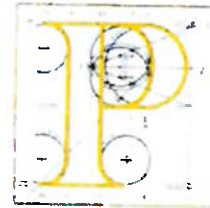


Our Case Number: ABP-319566-24



**An
Bord
Pleanála**

**Future Generations Kerry
Skehenerin
Listowel
Co. Kerry
V31 KW18**

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)**

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.

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

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Objection to Shannon LNG Power Plant application 319566 at Kilcolgan, Tarbert, County Kerry.

Submission by 'Future Generations Kerry'

'Future Generations Kerry'

Eoghan Harris

Skehenerin

Listowel

Co. Kerry

V31kw18

17th June 2024

'Future Generations Kerry' objects to the the Shannon LNG planning application (An Bord Pleanála reference 319566^[1]) for a standalone 600MW power plant 120MW battery storage system, above-ground installation and associated ancillary works, in Tarbert, County Kerry on the following grounds:

1. The applicant has not assessed any alternative locations for the power plant, only the green field farmland that it now owns. 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."* The applicant clearly states throughout the application that this power plant is part of an overall master plan it has for the site, which includes an LNG import terminal and Data Centres and export of gas (which would be US Fracked Gas) to the national transmission network via an expired 26 kilometre pipeline to Foynes in County Limerick. This is a developer-led LNG 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 there are plans to convert the fuel source of Moneypoint power station in County Clare also .
2. Account must be taken of the November 2023 Department of Environment, Climate and Communications publication^[2] of its Energy Security Strategy to 2030. Annex 2^[3] 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".

ST. NICHOLAS

3. A standalone power station by Shannon LNG on the same site was already decided upon and refused^[4] development consent by An Bord Pleanála in 2023 (reference 311233^[5]) 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 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^[6] for refusing permission for a standalone power plant included

1. 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"*,
 2. 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
 3. *"Broader matters of necessary environmental assessment such as the consideration of alternatives"*.
4. 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. The original pipeline EIA is therefore outdated - especially as there has been no assessment in the current EIA of the environmental impact of 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. A request for pre-application consultation was also recently issued for a proposed strategic gas emergency reserve facility at the proposed development site". It is not normal that the applicant can be both challenging a previous decision while simultaneously lodging a new application for the same project?

5. 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^[7] which was granted^[8] on 17th February 2009 expired in 2019 at the latest. Planning permission expires after 5 years by default^[9] for applications lodged under Part III or Part XXI of the Planning and Development Act 2000 as amended, if not otherwise mentioned in one of the conditions of a grant for development consent. The Pipeline Application was lodged under Section 182C of Part XI. However, Condition 1 of the pipeline consent states that *"the development shall be carried out in accordance with the plans and particulars, including the environmental impact statement, lodged with An Bord Pleanála on the 14th day of August 2008"*. Condition 2 states that *"prior to the commencement of development, details of the phasing of the proposed development, in conjunction with the construction of the permitted liquefied natural gas terminal at Ralappane and Kilcolgan Lower, County Kerry, shall be submitted to, and agreed in writing with, the relevant local authorities"*. Condition 1 cannot be complied with because in its planning application lodged on August 14th, 2008, Shannon LNG stated to An Bord Pleanála that it was only *"seeking planning permission for this development for a period of 10 years"*^[10]. Condition 2 cannot be complied with because planning permission for the LNG terminal is no longer *"permitted"* since development consent for the LNG Terminal PA0002^[11] expired in 2018.
6. Shannon LNG confirmed to the Board during its now-completed pre-application process^[12] that it would lose^[13] the €3.5 million deposit it paid Eirgrid for 373MW of the auction capacity^[14] it was awarded in April 2023^[15] 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^[16] 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^[17] 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 Energy 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^[18] to An Bord Pleanála (reference 317419^[19]) 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 and the issues raised in the entire 317419 file (included in Annex to this submission) must now be addressed and examined by An Bord Pleanála as they seriously undermine the entire premise under which this application is being lodged by Shannon LNG.

7. The An Bord Pleanála planning decision 314474^[20] giving development consent to 6 data centres in Ennis and which is now being appealed to the High Court in Judicial Review proceedings is relevant to this planning application. The Irish Times Newspaper reported^[21] on June 12th 2024 that the decision is being appealed following

"concerns about the recent "explosive growth" of data centres in the State and their heavy consumption of electricity and water resources. There were 82 data centres operating in the Republic as of one year ago, consulting firm Bitpower has said, while the Central Statistics Office reported that these used as much electricity as all urban households during 2022. The court applicants say their case raises important issues of public policy related to climate justice and whether some parts of the economy are "off-limits" when assessing compliance with the Climate Action and Low Carbon Development Act 2015, as amended in 2021, while other parts of society are "expected to shoulder the burden of emissions reductions". The lawsuit alleges there is no legal basis for such an approach".

The article continues:

"This single data centre will take up a very significant proportion of the allowable budget of national greenhouse emissions," [...] the Oireachtas has recently legislated to place an increased obligation on An Bord Pleanála when it comes to environmental considerations. He said it must perform its functions, in so far as it is practicable, in a manner consistent with the latest Climate Action Plan of the Government. The Climate Action Plan aims to achieve a 51 per cent reduction in greenhouse gas emissions by 2030 on 2018 levels, but recent reports show Ireland is "completely off achieving that target". The case alleges that permitting data centres without demonstrating how they advance achievement of the national climate objective is not permitted under the 2015 Act, as amended."

We submit that these same arguments apply to this planning application. CEO of New Fortress Energy, Wes Edens, owner of Shannon LNG directly addressed the

issue of his data centre master plan for the Shannon LNG site with no concern for the climate impacts when he stated in an Earnings call in August 2019^[22]:

"I can't emphasize enough, I think the downstream assets we develop around these terminals are, in many respects, our most important projects. We basically end up creating our own demand. We're, essentially, negotiating with ourselves, so we know the guy who owns the data centers if we're building data centers."

This application has not taken account of the full lifecycle emissions of the source of the fuel ultimately to be used for this proposed power station, which is US fracked gas imports via an LNG terminal. This is not acceptable because it gives a distorted assessment of the climate impacts of this proposed project on the Shannon Estuary, which is currently a green field site being actively farmed.

A recent study by Robert Howarth in Cornell University stated that LNG has a footprint ranging from 20% greater, to twofold the emissions of coal, due to the unavoidable methane leakage as part of the liquification, transportation and regasification processes. As, the developer sees this project as a stepping stone to the importation of LNG at the same site, this would vastly increase Irelands carbon emissions, violating our obligations under the Climate act 2015 and the Paris agreement. There have been continuing efforts in European parliament to get the full lifecycle emissions of fossil fuels accounted for. The Product environmental footprint (PEF) model has already been applied to many products and it may only be a matter of time before this metric is applied to energy products, as there have been continuing calls. If and when these measures were to come into effect, dependence on LNG shall be very burdensome, even when compared to oil or coal.

ANNEX 1

Complete File on Section 5 Referral to An Bord Pleanála Reference 317419^[23] which the Board refused to rule on.

Whether any works carried out on the Shannon LNG pipeline from Foynes Co. Limerick to Tarbert Co. Kerry as described in the planning application granted by An Bord Pleanála under reference GA0003 on February 17th, 2009 carried out any time from today's date (and/or contrary to the consent conditions) is or is not development or is or is not exempted development.

[1] <https://www.pleanala.ie/en-ie/case/319566>

[2] <https://www.gov.ie/en/publication/5c499-energy-security-in-ireland-to-2030/>

[3] <https://assets.gov.ie/276795/c7ca6839-05f5-4d7f-8db9-bbf12f4eba67.pdf>

[4] <http://safetybeforelng.ie/pressreleases/pressrelease20230915-Shannon-LNG-Refused-Planning-Permission.html>

[5] <https://www.pleanala.ie/en-ie/case/311233>

[6] <https://www.pleanala.ie/anbordpleanala/media/abp/cases/orders/311/d311233.pdf?r=290885154139>

[7] <https://archive.pleanala.ie/en-ie/case/GA0003>

[8] http://www.safetybeforelng.ie/licensing/lngpipeline/complete_decision_on_lng_pipeline.pdf

[9] <https://revisedacts.lawreform.ie/eli/2000/act/30/section/40/revised/en/html>

- [10] [http://safetybeforelng.ie/licensing/lngpipeline/Planning%20Application%20Document ABP C176 7-10.pdf](http://safetybeforelng.ie/licensing/lngpipeline/Planning%20Application%20Document%20ABP%20C176%207-10.pdf)
- [11] <https://archive.pleanala.ie/en-ie/case/PA0002>
- [12] <https://www.pleanala.ie/en-ie/case/316518>
- [13] [https://www.pleanala.ie/anbordpleanala/media/abp/cases/records/316/p316518.pdf?r=88375884 4944](https://www.pleanala.ie/anbordpleanala/media/abp/cases/records/316/p316518.pdf?r=883758844944)
- [14] <https://www.radiokerry.ie/news/shannon-lng-awarded-state-funding-to-provide-electricity-to-the-grid-pending-planning-approval-325518>
- [15] <https://www.eirgrid.ie/news/eirgrid-group-publishes-t-4-capacity-auction-results>
- [16] <https://www.eirgrid.ie/news/eirgrid-group-publishes-t-4-capacity-auction-results>
- [17] <https://drive.google.com/file/d/1oFc8myQcwI0BgGEx79kWgjYvhOgEzmYq/view>
- [18] <http://safetybeforelng.ie/pressreleases/pressrelease20230729-ShannonLNGPipelineReferredToAnBordPleanala.html>
- [19] <https://www.pleanala.ie/en-ie/case/317419>
- [20] <https://www.pleanala.ie/en-ie/case/314474>
- [21] <https://www.irishtimes.com/business/2024/06/12/environmentalists-bring-high-court-challenge-over-plans-for-12-billion-data-centre/>
- [22] <https://www.fool.com/earnings/call-transcripts/2019/08/13/new-fortress-energy-llc-nfe-q2-2019-earnings-call.aspx>
- [23] <https://www.pleanala.ie/en-ie/case/317419>
- [24] <https://www.research.howarthlab.org/publications/Howarth LNG assessment preprint archived 2023-1103.pdf>