



An
Bord
Pleanála

Inspector's Report ABP-321590-25

Development

Proposed amendments to the permitted Tarbet Next Generation Power Station (ABP-318540-23)

Location

at Tarbert Island, Tarbert, Co. Kerry.

Planning Authority

Kerry County Council

Applicant(s)

SSE Generation Ireland Limited

Type of Application

Section 146B of the Planning and Development Act 2000 (as amended)
– request to alter development approved Strategic Infrastructure Development

Inspector

Laura Finn

Contents

1.0 Introduction.....	3
2.0 Legislative Provisions	3
3.0 Planning History.....	5
4.0 Background to the Proposed Alterations	7
5.0 Scope of Request	7
6.0 Applicants Case.....	8
7.0 Public Consultations	9
8.0 Assessment	9
8.1. Consideration of Materiality.....	9
8.2. The Potential for Significant Environmental Effects	11
9.0 Environmental Impact Assessment.....	19
10.0 Appropriate Assessment Screening	19
10.1. Compliance with Article 6(3) of the EU Habitats Directive	20
10.2. Mitigation Measures	20
10.3. In combination Effects	20
10.4. Screening Determination	20
11.0 Recommendation	21
12.0 Reasons and Considerations.....	23
Form 1 EIA Pre-Screening.....	25
Form 2 EIA Preliminary Examination	27

1.0 Introduction

On the 4th October 2024, the Board granted permission under section 37E of the Planning and Development Act 2000, as amended (the Act), for a 10 year planning permission for a proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) and associated site works located at Tarbert Island, Tarbert, County Kerry (ABP-318540-23).

The application for the development included an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS). Permission was granted subject to fourteen conditions. The application relates to development for the purposes of an activity requiring a licence from the Environmental Protection Agency (EPA) under the Industrial Emissions Directive.

SSE Generation Ireland Limited is now submitting a request to the Board, pursuant to section 146B of the Planning and Development Act 2000 (as amended) for alterations to the terms of that permission.

The applicant notes that the proposed alterations are required following the detailed design process leading to site layout optimisation and a more refined detail of the specification and output of individual plant elements.

2.0 Legislative Provisions

Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of any person who is carrying out or intending to carry out a strategic infrastructure development, the Board may alter the terms of the development the subject of planning permission, approval or other consent granted.

Under sub-section 2(a), as soon as practicable after making such a request, the Board is required to make a decision as to whether the making of the development would constitute a material alteration to the development concerned.

Under sub-section (2)(b), before making its decision under sub-section 146B (2), the Board may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.

Under sub-section (3)(a), if the Board decide that the making of the alteration would not constitute a material alteration, it is required to alter the planning permission/approval/consent accordingly and to notify the requester and the planning authority of the alteration.

Under subsection (3)(b), if the Board decide that the making of the alteration would constitute the making of a material alteration, the Board is required to:

- Request the information specified in Schedule 7A, unless it or an EIAR has already been provided by the requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
- Following receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).

Under subsection (4), before making a determination under sub-section (3)(b)(ii), the Board is required to determine whether the extent and character of the alteration being requested, or being considered by the Board, would be likely to have significant effects on the environment.

Under subsection (5), if the Board determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Board determines that significant effects will arise, the provisions of section 146C apply. These provisions relate to the preparation of an environmental impact assessment report.

Under subsection (7)(a), in making their determination, the Board is required to have regard to:

- The criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,

- The criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- The Schedule 7A submitted by the requester,
- The further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) (summarised above),
- The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- Whether the development is situated in or would have potential to impact on a European site, or a recognised or protected area of natural heritage,

Under subsection (7)(b), the Board is required to include in its determination, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

Under subsection (8)(a) before making a determination under subsection (3)(b)(ii) or (4) the Board is required to require the requester to make information about the alteration available for inspection, notify appropriate persons that the information is available and invite submissions or observations from these persons. Further under subsection 8(b) the Board is required to have regard to these submissions in its determination.

3.0 Planning History

3.1. ABP-318540-23

An Bord Pleanála, under Section 37E of the Planning and Development Act 2000 (as amended) approved the Open Cycle Gas Turbine (OCGT) (350MW) plant fuelled by Hydrotreated Vegetable Oil (HVO). The plant will operate as a ‘peaking plant’, spending most of its time on standby and will be run to complement renewable power generation technology. The plant will operate as and when required during periods when other sources of electricity generation are not available but will not exceed 1,800 operational hours per annum. The approved development comprises the following components;

- OCGT power plant (350MW) and associated building (40m x 57m x 30m high) including air intake;
- Emissions stack 55m in height (external diameter 9m) with continuous emissions monitoring systems (CEMS) platform;
- Selective Catalytic Reduction (SCR) with air intake filters, dilution fans, and skid;
- Generators fin fan coolers (OCGT) (23m x 6.4m x 6m high);
- Lube oil fin fan coolers (7m x 7.5m x 5m high);
- One unit transformer and one grid transformer with a firewall (20m x 0.6m x 15m high) separating;
- Fire suppression skid;
- Aqueous ammonia tank (2.5m diameter x 5m length);
- Propane gas tank and compound (2m diameter x 4.6m length);
- Demineralised water treatment plant (15m x 30m x 12m high);
- Demineralised water tanks (23m diameter x 18m high) (2 No. x 7,500m³ capacity);
- Raw water and fire storage water tank (21m diameter x 17 high) (5,900m³ capacity);
- Fire water module (10m x 10m x 8m high);
- HVO fuel storage tanks 3 No. tanks in total, 1 x 1500m³ capacity (14m diameter by 10m high) and 2 x 4,400m³ capacity (20m diameter x 14m high) with two unloading bays;
- Fuel polishing and transfer system building (20m x 15m x 8m high). HVO pipework (approximately 200m) underground in culverts;
- Electrical connections from main transformer (unit) to an existing 220Kv substation (75m overhead cables);
- New wastewater treatment plant (underground);
- Administration building and workshop (40m x 13m x 5m high);
- Stores (25 x 12.5m x 10m high);
- Carparking (8 No. spaces to the front of the administration and workshop building totalling 100m²);
- Flood defence wall and gates; and
- Demolition works (removal of existing buildings/structures including Carpenters workshop (1200sqm), Contractor/Canteen building (3300sqm), Boiler wash open top storage tank (5,500sqm, Lube oil store (2,800sqm, Site toilets (33sqm), Mechanical workshop, Wastewater treatment plant (9,500sqm)).

Other relevant projects are discussed in Section 8.3.6 of this report, where I consider cumulative impacts and will not be repeated here.

4.0 Background to the Proposed Alterations

The applicant states that the project has progressed to detailed design stage, leading to optimisation of the design layout and more refined details of the output of specific equipment to be installed. The proposed alterations relate to the removal or alteration of some plant components, which the applicant notes will enable environmental compliance to be maintained with a reduction in broader environmental impacts and will also provide for a more efficient design layout.

5.0 Scope of Request

The applicant is proposing the following amendments to the permitted development;

- **Removal of Selective Catalytic Reduction (SCR) plant** (including SCR, Dilution Fans, Ammonia Injection skid and Ammonia Storage, including Ammonia tanks, pipework and Ammonia Uploading Bay) with the corresponding re-adjustment of stack location towards OCGT.
- **Aqueous ammonia tank to be removed** - No longer required due to SCR removal. (see SCR removal above)
- **Removal of Gas Turbine (GT) building** – Enclosures around plant elements to remain, ensuring effective noise control.
- **Air intake to become external plant** – Originally Air intake was designed as part of the GT building, which is now proposed to be removed.
- **Administration/Store Building (30m x 12.5m x 10m high)** to replace the approved Stores Building and Administration and Workshop buildings.
- **Relocation of car parking** – Approved Store Building to be replaced by car parking with no change to number of spaces proposed.
- **Demineralised Water Treatment Plant** - to be provided within three containerised prefabricated structures (12.2m x 2.44m x 2.9m high).
- **Fin Fan coolers** - Separate fin fan cooler blocks to be combined into a single block.

- **Ancillary plant and equipment** – Ancillary plant elements to be relocated, amended and/or added as required. Such elements include the power module, emergency generator, firefighting foam tank and a minor re-alignment of flood defence wall.

No change to the overall construction programme is anticipated.

The applicant considers that the proposed amendments are limited in nature and scale in the context of the overall consented development. The applicant notes that the nature and operation of the plant will not be affected and that the footprint will be reduced with a slight reduction in the visual effect as a result.

The applicant states that a full review of the potential impacts has been carried out under the environmental topic areas assessed under the approved parent permission. The assessment has screened-in Air Quality, Noise and Landscape and Visual effects, for a more detailed assessment. In this regard, updated photomontages, emissions dispersion modelling and operation noise modelling has been provided by the applicant to support the amendment application. The Technical Land Use Planning Risk Report ('TLUP') has also been reviewed and confirms that there is no material change to the risk profile arising and that risk remains broadly acceptable based on the HSA criteria.

The Applicant considers that the proposed alteration constitutes a non-material amendment to the approved development and, therefore, would qualify for determination under the provisions of section 146B(3)(a) of the Planning and Development Act, 2000 (as amended).

6.0 **Applicants Case**

The submission is accompanied by:

- Cover Letter (20th December 2024)
- Risk Assessment - Technical file note on modifications to consented OCGT development at Tarbert (17th December 2024)
- Drawings including site location plans, site layout plans, elevations and sections.

- Environmental Effects Compliance Report (EER) for S146B Application including;
 - Appendix A – Air Quality Technical Note
 - Appendix B – Noise Technical Note
 - Appendix C – Landscape and Visual
 - Appendix D - Verified Views (December 2024)
 - Appendix F – Environment Aspect Interaction and Significant of Change Summary

7.0 Public Consultations

I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public.

I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter for the following reasons:

- (a) I am satisfied that the proposed alterations that are fully contained within the footprint of the existing site boundary are minor in nature.
- (b) These amendments will result in very modest visual effects.
- (c) The pattern, form, scale, and nature of the overall development will remain unchanged.

8.0 Assessment

In the following assessment I consider the issue of materiality, and the potential for significant effects on the environment and European sites.

8.1. Consideration of Materiality

The first consideration in relation to this request to alter the terms of ABP-318540-23 is to determine if the alteration would constitute the making of a material alteration of the terms of the OCGT power plant as approved.

Section 2(1) of the Planning and Development Act 2000 (as amended), refers to the term material in its definition of ‘alteration’ and states that, with reference to certain physical alterations to a building, it includes alterations that alter the ‘*external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures*’. In English, the term materially is defined as ‘*to a material or important extent; significantly, substantially, considerably*’¹.

As indicated in the Inspectors Report under ABP-318540-23, the Tarbert HFO Power Station at SSE Tarbert was developed in the 1960’s as a 626 MWe Heavy Fuel Oil (HFO) fired power plant, which has been operational since 1969 and has been recently decommissioned to accommodate the approved OCGT power plant. Demolition works of ancillary buildings/structures and foundations associated with the existing Tarbert HFO Power Station will be carried out to accommodate the new power plant. The Tarbert Temporary Emergency Generator (TEG), which was approved by the Minister on 14/04/2023 is also now operational, with all construction works complete.

There are a number of fuel storage tanks adjacent to the existing Tarbert HFO Power Station. The ‘Island Tank Farm’ within the site comprises four HFO tanks, each with the capacity of 25,000 tonnes, only two of which are currently in use. The ‘Mainland Tank Farm’ located 350m to the west of the approved OCGT power station site includes four tanks which are not related to the power generation that occurs at SSE Tarbert and are under the control of the National Oil Reserves Agency (NORA) providing a national reserve.

There is a long-established history on the SSE Tarbert site for industrial use for the purposes of power generation. This will continue based on the approval by the Board for the OCGT power plant. The SSE Tarbert site is industrial in character and setting. With that in mind, I will consider ‘materiality’ for the proposed alterations in terms of this existing industrial setting.

As outlined above, the alterations provide for above ground modifications and reconfigurations of buildings, plant and infrastructure associated with the gas turbine and are similar in scale and characteristics to the approved development and are all contained within the site and the red line boundary. The amendments to the approved

¹ Oxford English Dictionary.

OCGT power plant include the removal of buildings and plant including the SCR building, the ammonia tank, the GT building (with the Air intake to become external plant), the removal of the permitted Store Building and the re-sizing of the permitted Administration Building and Workshop to provide for one Administration/Store Building and Fin Fan blocks to now be provided in one building rather than two. Other minor works include relocation of car parking and relocation of ancillary plant and equipment.

I have reviewed the drawings and verified views that accompany the request and consider there is no potential for any material change (significant or substantial) in the nature or extent of the development, or its appearance such that it would be inconsistent with the character of the permitted development or neighbouring structures or to give rise to any significant landscape or visual effects. In addition, the proposed alterations will not give rise to increased emissions to air or water, increased noise or vibration and will not give rise to potential increase in risk for major accidents or disasters over what was originally approved. These potential impacts are discussed in the Environmental Effects section below.

8.1.1. Finding in Respect of Materiality

Having regard to the limited scale and nature of the alterations proposed in relation to the consented development, I am satisfied that the alterations will not alter the character of the approved development or give rise to new considerations or environmental effects that were not already considered in the assessment of impacts under ABP-318540-23. I consider it reasonable to conclude therefore that the proposal subject of this request does not constitute the making of a material alteration of the development as approved under ABP-318540-23.

8.2. The Potential for Significant Environmental Effects

The applicants Environment Effects Report (EER) assesses the amendments under the following EIAR topics: Air Quality, Cultural Heritage, Biodiversity, Landscape and Visual Assessment, Noise and Vibration, Water, Land and Soils, Traffic and Transport, Population and Human Health, Material Assets, Climate, Waste Management and Major Accidents and Disasters. The EER report concludes in Table 4.1 that the conclusions of the EIAR and NIS as a consequence of the proposed alterations have only changed in relation to Landscape and Visual compared to the development

approved under ABP-318540-23. The report notes that Landscape, seascape and cumulative impacts have not changed, but visual effects have slightly reduced from some locations, and this is considered a beneficial change.

Section 2.1 of the Applicants EER provides an environmental evaluation of the changes proposed. Appendix F (Environmental Aspect Interaction and Significant of Change Summary) of the applicant's submission provides a matrix of how the proposed alterations will interact with each environmental topic of the original EIAR approved under ABP-318540-23. The Matrix has listed the various elements of the proposed alterations and has reviewed the impacts of the Chapters of the EIAR. The matrix finds interactions with the EIAR chapters on Air Quality, Biodiversity, Landscape and Visual, Noise and Vibration, Land and Soils and Major Accidents and Disasters due to the various alterations proposed, which will be discussed in the following section of this report.

8.2.1. Air Quality

Table 2.1 of the EER notes that the removal of the Selective Catalytic Reduction (SCR) abatement from the design can result in an increase in emissions of oxides of nitrogen at low operating loads. However, its deletion means that ammonia emissions to air no longer occur from the OCGT. The assessment concludes that there is no change to the significance of predicted effects, with no significant effect on air quality or sensitive ecosystems.

Appendix A (Air Quality Technical Note) provides a dispersion modelling assessment with 6 no. scenarios scaled to reflect operation of up to 1,800 hours per year on air quality sensitive SAC and SPA habitats and selected human health receptors within 15km. Engineering data for the model has been provided by SSE and uses input data provided by the gas turbine supplier appointed by SSE. Modelling was carried out using the ADMS 6 dispersion model which was used for the approved OCGT. The stack height of 55m above ground remains the same and allows for a direct comparison between the two configurations. No specific additional mitigation was identified as necessary for the operational phase and no significant effects were identified.

The assessment identified several incidences of moderate impacts at human receptors in the cumulative scenarios, however, this doesn't indicate a significant impact in view of the good overall air quality at and in the vicinity of the site. For ecological sites in the cumulative scenario, impacts were assessed as unlikely to be significant.

The report concludes that the air quality assessment described in the approved development has not changed as a consequence of the proposed amendments.

I have reviewed and considered the findings of the Air Quality Assessment. I consider the Atmospheric Dispersion Modelling System ADMS 6 (version 6.0) to be an appropriate and adequate forecasting method to assess the likely impacts of the development proposed. I consider the Significant Effects have been described as per the most relevant and latest guidance available.

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

8.2.2. Noise and Vibration

Appendix B of the applicant's documentation provides a Noise and Vibration assessment dated 17/12/2024, which concludes that there are no changes to the outcome previously stated in the original EIAR Noise and Vibration chapter and that there are no changes as a consequence of the proposed amendments. Modelling of sound levels have been undertaken using Cadna A 2024 MR1 acoustic modelling software, which implements the methodology set out in the ISO 9613-2:1996. The modelling used are unchanged from the original assessment approved under ABP-318540-23.

The alterations impacting on noise and vibration comprise changes in building and plant layout including the removal of the GT buildings. The applicant notes that the enclosures will remain around the plant elements, ensuring effective noise control. I

refer to Table 3 and Figure 1 of Appendix B which describes and illustrates the variation to the layout indicating position and modelling of sound sources. The predicted EIAR operational noise emissions have been reassessed to account for updated plant sound power levels and sound pressure levels, which the applicant notes has been provided by the gas turbine supplier, and other acoustic impacts arising from the proposed alterations.

The report details the modelling inputs, results for the unmitigated scenario, and mitigation measures to meet the 45 dB LpA noise limit at the most affected receptor, NSR1. The unmitigated model predicts a 5dB increase in sound levels at NSR1 due to the removal of the GT Building. The highest contributing noise sources include the auxiliaries enclosure, GT vertical duct, and GT stack, which lack natural screening and require mitigation at source. Step-up and unit transformers also contribute to noise at NSR1 but are screened by 15m high blast walls.

The assessment points out that the gas turbine supplier has confirmed with the applicant that the mitigation measures from the approved development are achievable to design and implement through equipment selection and enclosure design. These noise mitigation measures include installing a stack silencer and limiting sound pressure to 75 dB LpA at 1 m.

The assessment concludes there will be no significant changes arising for the surrounding ecological receptors and no change to the original conclusions recorded in the EIAR and NIS. The assessment notes that the cumulative impact assessment remains unchanged.

Having examined the updated noise modelling, which has been carried out in line with relevant guidance, I am satisfied that the models and resultant conclusions are robust. Sound emissions from the proposed alterations would, without design mitigation, exceed the nominated criteria. I am satisfied that adverse noise effects due to the alterations will not be significant due to the mitigation proposed and the substantial separation distances to the nearest residential properties.

8.2.3. Landscape and Visual

The applicant's assessment in Table 2.1 states that significant adverse impacts on the landscape and seascape character arising from the proposed alterations are not likely

and that effects on landscape and seascape character remain unchanged from the approved development. I note that the Kerry County Development Plan 2022 – 2028, which the approved development was assessed under is still the relevant Plan for the County.

In terms of visual effects, the main visual receptor groups are residents, vehicle travellers including ferry/ship passengers, workers and visitors. The report notes that;

‘The proposed alteration will continue to add an industrial facility adjacent to the prominent existing Tarbert HFO Power Station. However, the reduction in built structures due to the proposed alterations in close, middle and long distance views will be noticeable and are considered beneficial as the overall prominence of the consented development will reduce, providing less points of focus’.

The applicant has provided 14 updated viewpoints in Appendix D, which show the proposed alterations. Appendix C provides an updated Landscape and Visual Impact Assessment which assesses the likely significant effects of the proposed alterations. Table 1 of Appendix C provides a comparison of the visual effects at operation stage between the consented development and the proposed alterations and Table 2 provides a comparison of visual effects on Scenic Routes, Views and Prospects.

I have assessed and compared the 14 no. updated verified views and am satisfied that the findings of the updated visual impact assessment are accurate. I consider the proposed alterations will have a beneficial effect from certain views due to the removal of building structures. I consider the proposed alterations to the approved development will integrate into the existing industrial character of the site and seascape dominated by the existing Tarbert HFO Power Station and Moneypoint Power Structures. I am satisfied that the proposed development is not uncharacteristic of the existing industrial landscape at Tarbert Island and the seascape setting in that location. Overall, I am satisfied that the visual impact on the surrounding landscape, seascape and views towards the site would not have any significant adverse impacts on the landscape or visual amenity.

8.2.4. Major Accidents and Disasters

An updated Technical Land Use Planning (TLUP) Report has been provided in Appendix E of the applicants EER. The TLUP concludes that there is no material change in the risk profile arising from the proposed amendments and the conclusions remain unchanged.

I have reviewed the updated TLUP in Appendix E which assesses the potential major accident hazard implications of the proposed changes. The changes include the removal of the ammonia storage and associated ammonia usage and the relocation of certain elements within the site to accommodate a revised layout.

The assessment notes that the removal of the ammonia storage tank will remove a potential hazard from the site, reducing a major accident risk. The relocation of certain elements will result in some of the other major accident hazards at the site being moved slightly, as well as the locations of certain occupied areas at the site. This will change the levels of individual risk to personnel at the site, primarily operators. It is expected that there will be up to 10 personnel on site during normal working hours, mainly in the Administration building and 3 people outside normal working hours.

The risk assessment found that the risks associated with the power plant have reduced slightly based on the proposed alterations. The removal of the anhydrous ammonia storage has removed an environmentally hazardous material. I refer to Table 1 of the updated TLUP which provides the Expectation Values (societal risk calculation). Referring to the HSA's (Health and Safety Authority) Land Use Planning (LUP) Guidance, the calculated EV of 4.91 for the proposed development is much lower than the LUP or significant modifications threshold.

The report concludes that the proposed development meets the HSA criteria for land use planning and that there is no material change in the risk profile arising from the proposed amendments and the conclusions remain unchanged. The risks associated with the development remain broadly acceptable based on HSA criteria.

The proposed development relates to a Lower Tier COMAH site, it falls under the requirements of the Chemicals Act (Control of Major Accident hazards (COMAH) involving Dangerous Substances) Regulations 2015 (S.I. No 209 of 2015). Based on the Inspectors Report for the approved OCGT under ABP-318540-23, I note that the

approved energy generating facility will operate in accordance with the terms and conditions of the EPA Industrial Emissions Licence, as amended and/or reviewed.

Based on the findings of the updated TLUP provided by the applicant, I am satisfied that the overall risk of Major Accidents and Disasters has been adequately addressed and the risk of MA&D is low.

8.2.5. Other Environmental Effects

I have assessed the EER, Table 2.1 and Appendix F of the applicant's documentation and am satisfied with the findings of the applicant, that based on the minor scale of the alterations proposed there is no potential for significant effects or cumulative effects on *Cultural heritage, Biodiversity, Water, Land and Soil, Traffic and Transport, Population and Human Health, Material Assets, Climate and Waste Management*.

I am satisfied that the conclusions of the assessments from the original EIAR approved under ABP-318540-23 as a result of the proposed amendments remain unchanged for the various environment chapters mentioned above.

8.2.6. Cumulative and Transboundary Impacts

The applicant has addressed cumulative impacts in Section 1.5 of the accompanying EER. Table 1.2 of the EER lists nearby projects which have been considered cumulatively with the proposed amendments in Table 2.1 of the EER.

The cumulative impact assessment includes the following projects;

- **EE08.315838** - Decision of the Minister on 14/04/2023 to approve permission for the installation and operation of temporary emergency electricity generating plant, to a limit of 500 hours per annum, at the existing Tarbert Power Station under Section 7 subsection (1)(c) of the Development (Emergency Electricity Generation) Act 2022.
- **File Ref. 23350: Tarbert 220KV Substation** - Permission granted on 17/01/2024 for the decommissioning of some equipment/cables, and installation of new equipment/cable layouts to accommodate the replaced 220KV submarine cable circuits crossing beneath the Shannon Estuary on a site of 6.9ha.

- **PA08.319566** – Shannon LNG Limited sought permission on 19/04/2024 for a 600MW Powerplant, 120MW Battery Energy Storage System, Above Ground Installation and associated ancillary works at Kilcolgan Lower and Ralappane between Tarbert and Ballylongford, Co. Kerry – AWAITING DECISION
- **VA08.320300** – Shannon LNG Limited sought permission on 29/07/2024 for a proposed development of a Gas Insulated Switchgear (GIS) substation compound in the townlands of Ralappane, Kilcolgan Lower, Carhoonakineely, CCarhoonakilla, Cockhill, Coolnagoonagh, Carhoona, Farranawana and Kilpaddoge, Tarbert, Co. Kerry – AWAITING DECISION
- **PA03.319080** – Permission granted on 25/09/2024 for 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.

The applicant notes in Section 1.5.1 of the EER that all proposed alterations are confined to the existing SSE Tarbert site and fall within the redline boundary outlined in the original application and hence, the alterations will not give rise to transboundary effects.

I consider the applicant has provided an up-to-date list of recent projects that could potentially have a cumulative impact with the proposed alterations on the application site. I have carried out an assessment of Table 2.1 of the applicants EER and consider that the applicant has carried out a robust assessment of the impacts associated with the alterations including the predicted cumulative impacts. I consider that the amendments to the development are minor in nature and that no impacts are envisaged as a result of potential interactions or as a result of cumulative impacts arising from the proposed alterations.

8.2.7. **Conclusion – Environmental Effects**

Having regard to the foregoing, I am satisfied that the proposed alterations, which essentially comprise the reconfiguration of elements of a permitted development, will not result in any significant effects on the environmental parameters considered in the original application and EIAR, over and above those already assessed and considered to be acceptable in the parent permission (ABP-318540-23). A full assessment of

nearby projects has been considered in terms of cumulative impacts. I am satisfied that there is no potential for significant cumulative, in-combination or interactive effects as a consequence of the proposed alterations.

9.0 Environmental Impact Assessment

The proposed development is a Class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended) and is below the relevant threshold.

I consider the proposed development comprises a rationalisation of detailed design of the approved OCGT power plant with minor amendments and adjustments to buildings and plant approved and comprise an amendment to a development which has been subject to EIA. The proposed alterations provide no material change to the permitted development, or any increase in size or threshold and do not, therefore, trigger any requirement for EIA.

Refer to Form 1 and Form 2 in the Appendices of this report. There is no real likelihood of significant effects on the environment and hence, EIA is not required.

10.0 Appropriate Assessment Screening

This section of the report examines the potential for effects on the integrity of European sites by virtue of the proposed alterations, alone and in combination with other plans and projects, including the permitted development. The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are, therefore, fully considered in this section in respect of the proposed alterations.

Under ABP-318540-23, the Board considered a range of potential impacts on European Sites including the impact from noise and vibration causing disturbance to wildlife and the impact from airborne and water emissions. Taking account of the mitigation measures proposed, no potential for residual adverse effects on the Qualifying Interests of the River Shannon and River Fergus Estuaries SPA (004077) including SCI bird species and the QI Annex II species of the Lower River Shannon SAC (002165), as a result of the proposed development were predicted.

10.1. Compliance with Article 6(3) of the EU Habitats Directive

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

10.2. Mitigation Measures

The mitigation measures that form part of the permitted parent permission, will apply to the subject development. Notwithstanding this, no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

10.3. In combination Effects

I consider that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of these European sites in light of their conservation objectives subject to the implementation of mitigation measures specified in the permitted development application documentation.

10.4. Screening Determination

In this instance, the proposed works comprise a minor alteration to the building and plant footprints. The footprints will not alter significantly from the original assessment.

I note that the removal of the SCR will affect air quality emissions as approved, with air quality emissions being under the screening level thresholds of 1%. I refer to Table 2.1 of the applicant's EER and Appendix A (Air Quality Technical Note). The removal of the SCR also removes the approved aqueous ammonia tank, which will have the effect of preventing ammonia release. The applicant notes that the additional levels of NO_x release will be minimal and within thresholds at which impacts are predicted as insignificant.

I am satisfied that a robust assessment has been carried out on the amendments to the OCGT and that there is no potential for adverse effects on any European site and that the conclusions of the previous AA remain valid.

11.0 Recommendation

I recommend that the Board decides that (a) the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as approved under ABP-318540-23, and (b) the proposed modifications will not give rise to significant environmental effects or significant effects on the integrity of any European site, for the reasons stated below.

Draft Order for the Board's consideration provided below.

DRAFT ORDER

REQUEST received by An Bord Pleanála on the 20th day of December 2024 from SSE Generation Ireland Limited under section 146B of the Planning and development Act, 2000, as amended, to alter the terms of a strategic infrastructure development, granted under ABP-318450-23 for a 10 year planning permission for a proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) and associated site works at Tarbert Island, Tarbert, Co. Kerry.

WHEREAS the Board made a decision to grant the proposed development, subject to conditions, for the above-mentioned development by order dated the 4th day of October 2024.

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the proposed alterations in respect of the OCGT are described as follows:

- Removal of Selective Catalytic Reduction (SCR) plant
- Removal of Gas Turbine (GT) building
- Air intake to become external plant component

- Administration/Store Building (30m x 12.5m x 10m high) to replace the approved Stores Building and Administration and Workshop buildings.
- Relocation of Car parking
- Removal of Aqueous ammonia Tank
- Demineralised Water Treatment Plant to be provided within three containerised prefabricated structures (12.2m x 2.44m x 2.9m high).
- Separate fin fan cooler blocks to be combined into a single block.
- Ancillary plant elements to be relocated, amended and/or added as required. Such elements include the power module, emergency generator, firefighting foam tank and a minor re-alignment of flood defence wall.

AND WHEREAS having regard to the issues involved, the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to the matter,

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in the making of a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b)(ii) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 20th day of December 2024 for the reasons and considerations set out below.

12.0 Reasons and Considerations

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

- (a) The nature and scale of the proposed alterations,
- (b) The documentation on file, and
- (c) The report of the Inspector.

Having regard to:

- The nature and scale of the development approved under ABP-318540-23 for a proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) and associated site works.
- The examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- The limited nature and scale of the alterations when considered in relation to the overall scale of the approved OCGT development,
- The location of the proposed alterations, within the footprint of the approved OCGT site.
- The absence of any significant new or additional environmental impacts (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- the report of the Board's inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, the Board hereby makes the said alterations.

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

Laura Finn

Senior Planning Inspector

31st January 2025

Form 1 EIA Pre-Screening

An Bord Pleanála	ABP-321590-25		
Case Reference			
Proposed Development Summary	Proposed amendments to the permitted Tarbet Next Generation Power Station (ABP-318540-23)		
Development Address	Tarbert Island, Tarbert, Co. Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes X	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 2 (a) under Part 1 Schedule 5 of the Planning and Development Regulations 2001 (as amended) requires EIA for ' <i>a thermal power station or other combustion installation with a heat output of 300 megawatts or more</i> '. Class 13 of Part 2 Schedule 5 of the Planning and Development Regulations 2001 (as amended) requires EIA for any change or extension of the already authorised, executed or in the process of being executed development, which would result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of part 2, or result in an increase in size greater than 25%, or an amount equal to 50% of the appropriate threshold.	Proceed to Q3
No		N/A	Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A	EIA Mandatory

			EIAR required
No	X	The proposed development does not meet or exceed the relevant thresholds.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	<p>Class 2 (a) under Part 1 Schedule 5 of the Planning and Development Regulations 2001 (as amended) requires EIA for '<i>a thermal power station or other combustion installation with a heat output of 300 megawatts or more</i>'.</p> <p>Class 13 of Part 2 requires EIA for any change or extension of the already authorised, executed or in the process of being executed development, which would result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of part 2, or result in an increase in size greater than 25%, or an amount equal to 50% of the appropriate threshold.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	N/A	N/A

Inspector: _____

Date: 31st January 2025

Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321590-25
Proposed Development Summary	Development proposed are minor amendments to an approved OCGT power plant
Development Address	Tarbert Island, Tarbert, Co. Kerry
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The alterations to the approved OCGT power plant provide for above ground modifications and reconfigurations of buildings, plant and infrastructure associated with the gas turbine and are similar in scale and characteristics to the approved development and are all contained within the site and the red line boundary.</p> <p>The amendments include the removal of buildings and plant including the SCR building, the ammonia tank, the Gas Turbine building (with the Air intake to become external plant), the removal of the permitted Store Building and the re-sizing of the permitted Administration Building and Workshop to provide for one Administration /Store Building and Fin Fan blocks to now be provided in one building rather than two. Other minor works include relocation of car parking and relocation of ancillary plant and equipment.</p> <p>The proposed alterations with the potential to affect air quality primarily comprise the removal of SCR abatement. The removal of the SCR will affect air quality emissions as approved, with air quality emissions being under the screening level thresholds of 1%. The removal of the SCR plant also removes the approved aqueous ammonia tank, which will have the effect of preventing ammonia release. The applicant notes that the additional levels of NOx release will be minimal and within thresholds at which impacts are predicted as insignificant.</p>

	<p>There is no significant effect on air quality or sensitive ecosystems predicted from the proposed alterations.</p> <p>There is no material change in risk profile arising from the proposed amendments. An updated Technical Land Use Planning (TLUP) Report was provided by the applicant, which concludes that there is no material change in the risk profile arising from the proposed amendments, and the conclusions remain unchanged.</p> <p>I consider that the amendments to the development are minor in nature and that no impacts are envisaged as a result of potential interactions or as a result of cumulative impacts arising from the proposed alterations.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed works comprise a minor alteration to the building and plant footprints. The footprints will not alter significantly from the original assessment.</p> <p>There are seven European designated sites and one proposed NHA site present within the Zol of the approved development. The habitats within the Site of the approved development are all common and widespread habitats, and are either of limited ecological importance, or will not be impacted by the development. Protected species identified associated with the site and development include low numbers of foraging bats, and breeding birds typical of coastal habitats that are widespread and common throughout Ireland. No significant effects are predicted for biodiversity and ecological receptors based on the nature of the proposed alterations.</p> <p>In terms of NIS, the original application considered potential impacts to the surrounding European sites. Potential impacts from emissions leaving the site in the form of pollutants to air and water and sedimentation, reducing surrounding air and water quality were dismissed. Potential impacts such as noise, vibration and visual disturbance arising from the construction process were fully examined in the NIS and no significant impacts were predicted on the integrity of any European sites. Alterations to the composition of the building and plant footprints will not significantly alter the original assessment. The overall assessment for biodiversity and ecological</p>

	<p>receptors therefore still concludes a finding of no significant effects. As a result of the proposed changes, there would be no impacts on the integrity of any European site. I am satisfied that a robust assessment has been carried out on the amendments to the OCGT and that there is no potential for adverse effects on any European site.</p> <p>Two archaeological assets were recorded within the red line boundary of the site. The proposed Section 146B alterations comprise of above ground modifications and reconfigurations of buildings, plant and infrastructure associated with the gas turbine and are similar in scale and characteristics to the approved development. Significant adverse impacts on recorded cultural heritage are not likely.</p> <p>The proposed alteration will add an industrial facility adjacent to the prominent existing Tarbert HFO Power Station. However, the reduction in built structures due to the proposed alterations in close, middle and long distance views will be noticeable and are considered beneficial as the overall prominence of the consented development will reduce, providing less points of focus. I consider this is a beneficial impact in relation to landscape and visual impact.</p> <p>Having regard to the foregoing, I am satisfied in principle, that the proposed alterations will not give rise to significant environmental effects by virtue of the location of the development.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the foregoing, I am satisfied that the proposed alterations, which essentially comprise the reconfiguration of elements of a permitted development, will not result in any significant effects on the environmental parameters considered in the original application and EIAR, over and above those already assessed and considered to be acceptable in the parent permission (ABP-318540-23). A full assessment of nearby projects has been considered in terms of cumulative impacts. I am satisfied that there is no potential for significant cumulative, in-combination or interactive effects as a consequence of the proposed alterations.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ **Date:** 31st January 2025

DP/ADP: N/A **Date:** N/A

(only where Schedule 7A information or EIAR required)