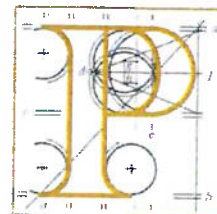


**Our Case Number:** ABP-319566-24



An  
Bord  
Pleanála

Melina & Christine Sharp & Michael Eversen  
Kilmoon East  
Lisdoonvarana  
Co. Clare  
V95 X9KE

**Date:** 19 June 2024

**Re:** The proposed development will comprise of a 600MW Powerplant, 120MW Battery Energy Storage System, Above Ground Installation and associated ancillary works.  
Located within the townlands Kilcolgan Lower and Ralappane between Tarbert and Ballylongford Co. Kerry. ([www.steppowerplant.com](http://www.steppowerplant.com))

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Ellen Moss  
Executive Officer  
Direct Line: 01-8737285

PA04

Teil	Tel	(01) 858 8100
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64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Kilmoon East,  
Lisdoonvarana,  
Co. Clare.  
V95X9KE.

16<sup>th</sup> June 2024

AN BORD PLEANÁLA  
64 MARLBOROUGH STREET  
DUBLIN 1  
D01 V902

**Re: Submission**

*An Bord Pleanála Case reference: PA08.319566*

*The proposed development will comprise of a 600MW Powerplant, 120MW Battery Energy Storage System, Above Ground Installation and associated ancillary works, by Shannon LNG Limited.*

Dear Sir or Madam,

We, as concerned citizens, object to the Shannon LNG planning application with An Bord Pleanála Case reference PA08.319566, for a (standalone) 600MW power plant, 120MW Battery Energy Storage System, above-ground installation and associated ancillary works, located within the townlands of Kilcolgan Lower and Ralappane, between Tarbert and Ballylongford, Co. Kerry and on the Shannon Estuary.

For the following reasons, we believe that this application should not be granted permission:

**1. Alternative locations**

Annex IV of the EIA Directive states that the information provided in an EIAR should include a *"description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects."*

It is our opinion that the applicant has not assessed any alternative locations for the power plant, only the green field that it now owns.

Furthermore, the applicant clearly states throughout the application that this power plant is part of an overall masterplan it has for the site, which includes a [fracked gas] LNG import terminal, Data Centres, and the export of [fracked] gas to the national transmission network via a 26-kilometre pipeline to Foynes in Co. Limerick for which planning permission is expired. This is a developer-led [fracked gas] LNG import terminal master plan project and there has been no assessment of the strategic and cumulative environmental impacts of the large-scale development of data centres throughout the country as obliged under the SEA Directive. For example, the Tarbert power station approximately 3 miles from the site is currently being expanded and ESB is proposing to convert Moneypoint power station in county Clare from coal to oil as its primary fuel source for the for the period of 2025 to 2029 as an out-of-market generator of last resort.

**2. Energy Security**

In November 2023 the Department of Environment, Climate and Communications published its Energy Security Strategy to 2030. Annex 2 to this Energy Strategy's 'Fracked Gas Policy' section 8.26 states:

"In May 2021, the Government approved the 'Policy Statement on the Importation of Fracked Gas' which states "pending the outcome of the review of the security of

energy supply of Ireland's electricity and natural gas systems, it would not be appropriate for the development of any LNG terminals in Ireland to be permitted or proceeded with".

"The statement remains in place until the review of Energy Security has been completed following consideration by Government on the optimal approach to deliver a Strategic Gas Emergency Reserve in the first half of 2024".

The same document states in section 7.43:

"There would need to be a change in policy for any LNG facilities to be developed in Ireland".

Government policies which lead to the increase in demand for gas are completely irresponsible and unsustainable.

### 3. The End of Fossil Fuels

In August 2021 the Intergovernmental Panel on Climate Change (IPCC) published its Sixth Assessment Report (AR6). António Guterres, the UN secretary general, commented that:

"[This report] is a code red for humanity. The alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk. [ ] "This report must sound a death knell for coal and fossil fuels, before they destroy our planet."

According to the EPA emissions report in May 2024,

'Ireland is projected to achieve a reduction of up to 29 per cent in total greenhouse gas emissions by 2030, compared to a target of 51 per cent, when the impact of the majority of actions outlined in Climate Action Plan 2024 is included.'

'This is insufficient to achieve the ambition of 51 per cent emissions reduction in Ireland's Climate Act.'

'All sectors, except Residential buildings, are projected to underperform relative to the sectoral emissions ceilings. Agriculture, Industry and **Electricity sectors are projected to be the furthest from their sectoral ceiling in 2030.**'

An Bord Pleanála has a legal obligation to achieve the climate targets of the current Climate Action Plan of Ireland in any development they have jurisdiction over.

### 4. Emissions

An Bord Pleanála must take into account the full impacts of upstream and down stream emissions of the full STEP master plan, including the fracked gas import terminal.

Some of the emissions that are not included are:

- 'direct emissions from the final consumption of the gas by a third party, have been excluded from the scope of the Proposed Development.' (STEP application.)
- Emissions arising from transport including the additional emissions arising from maintaining liquefaction.
- Emissions arising during the initial liquefaction process.
- And if it is shale gas, which is most common in the US, up to 3.5% methane leakage during extraction and routine flaring during transportation and storage.

In evidence before the Oireachtas Joint Committee on Climate Action, Professor Robert W. Howarth of Cornell University in New York made clear the damaging step backwards from a climate perspective that it would be to switch from coal use to fracked gas.

"In the US, approximately 3.5% of the shale gas that is developed is emitted to the atmosphere as unburned methane due to leaks all along the chain from wells to the final consumer and purposeful emissions as the gas is processed, stored and transported. On account of these methane emissions, the use of shale gas in the United States has an even greater negative impact on the climate than coal, when we consider methane on the timescale of 20 years after it is emitted.

"LNG imported to Ireland from the United States would have an even greater greenhouse gas footprint. To liquefy and transport the gas requires a substantial volume of energy. To import 1 cu. m of gas as LNG requires the production of 1.2 cu. m of gas with 0.2 cu. m of that gas burned to provide the energy for liquefaction, etc. With that we increase the CO<sub>2</sub> emissions as well as methane emissions and, therefore, I estimate the use of shale gas imported as LNG to Ireland would create greenhouse gas emissions of 156g of CO<sub>2</sub> equivalents per megajoule, or a footprint that is 44% greater than that of coal." <sup>1</sup>

However a new paper in September 2022, 'Inefficient and unlit natural gas flares both emit large quantities of methane' shows that methane flaring may be less efficient than previously thought;

'Flare emissions might be 5 times larger than current estimates.'

The IPCC Assessment Report 6 (2021) has recommended that as well as reducing carbon dioxide emissions, rapid reductions in methane would limit global warming.

'Strong, rapid and sustained reductions in CH<sub>4</sub> [Methane] emissions would also limit the warming effect...' <sup>2</sup>

Drew Shindell, the lead author of the Global Methane Assessment for the UN Environment Programme (Unep), agrees CO<sub>2</sub> is the number one target in the fight against climate change, but says cutting methane will have a more rapid impact.

"So many aspects of climate change are happening faster than expected.

"We see more fires, more of the strongest hurricanes, more heatwaves, and methane is the best lever we have to reduce the growth in those over the next 30 years."

#### Global Methane Pledge

In a joint statement from the EU and US,

"Scientific recommendations have led to the introduction of a Global Methane Pledge which will be formally launched at COP26 in Glasgow. The co-convenors Frans Timmermans (EU), John Kerry (US) and Inger Andersen (UNEP) affirmed the critical importance of rapidly reducing methane emissions as the single most effective strategy to reduce near-term global warming and keep the goal of limiting warming to 1.5 degrees Celsius within reach. 9 of the world's top 20 methane emitters are now participating in the Pledge, representing about 30% of global methane emissions and 60% of the global economy." <sup>3</sup>

Ireland and the US have signed this pledge. The actual full life cycle greenhouse gas emissions of STEP are not reflected in this application. It would be contradictory to the principles of this pledge to develop STEP which would increase methane emissions of both nations resulting in an increase of overall global methane emissions.

As stated in the STEP application, EU and Irish law continues to ignore emissions of imports which occur upstream. In the case of fossil gas, especially fracked gas, much of the leakage occurs during extraction and transport. This 'Carbon Leakage' is defined in the Climate Bill as "the transfer, due to climate policies, of production to other countries with less restrictive policies with regard to greenhouse gas emissions". The application does not deal with upstream and non-territorial emissions so the actual annual figure for full life cycle emissions

<sup>1</sup> [https://www.oireachtas.ie/en/debates/debate/joint\\_committee\\_on\\_climate\\_action/2019-10-09/2/](https://www.oireachtas.ie/en/debates/debate/joint_committee_on_climate_action/2019-10-09/2/)

<sup>2</sup> [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_Headline\\_Statements.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Headline_Statements.pdf)

<sup>3</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_4785](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_4785)

will be considerably larger than what the applicant concedes but they do occur and therefore must be taken into account.

## 5. Previous Planning Application

A standalone power station by Shannon LNG on the same site was already decided upon and refused planning permission by An Bord Pleanála in 2023 (reference 311233) on the grounds that it would not be in accordance with the proper planning and sustainable development of the area and nothing has changed overall that would give grounds to An Bord Pleanála to effectively revisit its own decision. This is effectively an appeal of a decision that is already being appealed in the High Court and would seem to be an abuse of process by the applicant by paying another €100,000 to An Bord Pleanála to revisit its decision. The same privilege is not open to objectors to a development consent.

The Board decided that the development of an LNG terminal at the site "would be contrary to current government policy" pending the "Review of the Security of Energy Supply of Ireland's Electricity and Natural Gas Systems". The reasons for refusing permission for a standalone power plant included

- a. That the standalone power plant elements of the LNG terminal and power plant application "constitute integral components of the overall proposal as set out in the application document, and would be primarily served and enable for use by the specific functioning of the core Liquefied Natural Gas terminal elements",
- b. That it was not consistent, or assessed for consistency, with the Strategic Integrated Framework Plan for the Shannon Estuary (SIFP) goal 1.2.13 which seeks "to promote the sustainable development of these lands for marine related industry, utilising the presence of deep water and the waterside location to harness the potential of this Strategic location", and
- c. "Broader matters of necessary environmental assessment such as the consideration of alternatives".

## 6. The state of nature and humanity

### Warning to Humanity

Climate scientists have issued two Warnings to Humanity since 1992. In the first they declared that:

*"humanity was pushing Earth's ecosystems beyond their capacities to support the web of life."*

More recently, in 2017, the 'World Scientists' Warning to Humanity: A Second Notice' was published. It is signed by 15,364 concerned scientists from 184 countries around the world.

*"a great change in our stewardship of the Earth and the life on it is required, if vast human misery is to be avoided."*

*"Since 1992, with the exception of stabilizing the stratospheric ozone layer, humanity has failed to make sufficient progress in generally solving these foreseen*

*environmental challenges, and alarmingly, most of them are getting far worse (figure 1, file S1). Especially troubling is the current trajectory of potentially catastrophic climate change due to rising GHGs from burning fossil fuels (Hansen et al. 2013)..."*

### 6.1 Worrying trends

In April 2023, the European Environment Agency published their 'State of Nature in Europe: A Health Check' report on the status of nature in the Europe and made the following statement that:

*'Only 27 % of protected species indicate a good conservation status, whilst 63 % have a poor or bad status.'*

And

'Europe's nature is experiencing a serious and continuing decline. The challenge to protect it is urgent, and significant additional efforts are needed to reverse the current trend'.<sup>4</sup>

The EEA also highlighted that,

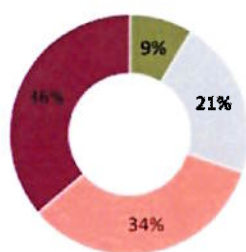
'Most protected species in Europe have a poor or bad conservation status as a result of ongoing pressures from changes in land and sea, overexploitation and unsustainable management practices. Pollution of air, water and soil also has an impact on most species.'

And continues:

'more effective implementation of environmental legislation (including the EU Habitats and Birds Directives) and a transition to sustainable practices in socio-economic sectors are needed to lessen the severe impact on Europe's nature'.<sup>5</sup>

### Trends in conservation status of habitats

**Figure 5a: Conservation status trends of habitats with unfavourable (i.e. not good) or unknown status at EU level**



■ Unfavourable - improving

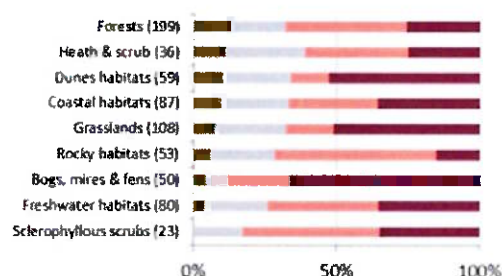
■ Unknown

■ Unfavourable - stable

■ Unfavourable - deteriorating

**Note:** Conservation status trends are based on EU habitat assessments (698).

**Figure 5b: Conservation status trends of habitats with unfavourable (i.e. not good) or unknown status per habitat group at EU level**

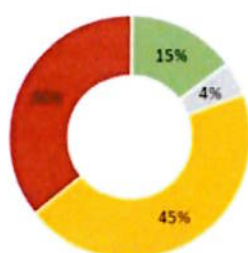


**Note:** The number of assessments is indicated in parentheses. The total number of assessments is 698.

Image 1:

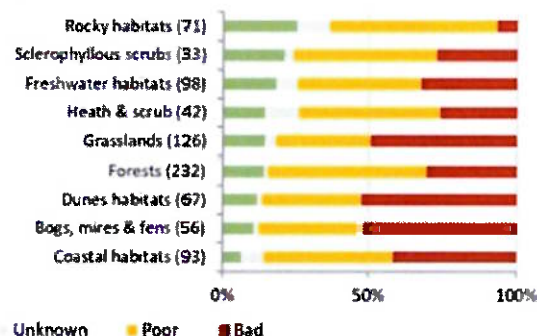
Source: Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives

**Figure 4a: Conservation status of habitats at EU level**



**Note:** Statistics based on number of EU habitat assessments (818)

**Figure 4b: Conservation status per habitat group at EU level**



**Note:** The number of assessments per group is indicated in parentheses. Marine habitats are part of the 'coastal habitats' group. The total number of assessments is 818.

<sup>4</sup> <https://www.eea.europa.eu/en/topics/at-a-glance/nature/state-of-nature-in-europe-a-health-check>

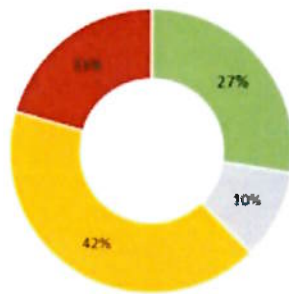
<sup>5</sup> <https://www.eea.europa.eu/en/topics/in-depth/nature-protection-and-restoration/species-protection-and-conservation?activeAccordion=fa9bdf76-5165-4f3a-a940-e059381a7972>

Image 2:

Source: Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives

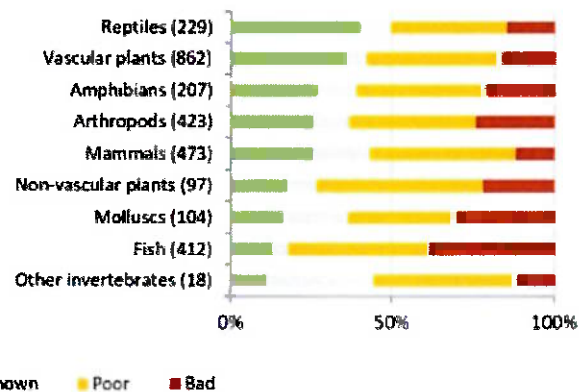
### Conservation status of species

**Figure 6a: Conservation status of species at EU level**



**Note:** Statistics based on number of EU species assessments (2 825).

**Figure 6b: Conservation status per species group at EU level**

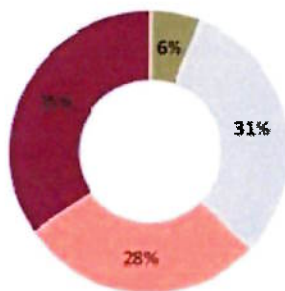


**Note:** The number of assessments per group is indicated in parentheses. The total number of assessments is 2 825.

Image 3:

Source: Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives

**Figure 7a: Conservation status trends of species with unfavourable (i.e. not-good) or unknown status at EU level**



■ Unfavourable - improving

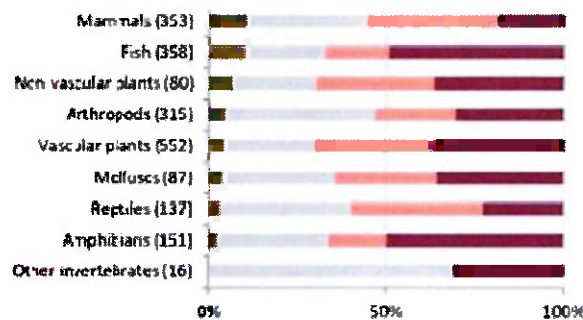
■ Unknown

■ Unfavourable - stable

■ Unfavourable - deteriorating

**Note:** Conservation status trends are based on EU species assessments (2 049).

**Figure 7b: Conservation status trends of species with unfavourable (i.e. not-good) or unknown status at EU level, per group**



**Note:** The number of assessments is indicated in parentheses. The total number of assessments is 2 049.

Image 4:

Source: Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives

**Figure 12: Proportions of area covered by Annex I habitat groups that need to be improved, as reported by Member States**

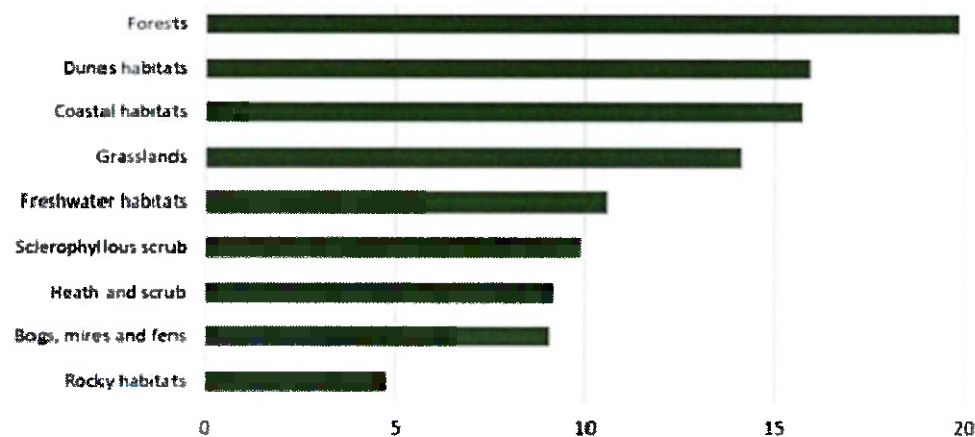


Image 5:

Source: Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives

NOTE: coast habitats are in the top three Annex 1 habitat groups listed as needing improvement.

The results are published, together with the reporting on bird species under the Birds Directive in a 'State of Nature in the European Union' report. The last report, published in 2020, presents the results of the 3rd reporting cycle for the period 2013–2018.

*'According to the latest report, only a quarter (27%) of the species have a good conservation status at EU level. This is an increase from 23% in 2015. Most species (63%) continue to have a poor or bad status. The situation is worse for habitats - just 15% having a good status. The vast majority (81%) are in a poor or bad status'.<sup>6</sup>*

In Ireland the situation is even worse. Instead of 36% of habitats in decline it is 46%. And a whopping 85% if habitats are in a state that is *Unfavourable- Inadequate/Bad*.

<sup>6</sup> [https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive\\_en](https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive_en)



### HABITAT ASSESSMENTS

The Overall Status of habitats as depicted in Figure 1a is that 85% of habitats are in Unfavourable (i.e. Inadequate or Bad) status, with 46% of habitats demonstrating ongoing declining trends (Figure 1b).

Figure 1: a) Percentage of habitats in Favourable, Unfavourable-Inadequate or Unfavourable-Bad condition  
b) Percentage of habitats with Stable, Improving or Declining trends. n=59

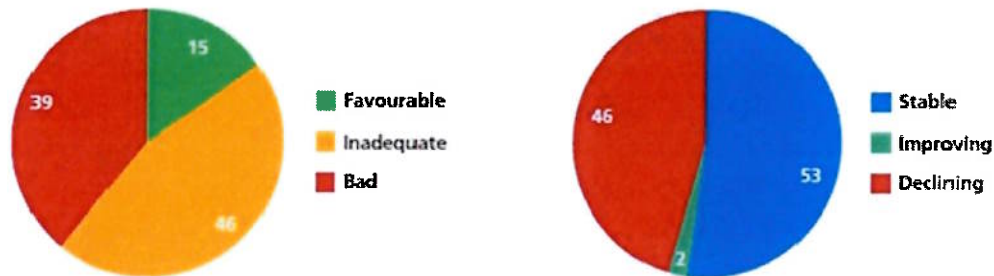


Image 6:

Source: The Status of EU Protected Habitats and Species in Ireland, 2019

More detailed information from the 'The Status of EU Protected Habitats and Species in Ireland' 2019, shows that Estuaries, Tidal mudflats and sand flats and lagoons are inadequate, deteriorating, bad.

#### 1130 Estuaries

'The Overall Status of the habitat is Inadequate and deteriorating. This status is the same as the 2013 assessment; however the trend has changed, due to more accurate data, from improving to declining. This decline is considered to have been on-going since before the last assessment.'

#### 1140 Tidal mudflats and sandflats

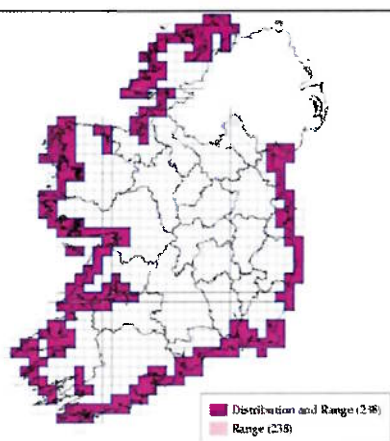
'The Overall status of the habitat is Inadequate and deteriorating, the change in trend from improving to deteriorating due to a genuine decline in the habitat since 2013. This was caused partly by pollution from agricultural, forestry and wastewater sources as well as impacts associated with marine aquaculture, particularly the Pacific oyster (*Magallana gigas*).'

#### 1150 Lagoons

'Several high-ranking pressures were identified acting on this habitat: eutrophication, modification of hydrological flow, and drainage. Other pressures noted include erosion and silting up, accumulation of seaweed, and sedimentation from peat related to turf cutting and/or forestry. The Overall Status for Lagoons is assessed as Bad, unchanged since the 2013 assessment. However, the overall trend has changed from stable to deteriorating, a genuine decline since 2013.'

#### 1160 Large shallow inlets and bays

'A number of rare or unusual species also occur, including the rare anemones *Edwardsiadelapiae* and *Pachycerianthus multiplicatus* and sensitive subtidal species such as *Neopentadactyla mixta*, *Sabella pavonina*, *Virgularia mirabilis* and *Limaria hians*. Pressures on the habitat include nutrient enrichment, dredging and invasive alien species. Overall Status is assessed as Bad and deteriorating, a genuine decline since the 2013 assessment of inadequate and improving and is based on more detailed information.'



**OVERALL STATUS: INADEQUATE** ▼

Image 7: 1140 Tidal mudflats and sandflats status and location  
Source: The status of EU Protected Habitats and Species in Ireland, 2019

**Figure 9: Distribution of level-1 pressure categories among habitats, non-bird species and birds**

Image 8:

Source: Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives

Where is the industry on this analysis?

Where do activities such as those carried about by Shannon LNG fit into pollution pressure on habitats and species? These must be included, without the weighting of derogations or emission offsets. There must be a level playing field between citizens and industry, because all humans and ecosystems benefit from improved environmental conditions.



Image 9:

Even the reporting on derogations and exceptions from the EU Habitats Directive by the Irish State is very poorly carried out. Not only failing to reach the minimum of 60% completeness in 2021, the Irish State only submitted a measly 0.6% and 0.0% of the geographical coverage area and the Maximum quantities, respectively, required to be reported on. This trend is not recent. In 2015 the Irish State also stands out above all other EU states bar one. It not only failed to reach the minimum of 60% completeness but only submitted a very low 6.4% and 10.7% of the Geographical Coverage and the Maximum Quantities required to be reported on.

Every development, especially those of large-scale implications must be decided up on based on its levels of necessity to the survival of humanity and the burden it will have on the precious ecosystems that we still have and that we can still save and repair.

## **7. Legislation**

### **7.1. COP15 Biodiversity**

In December 2022 the Irish State signed up to the following goals;<sup>7</sup>

- Effective conservation of at least 30% of the world's lands and waters.
- Restoration completed or underway on at least 30% of degraded terrestrial and aquatic ecosystems.
- Reduce to near zero the loss of areas of high biodiversity importance, including ecosystems of high ecological integrity.
- Reduce by half both excess nutrients and the overall risk posed by pesticides and highly hazardous chemicals.
- Progressively phase out or reform by 2030 subsidies that harm biodiversity by at least US\$500 billion per year, while scaling up positive incentives for biodiversity's conservation and sustainable use.

### **7.2 European Green Deal**

*"This is an important aspect of the European green deal's zero pollution ambition, aiming for water pollution to be reduced to levels no longer considered harmful to human health and natural ecosystems," the commission noted.'*<sup>8</sup>

### **7.3 Ireland facing European Court for failures to protect habitats**

In June 2023, after decades of delays and failures the long-running case was brought forward by the European Commission in relation to implementation of the EU Habitats Directive.

'the European Court of Justice ruled that the Republic of Ireland broke nature laws by failing to protect hundreds of sites. 'The Court found that the Irish government had failed to designate Special Areas of Conservation for 217 of the 423 sites across the

country' and that 'the government also neglected to set 'site-specific detailed conservation objectives' at 140 sites.'<sup>9</sup>

### **7.4 Proposed Natural Heritage Areas**

Proposed Natural Heritage Areas (pNHAs) are:

*'...sites are of significance for wildlife and habitats.*

*Prior to statutory designation, pNHAs are subject to limited protection, in the form of:*

- *Recognition of the ecological value of pNHAs by Planning and Licencing Authorities.'*

### **7.5 REACH regulation** - To protect human health and the environment against the harmful effects of chemical substances.<sup>10</sup>

<sup>7</sup> <https://www.davy.ie/market-and-insights/insights/capital-markets/horizons/cop15--landmark-global-biodiversity-agreement---key-takeaways-for-business.html>

<sup>8</sup> <https://www.irishtimes.com/environment/2023/01/26/european-commission-brings-ireland-to-court-over-eu-water-directive-failure/>

<sup>9</sup> <https://www.bbc.com/news/articles/cy975d7wle9o>

<sup>10</sup> [https://environment.ec.europa.eu/topics/chemicals/reach-regulation\\_en](https://environment.ec.europa.eu/topics/chemicals/reach-regulation_en)

7.6 EU Action Plan "Towards Zero Pollution for Air, Water and Soil" - Chemicals for sustainability towards a toxic-free environment.

7.7 EU strategy – pathway to a healthy environment for all

Current environmental legislation is clearly not functioning in its goal of protecting and repairing damaged habitat and preventing species decline and extinction. It also is clear that socio-economics bias of policy and legislation is unsustainable. This bias putting economic gain ahead of the protection of our life supporting ecosystems will ultimately severely impair the possibility of the human species' survival on this planet.

7.8 Citizens' Assembly on Biodiversity Loss

The 'Final Report of the Citizens' Assembly on Biodiversity Loss' April 2023:

*'proposes a series of changes to the Constitution to ensure people have a right to a clean, healthy, and safe environment. In addition, the Assembly recommends that nature be provided with protections within the constitution to allow it to continue to provide the necessities of life including food, clean freshwater and air, as well as providing a clean and healthy environment for wellbeing now and in the future. Such recommendations follow a growing international trend highlighting the necessity to protect nature in order to protect humans.'*<sup>11</sup>

7.9 Rights of Nature

Rights of Nature is:

*'the recognition that our ecosystems – including trees, oceans, animals, mountains – have rights just as human beings have rights. Rights of Nature is about balancing what is good for human beings against what is good for other species, what is good for the planet as a world. It is the holistic recognition that all life, all ecosystems on our planet are deeply intertwined. Rather than treating nature as property under the law, rights of nature acknowledges that nature in all its life forms has the right to exist, persist, maintain and regenerate its vital cycles. And we – the people – have the legal authority and responsibility to enforce these rights on behalf of ecosystems. The ecosystem itself can be named as the injured party, with its own legal standing rights, in cases alleging rights violations. For indigenous cultures around the world, recognizing rights of nature is consistent with their traditions of living in harmony with nature. All life, including human life, are deeply connected. Decisions and values are based on what is good for the whole'.<sup>12</sup>*

7.10 Ecocide

According to the Independent Expert Panel for the Legal Definition of Ecocide:

*'Ecocide' means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.'*<sup>13</sup>

Currently, there is a big push to amend the Rome Statute of the International Criminal Court (ICC), which currently lists the following crimes: Genocide, Crimes Against Humanity, War Crimes and Crimes of Aggression, to include Ecocide as the fifth international crime.

As of 26<sup>th</sup> October 2022, The Stop Ecocide Foundation EU Crime Directive Position Paper, submitted to EU agencies, has just been vindicated by the vote of the EU's environment (ENVI) committee on its proposals vis-a-vis the revision of the EU Directive. The committee has proposed inclusion of a standalone article in the Directive setting out an offence of ecocide to cover "severe and either widespread or long-term damage to the environment".

<sup>11</sup> <https://citizensassembly.ie/report-of-the-citizens-assembly-on-biodiversity-loss-report-launches/>

<sup>12</sup> <https://www.garn.org/rights-of-nature/>

<sup>13</sup> <https://www.stopecocide.earth/what-is-ecocide>

*'While the recognition of the crime of ecocide is currently being discussed in several national parliaments around the world and in the EU, the EU should seize this issue to remain a world leader in environmental protection legislation and to ensure harmonised definition and sanctions ex ante, and not ex post.'*<sup>14</sup>

The latest development in relation to 'Ecocide' is that 'The European Union has become the first international body to criminalise wide-scale environmental damage 'comparable to ecocide''.<sup>15</sup>

*'The revised EU law [Environmental Crime Directive] specifies which kinds of environmental activities are covered. These include water abstraction, ship recycling and pollution, the introduction and spread of invasive alien species, and ozone destruction.'*<sup>16</sup>

## **8. Shannon Gas Pipe Line – Expired planning permission**

Shannon LNG claims that it has consent for a 26 kilometre gas pipeline to the proposed development from Foynes but it seems that the pipeline consent GA0003 which was granted on 17th February 2009 expired in 2019 at the latest.

According to the TYNDP 2020 - Annex A: the project LNG-A-30 'Shannon LNG Terminal and Connecting Pipeline' highlights that the pipeline was for export to the national grid and that the permission was subject to a judicial review. On April 30 2020, the European Court of Justice found that Shannon LNG will have to make a new application from scratch with an environmental impact assessment to comply with the European Union's Habitat Directive. Also in September 2020 the ECJ further ruled that planning permission for the Shannon LNG terminal should not have been extended by the Irish planning board without the project being subject to a fresh environmental assessment.

There has been no new application for a pipeline to replace the original 2008 pipeline application and there no AA and EIA have been made for a pipeline between the proposed STEP development and Foynes. An Bord Pleanála should refuse this application as there is no gas supply route applied for this gas power plant.

## **9. Shannon Gas Pipe Line – Non assessment for supply to proposed STEP development**

Shannon LNG's planning application form and the advertisement it posted in the papers for this proposed development state: "The AGI will facilitate the import of natural gas to the national gas transmission network via the already consented 26 km Shannon Pipeline (ABP Reg. Ref. PL08.GA0003 and PL08.DA0003)."

This clearly indicates that the development proposes to send gas out to the national gas network and not to receive gas from the national gas transmission network via a pipeline. This is not what is proposed elsewhere in the planning document where it is stated that the pipeline "will facilitate transport of gas to the site from the national gas network at Foynes" and that "low sulphur gas oil is proposed as the secondary fuel supply". The original EIA for the Shannon LNG pipeline application in 2008 stated: "The Shannon Pipeline is required to provide access to the Irish gas network for the Shannon LNG terminal. It will allow Shannon LNG to supply gas from additional diverse sources to the Irish market". If this applicant is proposing to use the pipeline gas, rather than an LNG terminal, to fuel the power station, this would represent a change in direction of the gas flow on that pipeline, which has not been considered in the original EIA for the Gas pipeline, nor in this planning application.

<sup>14</sup> [https://www.stopecocide.earth/s/ECD-Compromise-Amendments\\_finalversion.docx](https://www.stopecocide.earth/s/ECD-Compromise-Amendments_finalversion.docx)

<sup>15</sup> <https://www.theguardian.com/environment/2023/nov/17/eu-criminalises-environmental-damage-comparable-to-ecocide>

<sup>16</sup> Idem

This is an excerpt from the STEP AA and NIS, page 107, 'Gas Pipeline (PL08.GA0003) Permission was granted in 2009 for a pipeline to connect the Proposed Development to the existing national gas network near Foynes, Co. Limerick. The EIA concluded that no significant residual effects were identified to hydrogeology and surface water in the EIA for the pipeline. The assessments for the development concluded 'that there is no evidence to indicate that the original proposed works or the proposed alterations to the proposed works will cause significant deterioration of important habitats, the habitats of the qualifying species and species of special conservation interest or significant disturbance to these species thus ensuring the integrity of the site is maintained. No significant cumulative impacts are expected to occur. No significant indirect impacts are envisaged'. Given the above, it can be concluded that there is no potential for effects from the pipeline development in-combination with the Proposed Development; in-combination effects can be screened out.'

This is a totally inadequate attempt at an assessment of the impact of the pipeline development. As mentioned above the European Court of Justice found that Shannon LNG will have to make a new application from scratch with an environmental impact assessment to comply with the European Union's Habitat Directive.

Furthermore, there has been no assessment in the current EIA of the environmental impact of whole masterplan for the area including the importation of fracked gas by the applicant. The Planning Report submitted with this application states "A recent SID application for an LNG Terminal, Power Plant, Battery Energy Storage System (BESS) and AGI was refused planning permission by An Bord Pleanála and is currently the subject of a Judicial Review.'

Can the applicant legally apply for a new permission whilst challenging the previous decision for the same project?

## 10. Auction

Shannon LNG confirmed to the Board during its now-completed pre-application process that it would lose the €3.5 million deposit it paid Eirgrid for 373MW of auction capacity it was awarded in April 2023 if the power station does not get planning permission by the 4th of November 2024. That should not be a concern of An Bord Pleanála or grounds for giving development consent. On April 5th, 2023, the State's national grid operator EirGrid published the provisional results of the latest capacity auction for the Single Electricity Market which indicated that Shannon LNG had won a provisional agreement for two gas-fired generators capable of generating 353 megawatts (MW) of electricity in total from EirGrid. However, on June 8th, 2023, Mr. John Melvin, Director of Security of Supply and Wholesale at the Commission for Regulation of Utilities (CRU), explained the logic behind this provisional agreement with Shannon LNG when he confirmed very controversially that "The CRU had further engagement with the project developer in order to provide additional insight into the project and the deliverability of same. The CRU received confirmation from the project developer that the generation project was not contingent on the delivery of any LNG import facility, and that the generation projects would proceed to be developed, should they be successful in the auction, in the absence of any future development of an LNG import facility. The project developer also addressed concerns relating to the processes associated gas pipeline. The Shannon LNG generation project was qualified to participate in the March T-4 auction, and was successful in that auction".

We question how the regulator could accept assurances from the developer that it would build a stand alone power station should they be successful in the auction, when the company had not even applied for such a development.

Secondly, it was not for the CRU to accept any "concerns relating to the processes associated gas pipeline" from the project developer alone, if that is indeed the case. The question of the Shannon LNG pipeline expiry was referred to An Bord Pleanála (reference 317419) after it was discovered that Shannon LNG had only applied for a 10-year development consent for the pipeline in 2008. This would seem to indicate that permission for the pipeline would have expired on February 17th, 2019.

The Board refused to rule on the referral on the grounds that it was beyond the jurisdiction of the Board to make a declaration on whether the pipeline planning permission had expired under a Section 5 of the Planning and Development Act 2000, as amended. This question of the pipeline expiry must now be addressed by the Board and we submit that all the issues raised in the entire 317419 file need to be examined as supporting arguments.

## 11. Public Health

Cumulative effect of Moneypoint and Tarbert Powerplants, Aughinish Alumina and Irish Cement waste incinerator at Mungrat in Co.Limerick and the recently approved Ennis gas power plant and data centre in Co.Clare.

According to Tedros Adhanom Ghebreyesus of the World Health Organisation:

*"The modern addiction to fossil fuels is not just an act of environmental vandalism. From the health perspective, it is an act of self-sabotage."*<sup>17</sup>

According to the EEA's latest estimates,

*'at least 238,000 people died prematurely in the EU in 2020 due to exposure to PM2.5 pollution above the WHO guideline level of 5 µg/m3. Nitrogen dioxide pollution led to 49,000, and exposure to ozone to 24,000 early deaths in the EU. As well as premature death, air pollution causes ill health and adds significant costs on the health care sector.'*<sup>18</sup>

## 12. The Shannon Estuary is not an economic asset for exploitation

The Strategic Integrated Framework Plan for the Shannon Estuary was published in 2013. It is extremely out dated and was written before the 2019 Climate and Biodiversity Declaration. Therefore, any references do not take into account the Climate and Biodiversity Emergency, the Paris Climate Agreement and all other climate/ biodiversity related legislation that came afterwards.

Additionally, the Shannon Estuary Economic Taskforce Report of July 2023 mainly focusses on the potential that can be realised in both an economically and environmentally sustainable way, like tourism and the 'single greatest opportunity for sustainable economic growth', the offshore wind energy. Furthermore, the report states that although they would like electricity generation in the form of LNG, there is a clear view that there are some issues of both security of supply and legally binding emissions targets.

### 12.1 'Degrowth or Decline and Die'

*'The total weight of every man made thing (buildings, roads, infrastructure, etc.) doubled every 20 years since the 20th century began and recently outweighed all biomass (every plant, animal, living organism: all of it). This staggering statistic shows how we cannot have infinite growth on a finite planet.... Humans waste 49% of food, 31% of energy and 85% of ores.'*<sup>19</sup>

### 12.2 Earth is beyond 6 of 9 planetary boundaries

In September 2023 this assessment is the first to assess all of the 9 planetary boundaries and as such is the first health check of the entire planet. They found that

*'6 of the 9 boundaries have been surpassed because of human caused pollution and destruction of the natural world. This means we are living beyond the capacity of that Earth system and it can no longer be depended on to support our needs.'*

<sup>17</sup> <https://www.irishtimes.com/health/2022/09/20/increase-in-air-pollution-likely-this-winter-due-to-solid-fuelburning/>

<sup>18</sup> <https://www.eea.europa.eu/en/newsroom/news/premature-deaths-due-air-pollution>

<sup>19</sup> The Future is Degrowth; A Guide to a World beyond Capitalism' Matthia Schmelzer, Andrea Vetter and Aaron Vansintjan



Professor Johan Rockstrom, one of the Reports authors, stated that:

*'If you want to have security, prosperity and equity for humanity on Earth, you have to come back into the safe space and we are not seeing that progress currently in the world.'*<sup>20</sup>

Why would expansion of such fossil fuel infrastructure be permitted during the Climate and Biodiversity Emergency? When will degrowth become a policy? Something that is much needed to bring society back safely within our planetary boundaries.

### **13. Environmental impact assessment and screening.**

The STEP Power Plant AA and NIS includes only the Lower River Shannon SAC (Site code 002165) and the River Shannon and River Fergus Estuaries SPA (Site code 004077)

However the AA screening for Moneypoint 'Security of Supply' project from 2025-2029, *'has investigated the potential of the proposed development to have significant effects on European Sites, alone and in combination with other plans and projects. This AA Screening report concludes that: "It cannot be excluded on the basis of objective evidence, and in view of best scientific knowledge, and in the absence of any measures intended to avoid or reduce harmful effects on European sites, that there will not be any likely significant effects from the Proposed Development alone, and in combination with other plans or projects, on the following European sites only:*

#### SPAs:

- River Shannon and River Fergus Estuaries SPA 004077
- Mid-Clare Coast SPA 004182
- Illaunonearaun SPA 004114
- Magherree Islands SPA 004125
- Blasket Island SPA 004008
- Skelligs SPA 004007
- Loop Head SPA 004119
- Cliffs of Moher SPA 004005
- Tralee Bay Complex SPA 004188
- Kerry Head SPA 004189
- Dingle Peninsula SPA 004153
- Inishmore SPA 004152
- Iveragh Peninsula SPA 004154
- Beara Peninsula SPA 004155
- Slyne Head to Ardmore Point Islands SPA 004159
- Cruagh Island SPA 004170
- Deenish Island and Scariff Island SPA 004175
- Connemara Bog Complex SPA 004181
- Mid-Clare Coast SPA 004182
- Inishbofin, Omev Island and Turbot Island SPA 004231
- Castlemaine Harbour SPA 004029
- Inner Galway Bay SPA 004031
- The Bull and The Cow Rocks SPA 004066
- High Island, Inishshark and Davillaun SPA 004144
- Puffin Island SPA

#### SACs

- Lower River Shannon SAC 002165
- Black Head Poulsallagh Complex SAC 000020
- Inagh River Estuary SAC000036
- Glengarriff Harbour and Woodland SAC 000090

<sup>20</sup> <https://thewaterforum.ie/earth-is-beyond-6-of-9-planetary-boundaries/>

- Inishmaan Island SAC 000212
- Inishmore Island SAC 000213
- Galway Bay Complex SAC 000268
  
- Inishbofin and Inishshark SAC 000278
- Slyne Head Islands SAC 000328
- Akeragh, Banna and Barrow Harbour SAC 000332
- Ballinskelligs Bay and Inny Estuary SAC 000335
- Castlemaine Harbour SAC 000343
- Killarney National Park, Macgillicudd's Reeks and Caragh River Catchment SAC 000365 – Lough Yganavan and Lough Nambrackdarrig SAC 000370
- Mount Brandon SAC 000375
- Carrowmore Point to Spanish Point and Islands SAC 001021
- Do's Bay SAC 001257
- Inisheer Island SAC 001275
- Omey Island Machair SAC 001309
- Glanmore Bog SAC 001879
- Connemara Bog Complex SAC 002034
- Tralee Bay and Magharees Peninsula, West to Cloghane SAC 002070
- Kilkieran Bay and Islands SAC 002111
- Murvey Machair SAC 002129
- Kenmare River SAC 002158
- Blasket Islands SAC 002172
- Carrowmore Dunes SAC 002250
- Magharee Islands SAC 002261
- Valencia Harbour/Portmagee Channel SAC 002262
- Kerry Head Shoal SAC 002263
- Kilkee Reefs SAC 002264
- Kingstown Bay SAC 002265
- West Connacht Coast SAC 002998<sup>21</sup>

Again the cumulative impact of the proposed STEP development must be assessed in conjunction with all the other projects and pollution developments in the area as mentioned in the Public Health section above.

#### 14. Conclusion

Submissions to the previous planning application by New Fortress Energy (ABP case PA08.311233) must be taken into account in the assessment of this current application for the same development as issues raised in these are still relevant, including the submission to ABP by Futureproof Clare on 22<sup>nd</sup> October 2022. The planet has only been further damaged by industrial and economic greed. We lurch ever closer to the complete and irreversible collapse of the ecosystems that sustain humanity.

From the BBC article, from November 2023, 'Climate change: Is the world warming faster than expected?' it is clear that climate collapse is happening faster than what scientists have predicted;

*'There have been historically high sea temperatures, worrying lows in Antarctic sea-ice, and extreme weather events hitting every continent - the latest being an "unbearable" heatwave in Brazil.*

*It's now "virtually certain" that 2023 will be the hottest year on record. That's something that no major climate science body expected at the start of the year.*

*Scientists have long known that **temperatures will continue to rise as humans keep releasing record amounts of planet-heating greenhouse gases like carbon dioxide, mainly through burning fossil fuels. This is the main cause of global warming.***

<sup>21</sup> Mott MacDonald | Moneypoint Security of Supply Appropriate Assessment Screening and Natura Impact Statement

We hope that members of An Bord Pleanála can have compassion for the lives (throughout the natural world, including humans) that are already being taken or destroyed by wonton Ecocide and that needlessly increasing demand for energy and limited resources, developing new fossil fuel infrastructure and burning poisonous fossil fuels above those needed for basic survival with all the evidence that warns against it, with the knowledge that avoidable mass floods, fires, famines and indeed illness can be prevented, is in fact a Crime Against Humanity.

Yours Sincerely,

Mélina Sharp, Christine Sharp & Michael Eversen.