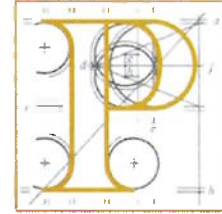


Our Case Number: ABP-319566-24



An
Bord
Pleanála

Development Applications Unit
Government Offices
Newtown Road
Wexford
Co. Wexford
Y35 AP90

Date: 18 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 submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

The Board will revert to you in due course in respect of this 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

PA09

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Ellen Moss

From: LAPS
Sent: 17 June 2024 13:17
To: SIDS
Subject: FW: Your Ref: ABP-319566-24 Our Ref: SID-KY-2024-014 Shannon Technology Park
Attachments: ABP-319566-24.pdf

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Monday, June 17, 2024 12:56 PM
To: LAPS <laps@pleanala.ie>
Subject: Your Ref: ABP-319566-24 Our Ref: SID-KY-2024-014 Shannon Technology Park

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Attached please find the observations/recommendations of the Department in relation to the aforementioned SID.

Can you please confirm receipt of same?

Kind Regards,
Sinéad

—
Sinéad O' Brien
Executive Officer

—
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90
Newtown Road, Wexford, County Wexford Y35 AP90
—



Your Ref: ABP-319566-24
Our Ref: **SID-KY-2024-014 Shannon Technology Park**
(Please quote in all related correspondence)

17 June 2024

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email to laps@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Proposed Strategic Infrastructure Development (SID): The proposed development Shannon Technology and Energy Park (STEP) will comprise of a 600MW Power plant, 120MW Battery Energy Storage System, Above Ground Installation and associated ancillary works located between the townlands of Kilcolgan Lower and Rallapane, between Tarbert and Ballylongford, County Kerry and on the Shannon Estuary

A Chara

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated headings.

Terrestrial Archaeology

It is noted that the Environmental Impact Assessment Report (EIAR) submitted as part of the planning application incorporates a desk-based Archaeological Impact Assessment (AIA) which was carried out in relation to the proposed development by AECOM (EIAR Chapter 12; date April 2024).

It is noted that the AIA has been informed by the results of Advance Archaeological Geophysical Survey and Advance Archaeological Test Excavation.

It is noted that the proposed development will have a direct impact on Recorded Monument DU015-001---- (Mound) and that preservation by record of this site is proposed as part of the mitigation strategy for the project. This site is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1930-2014.



Therefore, the Department advises that the following should be included as a condition of any grant of permission. Note these recommended conditions align with Sample Conditions C4 and C5 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

Archaeological Requirements:

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 12 of the EIAR (AECOM; date April 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completion.
 - a. The Project Archaeologist shall liaise with the National Monuments Service (NMS) to agree in advance the appropriate scope for the full archaeological excavation of all archaeological sites and areas identified during archaeological testing which cannot be preserved in situ (as identified in Chapter 12 of the EIAR or by any subsequent investigations associated with the project).
3. In advance of the commencement of any construction works, the developer shall engage a suitably qualified archaeologist to carry out Full Archaeological Excavation (licensed under the National Monuments Acts) of all archaeological sites and areas identified during archaeological testing which cannot be preserved in situ (as identified in Chapter 12 of the EIAR or by any subsequent investigations associated with the project).
 - a. The Full Archaeological Excavation shall be carried out according to Best Archaeological Practice and in accordance with an approved Method Statement that shall incorporate a strategy for environmental sampling, finds retrieval and conservation and subsequent publication or other suitable dissemination of results.
 - b. If significant archaeological features are discovered during the course of the Full Archaeological Excavation, work on site shall stop pending a decision of the Planning Authority, in consultation with the Department, regarding appropriate additional mitigation measures which may include preservation in-situ or full archaeological excavation. Any additional archaeological mitigation requirements specified by the Planning Authority, following consultation with the Department, shall be complied with by the developer.



- c. No construction works shall be carried out on site until a Preliminary Excavation Report on the Full Archaeological Excavation has been submitted to the Department and to the Planning Authority and approval to proceed is agreed in writing.
 - d. The developer shall ensure that any necessary Post-Excavation Analysis—as set out in the Preliminary Excavation Report—including (but not limited to) specialist analysis of finds and samples, scientific dating and conservation of artefacts is completed.
 - e. The developer shall ensure that the results of the Full Archaeological Excavation are adequately disseminated to the public by way of publication or other appropriate means.
4. A suitably qualified archaeologist shall be retained to advise on, and establish appropriate Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be preserved in situ (as identified in Chapter 12 of the EIAR or by any subsequent investigations associated with the project).
 - a. Exclusion Zones shall be fenced off or appropriately demarcated for the duration of construction works in the vicinity of the monuments. The location and extent of each Exclusion Zone and the appropriate methodology for fencing off or demarcating at each location shall be agreed in advance with the Department and the Planning Authority.
 - b. No groundworks of any kind (including but not limited to advance geotechnical site investigations) and no machinery, storage of materials or any other activity related to construction will be permitted within Exclusion Zones.
5. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 12 of the EIAR (AECOM; date April 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
6. The Planning Authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist



analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason:

To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Underwater Archaeology

It is noted that the EIAR submitted as part of the planning application incorporates a desk-based Archaeological Impact Assessment (AIA) which was carried out in relation to the proposed development by AECOM (EIAR Chapter 12; date April 2024).

The proposed development includes a drainage outfall that extends approximately 5 m beyond the low water mark into the Shannon Estuary. Construction of the drainage outfall includes an open cut trench for a 900mm pipe to a maximum depth of c. 2.4 m.

It is noted that the AIA has been informed by the results of Advance Marine Archaeological Geophysical Survey, Intertidal Survey, Wade and Metal Detection Survey of minor watercourse. A dive and metal detection survey has not been undertaken of the proposed outfall pipe location.

It is noted that the marine geophysical survey (Appendix A12_5) identified 'a 15m-long feature which was detected by sub-bottom profiler 1m within the mud beneath the seabed. This anomaly has been interpreted as a potential archaeological feature. The nature of this anomaly is unknown with further analysis ongoing but its location on the seabed suggests it could be associated with buried land surfaces and, therefore, of prehistoric date. This would make it regionally important and medium importance. This anomaly is located 300 m to the north-east of the Stormwater Outfall Pipe'. This discovery supports the contention, as previously stated by this Department, that the deep muds that are present in the area of the proposed outfall may contain concealed wrecks, archaeological objects and other underwater cultural heritage. Breen and Callaghan note that 'the bottom mud of the Shannon estuary can be many metres deep, and a vessel deposited into this environment would quickly become sealed, ensuring good preservation. However, the identification of the physical location of these sites is extremely difficult ...' (Breen and Callaghan in O Sullivan, Foragers, Farmers and Fishers, p. 244). It is also specifically noted in the Shannon estuary intertidal survey monograph that 'the bays and inlets around Ballylongford and Tarbert...hold great potential for exciting survey work' (O Sullivan, Foragers, Farmers and Fishers, p. 271). Further indications of the potential for underwater cultural heritage within the foreshore and estuary portions of the proposed development area are provided by a fish weir that is marked on the first edition Ordnance Survey map c. 150m north-west of the proposed development area and a number of wrecks that are recorded in the mid-estuary off Tarbert Island in the Wreck Inventory of Ireland Database (WIID).



Therefore, the Department advises that the following should be included as a condition of any grant of permission. Note these recommended conditions align with Sample Conditions C4 and C5 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

Archaeological Requirements:

1. All mitigation measures in relation to underwater cultural heritage as set out in Chapter 12 of the EIAR (AECOM; date April 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. In advance of the commencement of any construction works, the developer shall engage a suitably qualified archaeologist to carry out an Underwater Archaeological Impact Assessment (UAIA) that includes the following:
 - a. A desktop assessment that addresses the underwater cultural heritage (including archaeological, built, vernacular, riverine and industrial heritage) of the proposed development area. The assessment shall include a full inventory, mapping and survey (photographic, descriptive, photogrammetric, as appropriate) of underwater cultural heritage features and structures identified by fieldwork, cartographic analysis, historical research and prior archaeological investigations.
 - b. A licensed dive/wade assessment, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where in-stream works are proposed. The dive and metal detection surveys shall be undertaken by a suitably licensed and experienced underwater archaeologist. All identified underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment.
 - c. A Dive/Survey licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the dive survey and metal detection, respectively. Licences should be applied for to the National Monuments Service and should be accompanied by a detailed Method Statement. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of the licence applications and Method Statement. All archaeological wading/diving should comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
 - d. Having completed the above-described works, the archaeologist shall submit a written report to the Department describing the results of the UAIA.



The report shall include a comprehensive Archaeological Impact Statement (AIS) that comments on the degree to which the extent, location and levels of all proposed construction activities (including in-stream/intertidal Site Investigation works) required for the development will impact upon any underwater cultural heritage, archaeological materials, objects and/or areas of archaeological potential that have been identified. The AIS shall describe the potential impact(s) of all proposed in-stream development, access and ingress routes to the river, and shall also assess any proposed additional Site Investigation/Geotechnical impacts and potential secondary/indirect impacts such as scouring resulting from changes in hydrology. The AIS should be illustrated with appropriate plans, sections and photographs that clearly describe any adverse effect(s) of the development on the underwater cultural heritage and proposals for their mitigation. Mitigation should include recommendations for redesign to allow for full or partial preservation in situ, the institution of archaeological exclusion zones, further wade/dive surveys, test-excavations, excavations ('preservation by record') and/or monitoring, as deemed appropriate. The Department will advise with regard to these matters. No construction works shall commence until after the UAIA has been submitted and reviewed. All recommendations will require the agreement of the Department.

3. The Construction Environmental Management Plan (CEMP) shall include the location of any and all underwater cultural heritage constraints relevant to the proposed development as set out in Chapter 12 of the EIAR (AECOM; date April 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

Reason:

To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Nature Conservation

Lower River Shannon Special Area of Conservation (SAC): Marine ecology

The proposed development of the natural gas power plant, and associated works, near Ballylongford, County Kerry is within and adjacent to the Lower River Shannon Special Area of Conservation (SAC) (Site Code: 002165). This SAC is proposed for designation for *inter alia* the marine Annex I habitat: *Sandbank slightly covered by seawater at all times, Estuaries, Mudflats and sandflats not covered by seawater at low water, Large shallow inlets and bays, Reefs and Submerged or partly submerged sea caves* and the marine Annex II species: bottlenose dolphin, and other conservation features.



Details of the site synopses and qualifying interests of Natura sites are available on <http://www.npws.ie/protected-sites>. Further information related to site specific Conservation Objectives is also available at this location by interrogating the Site Code. Additional supporting information and referenced publications are also available to download from this resource. Site boundaries and mapped habitat resources are available to download from <http://www.npws.ie/maps-and-data>. The proponent should pay particular attention to the Conservation Objectives framed around the Area, Range, Structure & Function and Future Prospects for each Qualifying Interest.

It should be reiterated that, Article 6(3) of Council Directive 92/43/EC (*the Habitats Directive*) states that "Any plan or project not directly connected with or necessary to the management of the [Natura] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's Conservation Objectives". The proposed development would require such an assessment as the works would occur within or adjacent to designated Natura sites.

The current application associated with the proposed development indicates a direct loss of habitat from the Annex I habitats *Estuaries* and *Reefs* associated with the construction, installation, and operation of a trenched water outfall across the shoreline into the Shannon estuary. It is noted that the areas to be lost are small relative to the size of the Natura site. However, it must be noted that the construction proposed would not allow for the target for the qualifying interest area of *Estuaries* and *Reefs* to remain "stable" subject to natural processes and is consequently contrary to the Conservation Objectives of the Lower River Shannon SAC.

River Shannon and River Fergus Estuaries Special Protection Area (SPA): Oil pollution prevention

The proposed development is also located adjacent to the River Shannon and River Fergus Estuaries SPA (Site Code: 004077). It must be ensured that any liquid hydrocarbon spillages to the estuary are avoided.

Distillate oil storage is proposed¹ for 16,000m³ maximum volume, with a bund capacity of 5,500 m³. Clarification is recommended on (a) the nature of the spillage containment for the tanker unloading station, (b) if there will be a rapid mechanism to close the presumed sluice between the pond and the storm-water outfall into the SPA in the event of a spillage reaching the storm-water system, and (c) if equipment and materials to deter birds from landing in the pond will be available for immediate use in the unlikely event of an oil spillage.

Protected species: Badger setts

Badgers are protected under Section 23 of the Wildlife Acts 1976 (as amended)².

¹ EIAR p.14-10.

² See <https://www.npws.ie/legislation/consolidated-legislation>



A subsidiary badger sett (Sett 2)¹, and an outlier badger sett (Sett 1)³, occupied by two separate social groups, are proposed to be destroyed as part of the development, with badgers being excluded from the setts prior to works commencing in their vicinity. Main setts are located outside the development area.

In the EIAR, the proposals for sett exclusion and removal are suggestive ('should') rather than being commitments. It is recommended that a planning condition specifically requires that the exclusion of badger setts will be carried out in accordance with best-practice as outlined in the EIAR. It is also recommended that replacement artificial setts are created, following best practice guidance, prior to the destruction of the above setts, and that the Department will be consulted regarding the location and design of the replacement setts.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Julie Sullivan
Assistant Principal
Development Applications Unit
Administration

³ Fig. 6, p. 30 of the Appendix A.7B.1 Mammal Report.