

28 November 2023

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

Dear Sir/Madam,

Re: Strategic Infrastructure Development – Proposed Open Cycle Gas Turbine (OCGT) power plant fuelled by Hydrotreated Vegetable Oil (HVO) along with associated buildings, plant, site works, services and ancillary development on land within the existing SSE Tarbert Power Station site at Tarbert Island, Tarbert, Co. Kerry.

We are instructed by our client, SSE Generation Ireland Ltd.¹, to submit an application to An Bord Pleanála for a 10-year planning permission to develop an Open Cycle Gas Turbine ('OCGT') power plant fuelled by Hydrotreated Vegetable Oil ('HVO') along with associated buildings, plant, site works, services and ancillary development on land within the existing SSE Tarbert Power Station site at Tarbert Island, Tarbert, Co. Kerry.

Proposed Development

The development description reads as follows:

Demolition of existing structures on site (Including workshop and storage buildings, shot blasting shed, lube oil store, toilet block, chemical storage bund, boiler wash storage tank, canteen, demineralised water tank, water treatment plant building and associated infrastructure, 'puraflo' wastewater treatment plant, tanks and fuel lines); Construction of OCGT power plant (350MW), and associated building (30m high) including air intake; Emissions stack (55m high) with continuous emissions monitoring systems ('CEMS'); Selective Catalytic Reduction ('SCR') with air intake, filters and dilution fans; Skids; 2no. blocks of fin fan coolers; Power control module; Emergency generator; One unit transformer and one grid transformer with a firewall separating, and overhead cable connection to existing 220kV substation; Aqueous ammonia tank; Propane gas tank, compound and unloading bay;

¹ Red Oak South, South County Business Park, Leopardstown, Dublin 18, Dublin, D18 W688

Demineralised water treatment plant; 2no. Demineralised water storage tanks; Raw water and fire water storage tank; Fire water module; 3no. fuel storage tanks with 2no. unloading bays; Fuel polishing and transfer system; Fuel pipework; Wastewater treatment plant; Administration building and workshop with associated car parking area (8no. spaces); Store; Flood defence wall and gates; And all associated ancillary development, site works and services including internal roads, security fencing and gates, drainage infrastructure, lighting, underground pipework and cabling.

The application relates to development for the purposes of an activity requiring a license from the Environmental Protection Agency under the Environmental Protection Agency Act 1992, as amended. It also relates to a COMAH establishment and therefore falls under the requirements of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, 2015.

An Environmental Impact Assessment Report ('EIAR') and Natura Impact Statement ('NIS') will be submitted with the application.

The Proposed Development provides quick response electricity generation capability which will help to maintain security of supply while supporting Ireland in its transition to a low carbon economy in line with National Development Plan and Climate Action Plan objectives. It will also help to replace generation capacity that will be lost through the planned retirement of more carbon-intensive power stations in the coming years.

Need for the Proposed Development

The National Development Plan (2021-2030) (NDP) is clear that maintaining security of energy supply is a key national priority for the coming decade and beyond. This has been further underlined by the Government's 'Policy Statement on Security of Electricity Supply', published in October 2022. The latest Climate Action Plan ('CAP23') also emphasises the need for urgent delivery of new dispatchable generation capacity.

The NDP identifies an urgent requirement to deliver c. 2 GW of new conventional generation capacity by 2030 alongside c. 15.5 GW of new renewable capacity within the next ten years just to keep pace with increased demand for electricity, with Eirgrid's latest Capacity Outlook identifying capacity deficits for each year up to 2031. The position is stark, and has been exacerbated by:

- Lower than expected availability of some existing power stations.
- Anticipated new power stations not being developed as planned.
- Exceptional growth in demand for electricity due to increased economic activity, including the growth of large energy users such as data centres.
- The expected closure over the coming years of power stations which make up approx. 25% of existing conventional generation capacity.

Approximately 1,650MW of generation capacity is scheduled to be retired in the Republic of Ireland over the coming years, with a further 500-600MW retiring in Northern Ireland. Risks around extended periods of low renewable generation output and delays in the delivery of planned offshore capacity must also be countered. New conventional generation capacity, in particular 'open cycle' technology

that can respond quickly to shortfalls in power generation at times of high demand, is therefore essential and its delivery must be prioritised.

This has been explicitly stated in the Government's 'Policy statement on Security of Electricity Supply' and the accompanying Circular (12/2021) issued to An Bord Pleanála and the Directors of Planning of each local authority in December 2021. The Departmental Circular states that *"the development of new conventional generation is a national priority"* and that the determination of applications for such infrastructure *"should be prioritised as much as possible"*.

The latest Climate Action Plan further emphasises the need for urgent delivery. Key measures identified for the energy sector in CAP23 include that *"The CRU and Eirgrid will ensure an adequate level of conventional dispatchable generation capacity and deliver at least 2GW of new flexible ...generation"*². The proposal which is the subject of this application is for exactly this type of infrastructure. It will perform a critical role for the State as a responsive power generator in helping to maintain security of supply and facilitating the integration of more renewable generation into the electricity network.

Proposed Development Site

The Proposed Development Site comprises a previously developed area of the existing SSE Tarbert Power Station site which is located on Tarbert Island, approximately 1.8km north of the town of Tarbert in Co. Kerry. Tarbert Power Station is accessed via the N67, a National Secondary Road, which connects the Proposed Development Site to the N69 (Tralee/Limerick Road), located approximately 1.8km to the south. The existing SSE Power Station site comprises an area of c. 42 ha. and the area of the Proposed Development measures c. 15.18 ha. and lies to the west of the existing Tarbert Heavy Fuel Oil ('HFO') Power Station. The Proposed Development Site's position within the existing industrial context of the SSE Tarbert Power Station site, with existing transmission infrastructure adjoining, makes it ideally suited for the type of development proposed.

The Applicant

The Applicant, SSE Generation Ireland Limited, part of the FTSE-listed SSE plc, is a leading developer, owner and operator of flexible generation, energy-from-waste, and energy storage assets, with over 600 direct employees across the UK and Ireland. SSE's vision is to become the leading provider of flexible thermal energy in a net-zero world. In addition to the existing Tarbert HFO Power Station, which is to be decommissioned at the end of 2023, SSE currently operates power stations at Tawnaghmore in Co. Sligo, Rhode in Co. Offaly and Great Island in Co. Wexford.

Application Submission

Two hard copies of the following documents are enclosed:

² CAP23, p. 139

- SID Planning Application form and Appendices.
- Planning Statement.
- Environmental Impact Assessment Report
- Natura Impact Statement (Appendix 9B of the EIAR)
- Application Drawings (Schedule attached)

8 no. electronic copies (USB) of the full application are also included.

A dedicated project website includes a copy of the submitted planning application material and is referenced in the public notices for the application. The website can be found at: www.ssetarbertnextgen.com.

Notification of the application has been provided to the EIA Portal, and a copy of the confirmation notice is attached with the application form. A copy of the planning application, including the EIAR and NIS, has also been provided to Kerry County Council for display at its offices.

The required SID application fee of €100,000 has been paid directly to An Bord Pleanála by the Applicant by way of an EFT (electronic fund transfer)³.

We trust that the enclosed information is clear and look forward to hearing from you in due course.

Yours faithfully,



Ed Barrett
Gravis Planning

³ Transaction Ref. 169205

Letter Attachments

- A. Drawing Register
- B. SID Determination Letter (ABP-316229-23)

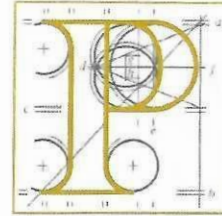
A. Drawing Register

60695232-TBT-DR-021		Proposed fencing details	A	A1	1
60695232-TBT-DR-022		Proposed Lighting overall plan	B	A1	3

B. SID Determination Letter

Our Case Number: ABP-316229-23

Your Reference: SSE Generation Ireland Ltd



An
Bord
Pleanála

Gravis Planning
c/o Ed Barrett
41 Baggot Street Lower
Dublin 2
D02 NN67

Date: 16 October 2023

Re: Proposed 350MW Low Carbon Open Cycle Gas Turbine (OCGT) fuelled by hydrotreated vegetable oil, administration building and workshop, and ancillary plant and infrastructure.
Tarbert Power Station, Tarbert, Co. Kerry.

Dear Sir / Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act 2000, as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a) and (b) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act 2000, as amended. Any application for permission for the proposed development must, therefore, be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

An Chomhairle Ealaíon

An Taisce

Commission for Regulation of Utilities

Cork County Council

Department of Agriculture, Food and the Marine

Department of the Environment, Climate and Communications

Department of Housing, Local Government and Heritage

Environmental Protection Agency

Fáilte Ireland

Health Service Executive

Irish Water

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

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

Kerry County Council

Southern Regional Assembly

Transport Infrastructure Ireland

Further notifications should also be made where deemed appropriate.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

In accordance with the fees payable to the Board and where not more than one pre-application meeting is held in the determination of a case, a refund of €3,500 is payable to the person who submitted the pre-application consultation fee. As only one meeting was required in this case, a refund of €3,500 will be sent to you in due course.

The following information relates to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act 2000, as amended.

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website,
www.citizensinformation.ie.

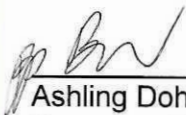
Tel	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
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Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

If you have any queries in the meantime, please contact the undersigned officer of the Board or email sids@pleanala.ie quoting the above mentioned An Bord Pleanála reference number in any correspondence with the Board.

Yours faithfully,



Ashling Doherty
Executive Officer
Direct Line: 01-8737160

PC09A

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