

## OBSERVATION/OBJECTION TO PLANNING APPLICATION

Case Reference: 323761

FORMAL OBJECTION TO COOLOO WIND FARM PLANNING APPLICATION Material Deficiencies in Environmental Impact Assessment – Battery Energy Storage System (BESS)

Applicant: Neoen Renewables Ireland Limited

19-11-2025

To: An Coimisiún Pleanála (ACP) 64 Marlborough Street, Dublin 1, D01 V902

Dear Commissioners,

I hereby lodge a formal objection to the Cooloo Wind Farm Strategic Infrastructure Development (SID) planning application on grounds that the Environmental Impact Assessment Report (EIAR) contains material deficiencies and procedural violations that render it inadequate for informed decision-making under the Environmental Impact Assessment Directive (2014/52/EU).

The objection concerns the integrated Battery Energy Storage System (BESS) component of the project, which the EIAR assesses comprehensively but which is excluded from the formal planning application to ACP. This procedural contradiction, combined with substantive gaps in thermal runaway risk assessment, false assumptions about emergency response capability, and omission of documented local precedent, creates multiple grounds for refusal or requirement of supplemental assessment.

---

### EXECUTIVE SUMMARY

The Cooloo Wind Farm includes a 110kV electrical substation and battery energy storage system (BESS) comprising lithium-ion battery containers. The EIAR acknowledges this BESS is "integral" to the project and assesses its fire, explosion, noise, and contamination risks in detail (EIAR Appendix 12-3). However, the Planning Notice explicitly states: "The grid connection and battery storage infrastructure will be the subject of a separate, future planning application to the relevant consenting authority."

This creates a procedural defect: BESS risks are assessed for approval, but BESS itself is not included in the application for approval.

More critically, official government correspondence confirms that **no regulatory framework currently exists in Ireland for BESS safety, fire response, or emergency coordination**. Multiple government agencies have officially confirmed via Access to Information on the Environment (AIE) and Freedom of Information (FOI) responses that they hold zero BESS-specific protocols, guidance, or oversight mechanisms:

- **EPA:** BESS not licensed or regulated
- **CRU:** No role in BESS safety or fire-risk management
- **Health and Safety Authority (HSA):** Explicitly disavows jurisdiction; COMAH regulations do not apply; **no records held** (FOI-0144-2025 & AIE09-2025, November 17, 2025)
- **Galway Fire Service:** Zero BESS protocols or emergency procedures
- **NDFEM:** References only generic vehicle-focused or electricity-incident guidance; no BESS-specific protocols

- **Department of Housing:** No specific planning guidelines for BESS; regulatory framework only beginning development

**Critically, CRU claimed responsibility lies with HSA (November 7, 2025), but HSA has now formally contradicted this, explicitly confirming it has no jurisdiction over BESS (November 17, 2025). This creates a documented regulatory void.**

Simultaneously, a documented lithium battery incident at Claregalway on January 30, 2025 (in the same county) evacuated 1,700 schoolchildren and required multi-agency emergency response. This precedent directly contradicts EIAR risk assumptions that emergency response will "reduce the consequence" of BESS incidents.

This objection requests refusal of the application or, in the alternative, a requirement for comprehensive supplemental EIAR addressing these defects before any approval decision.

## **1. CRITICAL PROCEDURAL DEFECT: BESS ASSESSED IN EIAR BUT EXCLUDED FROM PLANNING APPLICATION**

### **Deficiency:**

The Planning Notice (October 3, 2025) states:

"The grid connection and battery storage infrastructure will be the subject of a separate, future planning application to the relevant consenting authority."

The EIAR Appendix 12-3 (BESS Noise Assessment), Section 1.1, simultaneously states:

"Whilst the BESS and 110kV Substation element of the Proposed Project **is being assessed in full** within this Technical Appendix as part of this EIAR, **it does not form part of the planning application** for Cooloo Wind Farm at this stage as outlined in Section 4.1 of Chapter 4."

EIAR Section 4.3.2.3 further confirms:

"It does not form part of the planning application at this stage...As part of a **later application**, it is anticipated that a revised [assessment] will be required..."

### **Legal Violation:**

The EIA Directive 2014/52/EU, Article 5(1), requires that environmental assessment addresses the "**whole development**" and is **integrated with the planning application**. By including BESS risk assessment in the EIAR while excluding BESS from the formal application to ACP:

- BESS risks are assessed but BESS approval is deferred
- Responsibility for BESS approval is fragmented (ACP for turbines; separate authority for BESS)
- The public cannot participate in integrated risk assessment (assessment disclosed; approval deferred)
- Neither authority may take full responsibility for BESS fire safety oversight
- Regulatory gaps where ACP focuses on turbines while believing a separate authority will handle BESS fire safety

**Objection:**

The EIAR's assessment of BESS thermal runaway, fire, explosion, and contamination cannot be disconnected from planning approval. Either:

1. BESS must be included in the current application to ACP for integrated assessment and approval, OR
2. BESS assessment must be removed entirely from this EIAR and deferred to the separate planning application

The current structure violates EIA Directive Article 5(1) requirements for integrated assessment of the whole development and creates procedural unfairness to the public.

---

**2. CRITICAL OMISSION: NO SPECIFIC BESS THERMAL RUNAWAY RISK ASSESSMENT**

**Deficiency:**

EIAR Chapter 16 (Major Accidents and Natural Disasters) provides a general assessment of fire and explosion risks. The executive summary states:

"The scenario with the highest risk score...was identified as 'Contamination' of the site and risk of 'Fire/Explosion' occurring at the Proposed Project."

However, the assessment addresses:

- Construction accidents
- Fuel spillage from vehicles
- General fire/explosion from wind turbine operations
- Weather-related hazards (flooding, storms, earthquakes)

**Critical Gap:**

The assessment does **not** model or assess BESS thermal runaway as a distinct and separate hazard. BESS thermal runaway involves:

- Uncontrolled exothermic reactions in lithium-ion cells reaching 1,100°C+
- Generation of toxic gases (hydrogen fluoride, phosphorus oxyfluoride)
- Risk of cell-to-cell propagation across multi-unit battery arrays
- Requirement for specialized emergency response protocols
- Firewater contamination of soil and groundwater from suppression efforts
- Different risk profile, consequence levels, and emergency procedures than wind turbine fire

**Comparison to Standard:**

NFPA 855 (Battery Energy Storage Systems Safety Standard) requires that BESS risk assessments include:

- Thermal runaway scenario modelling
- Toxic gas generation and dispersal modelling
- Evacuation radius determination

- Emergency response protocol verification

The Cooloo Wind Farm EIAR meets none of these requirements.

**Objection:**

EIAR Chapter 16 must include dedicated BESS thermal runaway scenario modelling including:

- Battery cell propagation mechanisms and timescales
- Toxic gas generation rates and composition
- Dispersal modelling under varying atmospheric conditions
- Evacuation radius determination based on NFPA 855 and toxic gas IDLH thresholds
- Verification of emergency response protocols with Galway Fire Service and NDFEM

---

**3. FALSE ASSUMPTION: EMERGENCY RESPONSE CAPABILITY ASSUMED BUT OFFICIALLY CONFIRMED NOT TO EXIST**

**EIAR Assumption:**

EIAR Section 16.6 states:

"The generic command, control co-ordination systems as well as the common elements of response detailed in the Galway County Council Major Emergency Plan will work to reduce the consequence."

This assumption forms the basis for EIAR's conclusion that residual fire/explosion risk is "Low" and "not significant."

**Government Responses Disproving This Assumption:**

Multiple official AIE/FOI responses confirm this assumption is factually false:

**A. Galway Fire Service (AIE-13446, September 29, 2025):**

Galway County Council Fire Rescue Service formally responded:

"No records are held by Galway County Council Fire Rescue Service in relation to fire safety at the Ballymoneen BESS site"

Specific confirmations:

- Zero records on BESS fire-safety procedures
- Zero records on BESS emergency training
- Zero records on BESS emergency planning
- Zero records on contaminated water management for BESS incidents

**Implication:** The local fire authority responsible for Cooloo Wind Farm site has zero documented protocols, training, or plans for BESS thermal runaway response.

**B. National Directorate for Fire & Emergency Management (NDFEM) Response, October 24, 2025:**

NDFEM advised that thermal runaway incidents would be addressed under "SOG 5.1 Incidents Involving Electricity" and "SOG 4.07 Incidents Involving Alternative Fuel Vehicles."

Analysis of Adequacy:

However, examination of these protocols reveals critical gaps:

SOG 5.1 (June 2010): Predates modern BESS deployment by 15 years. Contains no lithium-ion battery-specific thermal runaway procedures, toxic gas protocols, or evacuation distance guidance. Addresses general electricity hazards only.

SOG 4.07 (November 2024): Explicitly addresses vehicle-mounted battery incidents ("The term Alternative Fuel Vehicles (AFV) refers to vehicles powered by fuels other than petrol or diesel"). While containing detailed thermal runaway guidance (Sections 21-49), this guidance addresses mobile vehicle contexts, not stationary utility-scale BESS facilities. SOG 4.07 provides no guidance on:

Site-specific thermal runaway response for multi-container BESS installations

Evacuation distance protocols for residential proximity scenarios

Toxic gas dispersion modelling for fixed installations

Grid isolation procedures during thermal runaway

Inter-agency coordination for stationary BESS emergencies

Conclusion: NDFEM's citation of these SOGs demonstrates the absence of dedicated national protocols for utility-scale stationary BESS thermal runaway incidents. Individual fire authorities are expected to improvise response capacity using vehicle-focused or generic electricity guidance, with no national standards, coordination framework, or BESS-specific procedures.

Implication: The EIAR's assumption that Galway County Council Major Emergency Plan will effectively manage BESS thermal runaway risk is unsupported by documented emergency preparedness protocols.

**C. Health and Safety Authority (HSA) - Regulatory Responsibility Void Confirmed (FOI-0144-2025 & AIE09-2025, November 17, 2025):**

The HSA has now formally confirmed (November 17, 2025) that:

"BESS do not fall within the remit of the Department of Enterprise, Trade and Employment and the HSA is not the competent Authority for batteries legislation. COMAH regulations do not apply to BESS."

The HSA further confirmed that no records are held relating to BESS safety, risk assessment, or emergency procedures.

**Critical Finding:** Earlier, CRU stated (November 7, 2025) that "responsibility for the safe management of BESS lies with the Health and Safety Authority." HSA now officially contradicts this, explicitly disavowing any responsibility for BESS safety.

#### **Result of HSA and CRU Contradiction:**

- CRU claims responsibility lies with HSA
- HSA explicitly denies it has any responsibility
- No agency accepts responsibility for BESS safety oversight
- No agency holds records on BESS emergency protocols

Implication: A regulatory responsibility void exists. No Irish government authority claims jurisdiction over BESS thermal runaway safety or emergency response.

#### **D. Regulatory Responsibility Void (Official Government Responses):**

- **EPA (OEE-AIE-2025-24, October 20, 2025):**

"Battery Energy Storage Systems BESS on their own are not an activity that requires an EPA Licence. Most BESS, therefore, are not regulated by the EPA." *Implication: Zero EPA environmental oversight for BESS thermal runaway contamination.*

- **CRU (AIE-3925, November 7, 2025):**

"The CRU has no role regarding the safety regulation, fire-risk management, and insurance oversight of BESS in Ireland." *Implication: Grid regulator disclaims BESS fire safety responsibility.*

- **Central Bank (FOI-2025-001687, October 22, 2025):**

"The requested records do not exist within the Central Bank. No records are held by the Central Bank." *Implication: Zero government verification of BESS operator insurance coverage.*

- **Department of Housing, Planning and Local Government (HPLG-MBO-02887-2025, September 23, 2025):**

"No specific planning guidelines in place...initial scoping only begun" *Implication: No planning guidance exists for BESS facilities; regulatory framework is only beginning development.*

#### **D. Galway County Council Motion (Item 17, September 22, 2025):**

Galway County Council unanimously passed a motion highlighting regulatory gaps and calling for temporary pause on renewable energy approvals pending establishment of proper regulatory framework. Despite this official council position, approvals continue without regulatory framework in place.

#### **Objective Conclusion:**

The EIAR assumes Galway County Council Major Emergency Plan will manage BESS thermal runaway response. The evidence proves:

- Galway Fire Service has zero BESS protocols (AIE-13446)
- No national BESS protocols exist (NDFEM Oct 24)
- No EPA, CRU, or Central Bank oversight exists (multiple AIE responses)
- No planning guidelines exist for BESS (Dept Housing)
- The local council itself highlighted regulatory gaps (GCC Motion)

Emergency response capability **cannot reduce risk if it does not exist**. The EIAR's foundational assumption is demonstrably false.

**Objection:**

The EIAR's assumption of effective emergency response must be withdrawn and replaced with:

1. Documented evidence that Galway Fire Service has BESS-specific emergency protocols, training, and equipment, OR
2. Acknowledgment that no such protocols exist and residual risk remains unmitigated, requiring refusal or substantial risk mitigation beyond current EIAR scope

---

**4. INADEQUATE RISK RATING: FIRE/EXPLOSION CONSEQUENCE UNDERESTIMATED**

**EIAR Risk Assessment:**

Consequence: "Limited" (Score 2)  
Assumption: "Small number of people affected"  
Risk Score: 4 ("Low Risk")

Real-World Incident – Lithium Battery Exothermic Reaction, Claregalway (30 January 2025):

A lithium battery storage incident at Claregalway Corporate Business Park resulted in:

- Exothermic chemical reaction in battery storage container
- Evacuation of two schools: 1,700 schoolchildren
- Evacuation of corporate business park and multiple business units
- Evacuation of nearby residential properties
- Multiple-day emergency response (Wednesday through Friday)
- Multi-agency coordination (Fire Service, Health Service Executive, Gardaí)
- Concerns over lithium contamination and water contamination
- Ongoing water cooling required to prevent battery reignition
- Prior fire incident at same facility (2022)

**Analysis Against EIAR Assumptions:**

The Claregalway incident demonstrates that lithium battery incidents result in consequences far exceeding "small number of people affected":

- Actual evacuations: 1,700 schoolchildren + corporate workers + residential residents
- Consequence level: 3 ("Serious"), not 2 ("Limited")
- Risk Score: minimum 6 (Medium Risk), not 4 (Low Risk)
- Incident type: Exothermic reaction (thermal runaway risk) requiring ongoing active cooling

**Geographic and Facility Similarity:**

Claregalway is in County Galway, same county and regulatory jurisdiction as Cooloo Wind Farm. Xerotech facility is adjacent to schools and residential properties, similar to Cooloo BESS proximity to residential receptors. This precedent is not theoretical but documented in this specific jurisdiction and context.

**Objection:**

EIAR consequence rating contradicted by documented local incident involving lithium batteries. Risk assessment must be revised:

- Fire/explosion consequence must be rated "Serious" (Consequence 3 minimum)
- Risk Score must be recalculated (minimum Risk 6, Medium Risk level)

- Evacuation radius must be assessed for Cooloo BESS location relative to schools and residential properties
- Thermal runaway reignition risk must be addressed in EIAR
- Multi-agency emergency response protocols must be pre-established (not post-approval)
- Additional mitigation measures must be identified
- If mitigation cannot reduce risk to acceptable levels, BESS component should be refused

Sources:

- Galway County Council Press Statement (30 January 2025)
- Connacht Tribune (31 January 2025)
- RTÉ News: "Schools remain shut in Baile Chláir after plant incident" (31 January 2025)

---

## 5. MISSING VERIFICATION: PUBLIC LIABILITY INSURANCE FOR BESS THERMAL RUNAWAY

### EIAR Omission:

EIAR Chapter 16 contains no requirement for, nor verification of, public liability insurance to cover BESS thermal runaway consequences affecting residents and third parties.

### Industry Standard – ESB BESS Portfolio:

The Electricity Supply Board (ESB), which operates Ireland's largest BESS portfolio (285MW operational), maintains:

**Public Liability Insurance: €30,000,000 per occurrence** (unlimited in aggregate)

Coverage explicitly includes:

- Accidental discharge of fire protective equipment
- Thermal runaway firewater contamination
- Third-party property damage and injury

This €30M standard reflects industry recognition that BESS thermal runaway poses significant liability exposure.

### Government Verification Void:

Official responses confirm zero government verification of BESS insurance:

- **Central Bank (FOI-2025-001687, October 22, 2025):** No records verifying BESS operator insurance held by Central Bank
- **ESB (AIE-2508, November 13, 2025):** No written verification system for whether private developers maintain insurance meeting grid connection requirements

### Gap in Current Application:

Neoen Renewables Ireland Ltd. provides no evidence that it maintains €30M+ public liability insurance for BESS thermal runaway affecting residents or third parties.

### **Resident Financial Risk:**

In absence of verified insurance, residents and affected parties bear uninsured liability exposure. If BESS thermal runaway requires emergency evacuation, firewater suppression causes property damage, or contamination affects groundwater, affected residents would bear uninsured losses.

### **Objection:**

As a condition of approval, the developer must provide:

1. **Proof of Public Liability Insurance:** €30M+ per occurrence, minimum
2. **Explicit Coverage Confirmation:** Insurance policy must explicitly cover:
  - BESS thermal runaway events
  - Emergency evacuation costs
  - Firewater contamination of residential properties
  - Contamination of groundwater and agricultural land
  - Third-party injury and property damage from BESS incidents
1. **Annual Verification:** Proof of continuous insurance coverage renewable annually throughout operational life

---

## **6. PROCEDURAL DEFECT: NO RESIDENTIAL RECEPTOR MAPPING OR EVACUATION RADIUS ASSESSMENT**

### **EIAR Omission:**

EIAR Chapter 16 identifies "surrounding land uses" generically but fails to:

- Map specific residential properties within risk radius
- Calculate required evacuation radius for BESS thermal runaway toxic gas dispersal
- Identify schools, day-care facilities, hospitals, or other sensitive receptors
- Model toxic gas (hydrogen fluoride, phosphorus oxyfluoride) dispersal under varying atmospheric conditions
- Determine safe working distances based on IDLH (Immediately Dangerous to Life or Health) thresholds

### **NFPA 855 Standard Requirements:**

NFPA 855 (Battery Energy Storage Systems Safety Standard) specifies that BESS risk assessments must determine and enforce minimum evacuation distances based on:

- Thermal runaway toxic gas generation rates
- Toxic gas concentration thresholds (IDLH levels)
- Atmospheric dispersion modelling
- Safe working distance minimum: typically **500 meters** or greater from BESS source

### **Claregalway Precedent:**

During Claregalway lithium battery incident, schools were evacuated at distances of 500m+ from the facility, indicating evacuation requirements extend well beyond immediate site boundary and significantly affect residential areas.

**Objection:**

Approval cannot proceed without:

1. **Residential Receptor Mapping:** Identification of all residential properties, schools, day-care facilities, hospitals, and other sensitive receptors within 1km of proposed BESS location
2. **Toxic Gas Dispersal Modelling:** Dispersion modelling for hydrogen fluoride and phosphorus oxyfluoride under various atmospheric conditions (neutral, stable, unstable stability classes)
3. **Evacuation Radius Determination:** Calculated minimum safe evacuation distance based on NFPA 855 standards and toxic gas IDLH thresholds
4. **Feasibility Assessment:** Evaluation of whether residents within determined evacuation radius can be safely evacuated within required timescale
5. **Emergency Coordination Plan:** Documented coordination with emergency services for evacuation procedures

---

**7. CUMULATIVE IMPACT NOT ASSESSED: MULTIPLE BESS IN GEOGRAPHIC PROXIMITY**

**EIAR Assessment:**

EIAR Section 2.7 states:

"Cumulative residual effects of the project and other identified projects assessed as 'not significant.'"

**Deficiency:**

The cumulative risk assessment fails to account for thermal runaway risk posed by multiple BESS facilities operating in geographic proximity. County Galway has multiple renewable energy projects with BESS components:

- Cooloo Wind Farm BESS (proposed)
- Ballymoneen Solar BESS (construction)
- Bellville Solar Farm BESS (planning stage)
- Other renewable projects with battery storage in planning pipeline

**Compounded Emergency Response Failure:**

Single BESS thermal runaway at Claregalway required 24-hour emergency response and evacuation of 1,700+ people. Multiple simultaneous or sequential BESS thermal runaway events would:

- Overwhelm Galway Fire Service (which has zero BESS protocols per AIE-13446)
- Force extended evacuation durations, increasing risk to life
- Delay emergency response to each site
- Create impossible inter-agency coordination scenario (no framework exists per NDFEM)
- Create cascading failures where fire fighting resources exhausted at first site are unavailable for second

**Risk Escalation:**

Each additional BESS facility in proximity materially increases cumulative risk beyond additive effect of individual facilities.

**Objection:**

Cumulative risk assessment must include:

1. **BESS Facility Mapping:** Identification of all BESS facilities within County Galway with operational or planned status
2. **Compound Failure Scenario:** Modelling of simultaneous or sequential thermal runaway events and emergency response capacity to manage multiple incidents
3. **Cumulative Consequence Rating:** Assessment of cumulative consequence to residential population if multiple BESS facilities experience thermal runaway within overlapping timescale
4. **Cumulative Risk Score:** Recalculation of risk score accounting for compound failure and exhaustion of emergency resources
5. **Mitigation Adequacy:** Assessment of whether any mitigation measures can reduce cumulative risk to acceptable levels

---

**8. FINANCIAL GUARANTEE ABSENT: DECOMMISSIONING BOND FOR BESS HAZARDOUS MATERIAL REMOVAL**

**EIAR Deficiency:**

EIAR Decommissioning Plan contains no enforceable financial bond or guarantee ensuring:

- BESS removal at end of operational life
- Hazardous material (lithium, cobalt, manganese, nickel, electrolytes) disposal to certified facilities
- Contaminated soil remediation if thermal runaway occurs during operational life
- Groundwater remediation if firewater contaminates aquifer

**Resident and Authority Financial Risk:**

If developer abandons site, becomes insolvent, or refuses to complete decommissioning:

- Decommissioning liability falls on local authority (Galway County Council)
- BESS left on-site poses ongoing thermal runaway risk (degraded cells more prone to failure over time)
- Soil contamination from thermal runaway firewater residue remains unremediated
- Groundwater contamination from electrolyte leakage remains unremediated
- Residents incur uncompensated costs for site remediation

**Comparable Standard:**

Wind farm and renewable energy projects typically require financial guarantees (bonds, escrow accounts, letters of credit) ensuring environmental restoration and decommissioning costs are covered regardless of developer financial status.

**Objection:**

Decommissioning Plan must include enforceable financial bond guarantee:

1. **Bond Amount:** Minimum amount covering certified BESS disposal costs + soil remediation to EPA standards + groundwater monitoring and remediation if contaminated
2. **Bond Holder:** Independent financial institution (bank) or local authority as bond holder
3. **Bond Renewal:** Renewable every 10 years throughout operational and post-operational period

4. **Triggering Events:** Bond automatically released for decommissioning if developer defaults, becomes insolvent, or operational phase concludes
  5. **Regulatory Oversight:** CRU or EPA oversight (if applicable) of bond adequacy and deployment
- 

## 9. BASELINE CONDITIONS OMIT CLAREGALWAY BESS INCIDENT: MATERIAL OMISSION

### EIAR Baseline:

EIAR Section 2.2 references "Galway County Council Major Emergency Plan 2021" and lists potential emergency scenarios including flooding, industrial explosions, and weather events.

### Material Omission:

Baseline fails to reference or analyze the Claregalway lithium battery incident (January 30, 2025), which is:

- The **only major BESS thermal runaway in Galway County history**
- A documented real-world event (not theoretical risk)
- Directly relevant to major accidents assessment for the Cooloo project
- Evidence of actual consequence levels, emergency response requirements, and failure modes

### Why This Is Material Deficiency:

1. **Temporal Proximity:** Claregalway incident occurred 6+ months before EIAR was prepared (EIAR submitted Sept 25, 2025; incident Jan 30, 2025)
2. **Spatial Proximity:** Same county, making it directly applicable to local risk assessment
3. **Risk Precedent:** Claregalway consequences (1,700 evacuated, fire service injuries, 24-hour response) provide actual data for consequence rating
4. **Emergency Response Data:** Claregalway response demonstrates actual emergency service capacity and gaps (Galway Fire had zero BESS protocols)
5. **Assessment Reliability:** Omission of known precedent undermines reliability of risk assessment methodology

### Objection:

EIAR baseline must be revised to include:

1. **Claregalway Incident Documentation:** Full reference to January 30, 2025 thermal runaway
  2. **Consequence Analysis:** Documentation of actual consequences (evacuations, injuries, response time, agency coordination gaps)
  3. **Emergency Response Evaluation:** Analysis of emergency service response adequacy and any identified gaps or limitations
  4. **Risk Rating Validation:** Use of Claregalway actual consequences to validate or revise EIAR consequence ratings
-

## 10. PROCEDURAL DEFECT: NO THERMAL RUNAWAY SCENARIO MODELLING

### EIAR Chapter 16 Modelling:

EIAR Chapter 16 models:

- Traffic accidents during construction
- Fuel spillage from construction vehicles
- Construction-related fires
- Flooding and weather-related hazards
- Earthquake impacts
- General wind turbine operational fires

### Missing Critical Modelling:

EIAR does **NOT** model BESS thermal runaway scenarios including:

- Battery cell propagation mechanisms (how thermal runaway spreads from cell to cell)
- Toxic gas generation (hydrogen fluoride, phosphorus oxyfluoride production rates and composition)
- Gas dispersal modelling (how toxic gases disperse under varying atmospheric conditions)
- Evacuation radius determination (calculated based on toxic gas concentration thresholds)
- Emergency response sequence (fire fighting procedures, resource requirements, timelines)
- Firewater contamination (volume and toxicity of contaminated water requiring management)

### NFPA 855 Requirement:

NFPA 855 (Battery Energy Storage Systems Safety Standard) explicitly requires BESS risk assessments include:

"Thermal runaway scenario modelling with identification of hazards, consequence modelling, and determination of appropriate separation distances and emergency response protocols"

### Standard Industry Practice:

Major BESS facilities require scenario modelling as standard engineering practice to:

- Identify worst-case failure modes
- Determine safe separation distances from population centres
- Define emergency response procedures
- Calculate resource requirements (fire fighting equipment, personnel, evacuation capacity)

### Objection:

EIAR must include NFPA 855-compliant thermal runaway scenario modelling including:

1. **Initiation Scenario:** Identification of potential thermal runaway triggers (manufacturing defects, overcharge, internal short circuit, external short, mechanical damage, thermal abuse)
2. **Propagation Modelling:** Cell-to-cell propagation mechanisms across multi-unit battery arrays; timescales for propagation
3. **Toxic Gas Modelling:** Generation of hydrogen fluoride and phosphorus oxyfluoride; production rates; gas concentration over time and distance
4. **Dispersal Modelling:** Atmospheric dispersion under neutral, stable, and unstable atmospheric conditions; concentration contours at various distances

5. **IDLH Analysis:** Immediately Dangerous to Life or Health concentrations; safe working distances based on toxic gas IDLH thresholds
  6. **Evacuation Scenario:** Calculated evacuation radius; evacuation timescale; confirmation of feasibility to evacuate residential population within safe timeframe
  7. **Emergency Response Verification:** Documented procedures and resource requirements for fire fighting response; verification with Galway Fire Service of capability to deploy required resources
  8. **Firewater Management:** Volume of firewater required (typically 30,000–40,000 gallons for large BESS); management of contaminated firewater; disposal procedures
- 

## 11. GROUNDWATER CONTAMINATION PATHWAY NOT ASSESSED

### EIAR Contamination Assessment:

EIAR addresses contamination via:

- Bunded containment areas for fuel spillage
- Construction waste management
- Peat and spoil management areas

### Critical Gap:

EIAR does **not** assess BESS-specific groundwater contamination pathway in the event of thermal runaway and firewater suppression.

### BESS Firewater Contamination:

BESS thermal runaway requires massive firewater application for suppression:

- **Volume:** 30,000–40,000 gallons for large-capacity BESS systems (NFPA 855 guidance)
- **Contamination:** Firewater contains dissolved contaminants from BESS thermal decomposition:
  - Dissolved lithium salts
  - Heavy metals (cobalt, manganese, nickel)
  - Hydrogen fluoride
  - Phosphorus oxyfluoride
  - Organic solvents and additives

### Aquifer Vulnerability Risk:

If BESS site overlies or is proximate to karst aquifer:

- Karst landscapes contain solution caves and conduits in limestone/dolomite
- Direct pathways from surface to groundwater exist
- Contaminated firewater infiltration flows directly to aquifer
- Aquifer contamination affects:
  - Private residential wells
  - Community water supplies
  - Agricultural water for irrigation
  - Ecosystems dependent on groundwater

**Objection:**

EIAR must assess groundwater contamination pathway:

1. **Hydrogeological Site Investigation:** Detailed site-specific investigation of geology, groundwater depth, aquifer type (karst, porous, fractured), groundwater vulnerability
2. **Geological Survey of Ireland (GSI) Mapping:** Review of GSI groundwater vulnerability classifications for site
3. **Contamination Pathway Modelling:** If karst aquifer present or groundwater vulnerable, modelling of contaminated firewater infiltration pathways
4. **Exposure Scenario:** Identification of receptors (private wells, public supplies, agricultural uses) potentially affected by aquifer contamination
5. **Remediation Requirements:** If contamination pathway risk identified, requirement for liner, containment systems, or alternative BESS location

---

**12. HUMAN RIGHTS VIOLATION: EUROPEAN CONVENTION ON HUMAN RIGHTS ARTICLE 8**

**ECHR Article 8 – Right to Private and Family Life:**

"Everyone has the right to respect for private and family life, home and correspondence."

This right protects individuals from unassessed industrial hazards and risks threatening their homes and family security.

**Application to BESS Thermal Runaway:**

Residents have enforceable rights to:

- Information about major accident hazards affecting their homes and families
- Assessment of those hazards before approval is granted
- Emergency preparedness information (evacuation procedures, warning systems)
- Understanding of whether emergency services can respond to threats
- Opportunity to participate in risk assessment and mitigation decisions

**EIAR Deficiency and Article 8 Violation:**

By omitting BESS thermal runaway assessment, failing to map residential receptors, excluding BESS from formal application scope, and assuming emergency response capability that demonstrably does not exist, the EIAR and application process:

- **Denies residents information** about major hazard affecting their homes
- **Prevents informed residency decisions** (residents cannot assess whether to remain, sell, or seek other housing)
- **Prevents emergency preparedness** (residents cannot plan evacuation routes, safe rooms, or family procedures without knowing risk)
- **Violates right to private family life and home security** (homes subjected to unassessed and unmitigated thermal runaway risk)
- **Prevents meaningful participation** (assessment disclosed; approval deferred; residents cannot participate in BESS risk decisions at formal planning stage)

**Procedural Violation:**

EIA Directive 2014/52/EU and Irish planning law require public participation in environmental assessment and decision-making. By fragmenting BESS assessment (assessed in EIAR but not included in application) and assuming emergency response capability that demonstrably does not exist, the process denies residents meaningful participation in risk assessment.

**Objection:**

Approval violates ECHR Article 8 and EIA Directive public participation requirements. Approval cannot proceed without:

1. **Complete BESS Assessment:** Full thermal runaway scenario modelling, residential receptor mapping, evacuation radius determination
2. **Public Participation:** Formal planning application including BESS (not deferred to separate application), allowing residents to participate in integrated risk assessment
3. **Verified Emergency Response:** Documented confirmation from Galway Fire Service, NDFEM, and other agencies confirming emergency response capability for BESS thermal runaway
4. **Insurance and Financial Guarantees:** Proof of €30M+ insurance and decommissioning bond ensuring financial accountability
5. **Transparent Decision-Making:** Full disclosure of all deficiencies, risks, and assumptions to residents and decision-makers

**SUMMARY TABLE**

Point	Deficiency	Source	Violation
1	BESS assessed but excluded from application	Planning Notice, EIAR Ch 4, App 12-3	EIA Directive Article 5(1)
2	No thermal runaway modelling	EIAR Chapter 16	NFPA 855, EIA Directive
3	False emergency response assumption	Government AIE responses (7 agencies)	EIA Directive Article 5(1)
4	Consequence rating underestimated	EIAR Ch 16 vs Claregalway precedent	Risk assessment methodology
5	No insurance verification	EIAR Ch 16, ESB/Central Bank responses	Resident liability protection
6	No evacuation mapping/radius	EIAR Ch 16 vs NFPA 855	EIA Directive, public safety
7	Cumulative risk omitted	EIAR Sec 2.7	EIA Directive cumulative effects
8	No decommissioning bond	EIAR Decommissioning Plan	Resident financial protection
9	Baseline omits Claregalway precedent	EIAR Sec 2.2	Baseline adequacy, risk assessment
10	No NFPA 855 scenario modelling	EIAR Ch 16	NFPA 855, EIA Directive
11	Groundwater pathway omitted	EIAR Contamination sections	EIA Directive, environmental protection
12	Article 8 violation	ECHR Article 8, EIA Directive	Human rights, public participation

## **REMEDIAL ACTIONS REQUIRED**

I respectfully request that An Coimisiún Pleanála:

### **Option 1: Refusal of Application**

Refuse approval of the Cooloo Wind Farm application on grounds that the EIAR is procedurally and substantively deficient and cannot support informed decision-making.

### **Option 2: Supplemental EIAR Requirement**

Require submission of a comprehensive supplemental EIAR addressing all identified deficiencies:

#### **1. BESS Assessment Scope Resolution**

- Either include the BESS within the application scope for integrated ACP approval, or
- Remove the BESS assessment from this EIAR and defer to a separate Galway County Council application.

#### **2. Thermal Runaway Scenario Modelling**

- NFPA 855 compliant modelling including cell propagation, toxic gas generation, dispersal, and evacuation requirements.
- Verification of emergency response capability with Galway Fire Service and NDFEM.

#### **3. Residential Receptor Assessment**

- Mapping of all residential properties, schools, and hospitals within 1 km.
- Calculated evacuation radius based on toxic gas IDLH thresholds.
- Assessment of evacuation feasibility.

#### **4. Risk Rating Revision**

- Upgrade consequence rating to "Serious" (Consequence 3) based on the Claregalway precedent.
- Recalculation of the risk score to reflect actual consequence levels.

#### **5. Insurance and Financial Guarantees**

- Proof of 30 million euro or higher public liability insurance with explicit BESS thermal runaway coverage.
- Enforceable decommissioning bond, 10 year renewable, guaranteeing BESS removal and site remediation.

#### **6. Cumulative Risk Assessment**

- Mapping of all BESS facilities within County Galway.
- Compound failure scenario modelling.
- Cumulative consequence and risk rating.

## **7. Baseline Environmental Revision**

- Inclusion of the Claregalway BESS thermal runaway incident, 30 January 2025.
- Analysis of emergency response adequacy and documented gaps.

## **8. Groundwater Contamination Assessment**

- Site specific hydrogeological investigation.
- Contamination pathway modelling if karst aquifer or groundwater vulnerability is identified.
- Remediation or relocation recommendations if pathway risk is confirmed.

## **9. Government Agency Verification**

- Written confirmation from Galway Fire Service of BESS emergency response capacity and protocols.
- Written confirmation from NDFEM of national BESS protocols and the inter agency coordination framework.
- Clarity on regulatory responsibility among EPA, CRU, and HSA for operational oversight of the BESS.
- Written confirmation that HSA holds jurisdiction over BESS occupational safety and emergency response coordination.

---

## **CONCLUSION**

The Cooloo Wind Farm EIAR is materially deficient. BESS thermal runaway is a documented risk demonstrated by Claregalway precedent. Emergency response capability does not exist (confirmed by seven government agencies via AIE/FOI responses). Risk consequence is underestimated relative to documented local precedent. Procedural violations prevent meaningful public participation and violate resident rights under ECHR Article 8.

Approval cannot proceed without comprehensive remedial EIAR addressing these deficiencies or, in the alternative, without refusal of the application.

The residents and community of County Galway have a right to safe planning decisions based on complete and accurate environmental information.

Respectfully submitted,

Diarmuid Flaherty  
Parkacurry  
Monivea

## REFERENCES

### Planning Documents (Cooloo Wind Farm)

- Cooloo Wind Farm Planning Notice (October 3, 2025)
- EIAR Chapter 16: Major Accidents and Natural Disasters
- EIAR Appendix 12-3: BESS Noise Assessment, Section 1.1
- EIAR Chapter 4, Sections 4.1 and 4.3.2.3
- EIAR Section 2.2: Baseline Environmental Conditions
- EIAR Section 2.7: Cumulative Effects Assessment
- EIAR Decommissioning Plan

### Official Government AIE/FOI Responses

- Galway Fire Service (AIE-13446, September 29, 2025)
- NDFEM Letter (October 24, 2025)
- EPA (OEE-AIE-2025-24, October 20, 2025)
- CRU (AIE-3925, November 7, 2025)
- Central Bank (FOI-2025-001687, October 22, 2025)
- ESB (AIE-2508, November 13, 2025)
- Department of Housing (HPLG-MBO-02887-2025, September 23, 2025)
- Galway County Council Motion Item 17 (September 22, 2025)
- Health and Safety Authority (FOI-0144-2025 & AIE09-2025, November 17, 2025)

### Legal and Technical Standards

- EIA Directive 2014/52/EU, Article 5(1)
- NFPA 855: Battery Energy Storage Systems Safety Standard
- European Convention on Human Rights, Article 8
- Planning and Development Act 2000 (as amended)

### Real-World Precedent – Claregalway Lithium Battery Incident (January 30-31, 2025)

- Galway County Council Press Statement: "Major Fire Incident at Claregalway Corporate Business Park" (30 January 2025)
- Connacht Tribune: "Battery fire incident in Claregalway now contained" (31 January 2025)
- RTÉ News: "Schools remain shut in Baile Chláir after plant incident" (31 January 2025)

### Pending Response

- HSA Section 19 Advisory Opinion on BESS Occupational Safety Jurisdiction (due November 23, 2025)



**Comhairle Chontae na Gaillimhe**  
**Galway County Council**

**AIE CASE ID 13446**

29<sup>th</sup> September 2025

[REDACTED]

**Re: Access to Information on the Environment Request**

---

A chara,

I refer to the request you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018)

(hereafter referred to as the AIE Regulations) for access to information held by Galway County Council.

**You sought the following records:**

*"I request access to records held by Galway County Council concerning fire-safety, emergency-response planning, and environmental protection measures related to Battery Energy Storage Systems (BESS) at the Ballymoneen (Cregmore) Solar Farm, from January 2020 to present.*

**Public-Interest Basis**

*The Ballymoneen site overlies a Regionally Important Karstified Aquifer with high to extreme groundwater vulnerability. The recent 31 January 2025 BESS fire in Claregalway that injured Galway Fire Service personnel demonstrates the risks of thermal-runaway fires, toxic-gas release, and firewater contamination. Access to this information is necessary to ensure public safety, environmental protection, and emergency-response readiness.*

**Records Requested**

**1. Fire-Safety Protocols & Training**

- *Fire-safety procedures or protocols for BESS incidents.*
- *Records of training or guidance for Galway Fire Service on LFP battery fires.*
- *Any equipment lists or resources designated for BESS response.*

**2. Site-Specific Risk & Emergency Plans**

- *Risk assessments for thermal-runaway or BESS-related fires at Ballymoneen.*

- *Emergency-response and evacuation plans (including maps or animal-safety measures).*
  - *Firewater containment or contaminated-water management procedures.*
3. *Inter-Department & Developer Communications*
- *Correspondence, emails, meeting notes, or reports between GCC departments (Fire Service, Environment, Planning, Roads, Chief Executive's Office) and Power Capital Renewable Energy or its agents regarding fire-safety, emergency planning, or environmental measures for Ballymoneen.*
4. *Environmental-Protection Measures*
- *Procedures for managing contaminated water in karst areas.*
  - *Monitoring or surveillance of groundwater related to BESS risk.*
  - *Any coordination with the EPA or Inland Fisheries Ireland on this matter.*
5. *Public Notification & Community Engagement*
- *Records of community-safety briefings or public information sessions concerning BESS fire safety at Ballymoneen.*
- Format"*

### **Search efforts**

In order to locate the records you sought, your request was forwarded to the following sections: Planning, Fire Service, Environment, Roads, and the Chief Executive's Office.

- **Planning Section:**  
A comprehensive search was conducted, and it has been confirmed that Planning File 2261105 is publicly available. You may access it via the link [Public Planning Viewer](#).
- **Fire Service Section:**  
Following a thorough review, the Fire Service Section has confirmed that no records exist in relation to any aspect of this AIE request.
- **Environment Section:**  
The Environment Section also conducted a search and confirmed that they do not hold any records relevant to this AIE request.
- **Roads Section:**  
Similarly, the Roads Section has confirmed that they do not possess any records pertaining to this AIE request.
- **Chief Executive's Office:**  
The Chief Executive's Office has confirmed that no records exist in relation to this AIE request.

### **Summary of Decision**

I Jean Brann, Senior Executive Officer, Corporate Services Section, made a decision on your request on 29.09.25. I am satisfied that all reasonable

steps have been taken to identify any records relevant to your request. Some of the records you have sought are already publicly available, and I have provided you with the appropriate link to access these. As no other relevant records exist, I am **part-granting** your request on this basis.

**Article 7 (6)**

6. *Member States may satisfy the requirements of this Article by creating links to Internet sites where the information can be found.*

**Schedule of records**

I have attached a schedule of records with this letter. This lists the records that I consider relevant to your request. It provides a brief description of each record and the decision I have made on each record. Where I have decided to refuse or partially refuse access to a record, it specifies the Article of the AIE Regulations under which this refusal has been made.

**Right of review**

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of this Galway County Council unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by writing to the AIE Officer [aie@galwaycoco.ie](mailto:aie@galwaycoco.ie) referring to this decision, quoting the AIE reference number. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Please contact me at [aie@galwaycoco.ie](mailto:aie@galwaycoco.ie) if I can assist you in any matter relating to your request.

Mise, le meas,



---

**Jean Brann**  
**Senior Executive Officer**  
**Corporate Services**

**RE: Urgent Attention Required – Public Safety Risks from Battery Energy Storage Systems (BESS)**

**Housing Fire Safety - (Declg) < Firesafety@housing.gov.ie >**

Fri, 24 Oct 2025 9:22:22 AM +0100

[REDACTED]  
Cc "James McBride (Housing)"<James.McBride@housing.gov.ie>

[REDACTED]  
Thank you for your correspondence.

In July 2024, the Department of Climate, Energy and the Environment published the Electricity Storage Policy Framework. The framework refers to front of meter electricity storage, outlining its present roles, technical processes, market positions and regulatory structures in Ireland.

The National Directorate for Fire & Emergency Management (NDFEM), within the Department of Housing, Local Government and Heritage, supports fire authorities by establishing fire service policy, setting national standards for fire safety and fire service provision, providing a central training programme, issuing guidance on operational and other related matters and providing capital funding for priority infrastructural projects. The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of fire station premises, is a statutory function of individual fire authorities under the Fire Services Act, 1981.

Battery electricity storage systems are subject to the requirement for planning permission under the Planning and Development Act 2000 and associated Regulations. Planning authorities must ensure that battery electricity storage installations are planning legislation compliant. Under Section 13 of the Fire Services Acts 1981 & 2003 individual Fire Authorities may advise a planning authority in relation applications for planning permission for development and permission for the retention of structures, Section 34 (which relates to permission for development and for the retention of structures) of the Planning and Development Act 2000.

The NDFEM has developed a suite of Standard Operating Guidelines (SOGs) addressing many areas of fire safety. SOGs are developed on an ongoing basis, based on priority of need. SOG 5.1 Incidents Involving Electricity would and SOG 4.07 Incidents Involving Alternative Fuel Vehicles are two relevant guidance documents which are attached.

Fire statistics including causes of fire are collected from local authorities as required by the Fire Services Act 1981 and 2003. The Department annually publishes these statistics here: <https://www.gov.ie/en/collection/f01ff-fire-statistics/>.

In 2013, the NDFEM published the policy document, "Keeping Communities Safe - A framework for Fire Safety in Ireland" (KCS). Keeping Communities safe continues to be the policy template for Fire Services in Ireland. Fire Services in Ireland are reviewed consistently through the NDFEM's External Validation and Capacity Review Groups where NDFEM Management meet with Chief Fire Officers, Local Authority Chief Executives and other Fire Service personnel to confirm the capacity of each Fire Authority to provide safe and effective cover.

Kind Regards,  
**Fionn Warren**

Administrative Officer

**An Stiúirthóireacht Náisiúnta Bainistíochta Dóiteáin agus Éigeandálaí**

National Directorate for Fire and Emergency Management

**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreacht**

Department of Housing, Local Government and Heritage

Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0

Custom House, Dublin 1, D01 W6X0

T +353 (0)1 888 2089

[www.tithiocht.gov.ie](http://www.tithiocht.gov.ie)

[www.housing.gov.ie](http://www.housing.gov.ie)

**Sent:** Thursday 2 October 2025 16:22

**To:** Housing Fire Safety - (Declg) <[Firesafety@housing.gov.ie](mailto:Firesafety@housing.gov.ie)>

**Subject:** Urgent Attention Required – Public Safety Risks from Battery Energy Storage Systems (BESS)

**CAUTION:** This eMail originated from outside your organisation and the BTS Managed Desktop service. Do not click on any links or open any attachments unless you recognise the sender or are expecting the email and know that the content is safe. If you are in any doubt, please contact the OGCIO IT Service Desk.

Dear Sir/Madam,

For the attention of Mr. Keith Leonard, National Director, NDFEM.

Please find attached a copy of a letter from AMASS regarding public safety risks associated with Battery Energy Storage Systems (BESS). The original has also been sent by registered post.

Yours sincerely,

On behalf of AMASS

[www.amass.ie](http://www.amass.ie)

**2 Attachment(s)**

SOG 5.1 Incidents Involving EI...  
565.3 KB

SOG\_4.07\_Alternative\_Fuel\_V...  
416.3 KB

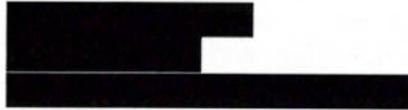


An Coimisiún  
um Rialáil Fontas  
**Commission for  
Regulation of Utilities**

The Grain House  
The Exchange  
Belgard Square North  
Tallaght, Dublin 24  
D24 PXW0

**T** +353 1 4000 800  
**F** +353 1 4000 850  
**E** info@cru.ie  
**www.cru.ie**

7 November 2025



**Re: Request under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (AIE 39/25)**

**Decision – Refuse request**



I refer to your request of 9 October 2025, made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (“the AIE Regulations”), for records held by the Commission for Regulation of Utilities (“CRU”).

Your request seeks:

*“Under the Freedom of Information Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007–2019, I request access to any records held by the Commission for Regulation of Utilities (CRU) relating to the safety regulation, fire-risk management, and insurance oversight of Battery Energy Storage Systems (BESS) in Ireland, including but not limited to:*

*Poolbeg BESS, Dublin*

*Aghada BESS, Cork*

*Kylemore BESS, Dublin*

*South Wall BESS, Dublin*

*This request also includes any equivalent records concerning proposed, planned, or pre-commissioned BESS installations anywhere in Ireland that are known to, regulated by, or under review by the CRU.*

*Specifically, I request:*

*Any correspondence, reports, internal notes, or reviews concerning the safety certification, inspection, or regulatory acceptance of any operational, planned, or proposed BESS in Ireland.*

*Any records, reports, or communications concerning fire safety, explosion risk, or thermal-runaway prevention, including emergency response measures or coordination with local fire services.*



An Coimisiún  
um Rialáil Fóntas  
Commission for  
Regulation of Utilities

*Any risk assessments, audits, or safety evaluations (internal or external) prepared for or received by the CRU relating to fire, explosion, or chemical hazards associated with BESS.*

*Any records, reports, or correspondence concerning insurance or liability requirements for BESS operators or developers, including public-liability, environmental-liability, or business-interruption coverage, and any verification or acceptance of such insurance by the CRU.*

*Any incident reports, notifications, or correspondence regarding accidents, fires, or emergency responses at any BESS site in Ireland.*

*If any information is withheld due to commercial sensitivity or other exemptions, please cite and justify the relevant exemption under the FOI or AIE Regulations.*

*Please provide the records in digital format where possible."*

#### **Findings, particulars and reasons for decisions to deny access**

Upon receipt of your request, I liaised with the relevant teams within the CRU in order to locate the records sought and to gather environmental information that could potentially be of relevance to you, considering that you are seeking information *"relating to the safety regulation, fire-risk management, and insurance oversight of Battery Energy Storage Systems (BESS) in Ireland"*.

Regarding energy safety regulation, the CRU plays a key role in safeguarding public safety and preventing major accidents within Ireland's energy sector. Our responsibilities include regulating the **safety of gas**, covering networks, supply, storage, usage, and the distribution of liquefied petroleum gas, as well as overseeing **petroleum activities**, including both onshore and offshore exploration and hydrocarbon production. We also regulate **gas installers** and **electrical contractors**. As part of our public safety remit, we ensure that these professionals adhere to relevant national standards to protect life and property, while also promoting public awareness of safety issues. Therefore, **the CRU has no role regarding the safety regulation, fire-risk management, and insurance oversight of BESS in Ireland.**

Pursuant to Article 7(5)<sup>1</sup> of the AIE Regulations, I advised you by email dated 13 October 2025 that the CRU is of the view that responsibility for the safe management of BESS lies with the Health and Safety Authority (HSA).

---

<sup>1</sup> "Where a request is made to a public authority and the information requested is not held by or for the authority concerned, that authority shall inform the applicant as soon as possible that the information is not held by or for it."



An Coimisiún  
um Rialáil Fónas  
Commission for  
Regulation of Utilities

Having regard to the above, I am satisfied that the CRU does not hold any record falling within the scope of your request. Accordingly, I have decided to refuse it.

### **Rights of Review**

Under Article 11 of the Regulations, you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of the CRU, unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by emailing [foi@cru.ie](mailto:foi@cru.ie), quoting the above AIE reference number. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request.

Please contact me by letter or by email to [foi@cru.ie](mailto:foi@cru.ie) if I can assist you in any matter relating to your request.

Yours sincerely,

*[sent by email with no signature]*

Fabio Martellini  
Decision Maker



Headquarters, PO Box 3000  
Johnstown Castle Estate  
Co. Wexford, Ireland

Ceanncheathrú, Bosca Poist 3000  
Eastát Chaisleán Bhaile Sheáin  
Contae Loch Garman, Éire

T: +353 53 916 0600  
F: +353 53 916 0699  
E: [info@epa.ie](mailto:info@epa.ie)  
W: [www.epa.ie](http://www.epa.ie)

LoCall: 0818 335 599

[REDACTED]  
[REDACTED]  
20<sup>th</sup> October 2025

**Re: OEE AIE 2025 24 Decision Letter**

[REDACTED]  
I refer to your request dated 25<sup>th</sup> September 2025, made under the EC (Access to Information on the Environment) Regulations 2007 to 2018 (AIE), which was received on 26<sup>th</sup> September 2025. Your request sought as follows:

Your request sought as follows:

**“Under the Freedom of Information Act 2014 and the European Communities (Access to Information on the Environment) Regulations 2007–2019, I request access to any records held by the EPA relating to insurance, safety, and environmental risk management for operational Battery Energy Storage Systems (BESS) in Ireland, including but not limited to: Poolbeg BESS, Dublin, Aghada BESS, Cork, Kylemore BESS, Dublin and South Wall BESS, Dublin**

**Specifically, I request:**

**Any certificate(s) of insurance or proof of coverage submitted to the EPA, including but not limited to: Public liability insurance, Environmental liability insurance, Business interruption insurance.**

**Any correspondence, approvals, or internal confirmations regarding the adequacy, acceptance, or verification of such insurance for environmental compliance.**

**Any assessments, reports, Environmental Impact Assessment Reports (EIARs), Construction Environmental Management Plans (CEMPs), or emergency response plans submitted in relation to these BESS that reference:**

**Fire risk or thermal runaway, Explosion risk, Chemical or electrolyte safety, Emergency response measures, Risk mitigation measures linked to insurance coverage and dates on which any such documents were submitted or approved.**

**If any information is withheld due to commercial sensitivity or other exemptions, I request that the reason for withholding be specifically cited and justified under FOI/AIE regulations.”**

You clarified your request on 29<sup>th</sup> September to:

**“I confirm that I consent to my request being processed under the AIE Regulations”.**

I wish to advise you that I, Eileen Butler, have made a final decision to refuse your request on **20<sup>th</sup> October 2025**. The purpose of this letter is to explain that decision.

### **1. Summary of the Decision**

Upon the conclusion of a comprehensive search and discussion with Inspectors within the EPA who were addressing your case, I affirm that no records, electronic or hardcopy, are held by the EPA in relation to your request. The following information is provided in support of this decision.

Battery Energy Storage Systems (BESS) on their own are not an activity that requires an EPA Licence. Most BESS, therefore, are not regulated by the EPA, and files are not available. Some of the files you seek may be available at the relevant local authority offices (Planning section and/or enforcement sections) in the regions where the sites are located.

Any safety-related files may be available at the offices of the Health and Safety Authority, [www.HSA.ie](http://www.HSA.ie).

In some cases, BESS are contained on sites that already have an EPA Licence for another activity, such as sites that burn fuel to generate electricity under Class 2.1 – Energy: “Combustion of fuels in installations with a total rated thermal input of 50 MW or more.” We note that, of the four sites listed in your request, two are located on EPA sites: Poolbeg BESS, Dublin and Aghada BESS, Cork. In both cases the BESS was added after the site already had an EPA licence. Any additional risks associated with these sites are assessed as part of a licence application (before grant of a licence) and as part of an environmental liability risk assessment (ELRA); this requires review periodically while the site is operational.

Any information that the EPA may have available, while limited, can be accessed as outlined:

#### **Licence Application:**

Search page: [Environmental Protection Agency](#)  
P0577 Poolbeg: [Environmental Protection Agency](#)  
P0561-05 Aghada: [Licence Profile | LEAP Online](#)

#### **Ongoing enforcement**

Search page: [LEAP Online](#)  
P0577 Poolbeg: [Licence Profile | LEAP Online](#)  
P0561-05 Aghada: [Licence Profile | LEAP Online](#)

For Aghada (P0561-05) the BESS was only added in recent years after the licence was already in place; therefore is not mentioned in their licence application (BESS is not a licensable activity in itself). The most recent Poolbeg license has a mention of the BESS.

The Financial Provision Team in the EPA do not enforce the BESS, but the sites referenced in your request relate to EPA Licensed Sites and are Financial Provision (FP) priority licensees. However, your request refers to Insurance, and as both have addressed their liabilities via a Parental Company Guarantee and not insurance, it is therefore not applicable.

The EPA do not have records on Kylemore and South Wall BESS.

Information regarding Financial Provisions for EPA-licensed sites is available on the [EPA website](#).

The EPA grants and enforces Industrial Emissions (IE) licences for specified industrial and agricultural activities. These are listed in the [First Schedule to the EPA Act](#). Website searches can be conducted to access records according to the class of activity listed under the First Schedule of the EPA Act at the following link: [Environmental Protection Agency](#)

I must therefore refuse your request, as the EPA does not hold records specifically related to insurance, safety, and environmental risk management for operational Battery Energy Storage Systems (BESS) in Ireland. This refusal is in accordance with Article 7(5) of the AIE Regulations, which states:

*7.(5) Where a request is made to a public authority and the information requested is not held by or for the authority concerned, that authority shall inform the applicant as soon as possible that the information is not held by or for it.*

In its search for the records, the EPA has tried to use all practical, possible means for locating the records which you have sought and has taken the steps outlined below to find them:

1. Discussions with individual members of staff who may have dealt with such records;
2. Circulation of an e-mail to all relevant EPA staff, which sets out the records you sought and asks staff to check if they have any records or information relating to your request; and,
3. Review of licences on the EPA website and hardcopy files.

## **2. Rights of appeal**

You may appeal this decision. In the event that you wish to make such an appeal, you can do so by writing to Ms Ana Bolger, AIE Officer, EPA, P.O. Box 3000, Johnstown Castle Estate, Co. Wexford or by sending an email to [aie@epa.ie](mailto:aie@epa.ie). You should make your appeal within one month from the date of this notification. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of the Environmental Protection Agency

Yours sincerely,



---

Eileen Butler  
Decision Maker  
Office of Environmental Enforcement



Banc Ceannais na hÉireann  
Central Bank of Ireland

Eurosystem

T +353 (0)1 224 6000  
Bosca PO 559, Baile Átha Cliath 1  
PO Box 559, Dublin 1

[www.centralbank.ie](http://www.centralbank.ie)

[REDACTED]  
[REDACTED]  
22 October 2025

Re: FOI-2025-001687

[REDACTED]  
I refer to your email dated 25 September 2025, seeking access under the Freedom of Information Act 2014 (the Act) to certain records held by the Central Bank of Ireland (the Central Bank). Your request sought:

*"...any records held by the Central Bank of Ireland relating to insurance coverage for operational Battery Energy Storage Systems (BESS) in Ireland, including but not limited to:*

*Records confirming that insurance providers offering coverage to BESS operators (e.g., ESB, other licensed operators) are authorized and licensed to operate in Ireland.*

*Any submissions, reports, guidance, or correspondence received by the Central Bank regarding:*

*Insurance for BESS operators*

*Liability coverage, environmental or public risk, or business interruption coverage for BESS*

*Risk management practices associated with energy storage systems*

*Any aggregated statistics or analyses regarding industrial insurance coverage for energy storage systems submitted to or held by the Central Bank."*

I have made a final decision to refuse your request on 22 October 2025. I may be contacted by telephone on +353 (0)1 224 6096 in order to answer any questions you may have and to assist you generally in this matter.



Please be advised that the records you are seeking do not exist within the Central Bank, and therefore, I must refuse your request. This decision is made under section 15(1)(a) of the Act, as detailed below.

**Section 15(1)(a) of the Act** states that an FOI request may be refused if:

*“the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,”*

In an effort to locate the records you are seeking, your request was referred to the Insurance Supervision directorate in the Central Bank, as this is the most appropriate area related to the subject matter of your request. Following engagement with the relevant subject matter experts, in particular the Heads of Specialty Insurance and Domestic Non-Life and Health Insurance, they confirmed that the requested records are not held by the Central Bank.

#### **Decision**

I have detailed above the engagement with the relevant area to locate the records relevant to your request. In accordance with section 15(1)(a) of the Act, I am satisfied that all reasonable steps have been taken to ascertain whether the records sought in your request exist. As the records do not exist, I must therefore refuse your request on this basis.

#### **Rights of Review**

In the event that you are not happy with this decision, you may seek a review of this decision by sending an email to [foi@centralbank.ie](mailto:foi@centralbank.ie). Alternatively, letters can be addressed to the FOI Unit, Central Bank of Ireland, PO Box No. 559, Dublin 1, D01 F7X3. Please quote the above reference number in all correspondence. You should state that you are seeking an internal review of the matter and refer to or enclose a copy of this letter. You should seek any such review within four weeks (from the date of this decision). Please note that a fee of €30 applies for such a review (€10 for Medical Card holders). The review will involve a complete reconsideration of the matter by a more senior member of the staff of the Central Bank and the decision will be communicated to you within three weeks of receipt of your request and the review fee.

Should you have any questions or concerns regarding the above, please contact me by telephone on +353 (0)1 224 6096.

Yours sincerely  
*Sent by email only*

**Angela Cooney**  
Freedom of Information Unit



Energy for  
generations

esb.ie

27 Sráid Mhic Liam Íochtarach  
Baile Átha Cliath, D02 KT92, Éire  
Fón +353 1 676 5831

27 Lower Fitzwilliam Street  
Dublin D02 KT92, Ireland  
Phone +353 1 676 5831

13 November 2025

Our Ref: AIE/25/08

**Re: Request under the European Communities (Access to Information on the Environment) Regulations 2007 – 2018 (the “Regulations”)**

I refer to your original request dated 25 September 2025 under the Regulations and to our correspondence of 14 October 2025, in which we invited you to refine the scope of your request pursuant to Article 7(8) of the Regulations.

On 14 October 2025, you submitted a refined request as follows:

*Access to any records held by ESB relating to insurance coverage in place for the operation of ESB-owned Battery Energy Storage Systems (BESS) in Ireland, including but not limited to Poolbeg, Aghada, Kylemore, and South Wall.*

*Specifically, please provide any certificate(s) of insurance or proof of coverage held or submitted for the purposes of operation, including but not limited to:*

- Public liability insurance*
- Environmental liability insurance*
- Business interruption insurance (if applicable)*

*For each certificate or proof of insurance, please include, insofar as it can lawfully be disclosed:*

- Type of coverage*
- Coverage limits / sum insured (if not commercially sensitive)*
- Policy period (start and end dates)*
- Insured parties (operator, ESB, subcontractors, etc.)*

*In addition, please include any formal record of acceptance or verification by ESB that the operational insurance in place met its requirements for connection, commissioning, or operation. I am not seeking general correspondence or email discussion threads.*

*If any part of a record is considered commercially sensitive or otherwise exempt under the AIE Regulations, I request that partial access be granted by way of redaction, in accordance with Article 10(5), rather than full refusal.*



Energy for  
generations

esb.ie

27 Sraid Mhic Liam Iochtarach  
Baile Atha Cliath, D02 KT92 Eire  
Fón +353 1 676 5831

27 Lower Fitzwilliam Street  
Dublin D02 KT92, Ireland  
Phone +353 1 676 5831

Your request has been given reference number AIE/25/08. Please quote this reference number in all future communication regarding this request.

Please note that ESB operates a centralised insurance programme for operational assets, meaning that coverage for Battery Energy Storage Systems ("**BESS**") projects is arranged under a single consolidated policy rather than on a site-by-site basis.

### **Searches Conducted**

Targeted searches were carried out across specific locations that may house ESB's insurance records, including:

- The central insurance repository for operational BESS projects;
- Project-specific folders for Poolbeg, Aghada, Kylemore, and South Wall;
- Records maintained by the Insurance team relating to operational coverage.

These searches focused on certificates of insurance, proof of coverage, and any formal acceptance or verification records. No general correspondence or email threads were reviewed, in line with your refined request.

### **Decision**

For clarity, I have divided your request into two parts:

Part 1: Access to records relating to insurance coverage in place for the operation of ESB-owned BESS in Ireland, including but not limited to Poolbeg, Aghada, Kylemore, and South Wall, and specifically, certificates or proof of coverage for public liability, environmental liability, and business interruption insurance (if applicable), with details as lawfully disclosable.

Part 2: Any formal record of acceptance or verification by ESB that the operational insurance in place met its requirements for connection, commissioning, or operation.

#### **Part 1**

Two documents (Records 1 and 2 on the attached Schedule of Records) have been identified in satisfaction of Part 1 of your request.

#### *Out of Scope*

A significant portion of the content in both these documents has been redacted because it falls outside the scope of your request. Only those sections directly relating to insurance coverage for ESB-owned BESS in Ireland have been considered in scope and are being released. The remainder of the information in the documents relate to other assets, locations, or insurance matters not relevant to your request and have therefore been redacted as this information is also out of scope.



### Article 9(1)(c)

In addition, certain information—specifically monetary sums insured and the limits of liability—has been redacted from records 1 and 2 under Article 9(1)(c) of the Regulations, as disclosure would adversely affect the confidentiality of commercially sensitive information.

The decision to redact the sums insured figures and the limit liability is based on their commercially sensitive nature. These figures include the reinstatement value of equipment and also the projected revenue it is expected to generate. Disclosure of this information could enable third parties to optimise pricing strategies for capital equipment, reveal the outcome of procurement processes and by showing the revenue forecasts enable third parties to replicate business cases and hence place ESB at a competitive disadvantage. Protecting this data is essential to safeguard ESB's broader commercial interests.

ESB relies on relevant provisions of the Freedom of Information Act 2014 (as amended), specifically sections 35(1)(a) and (b) and sections 36(1)(b) and (c), which protect information given in confidence and commercially sensitive information. In addition, ESB relies on the general equitable Doctrine of Confidentiality. Disclosure of the redacted information withheld under article 9(1)(c) would constitute a breach of duty of confidence under the equitable duty of confidence and the law of confidence generally. ESB is entitled to maintain the confidentiality of its own commercially sensitive information.

Pursuant to Article 10(3) of the AIE Regulations, I have considered the public interest served by disclosure and weighed it against the interest served by refusal. While there is a general public interest in transparency regarding insurance arrangements for operational energy assets, there is also a strong public interest in protecting commercially sensitive information, such as sums insured and premium-related details, to ensure that ESB and its insurers can operate in a competitive market without disadvantage. On balance, I conclude that the public interest lies in withholding these specific details. Accordingly, the sums insured have been redacted from the attached records 1 and 2 under Article 9(1)(c).

### Part 2

Part 2 of your request sought records regarding the adequacy, acceptance, or verification of insurance for connection, commissioning, or operation.

Following consultation with relevant colleagues and a thorough search of our records, in the locations already noted above and using the same search parameters, I can confirm that there are no records held by or for ESB that satisfy this part of your request. Therefore, I must refuse this part of your request under Article 7(5) of the Regulations.

### Additional Information Provided Outside of AIE

Although there is no requirement under the Regulations to create new records to satisfy an AIE request, I can confirm that ESB requested our insurance broker to provide a Client Information Letter (Record 3 in the attached Schedule of Records). This letter includes the following information which I believe is the information you are seeking:

- Type of coverage;
- Coverage limits / sum insured (with redactions where commercially sensitive);
- Policy period;
- Insured parties;



Energy for  
generations

esb.ie

27 Sraid Mhic Liam Iochtarach  
Baile Atha Cliath D02 KT92 Éire  
Fón +353 1 676 5831

27 Lower Fitzwilliam Street  
Dublin D02 KT92, Ireland  
Phone +353 1 676 5831

- Property Damage insurance – sums insured redacted;
- Business Interruption insurance – sums insured redacted;
- Public Liability insurance (including sudden and accidental pollution cover);

This document is being released to you outside of the AIE regime and on a without prejudice basis, in order to assist you.

### **Internal Review**

You have a right to request an internal review of this decision under Article 11(1) of the AIE Regulations. Such request must be made within one month of the receipt of this decision. Any such request should be sent via email to: [aierequests@esb.ie](mailto:aierequests@esb.ie) or by post to:

ESB AIE Requests Co-ordinator  
ESB Head Office  
27 Fitzwilliam Street Lower  
Dublin 2  
D02 KT92  
Ireland

Yours sincerely,

*Ronan McCoy*

Ronan McCoy

Senior Manager, Insurance



Energy for  
generations

esb.ie

27 Sráid Mhic Liam Iochtarach  
Baile Átha Cliath, D02 KT92, Éire  
Fón +353 1 676 5831

27 Lower Fitzwilliam Street  
Dublin, D02 KT92, Ireland  
Phone +353 1 676 5831

## Appendix A – Schedule of Records

<b>Record No.</b>	<b>Title/Description</b>	<b>Grant/Part-Grant/Refuse</b>	<b>Exemptions</b>
1	01. 251111 ESB PDBI Policy 2024-2025 Redacted_	Part-Grant	Out of Scope and 9(1)(c)
2	02. 251111 ESB PL Wording 2025 Redacted	Part-Grant	Out of Scope and 9(1)(c)
3	03. 251024 BESS Cover Letter Redacted	Part-Grant	N/A Document Provided Outside of the AIE Regulations



Marsh Ireland Brokers Ltd  
Charlotte House  
Charlemont Street  
Dublin 2  
D02 NV26  
Tel: 01 604 8100  
www.marsh.ie

**Private & Confidential**  
24<sup>th</sup> October 2025

**CONFIRMATION OF INSURANCE – Electricity Supply Board including all subsidiary and/or joint venture companies**

We, as Insurance Brokers confirm that Insurances are arranged and in place as follows:

**Property Damage & Business Interruption Insurance**

Business Description	All the Insured's business activities including statutory responsibilities, the generation, transmission and distribution of electricity, the sale of energy, property ownership and the provision of consultancy services and all ancillary activities
Policy Period	1 <sup>st</sup> November 2024 – 31 <sup>st</sup> October 2025
Lead Insurer	Chubb European Group PLC
Policy Number	IEBLNA09195
The Situation	All the Insured's premises within the Geographical Limits which are used by the Insured in connection with the Insured's Business including: <ul style="list-style-type: none"><li>• Aghada 1 19MW Battery Energy Storage System, ESB Aghada Generating Station, Ballincarroonig, Whitegate, Co. Cork, P25XE94</li><li>• Aghada 2A &amp; 2B 150MW Battery Energy Storage System, ESB Aghada Generating Station, Ballincarroonig, Whitegate, Co. Cork, P25XE94.</li><li>• Kylemore 30MW Battery Energy Storage System, ESB Site, Kylemore Way, Inchicore, Dublin 8.</li><li>• Poolbeg 30MW Battery Energy Storage System, Poolbeg Power Station, Pigeon House Road, Dublin 4.</li></ul> South Wall 75MW Battery Energy Storage System, ESB Site, Shellysbanks Road, Dublin 4
Limit of Liability	[REDACTED]

Marsh Ireland Brokers Limited, trading as Marsh Ireland, Bowring Marsh, Charity Insurance, Echelon Claims Consultants, Guy Carpenter & Company, ILCS, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh Claims Solutions, Marsh Specialty, Marsh Reclaim, and Marsh Risk Consulting, is regulated by the Central Bank of Ireland.

Marsh Ireland, Bowring Marsh, Charity Insurance, Echelon Claims Consultants, Guy Carpenter & Company, ILCS, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh Claims Solutions, Marsh Specialty, Marsh Reclaim, and Marsh Risk Consulting are trading names of Marsh Ireland Brokers Limited. Marsh Ireland Brokers Limited is a private company limited by shares registered in Ireland under company number 169458. VAT Number IE 6569458D. Registered Office: 4<sup>th</sup> Floor, 25-28 Adelaide Road, Dublin 2, Ireland, D02 RY98. Directors: T Colraine (British), P G Dromgoole (British), A J Croft (previously Kehoe), J Flahive (British), J C Grogan, P R Howett, C J Lay (British), S P Roche.

Battery Energy Storage Declared Value	Combined Property Damage Sum Insured: [REDACTED]
	Combined Business Interruption Sum Insured: [REDACTED]
Geographical Limits	The Republic of Ireland and the United Kingdom

**Public and Products Liability Insurance**

Business Description	All the Insured's business activities including statutory responsibilities, the generation, transmission and distribution of electricity, the sale of energy, property ownership and the provision of consultancy services and all ancillary activities
Policy Period	31 <sup>st</sup> March 2025 – 30 <sup>th</sup> March 2026
Lead Insurer	XL Insurance Company SE
Policy Number	IEX0000557LI24A
Limits	€30,000,000 any one occurrence unlimited any one period in respect of Public and Liability and in the aggregate in respect of Products Liability €30,000,000 any one occurrence and in the aggregate in respect of pollution and contamination arising from a sudden identifiable unintended and unexpected event
Geographical Limits	Worldwide

We have placed the insurance which is the subject of this letter after consultation with the client and based upon the client's instructions only. Terms of coverage, including limits and deductibles, are based upon information furnished to us by the client, which information we have not independently verified.

This letter is issued as a matter of information only and confers no right upon you other than those provided by the policy. This letter does not amend, extend or alter the coverage afforded by the policies described herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this letter may be issued or pertain, the insurance afforded by the policy (policies) described herein is subject to all terms, conditions, limitations, exclusions and cancellation provisions. Limits shown may have been reduced by paid claims.

We express no view and assume no liability with respect to the solvency or future ability to pay of any of the insurance companies which have issued the insurance(s).

Marsh Ireland Brokers Limited, trading as Marsh Ireland, Bowring Marsh, Charity Insurance, Echelon Claims Consultants, Guy Carpenter & Company, ILCS, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh Claims Solutions, Marsh Specialty, Marsh Reclaim, and Marsh Risk Consulting, is regulated by the Central Bank of Ireland.

Marsh Ireland, Bowring Marsh, Charity Insurance, Echelon Claims Consultants, Guy Carpenter & Company, ILCS, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh Claims Solutions, Marsh Specialty, Marsh Reclaim, and Marsh Risk Consulting are trading names of Marsh Ireland Brokers Limited. Marsh Ireland Brokers Limited is a private company limited by shares registered in Ireland under company number 169458. VAT Number IE 6569458D. Registered Office: 4<sup>th</sup> Floor, 25-28 Adelaide Road, Dublin 2, Ireland, D02 RY98. Directors: T Colraine (British), P G Dromgoole (British), A J Croft (previously Kehoe), J Flahive (British), J C Grogan, P R Howett, C J Lay (British), S P Roche.

We assume no obligation to advise yourselves of any developments regarding the insurance(s) subsequent to the date hereof. This letter is given on the condition that you forever waive any liability against us based upon the placement of the insurance(s) and/or the statements made herein with the exception only of wilful default, recklessness or fraud.

This letter may not be reproduced by you or used for any other purpose without our prior written consent.

This letter shall be governed by and shall be construed in accordance with Irish law.

Yours sincerely,

[REDACTED]

[REDACTED]

Client Advisor

[REDACTED]

Marsh Ireland Brokers Limited, trading as Marsh Ireland, Bowring Marsh, Charity Insurance, Echelon Claims Consultants, Guy Carpenter & Company, ILCS, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh Claims Solutions, Marsh Specialty, Marsh Reclaim, and Marsh Risk Consulting, is regulated by the Central Bank of Ireland.

Marsh Ireland, Bowring Marsh, Charity Insurance, Echelon Claims Consultants, Guy Carpenter & Company, ILCS, Insolutions, Lloyd & Partners, Marsh Aviation Consulting, Marsh Claims Management Services, Marsh Claims Solutions, Marsh Specialty, Marsh Reclaim, and Marsh Risk Consulting are trading names of Marsh Ireland Brokers Limited. Marsh Ireland Brokers Limited is a private company limited by shares registered in Ireland under company number 169458. VAT Number IE 6569458D. Registered Office: 4<sup>th</sup> Floor, 25-28 Adelaide Road, Dublin 2, Ireland, D02 RY98. Directors: T Colraine (British), P G Dromgoole (British), A J Croft (previously Kehoe), J Flahive (British), J C Grogan, P R Howett, C J Lay (British), S P Roche.

HPLG-MBO-02887-2025

< ministerbrowne-housing@corr.cloud.gov.ie >

Tue, 23 Sep 2025 2:38:33 PM +0100

[REDACTED]

Oifig an Aire

Office of the Minister

23rd September 2025

RE: HPLG-MBO-02887-2025

[REDACTED]

I refer to your email of August 25<sup>th</sup> to Mr James Browne, TD and Minister for Housing, Local Government and Heritage regarding solar energy development.

Firstly, I want to thank you for your email and raising the concerns contained therein.

Under section 30 of the Planning and Development Act, 2000, as amended (the 2000 Act), the Minister is specifically precluded from exercising any power or control in relation to any particular case with which a planning authority or An Coimisiún Pleanála is or may be concerned.

The Department notes the commitment in *the Programme for Government 2025 – Securing Ireland's Future* to introduce planning guidelines for solar energy developments.

In light of this commitment, the Department has begun an initial scoping process to identify the component factors relevant to the preparation of planning guidelines for solar energy development, including any appropriate environmental reporting and public consultation requirements, and the possible timeframe for publication of said guidelines. Given this scoping process remains at an early stage, such guidelines, once completed, will likely issue as a National Planning Statement, subject to commencement of the relevant provisions of the Planning and Development Act 2024 (the 2024 Act).

In the interim, there are currently no specific planning guidelines in place in respect of solar energy developments. Proposals for individual solar energy developments are subject to the statutory requirements of the 2000 Act and the 2024 Act in the same manner as other proposed developments, with planning applications made to the relevant local planning authority, or An Coimisiún Pleanála on appeal.

In addition to planning guidelines for solar energy developments, with regard to the suitability of land for types of certain development, the Department notes that the Government is also committed to completing the second phase of the Land Use Review to ensure that optimal land use options inform all relevant Government decisions, including with regard to renewable energy generally. This review aims to balance environmental, social and economic considerations. Responsibility for this review lies with the Department of Agriculture, Food and the Marine (DAFM) and the Department of Climate, Energy and the Environment (DCEE).

More generally, with regard to the planning process and ensuring that the views of communities concerning renewable energy developments are heard and given appropriate consideration, I wish to highlight that public participation is a crucial element of all substantive decision-making processes under the 2000 Act and 2024 Act. As part of the process to review city and county development plans, it is open to members of the public to make an observation or submission on the draft development plan. The development plan sets out land use zoning objectives and outlines the types of potential development, including ancillary developments, which might be suitable for a particular area, and may include objectives for solar energy development. In addition, it is open to any member of the public to make an observation or submission on a planning application, including in relation to a proposed solar energy development, and the planning authority is statutorily obliged to consider such observation or submission before making a decision on the application.

Yours sincerely,

Jack Savage

Private Secretary



An tÚdarás Sláinte agus Sábháilteachta  
Health and Safety Authority

An Foirgneamh Cathrach, Sráid James Joyce, Baile Átha Cliath 1, D01 K0Y8, Éire  
The Metropolitan Building, James Joyce Street, Dublin 1, D01 K0Y8, Ireland  
0818 289 389 [contactus@hsa.ie](mailto:contactus@hsa.ie) [www.hsa.ie](http://www.hsa.ie)

17<sup>th</sup> November 2025

Your ref: FOI/AIE Request – Safety, Risk, and Emergency Documentation for Operational Battery Energy Storage Systems (BESS)  
Our ref: FOI-0144-2025 & AIE09-2025

I refer to the request which you have made under the Freedom of Information Act 2014 (FOI) for records held by the Health and Safety Authority in relation to:

- Safety, Risk, and Emergency Documentation for Operational BESS.

Your request dated 25<sup>th</sup> September 2025 was received by the FOI Unit on 20<sup>th</sup> October 2025. As Decision Maker in this case, I have now made a final decision on 17<sup>th</sup> November 2025 to refuse your request. BESS do not fall within the remit of the Department of Enterprise, Trade and Employment and the HSA is not the competent Authority for batteries legislation. COMAH regulations do not apply to BESS. The Department of Environment, Climate and Communications (DECC) oversee battery regulation in Ireland. I am therefore refusing your request on the basis that no such records are held by the Authority.

#### **Findings, particulars and reasons for decisions to deny access.**

The sections of the Act that can apply to deny access to documents are known as exemption provisions. I consider that the exemption provisions of Section 15 of the FOI Act are relevant: *Section 15(1) a head to whom an FOI request is made may refuse to grant the request where-*

- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.*

You may appeal this decision. If you need to make such an appeal, you can do so by writing to the Freedom of Information Officer, Health and Safety Authority, Metropolitan Building, James Joyce Street, Dublin 1. In accordance with the Freedom of Information (Fees) Regulations 2014 a fee of €30 (or €10 reduced fee) must accompany your appeal. This fee can be paid by cheque, bank draft or payable order to the Health and Safety Authority.

You should make your appeal within four weeks from the date of this notification, where a day is defined as a working day excluding the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate

circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of the Health and Safety Authority.

If you wish to discuss the outcome of your request or need further clarification, please contact me at [Mairéad\\_collins@hsa.ie](mailto:Mairéad_collins@hsa.ie) or [FOI@hsa.ie](mailto:FOI@hsa.ie)

Yours sincerely,

**Mairéad Collins,**

Data Protection and Freedom of Information (FOI) Unit



An tÚdarás Sláinte agus Sábháilteachta  
Health and Safety Authority

An Foirgneamh Cathrach, Sráid James Joyce, Baile Átha Cliath 1, D01 K0Y8, Éire  
The Metropolitan Building, James Joyce Street, Dublin 1, D01 K0Y8, Ireland  
0818 289 389 [contactus@hsa.ie](mailto:contactus@hsa.ie) [www.hsa.ie](http://www.hsa.ie)

[REDACTED]  
[REDACTED]  
17<sup>th</sup> November 2025

Your ref: FOI/AIE Request – Safety, Risk, and Emergency Documentation for Operational Battery Energy Storage Systems (BESS)  
Our ref: AIE09-2025 & FOI-0144-2025

[REDACTED]  
I refer to the request you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations) for access to information held by the HSA relating to BESS.

### Summary of Decision

I made a decision on your request on 17<sup>th</sup> November 2025. Following a thorough search and consultation with colleagues, I have been unable to locate any records relevant to your request. I therefore refuse your request. I have also been unable to determine whether any other public authority might possess the records that you have requested.

### Right of review

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of this Health and Safety Authority, unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by writing to Margaret Burke, AIE Officer, referring to this decision, quoting the AIE reference number. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Please contact me at [FOI@HSA.ie](mailto:FOI@HSA.ie) if I can assist you in any matter relating to your request.

Yours sincerely,

**Mairéad Collins**

Data Protection and FOI Unit.

**ITEM 17. NOTICE OF MOTION**

4600

**Cllr. McNamara submitted the following Notice of Motion prior to the meeting:**

*'On behalf of the residents of Galway and the elected members of Galway County Council, we request that Galway County Council write to the Minister for Housing, Local Government and Heritage, and to the Minister for the Environment, Climate and Communications to urgently request the publication of updated, comprehensive regulations governing renewable energy development, including but not limited to biomethane, solar, and wind energy, as well as conventional generation facilities.*

*The Council recognises Ireland's legally binding climate targets and supports the accelerated transition to renewable energy. However, we stress that this transition must proceed in a manner that is properly planned, environmentally sustainable, and protective of public health and community well-being.*

*In light of the absence of up-to-date national guidelines, the Council calls on the Minister to:*

Page 24 of 29

*Minutes of Plenary Meeting held 22<sup>nd</sup> September 2025*

- 1. Prioritise the immediate publication of clear, enforceable regulations to provide certainty for communities, local authorities, and developers.*
- 2. Introduce, as an interim measure, a temporary pause on the approval of large-scale projects above an appropriate capacity threshold until such regulations are in place, in order to avoid inappropriate or premature development.'*

Cllr. McNamara expanded on his motion saying that it is not anti-development or anti-energy. He feels that mis-information is creating uncertainty and confusion. This motion is calling for information to ensure that energy developers proceed in a clear and precise way.

Cllr. Feeney called for a set of guidelines to be issued to allow applications be assessed against them. There is currently a vacuum of information. He called for major decisions to be put on hold until clear guidelines are published.

On the **PROPOSAL** of Cllr. McNamara **SECONDED** by Cllr. Feeney the above motion was **AGREED**.

# 1 Introduction

## 1.1 Overview

TNEI Ireland Ltd was commissioned by MKO on behalf of Neoen ('the Applicant') to undertake a Noise Impact Assessment (NIA) for the operation of a Battery Energy Storage System (BESS) and 110kV Substation, which forms part of the Proposed Project. For the purposes of this Technical Appendix, the term 'the Proposed Grid Connection' will pertain to the BESS and Substation element of the Proposed Project only.

The Proposed Grid Connection is located within a rural, agricultural setting in east Galway, approx. 12 km southeast of Tuam, at approximate ITM coordinates 554926, 748223. There are a small number of residential properties located in the vicinity of the Proposed Grid Connection, the nearest of which is located approximately 225 m to the northwest.

The method of assessing operational noise from a BESS development is very different from that which is used to assess operational wind turbine noise and, as such, the two assessment types cannot be combined. Accordingly, the assessment of operational noise attributable to the BESS and 110kV Substation is presented separately in this report, and the operational wind farm noise assessment is provided in Technical Appendix 12-2.

It should be noted that whilst the BESS and 110kV Substation element of the Proposed Project is being assessed in full within this Technical Appendix as part of this EIAR, it does not form part of the planning application for Cooloo Wind Farm at this stage as outline in Section 4.1 of Chapter 4. As part of a later application, it is anticipated that a revised NIA will be required, therefore the purpose of this NIA is to provide an initial assessment of the likely noise impacts associated with the BESS and 110kV Substation.

Accordingly, the aims of this NIA are to:

- Identify potential noise sensitive receptors in the vicinity of the Proposed Grid Connection;
- Describe the existing noise environment around the noise sensitive receptors;
- Identify the dominant sound sources associated with the operation of the Proposed Grid Connection;
- Calculate the likely levels of operational noise at the nearest noise sensitive receptors to determine the noise impacts associated with the Proposed Grid Connection; and,
- Indicate any requirements for mitigation measures, if required, to provide sufficient levels of protection for nearby receptors.

For the purpose of this application the Proposed Project will consist of the following:

- i 9 no. wind turbines with the following parameters:
  - > Total turbine tip height of 180 metres;
  - > A rotor blade diameter of 150 to 162 metres;
  - > A hub height of 90 to 105 metres;
- ii Permanent turbine foundations, hard-standing and assembly areas;
- iii Underground electrical (33kV) and communications cabling;
- iv 1 no. temporary construction compound (including site offices and welfare facilities);
- v A meteorological mast with a height of 100 metres, security fencing and associated foundation and hard-standing area;
- vi 1 no. new site entrance on the R332 in the townland Lisavally;
- vii 1 no. new access and egress point off the L6056 Local Road in the townland of Dangan Eighter;
- viii 1 no. new access and egress point on to an existing access track in the townland of Dangan Eighter;
- ix 2 no. new access and egress points off the L6301 Local Road in the townland of Cooloo and Lecarrow;
- x Upgrade of existing site tracks/roads and provision of new site access roads, clear span crossings, junctions and hard-standing areas;
- xi A new temporary access road from N63 national road and to R332 Regional Road in the townland of Slievegorm to facilitate the delivery of turbine components and other abnormal sized loads;
- xii Demolition of an existing derelict house and adjacent outbuilding in the townland of Cooloo;
- xiii Peat and Spoil Management Areas;
- xiv Tree felling and hedgerow removal;
- xv Biodiversity Management and Enhancement measures;
- xvi Site Drainage;
- xvii Operational Stage site signage; and
- xviii All ancillary apparatus and site development works above and below ground, including soft and hard landscaping.

# Schools remain shut in Baile Chláir after plant incident



By Pat McGrath  
Western Correspondent

Fire service personnel in Galway are continuing to monitor the situation at a lithium battery production plant in Baile Chláir, after an incident there forced the evacuation of a number of schools and businesses.

Some 1,700 pupils at Coláiste Bhaile Chláir and Claregalway Educate Together were sent home early yesterday as a precautionary measure. The schools remained closed today.

The incident at the Xerotech facility in Claregalway Corporate Park centred around an exothermic chemical reaction in a container in which lithium batteries were being stored.

Several units from Galway Fire Service have been dealing with the issue since Wednesday morning. Crews have been dousing the batteries with water in an effort to ensure they do not overheat.

A decision was taken to evacuate nearby business units yesterday afternoon, as fire fighters continued to deal with the incident. Work can't start there until the night and the situation is now said to be under control.

A further assessment of the site will take place later today, to see whether the industrial estate can re-open.

Water used during the cooling process was contained and recirculated in an effort to ensure there was no contamination of nearby drains, which were intentionally blocked at the start of the operation.

The multi-agency response involving the Health Service Executive and gardaí, was overseen by Galway Fire Service.

Xerotech has expanded significantly since it was established and now occupies a significant footprint in the Corporate Park.

The shut-upon caused by the chemical reaction at its base has led to some concerns among neighbouring businesses.

Kieran Cooney, who runs audiovisual production firm Cue One Ireland, said a fire at the plant in 2022 had caused significant disruption to his business there, and that the latest incident was causing further upheaval.

Mr Cooney said the uncertainty caused by the evacuation was impacting on a number of events his company is involved in over the Bank Holiday weekend. He has called for greater monitoring of the manufacturing processes at industrial facilities.

In light of the disruption, Minister of State Noel Greaney said the Xerotech company should not be permitted to reopen before concrete assurances are given regarding safety arrangements at its Baile Chláir base given its proximity to schools, businesses and residential properties.

The Galway West TD is seeking a meeting with the company to ensure such guarantees are in place as a matter of urgency.

## Most Read

- Murder probe after woman, 59, killed in Cork stabbing
- Leads of 3C vs 27AW Yellow snowbird warning issued
- Couple with intellectual disabilities allowed to marry
- US Senate approves bill to reinstate Epstein files
- Public asked for views on right to request remote working
- Application to recycle tonnes of flooding interceptors ash
- Books of resistance opened 100th killed in Lough rush
- Lisa Pallesch, Lisa Searcoid family's succession case

## News Connacht Regional



More by Pat McGrath  
Western Correspondent

President Cooney ends first day in office in Galway

High hopes for Galway County's presidency in Galway

Cooney's career marked by 'quiet, steady determination'

Inquiry into circumstances of woman's death in Galway

Call for action against spread of hatred on social media

- DISCOVER
- RTE iPlayer
  - RTE Archives
  - RTE Documental
  - History
  - Soundbite
  - RTE Live
  - RTE Radio

- VIDEO
- RTE Player
  - TV
  - RTE News
  - RTE 24
  - RTE 24 HD
  - RTE 24 HD
  - RTE 24 HD

- LISTEN
- Radio
  - Podcasts
  - RTE Radio 1
  - RTE 24 HD
  - RTE 24 HD
  - RTE 24 HD
  - RTE 24 HD

- SERVICES
- Orchestra
  - RTE Manager
  - Search & Replace
  - RTE Store
  - RTÉ
  - RTÉ
  - RTÉ

- HELP
- Contact
  - Feedback
  - Accessibility
  - Privacy and Reports
  - Cooperation
  - Terms & Conditions
  - Feedback & Rights Guide
  - Privacy Policy
  - Contact Policy
  - Feedback & Rights

- INTERNAL LINK
- About RTE
  - TV & Radio
  - News
  - Letter to the Editor
  - What we will do
  - Jobs
  - Partners
  - Newsletters
  - RTE Supporting the Arts





Home | Breaking News

## Battery fire incident in Claregalway now contained

Published: 11:45pm, 15th Nov



Author: Eoin O'Sullivan



This article first appeared on Galway Bay FM

The ongoing battery fire incident in Claregalway has now been contained.

Fire crews remain at the scene, and some firefighters were sent to hospital as a precaution.

The incident outside Xerotech at Claregalway Corporate Park is now in its third day.

It started early on Wednesday morning in a shipping container which held industrial batteries.

Yesterday, the corporate park itself was evacuated, as were two nearby schools, and around a dozen homes at Lahavane.

The difficulty hasn't been in extinguishing a conventional fire – but in keeping extremely volatile batteries cooled down so they don't re-ignite.

Crews have now isolated those batteries from the shipping container and placed them a skip of water.

There have been concerns over air quality contamination, and several firefighters were taken to hospital as a precaution after showing mild physical symptoms.

Air quality testing will determine if businesses can return to the corporate park later today – but emergency services will likely remain on site for the foreseeable future.



### More like this:



#### Riverwalk between Cross Street and Salmon Weir Bridge closed for works

This article first appeared on Galway Bay FM by R. Carroll from Seamus Wild, Publication and Civic Editor.



#### Food and craft fair returns to city next week

This article first appeared on Galway Bay FM. The annual local food and craft fair is the final.



#### Abbeysknockmoy widow faces constant threat from flooding

THE home of a widow living outside Abbeysknockmoy is constantly under threat of flooding due to...



#### Galway native's brace of goals steer Shamrock Rovers to league and cup double

The proud parents of Thomas Egan Cup Final hero Rory Gallivan are ecstatic and proud that he overca...





Comhairle Chontae na Gaillimhe  
Galway County Council

30th January 2025

## **Press Statement Galway County Council**

### **Major Fire Incident at Claregalway Corporate Business Park**

**Galway Fire and Rescue Service is currently responding to a fire in a container storing batteries at the Claregalway Corporate Business Park. As a precautionary measure, a partial evacuation of the business park is underway.**

**In the interest of public safety, Claregalway Educate Together National School and Coláiste Bhaile Chláir secondary school are also being evacuated. An Garda Síochána is assisting with the evacuation process.**

**All pupils from Coláiste Bhaile Chláir secondary school are being transported by bus to Claregalway GAA Club at Knockdoemore.**

**Pupils from the Claregalway Educate Together National School are being evacuated to the church in Claregalway.**

**Parents and guardians are advised not to go to the schools, as access is restricted. Instead, they are requested to collect their children directly from the above locations.**

**The schools have also been in communication with school guardians.**

**Emergency services remain on site, and further updates will be provided as the situation develops.**

**Galway County Council urges the public to follow official guidance and avoid the area to allow emergency services to carry out their work.**