Jonathan Dunne

From:	Safety Before LNG SLNG <safetybeforelng@hotmail.com>
Sent:	Monday, September 22, 2025 3:28 PM
To:	Bord
Cc:	SIDS; Eddie Mitchell
Subject:	Further Information Response to An Coimisiún Pleanála Request on Shannon LNG planning application ABP-322568-25
Attachments:	322568-25 Shannon LNG Further Information Response.pdf

Dear Sir/Madam,

Please find attached our Further Information Response to the An Coimisiún Pleanála Request on Shannon LNG planning application ABP-322568-25.

Please do not hesitate to contact us if you require any further information.

Yours faithfully,
John McElligott (Safety Before LNG) and
Eddie Mitchell (Communities for Environment First).

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Case Number ABP-322568-25

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22 September 2025

Re: Further Information Response to An Coimisiún Pleanála Request on Shannon LNG planning application ABP-322568-25[1]
(10 year permission for proposed Shannon Technology and Energy Park consisting of power plant, battery energy storage system, floating storage and regasification unit, jetty, onshore receiving facilities, above ground installation and all ancillary structures/works).

Submission by:

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Dear Sir/Madam,

'Safety Before LNG' and 'Communities for Environment First' welcome the opportunity to respond to your invitation[2] of August 26th 2025 to make submissions or observations in relation to the further responses you have received from Shannon LNG and from the Department of Climate, Energy and the Environment regarding the Shannon LNG planning application reference ABP-322568-25[3].

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[1] https://www.pleanala.ie/en-ie/case/322568
[2] https://drive.google.com/file/d/105u2dpsN9Riee-yw5LJYMH8PwM-dmUJ-/view or https://safetybeforelng.ie/pressreleases/pressrelease20250819-Minister-Refuses-T0-clarify-governement-policy-on-Shannon-LNG.html
[3] https://www.pleanala.ie/en-ie/case/322568

SUMMARY

There are now very strong grounds for An Coimisiún Pleanála to refuse planning permission for the proposed commercial Shannon LNG terminal and its associated 600MW power station because it would run counter to the Government decision to only approve the construction by Gas Networks Ireland of an emergency-use-only LNG terminal, would instantly **flood Ireland with treble the amount of gas** which the renewable energy sector would not be able to compete with, would breach sectoral emissions ceilings leaving Ireland exposed to millions more in fines from Europe and would breach all obligations under the Climate Act. The Minister for Energy has refused to clarify the Government position on the commercial Shannon LNG planning application requested directly of him by An Coimisiún Pleanála. Because of concerns that there is a sleight-of-hand, silent policy and plan by Government to support multiple LNG terminals in Ireland - silent to illegally avoid referring to it in the Climate Action Plan and having to assess the related emissions and the carbon leakage offshoring of emissions - we request that the Commission organises an **oral hearing** to force the Minister to clarify government policy on the commercial Shannon LNG proposal to flood Ireland with US fracked gas from the sacrifice zones of Pennsylvania.

The emissions figures are mind-boggling. Trebling the amount of fossil gas in the market, trebles the territorial emissions. The 600MW Power Station would account for, on its own, 1/3rd of all budgeted emissions from the entire electricity sector in 2030. Even if fracked LNG was to take a plausible 50% share of today's Irish gas market this would lead to carbon leakage comparable to half of Ireland's annual GHG emissions from Agriculture when considered under GWP20.

3 gigawatts of gas-fired stations already have planning consent, breaching the 2 gigawatts government policy target for new gas plants as identified in the National Development and Climate Action plans, with a further 2.7GW in the planning process. Gas-Fired power stations are paid to be on standby – in this case, a 10-year capacity contract worth *€494 million* would be paid to Shannon LNG – to ensure supply during peak demand or low renewable output. These costs are passed on to electricity customers in their domestic electricity bills via 'capacity payments' tariffs, when Ireland is already one of the most expensive countries in the EU for electricity. Electricity bills increase for each unnecessary gas-fired power station that gets planning permission.

The Government has already recognised in its policy statements that "*fracked gas can have significantly higher greenhouse gas emissions than conventional natural gas, both nationally and globally, and the widespread use of fracked gas*", as proposed by Shannon LNG "*would not be consistent with Ireland's 2030 and 2050 climate objectives nor globally with the Paris Agreement*"

Ireland does not import any fracked gas or any Russian gas because all its imported gas is sourced from the UK and Norwegian North Sea gas fields.

An Coimisiún Pleanála is being obliged by the High Court to make a decision for the second time on this planning application by Shannon LNG because when it made the decision to refuse planning permission the first time, the ongoing draft Energy Review and interim policy was incorrectly classified by the Commission as national policy. This time, the Energy Review has been completed, having been approved without change by the Government and It would be reasonable to return the same decision to refuse planning consent because the Energy Review clearly does not support a private commercial LNG terminal being developed in Ireland.

DETAILED DISCUSSION

1. Requesting Oral Hearing

We are deeply concerned that the Department of Climate, Energy and the Environment in its response[4] to An Coimisiún Pleanála, dated August 5th, 2025, has refused to clarify the Irish Government's policy position on the Shannon LNG planning application, even though it was requested to do so by An Coimisiún Pleanála on June 27th, 2025.

We therefore formally request an Oral Hearing be carried out to oblige the Department to transparently collaborate in good faith and address the clear question asked of it by the Commission, which was "*to provide the Commission with information as to what in the Minister's view are the implications of the Government's current policy, as announced on the 4th March 2025, for this application currently under consideration by the Commission*".

Article 8 of the 2024 EU Gas Directive[5] states that:

> *"Where Member States have a system of authorisation, they shall lay down **objective and non-discriminatory criteria and transparent procedures**, which shall be met where an undertaking applies for an authorisation to supply natural gas and hydrogen or to construct or operate natural gas facilities, hydrogen production facilities or hydrogen system infrastructure. The criteria and procedures for the granting of authorisations **shall be made public**".*

We are of the opinion that Action 17 of the 'Energy Security in Ireland to 2030'[6] plan approved by the Government in November 2023, contains the "*objective and non-discriminatory criteria*" required of it by Article 8 of the EU Gas Directive where it states that any proposal for an emergency gas reserve in the country would have to satisfy four criteria:

> *"• A proposal which can be implemented quickly*
> *• A proposal which does not inadvertently increase gas demand by increasing the supply available on the market*
> *• A cost-effective proposal at the appropriate scale which provides sufficient resilience if a disruption to gas supply occurs*
> *• A proposal which is compatible with the Climate Action and Low Carbon Development Act 2015-2021".*

On July 9th, 2025, government TD Eamon Scanlon wrote to Leitrim County Council to clarify[7] that:

> *"The Government does not support the commercial import of LNG/fracked gas. Our energy system remains reliant on natural gas, the bulk of which is imported via two sub-sea gas interconnectors from Scotland. Ireland does not have adequate resilience in case of a major disruption to these interconnectors and, therefore, does not currently meet minimum EU standards in this area. The risk of damage of sub-sea gas interconnectors is rated as unlikely, but catastrophic, and there have been several incidents of damage to vital gas pipelines in Europe in the last year. It is in this context only that a state-led Liquified Gas Facility was recommended.*

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[4] https://www.pleanala.ie/publicaccess/Responses/322568/Minister for Climate Energy and the Environment response.pdf?r=580208465086

[5] https://eur-lex.europa.eu/eli/dir/2024/1788/oj/eng

[6] https://gov.ie/en/department-of-climate-energy-and-the-environment/publications/energy-security-in-ireland-to-2030/

[7] https://safetybeforelng.ie/Eamon-Scanlon-Reply-To-Leitrim-County-Council-9th-July-2025.jpg and Appendix 2

In line with the actions contained in the Energy Security in Ireland to 2030 report, the Government approved the development of a state-led Strategic Gas Emergency Reserve in the form of a Floating Storage and Regassification Unit (FSRU), to be owned by Gas Networks Ireland, operating on a non-commercial basis for use only in the event of an emergency / in the case of a disruption to gas supplies. The development of a FSRU is consistent with the Climate Act 2021. It is a transitional measure and does not support increased gas demand.

***The Government has given no signal whatsoever that we are changing policy in terms of the switch back towards a commercial LNG facility**. We remain of the view that long-term energy security is best achieved through substantial growth in indigenous clean, renewable energy; improvements in energy efficiency; electrification of heat and transport; and increased electrical interconnection with our European neighbours. This will minimise the imports of fossil energy in the long-term.*

Renewables and interconnection are at record levels and last year, emissions fell for a second year in a row. As we deliver more and more renewables, average gas use will continue to fall".

We need the Minister to clarify that the Government is not "**changing policy in terms of the switch back towards a commercial LNG facility**". If this cannot be done in writing then an oral hearing will be needed to clarify the position and in order to conform with Article 8 of the EU Gas Directive.

2. No policy support for Multiple LNG terminals

On March 4th, 2025, the Government approved[8] the development, *as an interim measure,* of a temporary "*State-led strategic Gas Emergency Reserve*" in "*the form of a Floating Storage and Regassification Unit (FSRU), to be owned on behalf of the State by the system operator, Gas Networks Ireland (GNI)*", as the optimal approach in Action 17 of the 'Energy Security in Ireland to 2030'[9] plan approved by government in November 2023. It would reduce the risk of stranded fossil fuel assets, be for emergency use only, and would not support increased gas demand.

This "plan" did not consider or support the development of a private commercial FRSU in parallel to a state-led emergency-use-only one.

Under Action AD/5/6 of The 2025 Climate Action plan[10] - without any Strategic Environmental Assessment (SEA), wrongly in our opinion - a Sectoral Adaptation Plan (SAP) for the Electricity and Gas Networks sector is to be developed. The 2025 draft SAP[11] states that "*the Government has progressed the establishment of a Strategic Emergency Gas Reserve*" which will act as a key mitigant against the risk posed by "*a prolonged gas outage in Ireland as a result of the two gas interconnectors being compromised, with a six-month repair time during the winter period*".

However, on March 5th, 2025, Minister for Children, Disability and Equality, Kerry Fianna Fáil TD

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[8] https://www.gov.ie/en/department-of-climate-energy-and-the-environment/press-releases/government-approves-development-of-state-led-strategic-gas-emergency-reserve/

[9] https://gov.ie/en/department-of-climate-energy-and-the-environment/publications/energy-security-in-ireland-to-2030/

[10] https://www.gov.ie/en/department-of-climate-energy-and-the-environment/publications/climate-action-plan-2025/

[11] https://www.gov.ie/en/department-of-climate-energy-and-the-environment/consultations/consultation-on-the-second-electricity-and-gas-networks-climate-change-sectoral-adaptation-plan-egn-sap-2025/

Norma Foley from Tralee, County Kerry was giving a conflicting message to the local radio station where she was quoted[12] as saying that the removal of the policy statement on fracked gas importation means that commercial operators could also build their own facility, in addition to the state-led reserve.

If the Government has a silent and unwritten policy of supporting Shannon LNG, then this undermines the basis on which the Government reached its final decision on LNG development in Ireland - a state-owned temporary emergency-use-only Floating LNG terminal to be owned by Gas Networks Ireland - which was to avoid the embedded emissions and fracked gas lock-in that a commercial LNG terminal would entail as was outlined clearly in the policy statement[13] on the importation of fracked gas. That policy statement clearly outlined the basis on which the energy review was being undertaken when it stated:

> *"Ireland imports much of its natural gas via the two interconnector pipelines from Moffat in Scotland, which provide the majority of natural gas currently used in Ireland. Given the level of fracked gas in the imports from Scotland is considered very low, the highest risk of fracked gas being imported into Ireland on a large-scale would be via liquefied natural gas (LNG) terminals, if any were to be constructed [...]*
> *The Government recognises that:*
> *• fracked gas can have significantly higher greenhouse gas emissions than conventional natural gas, both nationally and globally, and the widespread use of fracked gas would not be consistent with Ireland's 2030 and 2050 climate objectives nor globally with the Paris Agreement;*
> *• the outcome of the review of the security of energy supply of Ireland's electricity and natural gas systems will inform how Ireland can ensure we will have secure energy systems focussing on the period to 2030 in the context of ensuring a sustainable pathway to net zero emissions by 2050;*
> *• the review will consider how the Government's increased ambition in renewable energy and the development of new indigenous clean energy sources, such as hydrogen from renewable sources and biomethane, will reduce fossil fuel use and how this can reduce the security of supply risks;*
> *• the review will consider the risk of stranded assets, including fossil fuel infrastructure, in the context of the Government commitment to net zero emissions by 2050; and*
> *• the review will inform whether it would be appropriate, or not, to develop LNG terminals in Ireland and, if any such terminals were to be developed, whether they should only be in order to provide a contingency supply in the event of failure of existing natural gas supply infrastructure."*

The final Government decision[14] on March 4th to approve an emergency-use-only state-owned FSRU, made as part of that review, did not state that the Government supported the importation of fracked gas, rather it marked the completion of the original policy statement conclusions on the importation of fracked gas which stated:

> *"In order to implement the Programme for Government commitment that it does not support the importation of fracked gas, the Government has approved that:*

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[12] https://www.radiokerry.ie/news/removal-of-fracked-gas-policy-statement-opens-door-to-commercial-lng-facility-in-kerry-424618
[13] https://assets.gov.ie/static/documents/policy-statement-on-the-importation-of-fracked-gas.pdf
[14] https://www.gov.ie/en/department-of-climate-energy-and-the-environment/press-releases/government-approves-development-of-state-led-strategic-gas-emergency-reserve/

• *pending the outcome of the review of the security of energy supply of Ireland's electricity and natural gas systems, it would not be appropriate for the development of any LNG terminals in Ireland to be permitted or proceeded with*".

That is why the March 4th decision stated: "*The 2021 'Policy Statement on the Importation of Fracked Gas' notes that the statement will remain in place pending the completion of the review of Ireland's energy security. The approval of this Strategic Gas Emergency Reserve marks that completion. The Policy Statement on the Importation of Fracked Gas will no longer remain in place.*"

Shannon LNG's US Fracked Gas import project would be permanent, for continual use, would increase gas demand, would breach our climate obligations even further due to higher embedded emissions and carbon leakage and would leave the country facing huge financial exposure to the tune of billions of euros. Indeed, in April, the Climate Change Advisory Council and the Fiscal Advisory Council published a report[15] calculating that "*the state may have to pay out €8 to €26 billion to its EU partners if it does not step up on climate action it has agreed to*".

A plan to have multiple LNG terminals needs proper strategic environmental assessment and cannot be dreamed up silently behind closed doors while setting the framework for development consent and thus undermining proper planning. Planning decisions can only be made if all the environmental information is made available to planners - which would clearly not be the case if there was government support for a commercial LNG terminal as is proposed here by Shannon LNG.

Regarding the response[16] An Comisiún Pleanála received from Shannon LNG, dated August 1st, 2025, we note the following concerns:

3. Gas Networks Ireland is assessing alternative locations

Shannon LNG claims (in 1.8) that its location "*uniquely*" satisfies the criterion for the Strategic Emergency Gas Reserve approved by the Government in March, but this is clearly not the case.

Gas Networks Ireland (GNI) states[17] on its website that "*GNI is conducting site assessments at multiple locations in Cork Harbour and the Shannon Estuary. A preferred site is expected to be announced in late 2025.*" On September 6th[18], the Sunday Business Post newspaper revealed that the Port of Cork was emerging as a contender for the State's LNG terminal, quoting[19] its commercial manager, David Browne, as saying that the Port of Cork was uniquely positioned, both geographically and in terms of infrastructure, to support the project - pointing to the established pipeline system and nearby energy companies such as ESB, as well as the existing port infrastructure. The newspaper also revealed that Gas Networks Ireland recently received approval to conduct marine site surveys in both Cork harbour and the Shannon estuary to assess the suitability of both locations for the strategic gas reserve.

Shannon LNG is trying to assert[20] that they are the only possible strategic emergency reserve option, but it is clear that GNI has not made that decision since it is assessing viable alternative locations in Cork Harbour and in the Shannon Estuary.

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[15] https://www.fiscalcouncil.ie/a-colossal-missed-opportunity/
[16] https://www.pleanala.ie/publicaccess/Responses/322568/ShannonLNG response.pdf?r=277571816358
[17] https://www.gasnetworks.ie/about/projects/strategic-gas-emergency-reserve
[18] https://www.businesspost.ie/politics/port-of-cork-emerges-as-contender-for-states-lng-project/
[19] https://archive.ph/B5Usm
[20] https://drive.google.com/file/d/1G90IjbxUlknqmHAUwQclm_UwMhWtESSa/view?usp=sharing

4. Private Commercial LNG Terminal

Shannon LNG is quoting article 8 of the 2024 EU Gas Directive[21] as obliging Member States to grant authorisation for natural gas facilities and in a non-discriminatory manner. However, this is conditioned by paragraph 4 which states:

> *"Member States shall ensure that any national rules concerning the authorisation procedure referred to in this Article are proportionate, necessary and contribute to the implementation of the general rules for the organisation of the markets for natural gas and hydrogen and infrastructure access, to the energy efficiency first principle,* ***to achieving the Union's climate and energy targets and to the implementation of Member States' integrated national energy and climate plans, as well as their long-term strategies adopted pursuant to Regulation (EU) 2018/1999.***"

The false distinction between private and public ownership put forward by Shannon LNG must be seen in the light of the decision made by the government that on climate and energy security grounds it is only approving the development of a State-led emergency-use-only gas reserve, one which would not constitute a new entry point to the gas network and therefore be consistent with Ireland's climate law and the EU Gas Directive

If the Commission is to decide that no distinction may be made from a planning perspective between a private commercial LNG terminal and a public State-led, emergency-use-only reserve then it would be necessary to reassess the Energy Plan approved by the Government and undertake a corresponding Strategic Environmental Assessment of all the options.

What the Government has proposed may be considered in planning terms as a viable alternative to the entire Shannon LNG project which you must now assess. It must be noted that the State already argued[22] in the High Court that "*the ownership of the facility isn't the issue it's the function of the facility*"

5. Diversifying away from Russian Gas

Ireland does not import any Russian gas, its three gas interconnectors from Scotland being supplied by North Sea Gas exclusively.

The UK's National Energy System Operator (NESO) confirmed in its Gas Network Capability Needs Report 2024[23] that "*NTS compression does not currently support the transport of gas to the high-demand parts of Scotland from the southern zones or from the zone's more southerly terminals at Teesside & Barrow*" meaning only[24] North Sea gas and no fracked gas is currently being imported into Ireland.

6. Increased Demand for gas

Shannon LNG claims that it is "*offering a market-responsive supply source, without creating new demand*". This critical argument does not stand up to closer investigation especially given the government's position that increasing the supply available on the market inadvertently increases gas

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[21] https://eur-lex.europa.eu/eli/dir/2024/1788/oj/eng

[22] https://ww2.courts.ie/view/Judgments/333ae579-31ef-453f-b74b-259fb893aec6/523470db-3378-4c2d-936e-d5e383b20e49/2024_IEHC_555.pdf/pdf

[23] https://www.neso.energy/document/348711/download

[24] https://x.com/SafetyBeforeLng/status/1927738496107655494

demand in the country.

Action 17 of the 'Energy Security in Ireland to 2030'[25] plan approved by government in November 2023, stated that any proposal for an emergency gas reserve in the country would have to satisfy 4 criteria:

- *A proposal which can be implemented quickly*
- ***A proposal which does not inadvertently increase gas demand by increasing the supply available on the market***
- *A cost-effective proposal at the appropriate scale which provides sufficient resilience if a disruption to gas supply occurs*
- ***A proposal which is compatible with the Climate Action and Low Carbon Development Act 2015-2021.***

Central Statistics Office figures[26] show that total gas consumption in Ireland in 2024 was **53,563 GWh**. Shannon LNG's EIA volume 2[27] states "*The LNG vaporisation equipment onboard the FSRU will be designed to meet a send-out capacity of up to 22.6 million Sm3/d (approximately 250 GWh per day) natural gas*". 250 GWh per day equals **91,250 GWh** per year. This means that the proposed Shannon LNG terminal would supply ***170% more gas into the Irish gas grid than is currently being consumed in Ireland*** and action 17 automatically defines that as increasing gas demand.

The Power Plant in this planning application, Shannon LNG's EIA states, would "*use up to 2.8 million Sm3 per day (approximately 25.5 GWh per day) when operating at full capacity*". Therefore, the power plant, by itself, would represent a ***17% increase*** in new gas demand in Ireland.

Shannon LNG also states in its EIA that "*As part of the Masterplan, a Data Centre Campus is to be constructed to the west of the Proposed Development. This will be subject to its own EIAR and planning application.*"
Wes Edens, owner of Shannon LNG, admitted that his project would "*create our own demand*" when he stated in an Earnings call in August 2019[28]:

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

7. The Climate Act

Shannon LNG correctly states that it was already awarded planning permission for the same 600MW power plant in this planning application by An Bord Pelanála in April 2024 - reference ABP-319566-24[29] - but fails to mention that this permission is currently being appealed to the High Court via Judicial Review by Friends of the Irish Environment.

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[25] https://gov.ie/en/department-of-climate-energy-and-the-environment/publications/energy-security-in-ireland-to-2030/
[26] https://www.cso.ie/en/releasesandpublications/ep/p-ngdsd/networkedgasdailysupplyanddemanddecember2024/
[27] https://www.pleanala.ie/publicaccess/EIAR-NIS/322568/EIAR Volumes 1 to 4/STEP EIAR_Volume 2_Main Text.pdf?r=657541389660
[28] https://www.fool.com/earnings/call-transcripts/2019/08/13/new-fortress-energy-llc-nfe-q2-2019-earnings-call.aspx
[29] https://www.pleanala.ie/en-ie/case/319566

We submit that our grounds[30] for objecting to that stand-alone power station planning application equally apply here.

It is strange, in our eyes, that the Board could be asked to consider a planning application for a power station which has already received a planning decision and which is being appealed through the courts. We submit that the grounds[31] submitted by Friends of the Irish Environment for appealing that stand-alone power station decision to the High Court - reference ABP-319566-24[32] - be equally assessed here. We also assert that any decision by the Commission to approve the power station a second time while it is being appealed through the High Court in parallel would be highly questionable.

Friends of the Irish Environment's press release[33] on the grounds of their appeal is as follows:

Shannon LNG Power Plant faces Judicial Review

Friends of the Irish Environment Press Release Monday 12 May 2015

Dublin, Ireland: Shannon LNG Power Plant faces Judicial Review

Friends of the Irish Environment [FIE] has lodged a Judicial Review of Shannon LNG's proposed 600 MW power plant and battery storage system in the Irish High Court today. The challenge is based on EU law, climate science, and Ireland's breaching of its Sectoral Emissions obligations.

In the proceedings FIE cites what we see as critical failures in the Environmental Impact Statement submitted by the developer which include a description of the methods used to assess the climate impact and An Bord Pleanála's failure to, in so far as practicable, perform its functions in relation to the proposed development in a manner consistent with the requirements of Section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended).

Emissions are 'manifestly incorrect and significantly underestimated'

In an affidavit from Paul Price, Adjunct Professor at Dublin City University, the Environmental Impact Assessment has 'significantly underestimated' the gross GHG [Greenhouse Gas] emissions because 'key calculation parameters have not been clearly identified'. [1] He also points out that the proposed development does not satisfy the EU Taxonomy criterion [2] for life cycle emissions. The calculated operational GHG emissions arising from the proposed development in the Environmental Impact Assessment is manifestly incorrect and significantly underestimated,' the affidavit states. [3]

While criticising the application for the lack of a 'masterplan' the affidavit points out that if the fuel supply is ultimately sourced from the proposed LNG terminal, the GHG footprint could be 'three times worse than a coal-fired power station when life cycle emissions are taken into account. Any new source of direct and indirect methane emissions, such as this proposed

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[30] https://www.pleanala.ie/publicaccess/Case Documentation/319566/Submissions/ABP-319566-24-Submission-Safety Before LNG.pdf?r=770551

[31] https://friendsoftheirishenvironment.org/press-releases/shannon-lng-power-plant-faces-judicial-review

[32] https://www.pleanala.ie/en-ie/case/319566

[33] https://friendsoftheirishenvironment.org/press-releases/shannon-lng-power-plant-faces-judicial-review

development, is liable to compromise alignment with Ireland's Climate Act.'

Exceeds national need by a factor of three

The Court submissions point out that An Bord Pleanála appeared to be under the assumption that the development would assist in meeting the 2 GW target for new gas plants as identified in the National Development Plan 2021 – 2030 and the 10 year 'Ireland Capacity Outlook' first published in 2022 and repeated in the 2023 and 2024 Climate Action Plans.

However, FIE's non-exhaustive examination of planning applications shows that over 3 GW have already received final grant of planning permission with a further 2.7 GW in the planning process, including a significant amount for which imminent/overdue decisions are expected since the 2 GW target was established.

The affidavit states that 'even on the Developer's emissions calculations (which significantly underestimate GHG emissions based on errors of fact) this single PowerStation would account for on its own 1/3rd of all budgeted emissions from the entire electricity sector in 2030. Nowhere does the Inspector [of An Bord Pleanala] explain how this could possibly be compliant with the relevant carbon budgets and sectorial emissions ceilings.'

'To commit Ireland to further fossil fuel generation when the planned capacity has been met is fundamentally flawed as households will bear the financial costs [4] and the inevitable overshoot of our climate targets will require cuts to other sectors - or eye-watering fines', FIE Director Tony Lowes said.

Friends of the Irish Environment are represented by FP Logue Solicitors, John Kenny BL and James Devlin, SC.

ENDS

NOTES

[1] The Developer has not provided any information about the first factor, i.e. emissions intensity (even though this would be necessary to derive the gross emissions). It has only provided limited information about the gross emissions, and pointedly has not disclosed critical input parameters including the plant's average operational efficiency, which would be necessary to calculate gross emissions intensity. Similarly the EIAR does not indicate for how long each year the plant will operate, the output power or what assumptions are made about changes in the projected combustion GHG intensity in gCO2e per kWh (NCV) of the natural gas supply over time, whether from the national gas grid or in future via the LNG terminal.

[2] Regulation (EU) 2020/852[34] of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088[35] (OJ L 198/13 22.6.2020, p. 13-43) (the "Taxonomy Regulation") establishes criteria for determining whether economic activity qualifies as environmentally sustainable for the purposes of establishing the degree to which an investment is environmentally sustainable. The Taxonomy Regulation further defines criteria which are

[34] https://eur-lex.europa.eu/eli/reg/2020/852/oj/eng
[35] https://eur-lex.europa.eu/eli/reg/2019/2088/oj/eng

considered to significantly harm certain environmental objectives, including climate change mitigation.

[3] For example, if GHG intensity at the median of the IPCC figure were used (340g CO2e/kWh), 24/7 operation at full power would produce almost 2Mt CO2e per year in direct operating emissions alone, i.e. 2/3 of the 2030 annual allocation for the entire electricity sector under the sectoral emissions ceiling. If lifecycle methane emissions were included at the IPCC rate (total 461 gCO2e/kWh) then the GHG emissions would be 2.4 MtCO2e (80% of the 2030 electricity sectoral emissions ceiling). The Board therefore granted permission based on a manifestly incorrect understanding of the degree to which the proposed development would generate GHG emissions. This was a central issue in the Board's assessment, and the Board's Order is therefore vitiated by a mixed error of law and fact, given how important climate change factors are to the decision.

[4] Providers like Shannon LNG are paid to be on standby – in this case, a 10-year capacity contract worth €494 million[36] – to ensure supply during peak demand or low renewable output. These costs are passed to consumers via 'capacity payments' tariffs, when Ireland is already one of the most expensive countries in the EU for electricity.

8. Climate Act obliges assessment of carbon leakage in the Climate action plan and national long term climate action strategy

Section 4(8) of The Climate Action and Low Carbon Development Act 2015 (as amended[37]) states that the Minister and the Government "*shall have regard to [...] the risk of substantial and unreasonable* ***carbon leakage*** *as a consequence of measures implemented by the State to pursue the national climate objective".*

Carbon leakage is defined in the Act as *"the transfer, due to climate policies, of production to other countries with less restrictive policies with regard to greenhouse gas emissions"*. The government and the minister have failed in their obligations under the Climate Act. As a result, the Planning Board should not assess the current planning application in isolation because the Commission has its own obligations:

> Section 15(1)(e) "*of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State*".

The State cannot effectively mitigate or adapt to climate change without being cognisant of upstream and midstream emissions, and carbon leakage. On Wednesday, 9 Jun 2021, Ossian Smyth, Minister of State at the Department of Public Expenditure, National Development Plan Delivery and Reform and at the Department of Environment, Climate and Communications demonstrated[38] the state's understanding of Carbon Leakage at a Select Committee on Environment and Climate Action debate. He said that:

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[36] https://safetybeforelng.ie/pressreleases/pressrelease20250508-ShannonLNG-Power-Station-To-Cost-Consumers-Half-a-Billion-Euros.html

[37] https://revisedacts.lawreform.ie/eli/2015/act/46/revised/en/html

[38] https://www.oireachtas.ie/en/debates/debate/select_committee_on_environment_and_climate_action/2021-06-09/3/

"There is no point in cutting emissions in one place if that leads to worse emissions elsewhere. That is why, in this Bill, when the Government makes its climate action plan, it must take carbon leakage effects into account. The same applies when it does the sectoral emissions ceilings. When it decides what the maximum emissions in a particular sector are, it must consider carbon leakage. It will be required to do that by the Act. It is not the case that those things can be ignored and a simple view can be taken. It is a complex area which requires much consultation with the public and expert input".

This shows clear intent by the government that amended and delivered the climate legislation with almost unanimous political support that Carbon Leakage must be considered by subsequent Irish governments, that those considerations should be assessed, and that the public must be consulted. It would not be prudent for the planning board to find itself curtailed from understanding the full implications of granting planning permission for a project that will lead to unreasonable carbon leakage without the relevant or technical advice.

9. "Farming Not Fracking" - The Carbon Leakage Emissions Impacts of using LNG as a supply source for gas on Cross-Sectoral Emissions reductions efforts

Shannon LNG claims that it is "*offering a market-responsive supply source",* but it is quite clear from the evidence we provide here that **displacing pipeline gas with LNG as part of the Irish gas market share**, breaches one of the criteria in Action 7 that an LNG terminal must be "*A proposal which is compatible with the Climate Action and Low Carbon Development Act 2015-2021".* It would also undermine all the emissions reduction efforts in other sectors of the economy such as Agriculture.

As already stated, Article 4(8) of The Climate Action and Low Carbon Development Act 2015 (as amended[39]) states that the Minister and the Government "*shall have regard to [...] the risk of substantial and unreasonable* ***carbon leakage*** *as a consequence of measures implemented by the State to pursue the national climate objective".* This avoids the offshoring of emissions pollution.

Norwegian Research firm Rystad Energy found in November 2022 that the production and transport of LNG causes up to 10 times[40] the carbon emissions of the pipeline gas from the UK network currently supplying gas to Ireland. Shannon LNG itself admitted in this 2021 planning application[41] that the upstream emissions of LNG are 2.5 times greater[42] than those of natural gas from the UK gas network currently supplying gas to Ireland. In 2019, the Joint Oireachtas Committee on Climate action were informed by scientists that importing US fracked gas to Tarbert would have a 44% higher[43] carbon-equivalent footprint over a 20-year period than importing coal to Moneypoint power station in County Clare.

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[39] https://revisedacts.lawreform.ie/eli/2015/act/46/revised/en/html
[40] https://mobile.twitter.com/RystadEnergy/status/1588150965366136833
[41] https://www.pleanala.ie/en-ie/case/311233
[42] http://www.safetybeforelng.ie/pressreleases/pressrelease20220715-ShannonLNG-admits-LNG-emissions-2-and-a-half-higher-than-UK-gas-network.html
[43] http://www.safetybeforelng.ie/pressreleases/pressrelease20191014-ScienceAgainstFrackedGasImportsBeatsRaceToTheBottom.html

It is indisputable that the Greenhouse Gas (GHG) emissions associated with LNG are far higher than the GHG emissions associated with conventional natural gas, both nationally and globally. This was acknowledged by the previous government in their Policy Statement on Fracked Gas, and is acknowledged in the Environmental Impact Assessment Report (EIAR) for the Shannon Technology and Energy Park. However, recent research[44] by Robert Howarth, published in 2024, on the GHG footprint of LNG shows these emissions could be far higher. In the EIAR for the Shannon Energy and Technology Park it is stated that the Well to Tank (WTT) or upstream GHG emissions of LNG would be "*around 2.5 times higher than those of the UK gas network*", in other words 2.5 times higher than our current gas supply (15.8.1.2). However, using Howarth's figures for the carbon intensity of LNG, the current GHG emissions available for the combustion of gas in Ireland, and the WTT/carbon intensity emissions of natural gas coming to Ireland from the UK, it can be estimated that the upstream emissions of LNG are in fact **over 28 times higher**, when the global warming potential is assessed over 20 years (GWP20).

Even using the significantly more conservative figures recently published by the International Energy Agency for the emissions intensity of LNG, using measurements given in both GWP20[45] and GWP100[46] (global warming potential assessed over 100 years), LNG upstream GHG emissions can be estimated at **788% and 555%** higher than the upstream emissions of our current main source of natural gas (Table 1).

The following tables show Carbon Leakage GHG Emissions from LNG in Terms of Ireland's Overall Emissions (download this file to view and run the calculations: www.SafetyBeforeLNG.ie/Carbon-leakage-from-LNG-in-Ireland.xlsx, where Carbon leakage is calculated as the additional upstream GHG emissions of LNG compared with the upstream GHG emissions of our main current supply of natural gas (UK natural gas imports)
Interactive version of carbon leakage calculator[47]

LNG upstream GHG Emissions and source	**UK gas upstream GHG emissions**	**LNG upstream GHG emissions as percentage of UK upstream GHG emissions**
103.38 g CO2/MJ (Robert Howarth GWP 20)	3.6 G C02/MJ	2872%
28.38g C02/MJ (IEA GWP 20)	3.6g C02/MJ	788%
20g C02/MJ (IEA GWP 100)	3.6g C02/MJ	555%

[44] https://www.research.howarthlab.org/publications/Howarth_LNG_assessment_preprint_archived_2023-1103.pdf
[45] *https://iea.blob.core.windows.net/assets/5ad737ee-750d-460e-8c33-fb9140f1043d/AssessingemissionsfromLNGsupplyandabatementoptions.pdf*
[46] https://iea.blob.core.windows.net/assets/5ad737ee-750d-460e-8c33-fb9140f1043d/AssessingemissionsfromLNGsupplyandabatementoptions.pdf
[47] https://docs.google.com/spreadsheets/d/1DGaRTIMesc4LFfJ2rsyMCpC43G-Gj6Lm-RYQM2f4oeg/edit?usp=sharing

Table 1. Upstream emissions of Shannon LNG in comparison to upstream emissions of UK gas supply (majority of Irish gas supply) Note-Figure in the Shannon LNG EIA for UK Gas upstream emissions is actually 3.6 g C02/MJ

As noted, the carbon leakage (upstream emissions greater than upstream emissions of conventional natural gas) from LNG use is enormous. The tables below illustrate this in the context of Ireland's total emissions in 2024, the agricultural sector's total emissions in 2024 and the expected annual emissions reductions for the agricultural sector. Even if fracked LNG was to take only a plausible 50% share of today's Irish gas market this would lead to carbon leakage comparable to half of Ireland's annual GHG emissions from Agriculture when considered under GWP20.

	Carbon leakage in Million Tonnes (MT)	**Percentage of total GHG emissions in 2024**
For 60 shipments annually as outlined in planning application (109% of current market share)	26.2	45.44%
For 25 shipments (Roughly 50% of market share)	10.92	18.93%
For 6 shipments (State led terminal)	2.62	4.54%
	Carbon leakage in MT	**Percentage of total Agricultural Sector emissions 2024**
60 shipments	26.2	128.37%
25 shipments	10.92	53.49%
6 shipments	2.62	12.84%
	Carbon leakage in MT	Percentage of annual agriculture emissions reduction
60 Shipments	26.2	2459.82%
25 Shipments	10.92	1024.92%
6 Shipments	2.62	245.98%

Table 2. Robert Howarth's Values for LNG emissions intensity under GWP 20

	Carbon leakage in Million Tonnes (MT)	**Percentage of total GHG emissions in 2024**
For 60 shipments	6.51	11.29%

For 25 shipments	2.71	4.7%
For 6 shipments	0.65	1.13%
	Carbon leakage in MT	Percentage of total Agricultural Sector emissions **2024**
60 shipments	6.51	31.88%
25 shipments	2.71	13.28%
6 shipments	0.65	3.19%
	Carbon leakage in MT	**Percentage of annual agriculture emissions reduction**
60 Shipments	6.51	610.89%
25 Shipments	2.71	254.54%
6 Shipments	0.65	61.09%

Table 3. IEA LNG GHG Emissions intensity under GWP 20

	Carbon leakage in Million Tonnes (MT)	**Percentage of total GHG emissions in 2024**
For 60 shipments annually as outlined in planning application (109% of current market share)	4.31	7.47%
For 25 shipments (Roughly 50% of market share)	1.79	3.11%
For 6 shipments (State led terminal)	0.43	0.75%
	Carbon leakage in MT	**Percentage of total Agricultural Sector emissions 2024**
60 shipments	4.31	21.1%
25 shipments	1.79	8.79%
6 shipments	0.43	2.11%
	Carbon leakage in MT	**Percentage of annual agriculture emissions reduction**
60 Shipments	4.31	404.3%
25 Shipments	1.79	168.46%

6 Shipments	0.43	40.43%

Table 4. IEA LNG GHG emissions intensity under GWP 100.Note: The emissions intensity of LNG is higher when considered under GWP 20 because of the large Methane content in LNG and the relatively short emissions life span of Methane. Page 257 of the IPCC Report[48] on Global Warming of 1.5°C refers to "*Large-scale singular events (which) are components of the global Earth system that are thought to hold the risk of reaching critical tipping points under climate change, and that can result in or be associated with major shifts in the climate system*". The "*risks associated with these events become moderate between 0.6°C and 1.6°C above pre-industrial levels, based on early warning signs, and that risk was expected to become high between 1.6°C and 4.6°C based on the potential for commitment to large irreversible sea level rise from the melting of land-based ice sheets (low to medium confidence). The increase in risk between 1.6°C and 2.6°C above pre-industrial levels was assessed to be disproportionately large.*" Clearly, therefore, there is an urgent need to reduce global warming to stay under 1.5c of warming above pre-industrial levels. In this context, with the very limited time we have to avoid catastrophic climate change, we believe LNG must be considered under GWP 20.

[48] https://www.ipcc.ch/site/assets/uploads/sites/2/2022/06/SR15_Chapter_3_LR.pdf

10. Article 194 TFEU

Article 194[49] of the **Treaty on the Functioning of the European Union** allows each Member State to determine "*its choice between different energy sources*". It states:

> *1. In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim, in a spirit of solidarity between Member States, to:*
> *(a) ensure the functioning of the energy market;*
> *(b) ensure security of energy supply in the Union;*
> *(c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and*
> *(d) promote the interconnection of energy networks.*
>
> *2. Without prejudice to the application of other provisions of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the objectives in paragraph 1. Such measures shall be adopted after consultation of the Economic and Social Committee and the Committee of the Regions.*
> ***Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article 192(2)(c).***
>
> *3. By way of derogation from paragraph 2, the Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament, establish the measures referred to therein when they are primarily of a fiscal nature.*

11. National consensus against fracked gas imports

There is a national consensus position against Fracked gas imports to Ireland as evidenced in the thousands of political and civil society actions outlined in Annex III of the Legal Opinion[50] supporting a pragmatic fracking import ban in the Climate Bill prepared by the Irish Centre for Human Rights in November 2020. It is clear that the decision to reject the Shannon LNG application will be very warmly received on a national and international stage.

On October 3rd 2019[51], the Majority of Ireland's MEPs had told the European Commission not to allow fracked gas into Ireland via the Projects of Common Interest list.

On November 15th, 2019, at the Youth Assembly on Climate Change held in Dáil Éireann, Roisín Keegan-O'Rourke informed the House that the Youth Assembly was proposing: "*for Ireland to ban the importation of fracked gas and invest solely in renewables*"[52].

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[49] https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008E194:EN:HTML
[50] https://safetybeforelng.ie/images/ICHR and ors Submission to JCCA A Ban on Importing Fracked Gas 11-11-2020_FINAL.pdf
[51] https://safetybeforelng.ie/pressreleases/pressrelease20191002-MajorityOfIrishMEPSSayNoToFrackedGasInIreland.html
[52] https://www.youtube.com/watch?time_continue=14&v=8YwqjtaCTig&feature=emb_title

On February 12th, 2020[53] the majority of Irish MEPs voted against the 4th PCI list which included the proposed Shannon LNG fracked gas import project.

In April 2020 over 150 NGOS and academics[54] supported a proposed LNG energy policy statement wording to be included in the Programme for Government.

Sligo[55] County Council and Donegal County Council have explicit policies against fracking in their County Development Plans. Councils across the country have passed strong motions against fracking and fracked gas imports, including Leitrim[56] County Council, Cork City[57] Council, Cork County[58] Council, South Dublin[59] County Council Dún Laoghaire-Rathdown[60] County Council and Fermanagh and Omagh[61] District Council.

In April 2020, almost half of the newly elected parliamentarians signed a pledge[62] against US fracked gas import terminals in Ireland.

In May 2021 postgraduate law students at the NUIG Irish Centre for Human Rights published[63] a research report finding that fracking is incompatible with states' human rights law obligations under numerous treaties. Based on their research they found that the dangers posed by fracking cannot be mitigated through regulation.

In October 2021, 76 Irish politicians joined over 1,500 people lodging submissions against[64] Shannon LNG at An Bord Pleanála.

In August 2022, hundreds of people attended a Climate Camp[65] set up in Tarbert in opposition to the Shannon LNG project.

And In April 2023, 150 groups[66] from a cross section of Irish and International society signed an open letter calling for no LNG u-turn on the agreed government policy against LNG and the importation of fracked gas into Ireland.

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53 https://twitter.com/SafetyBeforeLng/status/1227601856198856704
54 https://docs.google.com/document/d/16-dutSYFCiWEGVVO-xjNzntfSZPdMHgZRzMinwAvMYk/edit
55 https://www.sligococo.ie/cdp/Volume1_MainWrittenStatement.pdf
56 http://leitrimcoco.ie/eng/your-council/meetings_councillors/council_meeting_minutes/council-meetings-2018/minutes-5th-nov-2018.pdf
57 https://www.corkcity.ie/en/media-folder/councillors-democracy/meetings-and-minutes/2019-11-11-minutes-council-meeting1.pdf
58 https://www.corkcoco.ie/sites/default/files/2020-01/full-council-minutes-25-11-2019.docx
59 http://www.sdublincoco.ie/Meetings/ViewDocument/67186
60 https://twitter.com/QueeenMaeve/status/1348948926372716544
61 https://www.fermanaghomagh.com/motion/fermanagh-and-omagh-district-council-opposition-to-fracking/
62 https://safetybeforelng.ie/pressreleases/pressrelease20200419 - AlmostHalfOfIrishParliamentariansSignedPledgeAgainstFrackedGasLNGImportTerminals.html
63 https://safetybeforelng.ie/pressreleases/pressrelease20210524IHumanRightsLawRequiresAGlobalBanOnFrackingSayNUIGalway.html
64 http://www.safetybeforelng.ie/pressreleases/pressrelease20211026OneAndAHalfThousandCitizensAgainstShannonLNG.html
65 https://climatecampireland.ie/elementor-2263/
66 https://safetybeforelng.ie/pressreleases/pressrelease20230416-150-Group-Reject-Eamon-Ryan-LNG-U-Turn.html

12. Issues raised in previous submissions.
We are concerned that the Commission must still consider the issues raised in our previous initial[67] submission and subsquent submissions[68] on this planning application given that the Energy Review has now been completed. These notably include but are not limited to:

- The Shannon LNG payment of €2.4 million[69] to Kerry County Council compromises the Kerry County Development Plan, given that Kerry County Council requested and was paid over €2.4 million by Shannon LNG after its planning permission for an onshore LNG terminal expired in 2018 and before it lodged a new planning application on August 27th 2021 for a floating LNG terminal and 600 MW Power Station in Tarbert.
- The Methane Emissions from the 600MW power station alone would be the same as the Methane emissions from almost 1 million beef cows[70] - clearly demonstrating in comparative terms how the Shannon LNG project would be the largest climate-destructive, fossil-fuel project ever proposed in Ireland.

[67] https://safetybeforelng.ie/BordPleanalaApplication/PA08-311233-%20Shannon%20LNG%20objection%20by%20CEL_FINAL.pdf
[68] https://safetybeforelng.ie/PA08-311233-FI-Shannon-LNG-CEL-October-10th-2022.pdf
[69] https://safetybeforelng.ie/pressreleases/pressrelease20221122ControversialShannonLNGMillionsPaidToKerryCountyCouncil.html
[70] https://safetybeforelng.ie/index.htm

CONCLUSION

In September 2024, the High Court ruled that "*it's obvious that, whatever it was, the review clearly wasn't an entirely open-minded and thorough consideration of all economic and environmental pros and cons of all potential options*". We submit that Shannon LNG, since 2007, has consistently minimised the detrimental negative human rights, public health, climate, environmental and economic impacts of its proposed project. It has spent millions of euros advancing this project in Ireland in all sorts of questionable manner and fails to accept that it is reasonable for the State to refuse to give it planning consent.

In 2023 the government published the Energy Security to 2030 Package. This was presented as the solution to providing an alternative source of gas that would only be used in an emergency. Reluctant supporters of the policy were led to believe that an LNG FSRU could be established, "built but not used", without increasing gas demand. The fudging of a well-supported policy of not allowing fracked gas into Ireland's energy mix was based on an idea that if you built a LNG terminal but did not use it, you could not be accused of bringing large quantities of fracked gas into Ireland and therefore not break the political agreements that let to the governments formation

However, the idea of emergency use was misleading, as this terminal would be used to meet demand i.e. "*when the wind is not blowing*", as the minister clarified when answering questions in the Dail. Once the idea of building a terminal was established it became clear that it would be impossible to keep large quantities of fracked gas out of the energy mix because there would be a minimum requirement of 6 replenishment deliveries of LNG annually due to boil off gas having to be allowed into the gas network.

Despite calls for reconsideration by the Eamon Ryan, Minister for the Environment at the end of that government term, the discovery of that conundrum led to this current Government acknowledging that they would have to facilitate fracked gas but very clearly indicated that the new government's 'preferred' State-led terminal would not lead to an increase in gas demand, and would be compliant with the climate legislation.

An important question arises. Does the policy journey, from wanting to ban LNG outright to prevent fracked gas imports on climate obligation grounds, to accepting fracked gas only in circumstances where it can not be avoided, open the door for the operation of private operators of LNG terminals?

Is it possible that there is a silent policy and plan by the government to use the decision to arguably remove the ban on fracked gas imports and approve a State-led terminal in order to facilitate multiple LNG terminals in Ireland, silent to illegally avoid referring to it in the Climate Action Plan and therefore having to assess the related GHG emissions, and the carbon leakage associated with offshoring of GHG emissions? The lack of clarity, including the minister's reply to An Coimisiún Pleanála, sadly makes this possibility plausible. It is public knowledge that the government has faced pressure from the American government on this issue. The Sunday Business Post revealed in March that the "*US Embassy raised concerns over Irish LNG and data centre policies before both were changed*" . An Coimisiún Pleanála was correct to ask the government to clarify policy on private LNG operators, because it would be impossible for the government to create policy allowing for commercial LNG and have due regard for the Carbon leakage clause, given that the carbon leakage from any LNG terminal would be enormous .The motivations for the intentional failure of the government and minister to clarify policy on commercial LNG are unclear, but questionable. In this context, it is imperative that the Commission ceases assessing the current planning permission and refuses to grant permission.

The government has described its policies or plans to develop a third source of gas as a "*temporary*" measure. As Gas Networks Ireland implemented those policies they have clarified that a temporary Strategic Gas Emergency Reserve (SGER) is a solution *"that will be in place for as long as the Irish energy system requires it*". These descriptions of the government's policies, plans and programmes, be they silent or openly stated, must be examined in light of their effective function.

In September 2024 when the High court remitted the planning decision back to the planning board Judge Humphreys J. implied that the government had an opportunity to clarify policy ahead of An Coimisiún Pleanála making a decision:

> *"164. [...] Whatever one's point of view, and one could argue the desirability of such ruling out either way, on the documents before the court and the express conclusions in the review material, it's obvious that whatever it was, the review clearly wasn't an entirely open-minded and thorough consideration of all economic and environmental pros and cons of all potential options. The applicant's preference was effectively ruled out (if not quite in limine) on Government policy (i.e., political) grounds. That's just a fact as it appears from the material before the court. That isn't criticism of the consultants.* ***It's up to the Government in the first instance to make its own decision as to whether that is the appropriate basis for any final policy stance.*** *Again, to repeat, I'm not criticising the Government's policy positions, which are a matter for them; merely being clear factually that insofar as concerns ruling out a commercial LNG terminal, the review doesn't rationally provide an independent foundation for that conclusion because the interim policy has significantly influenced the outcome of the review, which is therefore a consequence of rather than a support for the a priori policy stance."*
>
> Postscript – order of 24th March 2025 169.
> *"The original version of the foregoing judgment was delivered on 30th September 2024. The board then indicated an intention to seek leave to appeal. But before that came on for hearing, there were a number of seismic developments regarding the underlying policy situation. On 8th November 2024, the Dáil was dissolved. On 23rd January 2025, a new Government took office.* ***On 4th March 2025, the new Government approved a plan to develop a State-led LNG terminal and terminated the former fracking policy in doing so.*** *The net effect of those developments was that it was no longer necessary for the current issues between the parties to be resolved by further judicial decision".*

The Government policy statement making the permitting of LNG terminals inappropriate timed out with the ending of the security of supply review or effectively when the government signaled LNG as a solution when it published the energy security in Ireland to 2030 report. This is far from opening up Ireland to the entry of large quantities of fracked gas. The acknowledgement that bringing fracked gas into Ireland in large quantities would not be in line with our climate objectives was published in 18th May 2021 as part of the Policy Statement on the Importation of Fracked Gas, and followed by the signing into law of the Climate Action and Low Carbon Development (Amendment) Act 2021 on the 23rd of July 2021 introducing the carbon leakage clause and strengthening obligations. There is an onus on the government to be transparent about its policy regarding the operation of a private operator of a commercial LNG entry point because there are enormous implications for global climate

mitigation and to the State and the government's obligations under the climate law.

The government should have either ruled out policy support for private LNG terminals or formally assessed the associated carbon leakage. The Climate Action Plan 2025 was published in April 2025. There was no obligation to publish it before the approval of a plan to develop a State-led terminal. The updated policy position could have been included and clarification on policy relating to private LNG terminals (either for or against) should have been incorporated and screened for formal environmental impact assessment which could have considered alternatives. The government and the minister have failed in their obligation to consider carbon leakage from private LNG projects, and to clarify policy accordingly. However, by failing to clarify policy, they have certainly not provided any clear support for a private LNG project functioning as an entry point for large volumes of fracked gas imports. In fact, the opposite is true. As such, the planning board must cease assessing the current planning permission and refuse to grant.

We are also of the opinion, therefore, that the Commission now has no choice but to apply the Precautionary Principle and refuse planning permission for the proposed Shannon LNG project. The Commission itself recognised when it wrote to the Minister that the "*application in this matter relates to a private FSRU, and not a state led one [...] to be owned on behalf of the State by the system operator, Gas Networks Ireland*" was not the type of LNG project the Government supports. The emissions impact alone from a commercial LNG terminal would breach Ireland's legally-binding Climate Act obligations, worsening the situation where Ireland is already exposed to countless billions in fines for not reaching its emissions targets.. It must also be pointed out that since this submission was lodged in 2021, it is clear that the emissions figures provided by the applicant are not up to date. Making a decision in favour of Shannon LNG with underestimated emissions calculations provided by the applicant would be an uninformed decision.

Indeed, the Commission has the power and obligation to refuse permission because Section 15 (1) of the Climate Action and Low Carbon Development Act 2015 (as amended) states:

> *15. (1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*
>
> *(a) the most recent approved climate action plan,*
>
> *(b) the most recent approved national long term climate action strategy,*
>
> *(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
>
> *(d) the furtherance of the national climate objective, and*
>
> *(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.*

APPENDIX

Appendix 1

This model allows the user to compare and contrast emission values against different research and various gas import quantities. All cells are protected except the H7:H9,H12:H14 to allow the user to move between different scenarios

Irelands total GHG emissions 2024 (H)					57 65	Million Tonnes C02 Equivalent in 2024
Quantity of LNG converted to Embodied Energy	Total capacity of Proposed LNG Terminal is 180000 but approximate capacity is 170000 m3 (A)		170 000 m3			
	1 Cubic meter of LNG weighs 0 468 tonnes (B)		0 46t Density (tonne/m³)		79,560	tonnes of LNG per shipment
	1 KG LNG contains 55 MegaJoules (C) 1 Tonne LNG contains 55000MJ		55000 MJ		4,375 800,000	MJ per shipment
Emissions calculated based on different Scientific Research	GHG Emissions- 160g CO2 eq/MJ (Bob Howarth GWP20) (D)	→	160 ☑	160 g CO2 eq/MJ	700,128,000,000	g C02 Equivalent per shipment
	GHG Emissions 85g CO2 eq/MJ (IEA GWP20) (E)	→	85 ☐			
	GHG Emissions 76 62g C02 eq/MJ (IEA GWP100) (F)	→	76 62 ☐			
	1g = 0 000001	→	0.000001		700 128	tonnes C02 Equivalent per shipment
	1 million ton (mt) = 0 00001 ton	→	0.000001		0.70	Million Tonnes (mt) C02 Equivalent per shipment
Consumption Emissions from LNG Imports Dependent on Shipment Frequency	60 shipments per year (G) as per the planning application, which would be 108% of the Irish gas market	→	60 ☐	25 Shipments of LNG	17 50	Million Tonnes C02 Equivalent per year
	25 shipments per year to reach 50% of the Irish gas market share (H)	→	25 ☑		30 36%	if expressed as a percentage of Ireland's annual territorial emissions
	6 shipments per year, state led option, to maintain necessary storage with expected boil off (I)	→	6 ☐		11 31	Million Tonnes C02 Equivalent per year
Upstream and Midstream Emissions Only	Calculated by subtracting the combustion GHG emissions of natural gas in Ireland which is 56.62 g CO2/MJ, from the overall GHG emissions of LNG (J)	→	-56 62 g CO2/MJ		19 62%	if expressed as a percentage of Ireland's annual territorial emissions
Carbon Leakage	Calculated by subtracting the combustion GHG emissions of natural gas and the Upstream and Midstream emissions associated with Corrib gas and imported Pipeline Gas, which is (56.62 + 3.6) g CO2/MJ, from the overall GHG emissions of LNG (I and J)	→	-60.22 g CO2/MJ		10 92	Million Tonnes C02 Equivalent per year
					18 93%	if expressed as a percentage of Ireland's annual territorial emissions
	Agricultural GHG emissions in 2024 were 20 408MTCO2e (L)	→	20 408 MTCO2 e		53 49%	If expressed as a percentage of Irelands Agricultural GHG emissions
	Consider a reduction of 1MTco2e per year in agricultural as an average annual reduction under pathway 1, scenario 2 (M)	→	1.065 MTCO2 e		1024.92%	if expressed as a percentage of Ireland's likely annual reduction in Agricultural GHG emissions

https://docs.google.com/spreadsheets/d/1DGaRTlMesc4LFfJ2rsyMCpC43G-Gj6Lm-RYQM2f4oeg/edit?usp=sharing

Spreadsheet references

- *A- Proposed FSRU Capacity, Shannon Technology and Energy Park Environmental Impact Assessment Report, 2.4.2* https://www.pleanala.ie/publicaccess/EIAR-NIS/322568/EIAR%20Volumes%201%20to%204/STEP%20EIAR_Volume%202_Main%20Text.pdf?r=952106144287950018
- *B-LNG weight per cubic meter* https://www.unitrove.com/engineering/tools/gas/liquefied-natural-gas-density
- *C- LNG Average Gross Calorific Value in MJ per KG* https://www.unitrove.com/engineering/gas-technology/liquefied-natural-gas
- *D- LNG Emissions intensity in grams C02/MJ using GWP 20, Bob Howarth Research,Page 1*

https://www.research.howarthlab.org/publications/Howarth_LNG_assessment_preprint_archived_2023-1103.pdf

- E- LNG Emissions intensity in grams C02/MJ using GWP 20, IEA research,Page 17 https://iea.blob.core.windows.net/assets/5ad737ee-750d-460e-8c33-fb9140f1043d/AssessingemissionsfromLNGsupplyandabatementoptions.pdf
- F- LNG Emissions intensity in grams C02/MJ using GWP 100, IEA Research, Page 5 https://iea.blob.core.windows.net/assets/5ad737ee-750d-460e-8c33-fb9140f1043d/AssessingemissionsfromLNGsupplyandabatementoptions.pdf
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- H-Total GHG Emissions in Ireland 2024 in Million Tonnes CO2 https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Provisional-1990-2024-GHG-Report-1716.pdf
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- J- J- Upstream Emissions of UK Natural Gas Imports to Ireland, Converted to grams CO2/MJ J- Upstream Emissions of UK Natural Gas Imports to Ireland, Converted to grams CO2/MJ. Shannon Technology and Energy Park Environmental Impact Assessment Report, Table 15.18 https://www.pleanala.ie/publicaccess/EIAR-NIS/322568/EIAR%20Volumes%201%20to%204/STEP%20EIAR_Volume%202_Main%20Text.pdf?r=952106144287950018
- L- Total GHG emissions from Agriculture 2024 https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Provisional-1990-2024-GHG-Report-1716.pdf
- M- Modelling Irish Agricultural GHG Emissions and Mitigation to 2050: Scenarios for the Carbon Budgets Working Group https://www.teagasc.ie/publications/2023/macc-2023.php

Appendix 2

Government policy clarification letter from government TD Eamon Scanlon to Leitrim County Council July 29th, 2025

Kieran Brett

From: Eamon Scanlon <Eamon.Scanlon@oireachtas.ie>
Sent: Wednesday 9 July 2025 14:27
To: Kieran Brett
Subject: LCC May Resolution
Attachments: LCC Resolution 05 06 25.pdf

Dear Kevin,

I hope you're well. Thank you for your letter of the 5th of June on behalf of members of Leitrim County Council.

The Government does not support the commercial import of LNG/fracked gas. Our energy system remains reliant on natural gas, the bulk of which is imported via two sub-sea gas interconnectors from Scotland. Ireland does not have adequate resilience in case of a major disruption to these interconnectors and, therefore, does not currently meet minimum EU standards in this area. The risk of damage of sub-sea gas interconnects is rated as unlikely, but catastrophic, and there have been several incidents of damage to vital gas pipelines in Europe in the last year. It is in this context only that a state-led Liquified Gas Facility was recommended.

In line with the actions contained in the *Energy Security in Ireland to 2030* report, the Government approved the development of a state-led Strategic Gas Emergency Reserve in the form of a Floating Storage and Regassification Unit (FSRU), to be owned by Gas Networks Ireland, operating on a non-commercial basis for use only in the event of an emergency / in the case of a disruption to gas supplies. The development of a FSRU is consistent with the Climate Act 2021. It is a transitional measure and does not support increased gas demand.

The Government has given no signal whatsoever that we are changing policy in terms of the switch back towards a commercial LNG facility. We remain of the view that long-term energy security is best achieved through substantial growth in indigenous clean, renewable energy; improvements in energy efficiency; electrification of heat and transport; and increased electrical interconnection with our European neighbours. This will minimise the imports of fossil energy in the long-term.

Renewables and interconnection are at record levels and last year, emissions fell for a second year in a row. As we deliver more and more renewables, average gas use will continue to fall.

With kind regards.

Yours sincerely,

Eamon Scanlon