



An  
Bord  
Pleanála

## Inspector's Report ABP-320566-24

<b>Development</b>	Proposed development of a 600MW gas-fired generation station
<b>Location</b>	At Kilshane Road, Kilshane, Finglas, Dublin 11
<b>Prospective Applicant(s)</b>	Kilshane Energy Ltd
<b>Type of Application</b>	Pre-application consultation under 37B. of the Planning & Development Act, 2000 (as amended)
<b>Planning Authority</b>	Fingal County Council
<b>Date of Site Inspection</b>	6 <sup>th</sup> September 2024
<b>Inspector</b>	Alaine Clarke

## **1.0 Site Location**

- 1.1 The site is located within the administrative area of Fingal County Council, to the south and east of Kilshane Road and west of the N2. The site itself is a greenfield site and is not directly bound by a public road. The site is traversed by overhead electricity supply lines and is bound to the south by a watercourse (EPA name; The Ward). A watermain traverses the site to the south.
- 1.2 Generally, the area can be described as 'transitioning'. There are a number of significant developments taking place (for example data centres), particularly to the east of the site. Huntstown Power Station (a Seveso site) is located to the east. There are a small number of single houses in proximity to the site, and one it appears, within a commercial premises to the northwest.

## **2.0 Description of Proposal**

- 2.1 The proposed development comprises a 600MW peaking plant power generation station. It will comprise 2 no. open cycle gas turbines (OCGT), each with an output of up to 300MW, along with backup fuel storage, ancillary structures, and services and includes:

- Within an energy generation compound:
  - Two gas turbine sets, each with an exhaust stack to a height of c. 28m
  - A Packaged Electrical Control Compartment Building (PEECC)
  - A CEMS Shelter
  - Six Fin Fan Coolers
  - 12m acoustic wall to the north and northeast.
- Within an ancillary compound to the west:
  - Fuel Oil Tank (backup fuel)
  - Demineralised Water Tank
  - Raw / fire water tank
  - Fire pump house

- Two demineralised water treatment trailers
- Fuel unloading area.

- The proposals will be provided on two areas of stone surfacing.
- Access and service roads are proposed.
- Additional planting is proposed across the site and all associated works.

2.2 The site layout also denotes two areas which are not intended to form part of any SID application, namely a gas AGI compound and a high voltage substation compound. These elements will be subject to separate future consenting processes.

### 3.0 Relevant Planning History

3.1 Of relevance, on land to the northeast of the proposed development site are:

ABP 317480-23 (Fingal Co. Co. Ref. FW22A/0204): Permission granted for a new Gas Turbine Power Generation Station with an output of up to 293 Megawatts and associated development.

ABP-314894-22: Permission granted for a 220 kV substation and transmission line.

3.2 The following are relevant decisions as to whether or not proposals in and around the site constituted SID/not SID:

- ABP 313090-22: Provision of a 220kV GIS substation and underground 220kV transmission line connecting to the existing Cruiserath 220kV substation was determined to be SID.
- ABP 311877-21: The construction of a 293 MW Power Station and all associated site works was determined not to be SID.

Also of note, s.181 (2R) pre-app consultations: ABP 313117-22: The construction of temporary emergency gas-fired electricity generation facility at Huntstown Power Station.

### 4.0 Precedent Decisions:

The following cases are significant in respect of similar pre-application discussions.

315916	Offaly	Proposed development of a power plant comprising a Combined Cycle Gas Turbine (CCGT) unit (570 MW) and an Open Cycle Gas Turbine (OCGT) (140MW) unit	SID
315479	Limerick	Proposed construction of a new Gas Turbine Generation Station with an output of up to 293 MW.	Not SID
314003	Aghada ESB Power Station, Co. Cork	Open Cycle Gas Turbine plant and ancillary connection infrastructure with an output of up to 299MW.	Not SID
311877	Kilshane, Co. Dublin	The construction of a 293 MW Power Station and all associated site works	Not SID

## 5.0 Pre-Application Consultation Meeting(s)

- 5.1 A consultation meeting was held on 10<sup>th</sup> September 2024 between Board representatives and the prospective applicant. The primary purpose of the meeting was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the Act and to consider matters relating to the proper planning and sustainable development of the area or the environment, which may have a bearing on the Board's decision, and outline the procedures involved in making the application. The prospective applicant formally requested closure of the pre-application consultation process in a letter dated 13<sup>th</sup> September 2024. The meeting record is on the file and should be read in conjunction with this Inspector's Report.
- 5.2 I draw the Board's attention to the applicant's request to have a decision made as expeditiously as possible so that an application can be made to qualify for the next capacity auction.
- 5.3 Together with the pre-application documentation, the principle points made by the applicant that the proposed development constitutes SID were:

- The Seventh Schedule of the P&D Act 2000, as amended, lists classes of projects that fall within the definition of SID and includes: a thermal power station or other combustion installation with a total energy output of 300 megawatts or more. The proposed development is a thermal (open cycle gas turbine) power station with a total energy output of up to 600 megawatts. Therefore, the proposed development significantly exceeds a threshold under the Seventh Schedule. The applicant clarified that a typographical error in the submitted presentation which referred to 200 MW per turbine, when in fact, as per the pre-application consultation letter, the turbines will have a capacity of 300 MW per turbine.
- The development would be of strategic economic or social importance to the State or the region in which it would be situate because:
  - It presents a significant contribution to the realisation of key objectives of the 2024 Climate Action Plan, which are of strategic economic and social importance to the region and the State, referring to the stated objective of delivering 2GW of additional flexible gas fired generation which is identified as a key action in the Plan. The proposed development will make a significant (30%) contribution to the realisation of the 2GW target.
  - The proposed development furthers the objectives of the 2023 Long Term Climate Action Strategy (which commits to the decarbonisation of the electricity sector and the facilitation of additional renewable penetration), the 2024 National Adaptation Framework (DECC, 2024), the national climate objective, and the objective of mitigating GHG emissions and adapting to the effects of climate change. The proposals will facilitate emissions reduction and greater renewable energy deployment in the electricity sector and would assist in avoiding an exceedance of the legally binding sectoral emissions targets for the electricity sector (the exceedance of which would result in substantial fines).
  - The delivery of a reliable and more sustainable electricity system for the State is also a key pre-requisite for economic development and

stability, the importance of which is reflected in 'Energy Security in Ireland to 2030'.

- Circular PL 12/2021, issued by the Government, supports the development of new conventional generation (including gas-fired and gasoil distillate-fired generation) which is a national priority.
- The proposed development would contribute substantially to the fulfilment of energy and climate related objectives in the National Planning Framework (NPF) and the Eastern and Midland Regional Spatial and Economic Strategy (RSES):
  - National Policy Objective (NPO) 47 of the NPF is to "...strengthen all-island energy infrastructure and interconnection capacity to enhance security of electricity supply."
  - NPO 49 (incorrectly labelled as NPO 54 in documentation supplied by the applicant) is to "Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions."
  - NPO 55 is to "Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050."
  - Regional Policy Objective 10.20 of the RSES is to "Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy..."

## **6.0 Legislation**

- 6.1. The Board is asked to decide if the proposal as outlined is or is not strategic infrastructure development (SID). S.37A (1) of the Act provides that an application for permission for any development specified in the Seventh Schedule shall be made directly to the Board if the proposed development would fall within one or more of the following paragraphs as set out in subsection (2):

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework (NPF) or in any Regional Spatial and Economic Strategy (RSES) in force in respect of the area or areas in which it would be situate,
- (c) the development would have a significant effect on the area of more than one planning authority.

6.2. Class 1 of the Seventh Schedule relates to energy infrastructure and includes the following category of development:

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

## **7.0 Assessment**

### **7.1. Section 37A (1) – Is the proposed development specified in the Seventh Schedule of the Planning & Development Act, 2000 (as amended)?**

7.1.1. As stated above, Class 1 of the Seventh Schedule of the P&D Act 2000 (as amended) includes the following category of development:

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

7.1.2 Having regard to the information submitted by the prospective applicant, including at the meeting and in particular the description of the proposed development which comprises a 600MW peaking plant power generation station with 2 no. open cycle gas turbines (OCGT), each with an output of up to 300MW, I am satisfied that the proposed development comprises 'a thermal power station or other combustion installation with a total energy output of 300 megawatts or more'.

7.1.3 As the expected total output of the proposed plant would be 600MW, the proposed development would exceed the relevant threshold set out under 'Energy Infrastructure' class 1 of the Seventh Schedule. Therefore, I consider that the proposed development is SID within the meaning of the Seventh Schedule of the Planning & Development Act, 2000 (as amended).

**7.2. Section 37A (2) – Does the proposed development fall within one or more of sections 37A (2) (a), (b), or (c)?**

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

- 7.2.1. In relation to this subsection, I refer the Board to the Climate Action Plan 2024 (CAP) which includes KPIs for 2025 and 2030. Under the theme of 'Accelerate Flexibility' it is a KPI to deliver "at least 2 GW of new flexible gas-fired generation" nationally. The CAP states that transformational policies, measures and actions, and societal change are required for the challenges of delivering identified measures and actions. The CAP states that rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation as soon as possible to reduce impacts on the carbon budgets. The CAP further states that the introduction of renewable gas generation into the grid is an important factor of ensuring a security of supply for Ireland's electricity system.
- 7.2.2 Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions (2024) sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. It provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland's National Climate Objective and commits to the decarbonisation of the electricity sector and the facilitation of additional renewable penetration.
- 7.2.3 Ireland's energy security strategy, 'Energy Security in Ireland to 2030' was published in 2023. It outlines our national plan to ensure energy security, as we transition to a carbon-neutral energy system by 2050. The importance of providing dependable and flexible electricity supply is highlighted and Action 12 (one of 28 actions) seeks to accelerate delivery of power system flexibility.
- 7.2.4 Ministerial Circular Letter PL 12/2021 states that 'the development of new conventional generation (including gas-fired and gasoil distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation'.
- 7.2.5. Having regard to the Climate Action Plan 2024, Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions (2024), Ireland's energy security strategy,



'Energy Security in Ireland to 2030' (2023) and to Circular Letter PL 12/2021 and to the nature and scale of the proposed development, with an expected power output of 600MW, I consider that the proposed development would be of strategic economic and social importance to the state and the region and would therefore satisfy s37A (2) (a) of the Act.

- (b) The development would contribute substantially to the fulfilment of any of the objectives in the NPF or in any RSES in force in respect of the area or areas in which it would be situated

7.2.6 National Policy Objective (NPO) 47 of the National Planning Framework (NPF) states:

*"In co-operation with relevant Departments in Northern Ireland, strengthen all-island energy infrastructure and interconnection capacity, including distribution and transmission networks to enhance security of electricity supply."*

While reference is made to co-operating with Departments in Northern Ireland to strengthen all-island energy infrastructure, it is my opinion that the wording does not preclude relevant infrastructure projects in the Republic of Ireland, such as the subject of this pre-app consultation, to enhance security of electricity supply.

7.2.7 NPO 54 states:

*"Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions."*

As set out in greater detail above at sections 7.2.1, the proposed development will substantially contribute to a stated KPI to deliver "at least 2 GW of new flexible gas-fired generation" nationally of the Climate Action Plan 2024.

7.2.8 NPO 55 states:

*"Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050."*

The proposed gas-fired electricity generation facility will, according to application documentation, *“support the increased penetration of intermittent renewable energy generation on the national grid, while facilitating the retiring of outdated and carbon intensive generation assets.”* Having regard to the foregoing, I am satisfied that the proposed development will contribute to meeting national objectives towards achieving a low carbon economy by 2050.

7.2.9. With respect to the Eastern and Midland Regional and Spatial Economic Strategy (RSES), Regional Policy Objective (RPO) 10.20 states:

*“Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.”*

The proposed development would contribute substantially to this objective in the RSES.

7.2.10 Having regard to the foregoing, I consider the proposed development would contribute substantially to the fulfilment of NPO 47, NPO 54, NPO 55 of the NPF and RPO 22.10 of the RSES and satisfies s37A (2) (b) of the Act in this regard.

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

7.2.11. Notwithstanding that the proposed development would have wider energy supply benefits beyond Fingal County Council, the applicant states that the proposed development would not be likely to have a significant effect on the area of more than one planning authority. Having regard to the foregoing and information provided by the applicant during the pre-application consultation process I am of the opinion that the proposed development would not have a significant effect on the area of more than one planning authority and does not therefore satisfy s37A (2) (c) of the Act.

## **8.0 Conclusion**

Based on the above assessment, it can be concluded that the proposed development would exceed the threshold set out in the Seventh Schedule of the Act and therefore satisfies the requirements of s.37A (1) of the Act. It can also be determined that the proposed development is of strategic importance by reference to the requirements of sections 37A(2)(a) and (b) of the Act. Accordingly, the proposed development constitutes strategic infrastructure.

## **9.0 Recommendation**

I recommend that the Board serve a notice on the prospective applicant, pursuant to s. 37B (4) of the Planning & Development Act, 2000 (as amended), stating that it is of the opinion that the proposed development constitutes a strategic infrastructure development within the meaning of section 37A of the Act for the reasons and considerations set out below.

## **11.0 Reasons and Considerations**

- 11.1. Having regard to the anticipated energy output of the proposed thermal power station it is considered that the proposed development constitutes development that falls within the relevant definition of energy infrastructure in the Seventh Schedule of the Planning & Development Act, 2000 (as amended), thereby satisfying the requirements set out in section 37A(1) of the Act.
- 11.2. The proposed development is also considered to be of strategic importance by reference to the requirements of sections 37A(2)(a) and (b) of the Planning & Development Act, 2000 (as amended). An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Planning & Development Act, 2000 (as amended).

I confirm that this report represents my professional planning assessment, judgement, and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

A handwritten signature in black ink, reading "Alaine Clarke". The signature is written in a cursive, flowing style.

**Alaine Clarke**

**Senior Planning Inspector**

**16<sup>th</sup> September 2024**

## **Appendix – Prescribed bodies**

The following prescribed bodies are considered relevant for the purpose of s37E(3)(c) of the Act:

- Department of Planning and Local Government and Heritage
- Minister of Environment and Climate & Communications
- Fingal County Council
- Transport Infrastructure Ireland
- National Transport Authority
- Eastern and Midland Regional Assembly
- Irish Water
- Inland Fisheries Ireland
- Irish Aviation Authority
- The DAA
- EPA
- HSE
- Health and Safety Authority
- The Commission for Energy Regulation
- Office of Public Works
- ESB
- Eirgrid
- An Taisce
- An Chomhairle Ealaíón
- Fáilte Ireland
- The Heritage Council