

Submission to An Coimisiún Pleanála

Coolpowra OCGT (A07.320095), BESS (ABP-320916-24) and GIS (A07.320094), Co. Galway

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I make this submission as someone who grew up, and farms within 1km of this development, including lands adjacent to it. This proposed development would be in full view of everywhere I farm. As noted in my 2024 submission, I hope to build and continue my life here full time and start a family. However, this very much depends on the planner's decision. To say the least, it has been a frustrating 2 years with this dark cloud hanging over everyone.

The Commission will naturally be aware of many communities across the country voicing concerns in terms of renewable energy projects, or 50MW battery storage etc. This proposal is not comparable with those cases. I hope the Commission can keep this in mind in terms of the locality's worries.

My principal concern is the effect this development would have on the locality. I am particularly vulnerable to noise and raised significant flaws in their noise assessment previously and was disappointed to not see this addressed in the FI request. I farm adjacent to the applicant's lands. These are low lying wet lands with hydrological connectivity to sensitive waters and European sites. I also worry about their stream diversions and impermeable surfaces their projects would bring, and the effects these would have on my lands drainage which already struggle with the water levels (as does the applicants site). Another worry is the bias throughout the EIAR indicates to me that the developer would not admit to such shortcomings within the site.

If needed, I would request that ACP seek verification on all aspects of the applicant's EIAR. It doesn't hold to scrutiny in literally any chapter I could read in the short timeframe I had. The visual impact goes without saying. I will also add my personal experiences to the end of this submission.

One of the principal reasons against this case overall is climate and emissions, and I will deal with that at length below. I summarise my other grounds first, briefly, and then set out in detail why a grant of permission for a fossil-fuel plant of this scale would fall outside the range of decisions lawfully open to the Commission under section 15(1) of the Climate Act.

Part 1 — Other grounds, in brief

Cost to the consumer. The applicant, per letter to CRU, primarily seeks to support data centres. Please see the article below **and note the largest recipient of capacity payments;**

Consumers' energy bills set to rise further as more data centres will add to costs

Commission for Regulation of Utilities confirms data centres and power suppliers are eligible for big capacity payments



<https://www.independent.ie/irish-news/consumers-energy-bills-set-to-rise-further-as-more-data-centres-will-add-to-costs/a/132138868.html>

I also note that the applicant now seeks to situate a 250MW data centre beside the gas plant that they're getting nicely paid for in the article above, which in its own EIAR says will provide proximate generation to said data centre. The developer is getting paid by CRM to produce generation to the local node and now seeks to drain that same node with an adjacent 250MW data centre in Red Admiral DC.

I also adopt and support the detailed grounds set out in the East Galway Gas Plant Concern Group's observation. In summary: the three projects are interdependent yet split across separate files, so the development is never assessed as a whole; the need for the plant is not made out against the State's own adequacy data; the site is developer-led, greenfield and unzoned, with no genuine alternatives assessed; the stated purpose conflicts with the developer's own account to the energy regulator of supporting data centres (see the applicant's own precedent in Red Admiral DC); the plethora of evidence that illustrates how unsafe the roads and traffic would be; the Appropriate Assessment is scoped to the access road and not the plant; and the application was incomplete when lodged. Each of these is developed in the group submission. My focus here is climate.

Part 2 — Climate: why a grant would fall outside the lawful spectrum

1. The legal standard, and why it has teeth

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended in 2021, requires the Commission to perform its functions in a manner consistent, so far as practicable, with the most recent approved climate action plan and with the furtherance of the national climate objective. In the Coolglass case, the Supreme Court confirmed that this is not a procedural box-ticking duty. It is a real and substantive obligation, stronger than a duty merely to "have regard to" climate objectives. Most importantly, the Court held that it is **a legal test, not a procedural one** — a court must be able to decide whether the obligation has been complied with or not.

That is the point on which this submission turns. The Court accepted that section 15(1) allows the Commission a range of lawful outcomes — a "spectrum." But a spectrum has edges. If the duty is a legal test a court can review, then there must be decisions that fall outside the spectrum, or the test would mean nothing. The question for the Commission is not whether it has discretion; it

is whether a grant of permission for this development could lie within the range of outcomes consistent, so far as practicable, with a climate action plan built on a falling electricity-sector emissions ceiling and a 2050 net-zero objective. My submission is that it could not.

2. The first reason a grant lies outside the spectrum: the Commission cannot lawfully locate the decision on the spectrum at all, because the emissions figure is wrong

To perform the section 15(1) test, the Commission must know how much this development would emit. It cannot assess whether a decision is consistent with the carbon budget if it does not know the development's emissions. Here, it does not.

The developer's Environmental Impact Assessment Report documents operational emissions of approximately 586,400 tonnes of CO₂ per year. But the gas burn rate stated in the same chapter is not technically compatible with a 1,155 MW gas plant. Applying the standard methodology to the actual plant gives emissions in the order of 900,000 CO₂ per year, approximately 50% above the documented figure. The documented figure also implies an emissions intensity of about 347 tonnes per gigawatt-hour, below the level an open-cycle gas turbine at this efficiency can physically achieve. A directly comparable plant, ESB Aghada, running the same technology for the same hours, reports a physically correct intensity that, scaled to 1,155 MW, gives roughly 900,000 tonnes per year - the corrected figure, not the documented one.

The consequence for section 15(1) is decisive. A legal test of consistency cannot be performed against a false input. If the Commission assesses consistency with the carbon budget using a figure that understates the development's emissions by half, it has not performed the section 15(1) test — it has performed a different test, on a development that does not exist. The Commission cannot lawfully place this grant anywhere on the spectrum, because it does not have a true figure for the one variable the test depends on.

3. The second reason: on the corrected figure, a grant is substantively outside the spectrum

Even if the figure is corrected, a grant remains outside the range of consistent outcomes. The corrected emissions of approximately 900,000 tonnes per year are a material fraction of the electricity sector's emissions ceiling for the second carbon budget period (2026–2030). The electricity sector is required to cut its emissions by some 75% on 2018 levels by 2030. Taken together with the existing and approved gas generation in the same part of east Galway, the cumulative emissions consume a substantial share of that sectoral ceiling considering the nearby active Tynagh CCGT and approved Tynagh OCGT.

A new fossil-fuel plant of this scale, with an operating life of twenty-five years and more, would lock in those emissions for decades in a sector that is legally required to decarbonise. A decision to grant such a development cannot sensibly be described as consistent, so far as practicable, with a climate action plan whose entire architecture is a declining ceiling toward net-zero. The plant does not assist that trajectory; it runs against it, and binds the State to it for a generation. That is, exhibit A, of a decision outside the spectrum.

4. The third reason: “in so far as practicable” points to refusal, not away from it

The consistency duty is qualified by the words “in so far as practicable.” In Coolglass, that flexibility was relevant because refusing a renewable project might itself be inconsistent with the climate objective — the flexibility ran in favour of climate-positive development. Here it runs the other way. It is plainly practicable for the Commission to decline this development: the need for it has not been demonstrated, the 2GW target is on course to be surpassed per the State's Transmission System Operator's adequacy data which no longer supports it. The applicant has failed to qualify in the capacity market it was said to serve, and the same flexibility that might help a grant for a windfarm gives caution for a high-emissions fossil plant. Where a development's need is unproven and its emissions are understated, “in so far as practicable” does not rescue a grant. It points to refusal.

5. The development plan does not save a grant

In Coolglass, the Court held that the Commission may ordinarily assume that a development plan is consistent with climate objectives, and that a plan designation will typically be followed. That assumption does not assist the applicant here. This is unzoned, greenfield agricultural land. No development plan designates it for fossil-fuel generation, or for energy generation at all. There is no plan designation in the applicant's favour for the climate assumption to attach to. The development plan, far from supporting the grant, is silent on these facilities and the applicant must therefore justify a fossil-fuel plant on a site the plan never marked for it, against a falling sectoral ceiling, on an emissions figure that is wrong by half. The Galway CGP has identified a strategic economic corridor for large facilities such as this.

6. It does not replace anything

Ireland is not using coal or peat for national electricity generation. This proposed development does not replace any dirtier fuels as their replacements have already been lined up in the SEM's Capacity Market per EirGrid's AIRAA. By the time this plant would be built, it would be the exact technology that we'll be trying to get away from. The developer's director, Nigel Reams, is also a director for the IESA. The IESA is a small outfit, and wrote to CRU in 2023 stating that LDES can replace the need for the fossil fuel peaking plant. The file is within the East Galway Gas Plant Concern Group submission.

This also undermines the claim that the plant is a transitional bridge. The applicant's own director is, through the IESA, advocating that energy storage should replace fossil-fuel peaking plant of exactly this kind. **A development cannot credibly be presented as a long-term necessary replacement for less efficient generation when those associated with it are simultaneously advocating for the technology that would replace it.**

7. Why this submission does not repeat the arguments that have failed

I am aware that climate objections to gas-fired generation have not, so far, succeeded. They have tended to fail for identifiable reasons, and I have tried to avoid them. They have failed where the objector did not put the case clearly at the planning stage; I put it here, on the planning record. They have failed where the objector assessed the plant in isolation rather than in a system context; my point is not about the plant in isolation but about a baseline gross-emissions figure that is wrong by half, which infects every system-level and net calculation built upon it. The plant

has no off-ramp in terms of its emissions – the premise of renewable gases is unproven in Ireland and this plant cannot take renewable gas if it was built as described tomorrow.

Cases have failed where the objector relied on the EU Taxonomy as a legal bar; I do not. I understand the courts have held that the Taxonomy imposes no substantive obligation on planning decision-takers, and I refer to it only as context for whether this development can honestly be called consistent with the State's climate path as claimed in the EIAR – it is not a transitional activity.

The argument I make is narrower and harder to set aside: the section 15(1) test cannot be performed on a false emissions figure, and on the true figure a grant lies outside the spectrum of consistent outcomes.

With regards to above, the Supreme Court did not define the outer limit of that spectrum in the abstract; it left the boundary to be drawn case by case. But a spectrum without a defined edge is not a spectrum without an edge. Wherever the line falls between a decision that is consistent, so far as practicable, with the climate objective and one that is not, a 1,155 MW fossil-fuel plant emitting some 900,000 tonnes a year on the corrected figure, locking those emissions in for decades as the sector must cut three-quarters of its own, on land never zoned for it and for a need not shown. It surely lies beyond that line.

If this development is within the spectrum, I would like to see what fossil-fuel development would fall outside it.

Conclusion

Section 15(1) is a legal test, and a spectrum of lawful outcomes is still a bounded one. A grant of permission for a 1,155 MW fossil-fuel plant; whose emissions the developer's own assessment understates by approximately half, which would lock in some 900,000 tonnes of CO₂ a year for decades as the electricity sector is required to cut three-quarters of its emissions and eventually hit net zero, on unzoned greenfield land the development plan never marked for it, and for which the need has not been shown, falls outside the range of decisions consistent, so far as practicable, with the State's climate obligations. For that reason, and for the further reasons in the group observation, I respectfully ask the Commission to refuse permission for all three applications.

My Own Experiences

As said in the outset, I am very local to this proposed site. And extremely worried for my future. I see what is going on in Castlelost. It seems formulaic. And could well be the precedent.

I have great sympathy for you, the planning inspector, or inspectors if there are three of you, that have to read through Halston's material. And if it's any consolation, at least you don't have to do it for free like I do. I get asked most days how's the situation going with the gas plant, and it's hard to provide them with legitimate context considering the mirage of an EIAR we've been provided with twice now, when every action by the developer outside of it points towards ulterior motives.

Locally I see the developer buying all the land from people who happen to live more than an hour away. It gives a vulnerable, helpless feeling to those who live locally, none of which want this developer near them. Yet the developer defends the land-take in the addendum, somehow specifying that this project is site specific. On a site that literally cannot accommodate their project either technically or physically. This case is a prime example of why developers should adhere to plan-led development, Lumclon Energy have amassed north of 270 acres while every roads policy says they cannot build here. That's before environment and need case. I hope for other communities that some regulation to prevent this happening can be brought in in future.

I see the bias throughout the EIAR, written by Nigel Ream's business associate; Colm Staunton.

I see plenty of deferrals throughout the document, as well as FI responses that are based on analyses taken before the FI was asked.

I see FI responses claiming a required contact didn't pick up the phone yet the response was submitted five months ahead of schedule.

I see material omissions in terms of HGV numbers, road investigations, the technicalities of the project delivery as set out by EirGrid, hydrological connections, AA and NIS screening.

They're all discussed in the group FI submission I have read. And I encourage the planning inspectors to pay careful attention to it as in many cases it has more knowledge about the local environment than the developer seems to. One technical expert I was talking to said that the EIAR was the worst they had ever seen in their life – and they've seen a lot of them. I should be confident in that case, but then I don't know how the planning system really works.

I see the EIAR claiming that the visual impact will be significant "but localised" – as if that makes it ok.

I see the EIAR claiming that this project **is beneficial to the climate** as it emits 900,000 T CO₂e/yr (~30% of the 2030 electricity sectoral limit) over me for the next 25-30 years.

I see glaringly obvious, undealt with, favourable portrayals of the project. To my knowledge the gas plant has not developed chameleon technology since the original EIAR;

2024 EIAR Cover (& Visual Impact Assessments);



2026 Addendum Cover;



What I didn't see across the thousands of pages within the EIAR were things like;

- Transport plans and road structure assessments for the 550-Tonne GIS transformer in the EIAR, deemed “undeliverable by Irish roads” by a senior ESB engineer.
- Plans to traverse Killimor village with HGVs
- Plans to traverse the N65 and L8763. They actually seem to be suggesting both options are doable, yet can't seem to settle on one.
- The actual HGV total numbers
- Confirmation whether the construction access road is temporary
- How the developer will cope with the 1,000MW limit on Oldstreet substation, hence EirGrid's rejection of them in the SEM.
- An email to the Galway County Council fire department
- An AA & NIS as requested by ACP
- Alternative site analysis
- Complete COMAH
- The gas pipeline's (a) new route and (b) its EIAR assessment and (c) its planning application
- The AIS – GIS connection

What has gone on in Coolpowra is difficult to comprehend.

The developer was in the high court taking on EirGrid and the CRU in late 2024. One of the issues was the gas pipeline cannot be constructed within a 4-year timeframe. A few months later, the locality get notice that GNI is hosting a public consultation in Kiltormer Community Hall in May of 2025. Kiltormer is not near Coolpowra. And it's also not near the pipeline route shown in the 2024

EIAR, but it is now because the route has changed from New Inn to Ballinasloe. **Yet it's not in the addendum.**

It was a consultation with plenty of GNI stations. And one Lumcloon Energy station down the back with two staff. They weren't advertised, but it was the first time the locality got the opportunity to see some of them, one year after they submitted the project. I talked to them for most of the night. Everything was cordial and relaxed. My observations are below;

Firstly I asked why here, why now, one year after the application. The representative was surprisingly open. He said GNI wanted nothing to do this project. That they had to pay them to conduct the study / routes. And that they put a condition that Lumcloon Energy must be in attendance for any GNI public consultation events.

Everyone that came up to them asking why, the answer was 2GW. I asked what's the progress on this target. They said zero. I asked about your own Castelost 275MW plant in this context, they went silent. I asked about the other plants in the planning pipeline and EirGrid's adequacy assessments, they remained silent. Yet when anyone else came over to ask why a massive gas plant in East Galway, the answer reverted to *"2GW / the country won't be able to put the kettle on"*.

Any time I put some knowledge to them, they laughed. I asked about Vitol Energy being the majority shareholder of their Castleost Flex Gen project, and potentially this one. They just laughed and said *"someone's been reading up on us"*. Another person asked what is the plan if they got permission for the gas plant and if it is data centres – the developer representative laughed and said *"one thing at a time"*.

One of them said they saw a submission claiming they could see the plant from a significant distance away, so he pinpointed the map, worked out the trajectories and technicalities and eventually determined that they could not see it. Looking back, it's funny that they would undertake a trivial solo task such as that, yet fail to contact someone ACP specifically requested as they didn't answer the phone.

The developer talks in the EIAR about their project bringing people to the local area. There was a house for sale recently in the Coolpowra locality. Someone from a different county bought it for north of EUR 300,000. They got in contact with the locality about the gas plant, as they only heard about it after going "sale agreed". One month later the house was back on the market for EUR 270,000. I know people here who had planned on either building or buying, one of which literally works in the energy industry, and now will not situate here due to the potential of living under Lumcloon Energy's shadow.

Near the end of the evening, one of the developer representatives, a senior figure, was speaking with me and a neighbour, and made what was, to my mind, the most significant information of the night. He said *"look, it's a speculative project, we'll just see what happens"*. And therein lies my frustration when I see the Alternative Sites FI request. I know the truth. The developer knows the truth. Going by the question I think the Commission knows the truth. Alas it's all allegations on paper.

This project would decimate the community in the long run. There is no other way of putting it. No one here wants this. The need case has dwindled. The developer is writing to CRU about supporting data centres. And **I know** that it's a speculative project straight from the developer's mouth, yet have to read thousands of pages written to the Commission trying to pretend that it's not.

On a final note. I believe the developer sued the country's TSO and Energy Regulator in the time since the original application went in;

<https://www.businesspost.ie/news/energy-firms-sue-eirgrid-and-energy-regulator-after-projects-worth-e1bn-locked-out-of-auction/>

It isn't the first time it's crossed the mind either;

<https://www.irishtimes.com/business/energy-and-resources/developer-lumcloon-threatens-legal-action-against-eirgrid-1.1506518>

Incidentally, the developer never built that gas plant, I wonder why the applicant didn't consider retrying where they already had permission for a gas plant.