

An
Bord
Pleanála

Inspector's Report ABP-319717-24

Development	Proposed gas emergency reserve facility and associated site works
Location	Kilcolgan Lower, and Ralappane, Tarbert Co. Kerry
Coastal Planning Authority	Kerry County Council
Prospective Applicant	Shannon LNG Ltd.
Type of Application	Pre-Application Consultation under S287, Development in the Maritime Area.
Date of Pre-Application Meeting	4 th July 2024,
Date of Site Inspection:	28 th June 2024
Inspector:	Jimmy Green

1.0 Introduction.

- 1.1. This report relates to pre-application discussions held with Shannon LNG Ltd. 'the Prospective Applicant' in respect of the proposed development of the strategic gas emergency reserve facility and associated works. The pre-application consultation request was received by the Board on the 13th of May 2024 under the provisions of Section 287 (Chapter III – "Other Development in Maritime Area") of the Planning and Development Act, 2000 (as amended), ("the Act").
- 1.2. This report describes the location and nature of the proposed development, the applicant's submission, the consultations held and the legal provisions which are relevant to the Proposed Development.
- 1.3. The Board's representatives met with the prospective applicant on the 4th of July 2024. The presentation provided by the prospective applicant and written record of this meeting is on file. This report should be read in conjunction with the written record of the pre-application consultation meeting with the prospective applicant. It is not proposed to repeat the contents of this record in detail here. The written record of the meeting was circulated to the Prospective Applicant on the 22nd July, who subsequently provided additional details and clarifications including copies of the relevant foreshore consents, and an updated layout plan in a submission dated 6th August 2024.

2.0 Site Location and Description.

- 2.1. The site is located on the southern shores of the Shannon Estuary, in the Townlands of Kilcolgan Lower and Ralappane, Co. Kerry, approximately 5km west of Tarbert Co. Kerry. The site is predominantly under agricultural use but also includes an area of estuary foreshore and incorporates part of the estuary to facilitate the provision of a jetty. Surrounding lands are generally in agricultural uses, with an area of coniferous forestry to the east. The Prospective Applicant company is a subsidiary of the company that owns the land, and a larger land bank at this location, which is intended for future development including ABP 319566-24 which is a current Strategic Infrastructure Development (SID) under the consideration of the Board in relation to the provision of a 600MW power plant, battery storage system (BSS) and an above ground gas installation (AGI). The applicant has been issued a foreshore

licence and a foreshore lease in relation to the elements of the proposed development that are located in the nearshore area.

- 2.2. Access to the site from the landward side is from the local road network L1010 (Coast Road) to the south, which provides an alternative vehicular route between Tarbert and Ballylongford (with the main route between these two settlements being via the R551 further to the south). From the road, ground levels fall somewhat as you move north through the site, before rising to a low intervening ridgeline, from which ground levels fall again toward the estuary. The north-eastern area of the site is more elevated and slopes relatively uniformly from approximately 35m OD to approx. 5m OD over the estuary shoreline. The estuary provides deep water of >13m off the shore of the site and the rocky shoreline includes areas of shingle, backed by low clay cliffs in places. There is one residential property to the south between the site of the proposed jetty and the L1010, Ralappane House, and a number of dwellings further south along the L1010 with further sporadic residential dwellings and farmyard complexes to the east. Also to the east of the site on Ardmore Point, are the remains of a WWII Coastal Defence Artillery Installation, known as Fort Shannon. This comprises a number of concrete structures located close to the shoreline and includes one structure within the application site.
- 2.3. In the wider area, energy infrastructure is a significant feature of the landscape. Moneypoint power station (and wind turbines) lies approximately 2km north of the site (from its closest point) in Co. Clare on the opposite shore of the Shannon Estuary, while Tarbert power station lies approximately 4km east of the site. Kilpaddoge 220 kV substation is approximately 3km to the east of the site, to which a number of high voltage overhead lines are connected. Wind energy projects within both Co. Clare and Co. Kerry are also visible in the wider landscape.
- 2.4. There are a number of designated conservation sites both overlapping with the Proposed Site and located in the vicinity including:
- Lower Shannon Special Area of Conservation (SAC), [Site Code: 002165] overlaps with the development boundary at the location of the coastal and estuary works (including proposed jetty and drainage outfall).

- Shannon-Fergus Estuary Special Protection Area (SPA), [Site Code: 004077] overlaps with the development boundary at the location of the coastal and estuary works.
- Ballylongford Bay proposed Natural Heritage Area (pNHA), 001332 (to the west of the proposed development site).

2.5. Under the provisions of the Kerry County Development Plan 2022-2028 (CDP), the site is not designated as a visually sensitive area, with the most proximate scenic views and prospects lying in excess of 3km to the south east on the opposite side of Knockinglas point. The terrestrial portion of the site constitutes part of the Tarbert-Ballylongford Landbank, which is 430.6 Ha of land that has been recognised with the CDP for its potential as an energy hub and for industrial development at a regional and national level.

3.0 Relevant Planning History Cases.

3.1. The following is a list of relevant planning history in relation to the Proposed Development.

- **PL08B.PA0002:** Permission granted in 2007 by the Board for an LNG regasification terminal at this location.
- **PL08. PM0002:** Permission granted in March 2013 for amendments to the phasing of the construction of the permitted LNG Terminal (condition no. 3) and other minor modifications. The changes were not considered to be material alterations of the previously issued consent.
- **PL08.PM0014:** A decision to grant permission to extend the duration of the permission for the LNG Terminal (condition no. 2) from 10 years to 15 years was granted by the Board in July 2018, however, this was subsequently quashed by the High Court in 2020.
- **ABP-304007-19:** Pre-application consultation request in respect of a liquefied natural gas (LNG) regasification terminal and a 600MW power plant including an LNG jetty to facilitate the berthing of a Floating Storage Unit, onshore vaporisation process equipment and administrative and associated buildings, at

Ballylongford, Co. Kerry. The Board determined that the proposed development would constitute Strategic Infrastructure Development.

- **ABP-311233-21:** Direct application to An Bord Pleanála for Shannon Technology and Energy Park, power plant, battery storage system, floating storage and regasification unit, jetty, onshore receiving facilities, above ground installation and all associated works. Inspectors report recommended a split decision refusing the LNG elements of the proposal and granting the remainder (i.e. powerplant, battery storage etc.). The Board refused permission on 13th September 2023 for the entirety of the proposed development due to the proposal being contrary to the then government policy in relation to LNG.
- **ABP-316518-23:** Pre-Application consultation in relation to 600MW power plant, 120MW Battery Energy Storage System, Above Ground Installation, and associated works. The Board, by letter dated November 2023, confirmed that the proposed development constituted strategic infrastructure within the scope of section 37A(2) of the Act and that an application should be made directly to the Board.
- **ABP-318119-23:** Pre-application consultation request in relation to 2 no. substations and 220kV grid connection, which were confirmed by the Board in correspondence from May 2023, to fall within the scope of Section 182A of the Act, thus a direct application to the Board should be lodged in relation to the electricity infrastructure.
- **ABP-319566-24:** Strategic Infrastructure Development application lodged in April 2024 for a 600MW power plant, 120MW battery energy storage system, above ground installation and all associated works. At time of writing this is a current application under the consideration of the Board.

3.2. Other applications of relevance in the wider area include:

- **PL08. GA0003:** Permission granted in 2009 under Section 182C of the Act for a 26km gas pipeline to connect Shannon LNG Terminal to the existing natural gas network at Leahy's, to the west of Foynes, Co. Limerick. An associated acquisition order was made for the connection of the Shannon LNG Terminal to the Bord Gáis Eireann Network at Leahy's, Foynes, County Limerick under Ref. PL08. DA0003.

- **PL.08.PA0028:** Permission granted, in July 2013, for a combined heat and power plant (to the immediate west of the current proposal) by the Board, following a direct application (subsequent to pre-application consultations under 08.PC0137).
- **ABP-307798-20:** Permission granted for the construction of 400kV electricity transmission cables across the estuary between Moneypoint 400kV Electrical County Clare and the existing Kilpaddoge 220/110kV Electrical Substation, Co. Kerry, including work in the foreshore, and extension to the existing Kilpaddoge Substation and associated works.
- **ABP-315838-23:** Application to the Minister for the construction of a temporary 150MW emergency electricity generation plant at the existing Tarbert power plant, under the Development (Emergency Electricity Generation) Act 2022. This development was to be operational by winter 2023/2024 and would have an operational a life of 5-years and be limited to a maximum of 500 operational hours per annum.

3.3. Issued foreshore Licence/Lease Applications relating to the development site are listed below, all were supported by an Environmental Impact Statement and all were granted by the Minister:

- FS006224, (Shannon LNG Ltd. 9596), foreshore licence for a seawater intake and outfall granted in 2010.
- FS006225, (Shannon LNG Ltd. 9597), foreshore lease for LNG jetty, granted in 2010.
- FS006227, (Shannon LNG Ltd. 9598), foreshore lease for a materials jetty granted in 2010.
- FS006228, (Shannon LNG Ltd. 9599), foreshore licence for drainage outfall granted in 2010.

The Prospective Applicant has clarified that all of the above licences and leases have been extended to 99-year terms.

In relation to the foreshore consents above, following discussions at the pre-application meeting, it has been clarified that the Proposed Development only requires using two of the foreshore licences/leases, those relating to the LNG Jetty, and the drainage outfall. In the interests of clarity, the Board should note that there is

a discrepancy between the reference number quoted by the Prospective Applicant in relation to the drainage outfall licence (as listed above) and that stated on the DECC website. The Prospective Applicants documentation refers to the drainage outfall licence as Ref. No. 9599, while the DECC website uses FS006228 Shannon LNG Ltd 9599 to refer to the seawater intake, and FS006224 Shannon LNG Ltd. 9596 to refer to the Drainage Outfall. Furthermore, the DECC website does not contain details (nor mapping of) the issued licences/leases. Arising from the shortcomings in the available documentation from the DECC website the Prospective Applicant was asked to supply additional details of the relevant foreshore consents and the Board will see the written details and mapping for both the LNG Jetty lease (and its extended 99 year term amendment from 2012) as well as details of the Outfall licence (and its extended 99 year term amendment from 2012) have been provided and are on file.

4.0 The Proposed Development.

4.1. Context:

- 4.1.1. This pre-application consultation is taking place in relation to the provision of an LNG terminal facility which will have two broad functions. It will serve as a strategic gas emergency reserve facility which will be provided under contract to the state while also providing an alternative/additional gas importing mechanism to the Irish gas network. In 2022, 26% of Irelands gas demand was supplied by indigenous sources (the Corrib gas field and small volumes of biomethane), with the remainder (i.e. 74%) coming from the UK via Moffat in Scotland¹. Currently approximately 30% of Irelands primary energy needs are being met by natural gas. With the decline in the Corrib gas field, it is anticipated that Ireland will be almost entirely reliant on UK gas imports by 2030. It is projected that increased renewable gases will reduce the need for natural gas towards the mid 2030's, however, there will be a transitional period where Ireland will be entirely reliant on UK imports if an alternative source to the two interconnector pipelines from the UK is not provided.

¹ Securing Ireland's Gas Supplies, Department of the Environment, Climate, and Communications, 14th November 2023.

- 4.1.2. The recently published Department of the Environment, Climate and Communications "Energy Security in Ireland to 2030" (14th November 2023) outlines government strategy to ensure energy security in Ireland for this decade, while ensuring a sustainable transition to a neutral energy system by 2050. This document states that while Irelands natural gas supplies and infrastructure are adequate to meet our demand projections, they do not have adequate resilience in case of major disruptions to our gas imports. In order to address this issue, it is proposed to reduce natural gas demand and increase renewable indigenous gas supply over time. It is acknowledged that this will take time and in the interim it is proposed *"....to establish renewable gas-compatible storage solutions as an enduring energy security need, and introduce a Strategic Gas Emergency Reserve on a transitional basis to address security needs in the medium term, subject to final approval of the optimal approach by Government in 2024"*.
- 4.1.3. The Proposed Development subject to these consultations is the same as the LNG components of the previous application at this location (ABP-311233-21) which was refused permission in September 2013 due to it being contrary to the then stated Government Policy. At the time of that decision the development of any LNG terminals in Ireland was not considered appropriate pending completion of the review of the security of energy supply of Irelands electricity and natural gas systems. The Prospective Applicant now considers that this security review has been completed with the publication of "Energy Security in Ireland to 2030", and therefore intends to proceed with lodging an application for the LNG terminal components as set out below. The Board should note that an application for a 600MW power station, 120MW battery energy storage system (BESS), and above ground installation (AGI) and associated works (all also components broadly similar to those proposed previously under ABP-311233-21) is currently under consideration as ABP-319566-24. The Prospective Applicant has stated that the LNG terminal facilities are standalone from the power plant and BESS proposal and that both can operate independently. Both projects will require the use of common elements however, such as roads access, connection to the gas network via the AGI etc. and accordingly these elements will be provided for in each application.

4.2. Overview:

- 4.2.1. The initial submission layout drawings did not specifically clarify/delineate the elements which were subject to the current pre-application consultation process, however, these were clarified by the Prospective Applicant at the meeting, and further clarified in the correspondence received by the Board in response to the record of the meeting being issued which included an updated site layout plan. The main project components are set out below.

4.3. Main Project Components.

4.3.1. Offshore Components:

- **A jetty with an access trestle:** This will be capable of providing secure berthing for the Floating Storage and Regasification Unit (FSRU - effectively a sea-going vessel up to 300m long and 50m wide). The Jetty will also have capacity to accommodate 4 no. tugs (which will be used to facilitate berthing and docking of LNG tankers alongside the FSRU) as well as all the gas and service connections and equipment to connect the FSRU to the shoreside infrastructure.
- **A Floating Storage and Regasification Unit to Store Gas.** This is effectively a seagoing vessel up to 300m long, 50m wide, with a height (to the top of the exhaust stack) of 50m above sea level.

4.3.2. Onshore Components:

- **Gas and Electricity grid connections** to service and connect the Proposed Development. The Board will note that separately pre-application discussions have confirmed that 2 no. substations and a 220kV grid connection have been considered to fall within the scope of Section 182A of the Act under ABP-318119-23 at this site.
- **Above Ground Gas Installation (AGI):** including gas metering, pressure, and flow equipment, odourisation facility, gas heater building, and chromatography system. This same piece of infrastructure is also proposed under the current power plant application (ABP-319566).

- **Onshore Receiving facilities:** Including a nitrogen generation facility, control room, security building, workshop and maintenance buildings, instrument air generator, back-up power generators, and fire water system.
- **New Access off the L-1010 (Coast Road),** internal roadways, pre-cast concrete bridge over the Ralappane Stream. This same infrastructure is also proposed under the current application ABP-319566. The Board should note that only one access road will be provided to access the Proposed Development and that concurrently proposed under ABP-319566, however as both applications are stand-alone, they are both providing for this infrastructure.
- **All Site Development and Drainage Works,** to facilitate and service the above.

4.3.3. General

- The Proposed Development will be in commission for 25 years after which time the Prospective Applicant states that they will either apply for a licence for use of hydrogen or decommission the works.
- It is anticipated that approximately 60 no. LNG tanker deliveries will be made per annum.
- The Proposed Development will constitute an establishment for the purposes of Chemicals Act (Control of Major Accident hazards Involving Dangerous Substances) Regulations 2015 ('COMAH Regulations').

5.0 Policy Context.

5.1. The following policy documents and legislation are of relevance but, it should be noted, do not comprise an exhaustive list:

- National Marine Planning Framework, 2020;
- Project Ireland 2040 - National Planning Framework 2040 and the National Development Plan 2018-2027;
- The Climate Action and Low Carbon Development (Amendment) Act 2021;

- Climate Action Plan, 2024;
- The National Energy and Climate Plan, 2021-2030;
- Policy Statement on Security of Electricity Supply (November 2021);
- The National Energy Security Framework, (2022);
- National Ports Policy, 2013;
- All-Island Generation Capacity Statement,
- CRU Information Paper, Security of electricity Supply – Programme of Actions;
- Energy Security in Ireland to 2030 (14th November, 2023);
- Regional Spatial Economic Strategy for the Southern Region;
- Strategic Integrated Framework Plan for the Shannon Estuary;
- Kerry County Development Plan 2022 – 2028, and
- Listowel Municipal District Local Area Plan 2020-2026.

6.0 Meetings Held.

- 6.1. One meeting was held with the prospective applicant's representatives on the 4th of July 2024.
- 6.2. A presentation was provided by the Prospective Applicant which is included on the file, the record of the meeting is also contained on the file.

7.0 Legislative Context.

- 7.1. Section 285(1)(c) of the Planning and Development Act, 2000 (as amended) ('the Act'), notes that Chapter III (Other Development in the Maritime Area) of Part XXI (Maritime Development) applies to development of a class specified in the Eighth Schedule situated partly on land and partly in the nearshore area of a coastal planning authority². The Eighth Schedule of the Act includes all developments listed in the Seventh Schedule and a wide range of marine and harbour/port infrastructure,

² Section 285(1)(c)(ii)(I) of the Act refers.

underwater communications, pipelines and cables, land reclamation, extraction of aggregates, dredging, drilling, large marinas, as well as various energy generation and storage developments. Specifically the Eighth Schedule also includes the following class of development:

- ***‘Class 15: Development consisting, or for the purposes of –***
 - (a) a terminal, building or installation ancillary to a natural gas storage facility (either above or below the surface of the water or seabed) the storage capacity of which would exceed 1mscm, or*
 - (b) a terminal, building or installation ancillary to a terminal that is used for the liquefaction of natural gas or the importation, offloading and re-gasification of liquefied natural gas, and ancillary services.’***

- 7.2. ‘Nearshore Area’ for the purposes of the Act has the meaning assigned to it in the Maritime Area Planning Act 2021, and essentially relates to the Marine area below the line of the high water mark (including tidal rivers and tidal estuaries) extending out to sea by three nautical miles (or any other such distance as may be prescribed by regulation).
- 7.3. The Proposed Development is a Class 15(b) Eighth Schedule form of development that is located partly on land and partly in the nearshore area of the Kerry coast. In this regard the Proposed Development is “*A development consisting, or for the purposes of (b) a terminal building or installation ancillary to a terminal that is used for the liquefaction of natural gas or the importation, offloading and regasification of liquefied natural gas, and ancillary services.*” Furthermore, the Proposed Development is located partly in the nearshore of Kerry County Council (a coastal Authority) and partly on land as shown in the layout plan submitted.
- 7.4. Section 286(3) of the Act states that a person shall not be eligible to apply for permission under the provisions of Part XXI, Chapter III, unless that person is either:
- (a) the holder of either a Marine Area Consent (MAC)³, or of a licence granted under section 3 of the Foreshore Act of 1933⁴ (“the Foreshore Act”)

³ Section 286(3)(a)(i) of the Act refers.

⁴ Section 286(3)(a)(ii) of the Act refers.

authorising the licensee to do any act or acts referred to in that section for the purposes of the development on, or in relation to the maritime site in which the development is proposed,

- (b) the owner of the land in the maritime area where the development will be carried out,
- (c) the lessee under a lease made under section 2 of the Foreshore Act that includes the maritime site of the proposed development and that contains a covenant, condition or agreement that requires the lessee to carry out on that site the proposed development concerned⁵, or
- (d) makes the application with the consent of the owner of the land in the maritime area⁶.

7.5. In relation to the above, and as discussed previously, the Prospective Applicant has supplied copies of the relevant foreshore consents necessary to engage with the Board under the Section 286 and 287 processes of the Act. These details are on the file for the Boards consideration. There are two relevant foreshore consents as follows:

- Foreshore lease documentation in relation to the LNG Jetty the relevant details of which include:
 - The nature of the works subject to the Foreshore Lease, which is to enter into, use and occupy the leasehold area for 'the purpose construction of a jetty which will be used for mooring and offloading liquified natural gas tankers.'
 - The extent of the foreshore lease which is over 'property comprising a T-shaped area of foreshore which extends out from the southern shore of Shannon Estuary and has an area of approximately 10.541ha (26.03 acres).
 - A deed of variation in relation to this foreshore licence dated April 2012 confirming that the duration of the lease shall be for a period of 99 years.

⁵ Section 286(3)(c)(i) & (ii) of the Act refers.

⁶ Section 286(3)(d) of the Act refers.

- Foreshore licence documentation in relation to the drainage outfall the relevant details of which include:
 - The nature of the works subject to the Foreshore Licence which is 'for the provision of a drainage outfall pipe to discharge surface water, groundwater, treated process and foul water and used firewater from the proposed LNG terminal.'
 - The extent of the Foreshore Licence which is over 'property comprising an L-shaped area of foreshore which adjoins the shoreline and extends to approximately 0.302 hectares (0.75 acres).'
 - A deed of variation in relation to this lease dated April 2012 confirming that the duration of the lease shall be for a period of 99 years.

In the context of the above I am satisfied that the Prospective Applicant is in possession of both a foreshore lease and licence that are consistent with the nature of the Proposed Development subject to these pre-application discussions.

Furthermore, I am satisfied that the extent of the red line boundary of the nearshore and shoreline elements of the red line boundary of the Proposed Development (as set out in the revised site layout plans submitted by the Prospective Applicant in their submission dated August the 6th) fall within, and are broadly consistent with, the relevant extents of the foreshore consents. In this regard the Board will note that the foreshore consents mapping submitted is not scalable for direct comparison to the layout of the Proposed Development, however, comparing the extents of the mapping and revised layout on the basis of available background maps shows that the red line boundary of the revised site layout lie within the extent of the foreshore consents. Furthermore, the Board is advised that the Prospective Applicant has formally confirmed in their submission that no amendments are required to either the foreshore lease (LNG Jetty) or foreshore licence (Drainage outfall) for the Proposed Strategic Gas Reserve Facility.

- 7.6. In relation to the remainder of the Proposed Development site I note that the applicant company is a subsidiary company of the overall site owners.
- 7.7. Section 287(1) of the Act, states that a person who proposes to make an application for permission under Section 291 shall consult with the Board. Section 287(2) of the

Act states that the Board may provide its opinion regarding the making of the application and in particular, as respects:

- (a) 'the procedures to be followed by the prospective applicant when making the application and by the Board when considering the application,*
- (b) the documents required to accompany the application,*
- (c) the need for the prospective applicant to create an internet website for the purpose of publishing the application and all documentation accompanying the application,*
- (d) the publication of notices in accordance with this Act, the furnishing of documentation to persons referred to in subsection (3) of section 291 and the making of submissions and observations in relation to an application under that section,*
- (e) such persons as may be prescribed for the purposes of this Chapter,*
- (f) some or all of the matters that the Board is likely to take into consideration relating to—*
 - (i) the National Marine Planning Framework,*
 - (ii) objectives of maritime spatial planning,*
 - (iii) principles of proper planning and sustainable development, and*
 - (iv) the environment or any European site,**when making a decision under section 293 in relation to the application,*
- (g) the fees payable to the Board in relation to the making of the application,*
and
- (h) compliance by the prospective applicant with any direction of the Board under subsection (3) of section 291.'*

7.8. Of note, under S.287(3) the Board may at any time conclude a consultation under this section where it considers it appropriate to do so.

7.9. The Prospective Applicant has confirmed in their submission that they do not require an opinion from the Board in relation to flexibility under section 297B of the Act.

8.0 Matters Arising.

8.1. Proper Planning and Sustainable Development:

8.1.1. Over the course of the pre-application consultation there were a range of issues discussed with, and raised by, the Prospective Applicant through the meeting held and within the documentation submitted in support of the pre-application process. In this regard the Board is referred to the record of the meeting and other documentation attached to the file. I have summarised the broad matters arising below which include inter alia:

- **Proposed Development:**

The applicant is fully aware of the range of issues raised and considered throughout the previous application process undertaken for development at this location. The Prospective Applicant confirmed that the Proposed Development was broadly consistent with the LNG elements of the previously refused ABP-311233-21. Following a request from the Boards representatives at the pre-application meeting the applicant submitted a revised site layout map which clearly delineates the extent of the works subject to this pre-application discussion. This updated layout clarifies the extent of the works and notes that some common infrastructure items (such as the access road, associated drainage and AGI) will be provided for in both the application for the Proposed Development and is included in the current power station application under the consideration of the Board (319566-24), these are both standalone applications that will need some common infrastructure, and accordingly it is in the interests of orderly development that each provides for the infrastructure necessary to operate, (i.e. neither application will be reliant on a piece of infrastructure required to be approved under a separate consent) in the event of favourable consideration. The updated details and layout provided by the applicant clarifies the extent of the works proposed in the context of the concurrent application under the consideration of the Board. The applicant was advised that the range of issues considered throughout the processing of the previously refused application on this site will remain relevant, and that, furthermore, it would be important to address all issues

raised within the previous application by all relevant stakeholders as well as any updates to the policy context while ensuring all application documentation (e.g. surveys and assessments) is sufficiently up-to-date.

- **Planning Policy:**

In relation to the National Marine Planning Framework (NMPF), discussions noted that any future application documentation should demonstrate compliance with the range of relevant overarching marine planning policies as well as the relevant sectoral planning policies, along with ensuring that best scientific practice and methods were relied on. In this regard the general support in the NMPF for additional natural gas transmission and infrastructure where it does not involve the importation of fracked gas should be noted and considered in any future application.

The policy context surrounding the proposal ranging from strategic, regional, and local issues set out in national legislation, the NPF, regional plan, energy policy documentation and local development plans in the vicinity was noted as an important consideration. Particularly having regard to the previous refusal that issued on this site in relation to policy. While the context of security of energy supply is acknowledged it will also be important for any future application to consider the requirements of in the Climate Action and Low Carbon Act, as well as the Climate Action Plan and the established sectoral carbon budgets.

- **Other Consents/Permits Licences**

The Prospective Applicant is aware of additional consents and permits required to facilitate the Proposed Development, these will include an Industrial Emissions Licence from the EPA, relevant COMAH approval from the Health and Safety Authority, as well as fire safety certification.

- **Consultations Undertaken:**

The Prospective Applicant has engaged with consultations with a wide range of stakeholders throughout the planning processes for the current, previously refused, and concurrent power plant. In this regard consultations conducted include those with Kerry County Council, the NPWS, Gas Networks Ireland,

CRU, EPA, Shannon Foynes Port Company, the HSA, GSI, IFI, IAA, Foreshore Unit, Underwater Archaeology Unit, Uisce Eireann, as well as conducting an online public consultation event. The Prospective Applicant has also reviewed all submissions made by relevant bodies and parties to the previous application on this site.

- **Coastal Planning Authority:**

A coastal planning authority within whose functional area (including nearshore area) the proposed development would be situated or one whose functional area (including near shore) adjoins that part of the maritime area in which the proposed development would be situated may provide a dedicated report including their members views during any future application process.

In relation to the matter of coastal planning authorities I note that the Proposed Development lies entirely within or off the coast of County Kerry (i.e. in the Shannon Estuary). Clare County Council lies across the estuary on the opposite side at a distance of c. 2km from the closet edge of the LNG Jetty foreshore licence to its coastline, and a distance of 1km to the central boundary between both counties which runs through the middle of the Shannon. Accordingly, I consider Kerry to be a relevant coastal planning authority under the provisions of Section 291(3)(b)(V) from which a report (including members consideration) would be appropriate as part of any future application process. I note the proximity of Clare County Council to the Proposed Development, and accordingly I recommend that they are given notice of future notification as a prescribed body.

- **Visual Amenities:**

The visual amenity of infrastructural elements was also discussed with the applicant stating that all important views will be considered within the application documentation and noting that such matters will be set out in full within the EIAR. Due to the level of LNG tanker deliveries anticipated (approximately 60 per annum) the Prospective Applicant was advised that any photomontages submitted in support of any future application should contain a few images of the tankers in position adjacent to the FSRU.

- **Cultural Heritage and Biodiversity:**

Potential impacts on cultural heritage and biodiversity were discussed in broad terms and it was stated that these would be dealt with in the relevant sections of the EIAR that would accompany any future application. The Prospective Applicant advised that submissions made by relevant parties and stakeholders in the previous application would be used to inform future assessments, and noted that additional underwater archaeological surveys had been undertaken since the last application.

▪ **Fisheries:**

In relation to impact on fisheries the Prospective Applicants have stated that the area is not a busy location in terms of fisheries and that community engagement is ongoing.

▪ **Construction:**

Construction methods of the various elements of the proposed development were discussed, including the relevant onshore and offshore practices. Any future application will be accompanied by a detailed construction and environmental management plan, and it is proposed that the application documentation will include details of how construction of the various offshore elements will be carried out while minimising the potential for impacts to arise.

▪ **Operational:**

The application documentation including EIAR will consider all potential operational impacts arising from the proposed development and will discuss any differing impacts that may arise from use of the options of operational and maintenance ports that may be used.

8.2. Environmental Impact Assessment

- 8.2.1. It is proposed to submit an Environmental Impact Assessment Report (EIAR) with the proposed application. The initial submission from the Prospective Applicant dated 13th May 2024, includes details of the key environmental considerations in relation to the proposed development as well as a schedule of assessments carried out to inform the EIAR. The applicant has been advised to ensure that all assessments and relevant surveys are updated to ensure that robust findings can be

made. Furthermore, the Prospective Applicant was advised that any EIAR should contain a robust site selection discussion informed by environmental considerations as well as ensuring that a comprehensive cumulative impact assessment is carried out. The date of the consent for the gas pipeline was referenced and while that consent remains valid and in place the applicant was advised to review any survey or assessment details on that application and update as necessary to ensure accurate cumulative findings can be made in the context of any future applications EIAR.

8.2.2. While the Board should refer to the record of meetings held that are on file, and the discussion details set out in the previous sections, the following include some of the key matters which were outlined during the course of the consultation meetings.

- Formal EIA scoping was not undertaken by the prospective applicant; however, they have submitted a wide range of informal scoping requests and consultations to a wide range of bodies.
- The need to provide comprehensive details of the site selection process was outlined. In discussions the prospective applicant stated that the site selection process conducted was informed by various environmental factors and that these would be set out in full within the EIAR, and incorporated into the consideration of alternatives.
- Due to the planning history of the site, the importance of ensuring up to date survey data and the importance of incorporating validity exercises on data and surveys used to inform assessments was discussed.
- The marine mammal population has been identified and will be taken into consideration.
- Consideration of major accidents and disasters will be included within the EIAR, and the applicant stated that the Proposed Development will come under the provisions of the COMAH 2015 regulations.
- The ecological sensitivity of the site must be fully considered for both the terrestrial elements and those within the Shannon Estuary. It was acknowledged that the previously submitted details would be updated and

reviewed and any future EIAR will need to address such issues and impacts in full.

- It is intended that all anticipated construction and operational phase impacts will be set out in full within the EIAR with all relevant mitigation measures included.
- The overall format of the EIAR was broadly discussed in terms of the nature of the proposed development and the various elements and topics which are intended to be covered.
- The potential for cumulative impacts to arise was discussed and the importance of considering all relevant projects including those permitted and proposed in the immediate area and which will be broadly running along the same timeframe in terms of construction.

8.3. Appropriate Assessment

8.3.1. It is proposed to submit a Natura Impact Statement to inform the Board's Appropriate Assessment of any future application. The following include matters which were discussed during the consultation meetings.

- In preparing the NIS the Prospective Applicant has considered the likely Zone of Impact of all elements of the proposal.
- The range of Natura 2000 sites considered to be within likely zone of impact and proximity to QIs/SCIs, is not distance based, but arrived at following review of the relevant species and habitats of concern, migratory, roosting and feeding interactions, as well as territorial patterns.
- The designation of the Shannon Estuary as both an SAC and SPA was noted. The Proposed Development will be providing works (including the Jetty, and outfall drainage) within the SAC and SPA. The applicant was advised of the importance of the provision of a detailed and comprehensive Natura Impact Statement to show the impacts that could arise, and mitigation measures proposed to ensure the integrity of the sites are protected. The NIS is to contain all the required details in this regard.

8.4. Procedures

- 8.4.1. As discussed previously above the Prospective Applicant has supplied details of the relevant foreshore consent and lease associated with the Proposed Development, furthermore the Proposed Development is a class of development specified in the Eighth Schedule of the Act (Class 15(b)) and I am satisfied that the relevant criteria set out in Sections 285, 286, 287 have been met by the Prospective Applicant and Proposed Development.
- 8.4.2. The Prospective Applicant has been advised of the relevant procedures to be undertaken to provide a direct application to the Board in relation to the Proposed Development, and they have confirmed that they have a good understanding of the processes. During the pre-application meeting the Prospective Applicant acknowledged that it was up to the Board to close out the pre-application process, and in this context, they advised that they were anxious to proceed with the substantive application and comfortable with their understanding of the site, the application process, and application documentation requirements. The administrative section of the Board will remain available to engage with the Prospective Applicant up to the lodgement of any future planning application in relation to any relevant procedures concerning the documentation and details required including the provision of the stand-alone website, timing and statutory wording of notices, relevant prescribed bodies, application fee, etc.
- 8.4.3. In relation to the prescribed bodies for the purposes of any future application I recommend that the Board consider that the persons listed hereunder be served with the application and accompanying documents. In forming the list hereunder, regard was had to, inter alia, the requirements under Schedule 1 of the Planning and Development (Maritime Development) Regulations 2023. Regard was also had, in drawing up the list below, to the provisions of S.291(3)(b) and (c) of the Planning and Development Act 2000 (as amended).
- 8.4.4. The Prospective Applicant should send the following persons a copy of the application, accompanying documents (including EIAR and NIS) and a copy of the public notice:
- The Minister for Housing, Local Government and Heritage;

- The Minister for the Environment, Climate and Communications;
- The Minister of Transport;
- The Minister of Defence;
- The Minister for Agriculture, Food, and the Marine;
- The Environmental Protection Agency (EPA);
- The Maritime Area Regulatory Authority;
- The Minister for Rural and Community Development;
- The Marine Institute;
- Inland Fisheries Ireland;
- The Health and Safety Authority (HSA);
- Commission for Regulation of Utilities (CRU);
- Fáilte Ireland;
- An Taisce;
- Kerry County Council (as the relevant coastal planning authority);
- Clare County Council,
- The Southern Regional Assembly;
- National Transport Authority;
- Sustainable Energy Authority of Ireland;
- Eirgrid;
- Commissioner of Irish Lights, and
- Irish Coastguard.

The Board may wish to review the above list and satisfy itself that it is sufficient. In this regard, I note that the above list has been compiled on the basis of information that is available from the pre-application consultations and that the applicant who has been carrying out detailed studies and surveys in preparing the EIAR and NIS may consider other bodies to be relevant. Accordingly, I recommend that any communication with the Prospective Applicant advise them that it is open to them to

send copies of the application and its associated documentation to any other bodies that they consider relevant on the basis of the studies that they have carried out. Furthermore, I note that the Prospective Applicant was instructed to issue copies of the application documentation for the current power station application (ABP-319566-24) to the following bodies under the provisions of Section 37E(3)(c) of the Act in relation to Strategic Infrastructure Development, which are not included in the prescribed list above:

- Transport Infrastructure Ireland
- Uisce Eireann/Irish Water
- Waterways Ireland
- Arts Council
- The Heritage Council
- The Department of Tourism, Culture, Arts, Gaeltacht, Sports, and Media.
- Health Service Executive (HSE)
- Office of Public Works
- ESB

In the interests of clarity, completeness I would recommend that the Board also request the above bodies to be sent copies of any future application documentation.

8.4.5. Transboundary Consultation


8.4.6. Having regard to the provisions of S.291(3)(d) of the Planning and Development Act 2000 (as amended), the nature and location of the proposed development, I do not consider that the Proposed Development is likely to give rise to transboundary effects and accordingly I do not consider it necessary to engage in transboundary consultations.

9.0 Conclusion

9.1. Following the completion of the pre-application meeting on 4th July 2024, and the provision of copies of the relevant foreshore consents and updated layout plan by the Prospective Applicant, I am of the opinion that the process should be concluded,

and the Board should notify the prospective applicant that the process is closed and include the attached list of bodies that the applicant is requested to send copies of the application to in accordance with S291(3)(b) and S291(3)(d), as well as the additional bodies identified in the interests of completeness.

- 9.2. 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
Senior Planning Inspector

29th August 2024