proposed Development will not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of favourable conservation condition for any species or habitat qualifying interest for these European sites.

10.0 Recommendation

10.1. I recommend permission be GRANTED for the reasons and considerations set out below and subject to the following conditions.

11.0 Reasons and Considerations

In coming to its decision, the Board has regard to the following:

(a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:
European Policy/Legislation:

- Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- Directive 2000/60/EC (Water Framework Directive)

National Policy and Guidance including:

- Project Ireland 2040 encompassing the National Planning Framework and the National Development Plan.
- The Climate Action Plan 2024.
- National Marine Planning Framework 2020;
- Climate Action and Low Carbon Development Amendment Act 2021, amending the Climate Action and Low Carbon Development Act 2015;
- Long-term Strategy on Greenhouse Gas Emissions Reductions (April 2023);
- National Adaptation Framework (NAF) (June 2024);
- National Energy and Climate Action Plan 2021-2030;
- Policy Statement on Security of Electricity Supply (November 2021);
- National Energy Security Framework (April 2022);
- National Maritime Oil/HNS Spill Contingency Plan 2020;
- Other relevant guidance documents.

Regional and Local Planning Policy, including in particular:

- Regional Spatial and Economic Strategy for the Southern Region 2020;
- Clare County Development Plan 2023-2029,
- Other relevant guidance documents

(b) The nature, scale and design of the proposed development as set out in the planning application as well as the established and operational industrial character of the existing Moneypoint generation station.

(c) The entirety of the documentation submitted by the Electricity Supply Board (applicant) in support of the Proposed Scheme, including the Environmental Impact Assessment Report and Natura Impact Statement, and the range of mitigation and monitoring measures proposed.

(d) The strict operational parameters of the proposed development in terms of its purpose as a generator of last resort, its defined hours of annual generation and its defined period of use i.e. up to December 31st, 2029.

(e) The range of mitigation measures set out in the Environmental Impact Assessment Report, Natura Impact Statement, in combination with the operational procedures and commitments contained within the Landuse Planning Report, issue C, dated May 2024.

(f) The submissions received in relation to the application by all parties.

(g) 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 likely significant effects of the proposed development on European Sites, and

(h) The report and recommendation of the inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment, informed by the report prepared by the Inspectorate Ecologist, environmental impact assessment and proper planning and sustainable development of the area.

It is considered that the proposed development would accord with European, national, regional and local planning policy and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report, as informed by the report by the Inspectorate Ecologist that the following sites are the European Sites for which there is a likelihood for significant effects on:

- **SACs**

Lower River Shannon SAC, Black Head Poulsallagh Complex SAC, Inagh River Estuary SAC, Glengarriff Harbour and Woodland SAC, Inishmaan Island SAC, Inishmore Island SAC, Galway Bay Complex SAC, Inishbofin and Inishshark SAC, Slyne Head Islands SAC, Akeragh, Banna and Barrow Harbour SAC, Ballinskelligs Bay and Inny Estuary SAC, Castlemaine Harbour SAC, Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Lough Yganavan and Lough Nambrackdarrig SAC, Carrowmore Point to Spanish Point and Islands SAC, Dog's Bay SAC, Inisheer Island SAC, Omey Island Machair SAC, Connemara Bog Complex SAC, Tralee Bay and Magharees Peninsula, West to Cloghane SAC, Slyne Head Peninsula SAC, Kilkieran Bay and Islands SAC, Murvey Machair SAC, Kenmare River SAC, Blasket Islands SAC, Carrowmore Dunes SAC, Magharee Islands SAC, Valencia Harbour/Portmagee Channel SAC, Kerry Head Shoal SAC, Kilkee Reefs SAC, Kingstown Bay SAC, and West Connacht Coast SAC.

- **SPAs**

  River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA, Illaunonearaun SPA, Magheree Islands SPA, Blasket Island SPA, Skelligs SPA, Loop Head SPA, Cliffs of Moher SPA,Tralee Bay Complex SPA, Kerry Head SPA, Dingle Peninsula SPA, Puffin Island SPA, Castlemaine Harbour SPA, Inner Galway Bay SPA, The Bull and the Cow Rocks SPA, High Island, Inishshark and Davillaun SPA, Inishmore SPA, Iveragh Penninsula SPA, Beara Penninsula SPA, Slyne Head to Ardmore Point Islands SPA, Cruagh Island SPA, Deenish Island and Scariff Island SPA, Connemara Bog Complex SPA.

The Board determined that Appropriate Assessment was required for these European Sites.

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 proposal for the European Sites, in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the European Sites,

i. Mitigation measures which are included as part of the current proposal as well as those recommended by the inspector,
ii. Conservation objectives for these European Sites, and
iii. Views of prescribed bodies in this regard.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report, and the report of the Inspectorate Ecologist, in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the below European Sites,

- **SACs**

  Lower River Shannon SAC, Black Head Poulsallagh Complex SAC, Inagh River Estuary SAC, Glengarriff Harbour and Woodland SAC, Inishmaan Island SAC, Inishmore Island SAC, Galway Bay Complex SAC, Inishbofin and Inishshark SAC, Slyne Head Islands SAC, Akeragh, Banna and Barrow Harbour SAC, Ballinskelligs Bay and Inny Estuary SAC, Castlemaine Harbour SAC, Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Lough Yganavan and Lough Nambrackdarrig SAC, Carrowmore Point to Spanish Point and Islands SAC, Dog's Bay SAC, Inisheer Island SAC, Omey Island Machair SAC, Connemara Bog Complex SAC, Tralee Bay and Magharees Peninsula, West to Cloghane SAC, Slyne Head Peninsula SAC, Kilkieran Bay and Islands SAC, Murvey Machair SAC, Kenmare River SAC, Blasket Islands SAC, Carrowmore Dunes SAC, Magharee Islands SAC, Valencia Harbour/Portmagee Channel SAC, Kerry Head Shoal SAC, Kilkee Reefs SAC, Kingstown Bay SAC, and West Connacht Coast SAC.

- **SPAs**

River Shannon and River Fergus Estuaries SPA, Mid-Clare Coast SPA, Illaunonearaun SPA, Magheree Islands SPA, Blasket Island SPA, Skelligs SPA, Loop Head SPA, Cliffs of Moher SPA,Tralee Bay Complex SPA, Kerry Head SPA, Dingle Peninsula SPA, Puffin Island SPA, Castlemaine Harbour SPA, Inner Galway Bay SPA, The Bull and the Cow Rocks SPA, High Island, Inishshark and Davillaun SPA, Inishmore SPA, Iveragh Penninsula SPA, Beara Penninsula SPA, Slyne Head to Ardmore Point Islands SPA, Cruagh Island SPA, Deenish Island and Scariff Island SPA, Connemara Bog Complex SPA,

in view of the sites' conservation objectives and there is no reasonable scientific doubt as the absence of such effects.

Environment Impact Assessment

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

- the nature, scale, and location of the proposed development.
- the Environmental Impact Assessment Report and associated documentation submitted with the application.
- the submissions received during the course of the application.
- the Inspector's report informed by the report of the Inspectorate Ecologist.

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, secondary 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 planning application.

Reasoned Conclusion for Environmental Impact Assessment:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge, the submissions received from the Planning Authority, prescribed bodies and observers in the course of the application, in the context of current methods of assessment.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct, indirect and cumulative impacts of the development permitted herein are and will be mitigated (where necessary) as follows:

- Overall neutral/imperceptible effects on **human health**, due to the location of the proposed development remote from population centres, the established industrial nature of the existing site, ensuring the cessation of use of coal as a fuel source for electricity generation at Moneypoint and the continued limits, controls, and monitoring of emissions from the site under the IE licence.
- Positive short-term effects on the wider **population,** economy and employment through ensuring security of electricity supply, and providing a sufficient and significant back-up generator to the national grid to ensure continuity of electricity supply at a nationally significant level over the short term while additional renewable sources of electricity and less carbon intensive generators come on-line. The Proposed Development makes the most sustainable use of existing Heavy Fuel Oil and electricity generating infrastructure in place, thus facilitating a smooth and quick transition which will ensure that power outages due to a shortfall in supply will not arise in the context of a ‘do nothing’ scenario where electricity generation from the Moneypoint facility ceases without sufficient conventional generation being available to cater for demand over the defined term of the Proposed Development.

- Potential negligible temporary effects on **Air Quality** from construction will be mitigated through the application of best practice dust control measures, application of the CEMP, good site management, and monitoring.
- Negligible effects on **Air Quality** from the Proposed Development in the context of the established baseline coal operations emissions. The Proposed Development will result in lower annual mass emissions from on-going coal fuelled electricity generation.
- Major Adverse and Significant impact on **Climate** due to the proposed continued use of fossil fuel (Heavy Fuel Oil) and resultant greenhouse gas emissions to generate electricity at this location. The Board considered that this impact is justified as the Proposed Development will:
    - Secure the cessation of coal fuelled generation from the site through the removal of necessary coal management infrastructure (coal stackers/reclaimers and conveyor bridges etc.).
    - Result in an overall reduction in emissions arising from the Moneypoint facility in the context of coal remaining as the fuel source for generation.
    - Make the most sustainable use of existing HFO and electricity generating infrastructure and will be operated as a generator of last resort for a limited timeframe (up to the end of 2029) and with limited annual hours of operation that will only be used to fulfil any shortfalls in other alternative means of electricity generation should demand outstrip supply.
    - Minimise other environmental impacts that could arise from having to provide a similar quantum of more traditionally powered electricity generation at greenfield sites and ancillary works elsewhere to cover shortfalls in grid capacity.
    - Facilitate the provision of a committed date for the cessation of use of HFO as a fuel source at this location (December 2029). Furthermore, the facility will continue to be subject to EPA IE licencing with all emission levels set and monitored.

- Construction activities will give rise to temporary **noise and vibration** effects which will be mitigated through the application of the CEMP, minimising noise emissions at source, adhering to relevant codes of practice for noise and vibration control on construction and open sites, erection of a temporary noise barrier around piling works and/or between the construction activities and the Ash Storage Area, implementation of a noise and vibration monitoring protocol,
- While coal management activities will cease, operational effects arising from the Proposed Development will not give rise to significant effects on **noise and vibration** as electricity generation activities from this operational industrial site will continue, and will be controlled and monitored through the relevant site IE licence.
- Temporary construction effects on **Biodiversity** will arise in relation to habitat loss, and disturbance to species. Such impacts will not be significant due to the existing industrial nature of the site and extent of on-going operations in place. Further mitigation will be provided by measures which include the implementation of the CEMP, overall design of the proposed development, fencing off works areas, provision of noise barrier(s) around certain works areas, and the appointment of Ecological Clerk of Works to oversee implementation of all relevant mitigation measures.
- Temporary construction impacts could arise on **Biodiversity** and **Water** from site discharges (hydrocarbon spills, silt, concrete runoff) or other contaminants entering watercourses during construction or draining into the Estuary. Such impacts will be mitigated through the implementation of the CEMP, including measures for the appropriate management and storage of hydrocarbons, the existing on-site drainage design, the lack of on-site surface water courses (with the Mologha stream having been previously culverted), the use of spill kits and bunding, soil and stockpile management, including separation from waterbodies.
- Temporary construction impacts could arise on **Biodiversity** due to disturbance to species such as badger, otter, breeding/ wintering birds, bats and amphibians. These impacts will be mitigated through the established nature of the industrial site, carrying out pre-construction surveys, provision of

exclusion zones for works activities from areas of importance to particular species, restricting works activities such as vegetation removal to outside bird breeding season in the absence of pre-construction surveys, provision of temporary noise barrier(s), sympathetic design of temporary lighting requirements, and supervision by the environmental clerk of works.

- There is potential for very significant/profound long term adverse impacts on **Biodiversity** and **Water** in the operational phase arising from the effects of a catastrophic oil spill impacting on sensitive species and habitats (including the marine) from grounding/collision/leakage of a HFO oil tanker on approach to the site, a spillage during the offloading of a tanker at the site or spill/leak from the onsite HFO tanks. Risk of oil spill from HFO tanker vessels will be mitigated by:
    - All tankers will have regard to the International Safety Guide for Oil Tankers and Terminals (ISGOTT 6) produced by the Oil Companies International Marine Forum (OCIMF) and the International Chamber of Shipping (ICS) 2020.
    - The recommendations of the International Maritime Organisation will be reviewed and implemented, as necessary.

  HFO deliveries to the site are already occurring and the applicant has established, proven, and approved delivery and offloading protocols in place. Established Mitigation measures in place in the event of a spill in the Shannon Estuary include
    - Execution of the Moneypoint Oil Spill Response Plan,
    - The ESB has a supply of oil booms available which is a requirement for the IE licence.
    - Control of environmental damage through prompt isolation and containment of an oil spill, isolating local drains using absorbent booms, securing the area against traffic, containing the spill and monitoring oil interceptor outlets.
    - Carrying out regular emergency preparedness exercises to ensure all staff are aware of measures to be implemented in emergencies.

  Mitigation measures in place for HFO unloading at the site include:

- Oil unloading arm and valves on jetty manned at all times.
- The full length of the HFO line is inspected periodically, and unloading arm will receive a comprehensive overhaul, and the supply line will undergo extensive internal magnetic flux leakage inspection.
- Pressure and temperature is constantly checked and recorded.
- Oil sump under the jetty will be emptied prior to arrival of new ship.
- Meeting between loading master, vessel master and chief officer before unloading commences.
- Unloading arm is pressure and temperature tested, security is maintained, and fire-fighting equipment positioned prior to ship arrival.
- Oil spill containment equipment and oil dry (2 tonne minimum) is provided on the jetty.
- Hot work and smoking prevented during offloading.

Mitigation Measures to prevent Oil spill from HFO tanks are as follows:

- All tanks, containers and drum storage that contain HFO will have leak containment bunds and leak detection systems in place.
- Design and construction of HFO tanks will be carried out to current best practice engineering standards. The existing tanks on site were subject to 10-year inspections in 2018 and 2022 and were found to be in good condition.
- There is a documented system of inspection, testing and maintenance at the facility which will be continued.
- The existing bunds in place will be fully upgraded with raised bund walls and concrete floors. Bunds are designed to retain a tank rupture and appropriate firewater retention and shut off valves for the bund drainage system will be set to closed by default.

- Potential adverse impacts on **Biodiversity** and **Water** from the operational phase due to generation of air pollutants, noise disturbance, process- and waste- water discharges to the marine environment, lighting and introduction of invasive species from delivery ships. These impacts will be adequately mitigated through the limits, conditions and monitoring measures of the IE

licence relating to noise, dust, water discharges and emissions, appropriate 'on-demand' operation of lighting, existing industrial nature of the site, appropriate design of on-site drainage systems and bunds, protocols to manage the risk of accidental spills and potential environmental impact, membership of the Shannon Estuary Anti-Pollution Team (SEAPT), and all shipping being required to adhere to international convention for the control and management of ships' ballast water and sediments.

- Construction activities have the potential to give rise to adverse impacts on **Water** from sediment, silt runoff, or spillages, which could result in potential sediment release and deposition in the estuary. The impacts from such activities would be adequately mitigated by:
    - The short-term nature of the activities.
    - The implementation of the CEMP, including standard construction best practice mitigation measures.
    - The design and nature of the works which are set back from the coastline,
    - Appointment of EnCoW to monitor and implement all relevant mitigation measures.
    - Sediment control measures (settlement tanks, silt fences, and silt traps) will be provided as required.
    - Existing drainage measures on site.
    - Provisions of the IE licence
- Traffic generated during construction will give rise to potential disturbance and congestion on the local road network. These impacts would be adequately mitigated by:
    - The implementation of a Traffic Management Plan and CEMP, to optimise delivery scheduling, detail the construction route, provide temporary signage, and appoint a community liaison.
    - Abnormal loads, if required to be delivered by road, will adhere to all relevant requirements and weight limits, with such deliveries being scheduled at off-peak times and with all appropriate escorts.

- Existing low traffic volumes, and design of road network accessing the site (National secondary routes) and short-term nature of construction activities.

- Having regard to the nature and volume of materials and on-site activities, the development gives rise to the potential for major accident or disaster or Major Accident to the Environment. The impacts from such activities would be adequately mitigated by:
    - The design and operation in accordance with industry standards and operator requirements under the COMAH Regulations 2015.
    - The established protocols in place in relation to existing and proposed on-site infrastructure.
    - The safety protocols in place in relation to delivery of HFO to the site and its storage.
    - The firefighting procedures in place and extent of forewater storage provided for.
    - The international safety and operational standards in place in relation to HFO tanker vessels.
    - The established marine navigation measures in place.
    - The location and design of the Proposed Development

Proper Planning and Sustainable Development

The Proposed Development comprises the provision of works (including the provision of two Heavy Fuel Oil Tanks, pumping and piping infrastructure, additional bunding works, a new boiler house and associated exhaust stack, an extension to each of the 3 no. existing flue gas desulphurisation absorbers to provide additional reclaimed ash unloading facilities, alterations to the levels and operational management of the permitted Ash Storage Area, reclaimed ash unloading facility at the existing batching plant, and all associated works and services as well as dismantling of existing coal management equipment and infrastructure) to facilitate the transition and conversion of the existing coal fired power station's primary fuel from coal to heavy fuel oil for limited hours of operation for a temporary period up to the 31st December 2029.

The Board considered that the proposed development, due to its strict operational parameters - as a generator of last resort over a defined period (up to the end of 2029) - and subject to compliance with the conditions set out below, would be in accordance with national, regional and local planning policies which support the provision of a strong economy supported by enterprise, innovation and skills while also supporting the transition to a low carbon and climate resilient society. The Proposed Development will provide a temporary conventionally powered back-up generator to the national electricity grid making the most sustainable use of existing infrastructure and equipment, and will provide significant backup to the national electricity grid when predicted/projected demands outstrips generation. While it is acknowledged that the operation of the development would generate greenhouse gas emissions, the need for additional conventional generation is recognised as a national priority in the Government Policy Statement on Security of Electricity Supply, notwithstanding the overall commitment in the Climate Action and Low Carbon Development (Amendment) Act 2021 to becoming a carbon-neutral economy by 2050. In this regard the Board acknowledges that the operational timeframe of the Proposed Development will stop at the end of 2029, thereby ceasing emissions from this site, while the proposed development will result in the cessation of the use of coal as a fuel at the Moneypoint Generation Station, and the use of HFO will result in fewer emissions arising than coal operations.

Due to the location of the Proposed Development within an existing operational industrial complex it is not considered that there will be any significant adverse visual or amenity effects. Furthermore, significant adverse ecological effects are not anticipated with direct impacts on habitats being limited and not considered to adversely affect the conservation objectives of European Sites.

The Board also considered that the Proposed Development was appropriate in the context of the provisions of the Clare County Development Plan 2023-2029, which has zoned the lands as “Marine Related Industry”, which includes the use of land for industry which is dependent on marine transport, and also designates the site as “Strategic Development Location B – Moneypoint”, the objectives of which include safeguarding the role and function of this site as a key strategic driver of economic growth in accordance with national and regional energy objectives.

Overall, therefore, it is reasonable to conclude that the consequences for the proper planning and sustainable development of the area would be acceptable. While there

are negative impacts arising from the continued use of fossil fuels at the site, these are not regarded as outweighing the benefits arising (cessation of coal use, reduction in emissions from HFO fuelled generation in comparison to coal, and the provision of a sufficient back-up generator to support overall national societal and economic need for a defined duration pending the delivery of additional renewable and less-carbon intensive electricity generation) and accordingly particularly having regard to the limited operational hours and limited duration of proposed generation there is a clear justification for the Proposed Development. The Proposed Development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 **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. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), and Technical Landuse Planning Report, Revisions C, dated May 2024, shall be implemented.

   Reason: To protect the environment.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

   Reason: To protect the integrity of European Sites.

4. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a comprehensive document containing all mitigation and monitoring measures set out in the Environmental Impact Assessment Report, the Natura Impact Statement and Technical Landuse Planning Report (revision C, dated May 2024). The

document shall incorporate the monitoring and implementation of proposals as appropriate.

Reason: In the interests of orderly development, public information, the protection of the environment and clarity,

5. A suitably qualified ecologist shall be retained by the developer to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in Natura Impact Statement and Environmental Impact Assessment Report. The ecologist shall be present during site construction works. Prior to commencement of works an ecological report of the proposed scheduling, monitoring and relevant mitigation of the site works shall be prepared by the appointed ecologist and agreed in writing with the planning authority.

   Reason: In the interest of nature conservation and the protection of biodiversity and the environment.

6. (a) The use of Heavy Fuel Oil as a fuel source for energy generation at this site will cease by the 31st of December 2029.

   (b) The number of Heavy Fuel Oil deliveries by ship to the development here permitted shall not exceed 24 no. per annum throughout its operational phase.

   (c) Vessels delivering Heavy Fuel Oil to Moneypoint shall follow the 2023 Guidelines for the Control and Management of Ships' Biofouling to Minimise the Transfer of Invasive Aquatic Species.

   Reason: In the interests of clarity, to protect the environment and in the interests of proper planning and sustainable development.

7. Prior to commencement of development the developer shall provide a detailed schedule, for the written agreement of the Planning Authority, setting out the following:

   (a) Confirmation that no additional coal deliveries will be made to this site and the date by which existing coal reserves on site will be depleted and the use of coal as a fuel source on site will cease.

(b) The dates by which the dismantling of the coal management equipment and plant (2 no. mobile stackers/reclaimers and coal conveyor bridge) here permitted will commence (the date of which shall not be greater than 2 years from the date of the commencement of the remainder of the development works here permitted) and be completed.

(c) Prior to the dismantling of the coal management equipment the developer shall prepare an industrial heritage report by a suitably qualified individual, including a detailed photographic record and scaled drawings, in relation to the equipment to be removed to ensure a complete record of the nature and operations of this equipment is provided. A copy of this industrial heritage report is to be submitted to the Planning Authority for their agreement prior to the commencement of dismantling works.

Reason: In the interests of orderly development, clarity and to maintain an appropriate record of the on-site industrial heritage.

8. If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government, and the National Museum of Ireland require notification.

   Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

9. 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 intended construction practice for the development, including:

   (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

   (b) Location of areas for construction site offices and staff facilities;

   (c) Details of lighting (which is to be sited and designed in line with mitigation measures set out in the submitted Environmental Impact Assessment

Report and Natura Impact Statement), site security fencing, and hoardings.

(d) The appointment of a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project.

(e) Details of on-site car parking facilities for site workers during the course of construction;

(f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(k) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

(l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, orderly development, public health and safety and environmental protection.

10. (a) Prior to the commencement of development the developer shall submit to, and agree in writing with, the planning authority a detailed Construction Traffic Management Plan for the construction phase of the development. The agreed Construction Traffic Management Plan shall be implemented in full during the course of construction of the development.

(b) Pre- and post-construction phase surveys of the public road network to be used as haul routes, shall be carried out by the applicant, to include inspections of bridges, structures and culverts at locations to be agreed with the relevant Roads Authorities to confirm their capacity to accommodate any abnormal weight load proposed.

(c) Abnormal load licences shall be secured by the developer in advance, if required, for the transportation of components, units and materials. Consultation with the Road Authority, An Garda Siochana and all necessary stakeholders shall be carried out in advance of transportation of abnormal loads.

Reason: In the interest of traffic safety and promoting sustainable travel during the construction period.

11. Prior to the commencement of development, the developer and/or any agent acting on its behalf shall submit an Invasive Species Management Plan to the planning authority for written agreement, which includes details of a pre-construction survey to be carried out. The plan shall include full details of the eradication of such invasive species from the development site prior to construction or if discovered during construction as soon as is practicably possible.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development, details to be agreed with the Local Authority prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

13. Noise monitoring shall be carried out during the construction phase of the proposed development by the developer to ensure that equipment used during construction does not exceed the corrected combined $L_{Aeq,\ 10min}$ dB noise generation levels set out in Table 9.7 (Details of noise-emitting equipment considered for the construction of the proposed development and

reference noise levels used for noise calculations) of Chapter 9 (Noise and Vibration) of the Environmental Impact Assessment Report. During the construction phase, noise monitoring shall be carried out to evaluate and inform the requirement and/or implementation of noise management measures. Noise monitoring shall be conducted in accordance with ISO 1996–1 (ISO 2016) and ISO 1996–2 (ISO 2017).

Reason: In the interest of management of construction noise and protection of adjoining amenities and the environment.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

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.

Jimmy Green
Planning Inspector

10th September, 2024

Appendix 1

Inspectorate Ecologists Report