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To: [SIDS](#)
Subject: An Coimisiún Pleanála reference no. ABP-322568-25 [MCF-LIVE.FID1718035]
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Our client – Shannon LNG Limited
Shannon Technology and Energy Park
An Coimisiún Pleanála reference no. ABP-322568-25
Your letter dated 27 June 2025

Dear colleagues,

I attach the response of our client to your letter dated 27 June 2025.

Best regards,

Brendan Slattery

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OUR REF

YOUR REF

DATE

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ABP-322568-25

1 August 2025

BY EMAIL: sids@pleanala.ie

FAO: Ms Ellen Moss

An Coimisiún Pleanála

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Dublin 1

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Our client – Shannon LNG Limited
Shannon Technology and Energy Park
An Coimisiún Pleanála reference no. ABP-322568-25
Your letter dated 27 June 2025

By Email

Dear Colleagues

We refer to your letter dated 27 June 2025 regarding the application bearing reference number [ABP-322568-25](#) addressed to AECOM Infrastructure and Environment Ireland Limited, the agent for Shannon LNG Limited (the “**Applicant**”). The letter has been passed to us for response.

The application for the Shannon Technology and Energy Park was made direct to An Coimisiún Pleanála (the “**Commission**”, at the time An Bord Pleanála) on 27 August 2021 (Commission ref. [ABP-311233-21](#)). The Commission made a decision to refuse permission on 13 September 2023. That decision has been quashed by the High Court: *Shannon LNG Limited v. An Bord Pleanála* [\[2024\] IEHC 555](#) (the “**High Court Judgment**”).

The matter has now been remitted to the Commission for reconsideration and decision in accordance with law.

We confirm that the standalone website for this application remains active: www.stepplanning.com.

There does not appear to be any convenient reference to that URL on the Commission’s website for the reactivated case file: <https://www.pleanala.ie/en-ie/case/322568>. We suggest the URL for the standalone website should be added to the Description given on the Commission’s website.

Stephen Holst (Managing Partner), Mark White (Chair), Kevin Kelly, Hilary Marren, Eamonn O’Hanrahan, Helen Kilroy, David Lydon, Colm Fanning, Paul Lavery, Alan Fuller, Michelle Doyle, Hugh Beattie, Fergus Gillen, Valerie Lawlor, Rosaleen Byrne, Eamon de Valera, Joe Fay, Ben Gaffikin, Donal O’Raghallaigh, Barrett Chapman, Mary Brassil, Audrey Byrne, Shane Fahy, Georgina O’Riordan, Adrian Farrell, Michael Murphy, Darragh Murphy, Brian Quigley, Stephen FitzSimons, Philip Murphy, Fiona O’Beirne, Garreth O’Brien, Gary McSharry, Alan Heuston, Josh Hogan, Richard Leonard, Rory O’Malley, Lisa Smyth, Brendan Slattery, Tom Dane, Catherine Derrig, Megan Hooper, Shane Sweeney, Adam Finlay, Iain Ferguson, Jennifer Halpin, Stuart McCarron, Stephen Proctor, Michael Coonan, Emily Mac Nicholas, Brendan Murphy, Shane O’Brien, Éamon Ó Cuív, Ciara O’Leary, Eleanor Cunningham, Gill Lohan, Ciara Ryan, Niall Best, Richard Gill, Douglas McMahon, Laura Treacy, Laura Deignan, Stephen Fuller, Niall McDowell, John Neeson, Orlaith Sheehy, Sean Carr, Morgan Dunne, Donal Hamilton, Ian Payne, Bébhinn Bollard, Amy Brick, Jamie McGee, Ruairí Stewart, Deirdre Barnicle, Conor Cunningham, Paula Fearon, Clare Gillett, Aidan Gleeson, Sinead Martyn, Anna Moran, Ciara O’Herlihy, James Quirke, Gerard Sadler, Simon Walsh, Marie-Alice Cleary, Edel Corry, Liane Egan, Jack Kelly, Jerome Kennedy, Patrick Longworth, Ronan Murphy, Mark O’Connor, Rachel O’Neill.

Consultants: Catherine Austin, Seán Barton, David Hurley, Eleanor MacDonagh (FCA), Peter Osborne, Tony Spratt (ACA).

Company Secretarial and Compliance Services: Ray Hunt.

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You are reminded that the Commission has recently made decisions to grant permission for part of the development the subject of the pending application for the Shannon Technology and Energy Park.

On 19 April 2024, our client applied to the Commission for permission for the 600MW power plant and 120MW battery energy storage system ([ABP-319566-24](#)). The Commission granted permission on 13 March 2025.

On 29 July 2024, our client applied to the Commission for the electricity transmission infrastructure to connect that power plant and battery energy storage system to the national grid ([ABP-320300-24](#)). The Commission granted permission on 13 March 2025.

Those applications comprise up to date and available information that has been the subject of public consultation and your assessment. We expect the relevant application documents, and the Commission's assessment of them, should assist in the assessment of the reactivated matter.

We read your letter to mean that the Commission has invited other parties to make submissions or observations on the reactivated matter, and that you will circulate that further information for our client's further comments. Our client welcomes that opportunity for response.

We read your letter to mean that the Commission may, after technical assessment, request further information from the Applicant. Our client would be pleased to respond to any such request, if made.

In these circumstances and having regard to the short time allowed to respond to your letter, our client does not propose to submit revised application documents, at this time.

We make the following further observations, to assist the Commission with the assessment of the application.

1. **Energy security**

- 1.1 Soon after the unlawful decision of 13 September 2023, the Government published its long-awaited [Review of the Security of Energy Supply of Ireland's Electricity and Natural Gas Systems](#) (Department of Climate, Energy and the Environment) on 14 November 2023, and confirmed the review was finally complete on 4 March 2025 (the "**SOS Review**").
- 1.2 After an assessment of the potential risks to Ireland's natural gas security of supply, the review identified a clear evidence basis, and pressing need, for imports of LNG into the State and identified a Floating Storage and Regasification Unit (FSRU) as the preferred method.
- 1.3 The Government's [press release](#) of 4 March 2025 (the "**Government Press Release**") confirms that the Policy Statement on the Importation of Fracked Gas, 2021 no longer remains in place.
- 1.4 The press release notes that *"Ireland is one of 5 EU member states without domestic gas storage, something which has been identified as a considerable risk in the event of damage to one or both of our subsea gas interconnectors"*. Action 17 to the [Annex of Actions](#) of the SOS Review recognises the need to create a *"Strategic Gas Emergency Reserve to protect Ireland in the event of a gas supply disruption"*.

- 1.5 This outcome was no surprise. As observed in the High Court Judgment (at §117), even the preliminary analysis completed for the SOS Review, which had been the subject of public consultation before the Commission made its unlawful decision, recognised the need for LNG import using an FSRU:

“It is noted that by 2030, Ireland’s natural gas supplies are expected to be almost entirely from UK imports and that should there be an interruption in supply on a day of peak gas demand due to low availability of renewable sources, there is potential for up to 35% of gas demand being unmet, which would result in “severe economic and social impacts”. It is stated that, based on the Department’s preliminary analysis, it is anticipated that an FSRU will best meet the criteria set out. It is noted that this solution is preferred by many EU Member States [...]”.

- 1.6 [Annex 2](#) to the SOS Review (the “Gas Supply Report”) recommends (at §7.61) that:

“On the basis of a preliminary review, the Department has identified an offshore Gas Emergency Reserve for use in the event of a disruption (provided through an FSRU) as an appropriate measure to address the identified risks to our gas security of supply, likely more feasible for implementation in the timeframe required, while also being compatible with the Climate Act requirements”.

- 1.7 The Government Press Release and conclusions of the SOS Review recognise that the appropriate location for LNG import “will need to be a coastal site suitable for development with access to the gas network and sheltered deep-sea access. There is a limited number of locations in Ireland that are likely to meet the required site conditions for berthing a transitional FSRU”.

- 1.8 The application documents demonstrate that the location for the Shannon Technology and Energy Park satisfies these criterion, uniquely so.

- 1.9 As noted, the Commission has recently made decisions to grant permission for part of the development: for the 600MW power plant and 120MW battery energy storage system ([ABP-319566-24](#)) and for the electricity transmission infrastructure ([ABP-320300-24](#)). The suitability of the site for energy infrastructure is clearly established. This application presents an opportunity to authorise an LNG import project at a uniquely appropriate location.

- 1.10 No alternative or feasible solution has yet been identified. Any new application for a project at a different location would require substantial investment of both time and money to bring it to a state of readiness even for submission to the Commission. This was acknowledged in the Gas Supply Report (at §8.8). It must be doubtful that it would be possible for any other project to obtain all necessary permissions in time to allow construction and commissioning before the horizon of 2030 mentioned in the SOS Review.

2. Private ownership

- 2.1 On 4 March 2025, as explained in the Government Press Release, the Minister for Climate, Energy and the Environment received government approval to proceed with the development of a State-led strategic gas emergency reserve.

2.2 The Gas Supply Report explains (at §8.38 and §9.1 (footnote 22)) that:

“State-led means commissioned by the state via GNI within a regulatory framework overseen by CRU. This does not preclude a public private partnership nor the involvement of private firms contracted to provide, build or operate the necessary infrastructure.”

2.3 Plainly, there are many methods to achieve this outcome.

2.4 When the State was obliged to maintain strategic oil reserves, the National Oil Reserves Agency was established as a private limited company subsidiary of the Irish National Petroleum Corporation. Today, the stocks of oil held for strategic reserve are at facilities owned by private persons, including Texas-based Sunoco (formerly Zenith Energy), Irving Oil and the Atlantic Fuel Supply Company.

2.5 Functionally, there is nothing to prevent the Applicant from maintaining a level of strategic storage at the Shannon Technology and Energy Park, so that in the event of a supply shock a level of gas supply would be available immediately for the purpose of mitigating that shock.

2.6 As acknowledged in the EIAR (at §1.5), any LNG terminal in the State will be regulated under and in accordance with, at least, planning permission, an industrial emissions licence from the Environmental Protection Agency, a licence to operate from the Commission for Regulation of Utilities (“CRU”), a safety case from the Health and Safety Authority and port authority bye-laws in relation to safe navigation. The same is true for the Shannon Technology and Energy Park as it is for any separate State-led reserve.

2.7 For the purposes of control, even though not in fact required by the SOS Review, the State might choose to hold gas reserves at a location within its ownership, under permissions and licences that it has applied for and that have been granted to it, constructed and operated using staff employed by it, with purchases made by it direct with shippers of gas. That choice is a matter for the State, but is wholly irrelevant to the assessment of this application.

2.8 The SOS Review cannot be read to preserve the opportunity for *only* the State to deliver a State-owned LNG import terminal. For reasons elaborated below, that would be considered an unlawful breach of European law on market deregulation. The Gas Supply Report acknowledges (at §8.28), in its review of compliance with EU Energy and State Aid Framework, that *“Private entities are entitled to own and operate LNG facilities under Directive 2009/73/EC [the 2009 Gas Directive], subject to compliance with the relevant regulatory requirements and the principles of non-discrimination, transparency and competition.”* For completeness, the same remains true under the fourth gas package, comprising Regulation (EU) 2024/1789 (the **“2024 Gas Regulation”**) and Directive (EU) 2024/1788 (the **“2024 Gas Directive”**).

2.9 The Shannon Technology and Energy Park is not limited to providing strategic storage for the State. As acknowledged by the inspector appointed by the Commission to report on this application (at §10.5), *“the supply from the proposed terminal is likely to displace other sources of gas. The key driver for the proposed terminal development therefore is a need to diversify supply point, to obviate risk of a failure in the Moffat interconnector, rather than increase the volume of gas available”*.

2.10 The Commission has previously acknowledged that the LNG import infrastructure proposed in this application is capable of this dual function. The same infrastructure was the subject of

a pre-application consultation request submitted on 13 May 2024 (Commission ref. [ABP-319717-24](#)), where express reference to use for strategic gas emergency reserve was made. The inspector appointed by the Commission to report on this pre-application consultation satisfied himself (at §7.5) that the Applicant held a foreshore lease and licence consistent with the nature and extent of the proposed development, so that no Maritime Area Consent would be required before that contemplated application could be made.

- 2.11 There is nothing in the SOS Review or the Government Press Release that could be read to mean that there is any policy against the import of LNG to the State by private persons. There is nothing that could be read to mean that there is any policy against the ownership and operation of LNG infrastructure by private persons. If there was, that would be unlawful.
- 2.12 Prior to the completion of the SOS Review, the High Court Judgment (at §159) recognised that:

*“It seems unfortunate that the 2023 review was not available when the board made its decision. On the face of things, the application is basically consistent with the outcome of the 2023 review, **particularly if the owner of any particular facility is taken not to be a proper planning consideration** [...]”* (emphasis added).
- 2.13 We agree with the court’s suggestion that the personal circumstance of whether ownership of an FSRU is by the State or a private person cannot be considered a material planning consideration.
- 2.14 It follows that the SOS Review cannot be read to preclude the grant of permission for the Shannon Technology and Energy Park.
- 2.15 On the contrary, the project would resolve the material risks to the energy security of the State identified in the review and would do so in a manner that is entirely compatible with, and without prejudice to, any State-led approach. In addition, the Shannon Technology and Energy Park would support compliance with [Regulation \(EU\) 2017/1938](#) concerning measures to safeguard the security of gas supply (the “**N-1 Regulation**”), so that the State would be capable of meeting exceptionally high gas demand in the event of a loss of the single largest gas infrastructure.

3. **European law protection of private ownership**

- 3.1 Of course, no other interpretation of the SOS Review would be compatible with the European law obligations of the State under the third and fourth gas packages, including pursuant to [Directive 2009/73/EC](#) (the “**2009 Gas Directive**”) and [Directive 2024/1788](#), the 2024 Gas Directive, which repeals and replaces it.
- 3.2 The 2024 Gas Regulation and the 2024 Gas Directive on the internal markets for renewable gas, natural gas, and hydrogen came into effect on 4 August 2024. This fourth gas package updates and revises Regulation (EC) 1775/2005 (the “**2009 Gas Regulation**”) and the 2009 Gas Directive. The 2024 Gas Regulation is directly applicable in Member States from 5 February 2025 (except for certain provisions which apply from earlier dates). The 2024 Gas Directive is required to be transposed into domestic law by 5 August 2026.

- 3.3 This means the SOS Review cannot be read to preserve the opportunity for *only* the State to deliver a State-owned LNG import terminal. That would be considered an unlawful breach of European law on market deregulation.
- 3.4 Article 31 of the 2024 Gas Directive requires that Member States ensure the implementation of a system of third-party access to the transmission and distribution system and LNG facilities based on published tariffs, applicable to all customers, including supply undertakings, and applied objectively and without discrimination to system users.
- 3.5 The Gas Supply Report acknowledges as much in the section (at §§8.27 to 8.37) entitled “*Compliance with EU Energy and State Aid Framework*”. It recognises that private entities are entitled to own and operate LNG facilities under the 2009 Gas Directive (and the same is true of the replacement 2024 Gas Directive). Further, the report notes that Member States must “*ensure the implementation of Third-Party Access to LNG facilities based on published tariffs, applicable to all eligible consumers*”. Paragraphs 8.27 and 8.28 are worth reciting in full:

“8.27 The EU energy framework covers the regulation of gas markets and security of supply. This section summarises the key elements of that framework. A specific project once identified would need to fall within the framework’s requirements. It is noted that the significant changes to the framework are currently being prepared through the review and revision of the Gas Directive 2009/73/EC and Gas Regulation (EC) No 715/2009. The revised legislative proposals are currently in trialogue negotiations and may be finalised in Q4 2023.

8.28 Private entities are entitled to own and operate LNG facilities under Directive 2009/73/EC, subject to compliance with the relevant regulatory requirements and the principles of non-discrimination, transparency, and competition. Member States must ensure the implementation of Third-Party Access to LNG facilities based on published tariffs, applicable to all eligible consumers.” (Emphasis added.)

- 3.6 For the record, please note that references to the “Directive” in the Gas Supply Report refer to the 2009 Gas Directive.
- 3.7 Although not yet transposed into Irish law, Article 8 of the 2024 Gas Directive provides the authorisation procedure under which such facilities shall be authorised, and reinforces that any such systems of authorisation shall be applied in an objective and non-discriminatory manner:

“1. In circumstances where an authorisation, such as a licence, permission, concession, consent or approval, is required for the construction or operation of natural gas facilities, hydrogen production facilities and hydrogen system infrastructure, the Member States or any competent authority they designate **shall grant** authorisations to build or operate such facilities, infrastructure, pipelines or associated equipment on their territory, in accordance with paragraphs 2 to 11. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of natural gas and hydrogen and for wholesale customers

2. 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. Member States shall ensure that authorisation procedures for such facilities, infrastructure, pipelines or associated equipment take into account the importance of the project for the internal markets for natural gas and hydrogen where appropriate. Member States shall ensure consistency of the system of authorisation for hydrogen system infrastructure with the network development plans for hydrogen transmission and distribution networks adopted pursuant to Articles 55 and 56." (Emphasis added.)

- 3.8 There is no justification for discrimination between a Gas Networks Ireland ("GNI")-sponsored project and this application.
- 3.9 The High Court Judgment addressed this in terms (at §87): *"the logic for distinguishing quite so markedly between a commercial facility (bad) and a state facility (good) is not overwhelmingly clear"*. Indeed, the court observed (at §164) that the SOS Review cannot be read to *"rationally provide an independent foundation"* against the proposed development, not least because *"the review clearly wasn't an entirely open-minded and thorough consideration of all economic and environmental pros and cons of all potential options"*.

4. Other energy security policies

- 4.1 The full-scale Russian invasion of Ukraine, which commenced on 24 February 2022, continues.
- 4.2 In response to the invasion, the European Commission (on behalf of Ireland and the other Member States) communicated, in March 2022, a proposed new policy named [REPowerEU](#) which sought to eliminate EU dependency on Russian fossil fuels and to increase resilience of the EU-wide energy system based on two pillars, including the diversification of gas supplies *"via higher LNG imports and pipeline imports from non-Russian supplies, and high levels of biomethane and hydrogen"*.
- 4.3 The [Versailles Declaration](#) of 10 and 11 March 2022 was a unanimous declaration of heads of State and Government of EU countries in which the Irish Taoiseach participated. The Versailles Declaration agreed to phase out the EU's dependency on Russian gas, oil and coal imports by, inter alia, *"diversifying our supplies and routes through the use of LNG and the development of biogas"*.
- 4.4 In May 2022 the European Commission proposed the [REPowerEU](#) Plan to make the EU independent from Russian fossil fuels well before 2030, starting with gas. A further Regulation ([2022/1369](#)) was published in August 2022, to coordinate demand reduction measures for gas and implemented rules to address a situation where there are severe difficulties in the supply of gas.
- 4.5 The European Union remains committed to achieving independence from Russian fossil fuels by increased LNG imports. For example, on 27 July 2025, the European Commission agreed a deal on trade with the United States. The [details published by the European Commission](#) on 29 July 2025 make clear that: *"The EU intends to procure US liquified natural gas, oil, and*

nuclear energy products with an expected offtake valued at \$750 billion (ca. €700 billion) over the next three years. This will contribute to replacing Russian gas and oil on the EU market."

- 4.6 On 3 August 2023, the "[National Risk Assessment 2023: Overview of Strategic Risks](#)" was published by the Government. This recognises (at p.16), with respect to sources for the supply of energy, the "*lack of diversity of supply sources and storage is a risk for security of supply*". The most recent revision, the "[National Risk Assessment 2024: Overview of Strategic Risks](#)", was published on 16 September 2024. On energy security, the Government's assessment puts the matter succinctly (at p.31):

"Notwithstanding the increased use of renewables and energy efficiencies to be achieved over this time [by 2030], Ireland will continue to rely on gas as we move away from other fossil fuels. The lack of diversity of supply sources and storage is a risk."

- 4.7 We invite the Commission to consider the full suite of energy security related policies to ensure the errors made in the unlawful decision of 13 September 2023 ([ABP-311233-21](#)) are not repeated, including as outlined within the High Court Judgment.

5. Section 15 of the Climate Acts

- 5.1 The application includes sufficient information to allow the Commission grant permission in accordance with its obligations under section 15 of the Climate Action and Low Carbon Development Act, 2015 (as amended) (the "**Climate Acts**").

- 5.2 We know that some argue that the proposed development would increase the demand for gas: that cannot be true, particularly for a private LNG import business.

- 5.3 The inspector appointed by the Commission to report on the application acknowledged as much, recording (at §10.5 of their report) that there is "*no evidence that such supply would result in any increased demand for the use of gas*". The inspector acknowledged the submissions by the Commission for Regulation of Utilities (CRU) to the Joint Oireachtas Committee on Climate Action and the Environment in March 2022 to that effect. Source: https://www.oireachtas.ie/en/debates/debate/joint_committee_on_environment_and_climate_action/2022-03-29/2/

- 5.4 Having considered the application documents, the submissions made by the public and other stakeholders, the inspector (at §10.5) reported that:

*"There have been no reported restrictions on supplies of gas via the UK interconnector, while any additional supply from the proposed terminal is likely to displace other sources of gas. The **key driver for the proposed terminal development therefore is a need to diversify supply points**, to obviate risk of a failure in the Moffat interconnector, rather than increase the volume of gas available. Reducing overall gas demand is a matter for government policy instruments and measures under the Climate Action Plan". (Emphasis added.)*

- 5.5 We refer the Commission to the response made to the second request for further information submitted on 16 June 2023. The Shannon Technology and Energy Park provides the flexible transition fuel capacity required by the State. The Climate Action Plan identifies such sources

as essential to back-up variable renewables, and support Ireland's legally binding emissions budgets. For brevity, the detail of the response made in 2023 are not repeated here. By offering a market-responsive supply source, *without* creating new demand, the project advances Ireland's decarbonisation goals in full conformity with both the Climate Action Plan and the obligations under the Climate Acts.

You might please continue to address correspondence in this matter to AECOM, and retain them as the recorded agent for the Applicant on this case file.

Yours faithfully,

(sent by email, so bears no signature)

McCann FitzGerald LLP