

[submitted via online application]
Fingal County Council,
Planning Department,
County Hall,
Main Street,
Swords,
Co. Dublin

Friends of the Earth
9 Mount Street
Dublin 2
D02 K659

27 January 2021

RE Case FW21A/0250: Planning application for construction of a Gas Turbine Power Generation Station with an output of up to 293 Megawatts, Kilshane Energy Ltd

Dear Sir/Madam,

Friends of the Earth wishes to make observations on case reference FW21A/0250. Friends of the Earth's comments and objections are set out in the sections below.

Climate Act and Carbon Budgets

- The Government passed a new Climate Act in July 2021¹ which introduces a climate neutrality target for 2050, as well a 51% emissions reduction target by 2030. 5-year carbon budgets and sectoral emissions ceilings in accordance with these targets are to be produced imminently. The applicant does not make clear how the additional increasing emissions associated with long-term supply and usage of fossil gas for electricity generation is compatible with the state's legal targets.
- We note with concern the absence of information on emissions from the proposed developments. A central element in considering such a project must be that energy developments do not lock-in long-term emissions and must be in accordance with forthcoming sectoral plans and emissions ceilings. Such plans must align with carbon budgets and carbon budgets must be in accordance with the 51% mitigation target by 2030 and net zero target by 2050 (as set out in Ireland's 2021 Climate (Amendment) Act). The applicant fails address how the long-term lock-in of emissions associated with the ongoing operation of the OCGT will be prevented or abated. The applicant also does not address the proposed carbon budget produced by the Climate Change Advisory Council in October 2021.²
- The expansion of fossil fuel infrastructure inevitably leads to reliance on these polluting sources, and a 'lock-in' effect to fossil fuels. We would underline that that the 2021 Climate Act essentially requires an entirely decarbonised energy system by 2050 in order to align with the net zero pathway. The applicant also provides no information as to how emissions associated with operation of plant over future decades are in accordance with a fully decarbonised system. We therefore urge that the application is rejected.

Obligations on County Council and Absence of Climate and Environmental Analysis

- The Council is required to have regard to climate change mitigation in making its decision on this application. Under the 2015 Climate Act (as amended by the 2021 Climate Amendment Act), public bodies, including County Councils are obliged to "*perform...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.*"³
- In order to ensure alignment with these obligations, it is essential that the Council

¹ See Climate Action and Low Carbon Development (Amendment) Act 2021.

² See <https://www.climatecouncil.ie/carbonbudgets/> and <https://www.climatecouncil.ie/media/climatechangeadvisorycouncil/Technical%20report%20on%20carbon%20budgets%2025.10.2021.pdf>

³ Section 15 7(1) 2015 Climate Act

assesses how any polluting emissions associated with the proposed development will be prevented, reduced or not locked-in. The applicant has failed to set out the likely emissions associated with the plant or demonstrate the necessary prevention or mitigation of associated emissions. We therefore urge that the application is rejected.

- As an illustration of the likely emissions impact, the planning application for a proposed OCGT currently being considered by Galway Co Council⁴ notes that '*As a peaking plant, the plant is expected to run for approximately 1,500 working hours a year.*' It refers to potential emissions of 5,364,956 tCO₂e or 7,087,775 tCO₂e (and even these figures are questionable and likely to be far higher in reality).
- The applicant contends that no EIA is required solely based on the installed capacity of the plant and Schedule 5 Part 1 2a of the Planning and Development Act as amended. We reject the applicant's contention that an environmental assessment is not required for this type of plant (see section 8 of Policy Statement by CWPA). **We do not consider that the information provided constitutes an adequate EIA screening**, as is required in this case. The proposed development evidently has implications on both the climate and the local environment and without a proper assessment the application is crucially flawed and inadequate.
- We note section 103(1) of Planning and Development Regulations, 2001 which requires a determination by the planning authority where a proposed development is not accompanied by an EIA.⁵
- The applicant fails to address Section 3b of Part 2 of the First Schedule as amended by S.I. No. 349/1989 which refers to potential heat output and electricity transmission for installations for carrying gas, steam and hot water. The applicant also omits the storage of on-site fossil fuels associated with the proposed development (e.g. "1 no. single storey Fuel Oil Treatment & Forwarding Building") in its determination that an EIA is not required.

Health Impacts

- The applicant has not addressed adverse health impacts for local communities and schools associated both with construction, ongoing emissions and air pollution. There are a number of Traveller sites located around the proposed Kilshane site. Residents at these sites already face a greater burden of chronic diseases (including respiratory) than the settled population.⁶

Fingal Development Plan

- The applicant has not clarified how the proposed plant, and associated long-term emissions, are in accordance with the objectives of the Fingal Development Plan 2017-2023, particularly in relation to climate action. We note in particular the aim to '*Promote, drive and facilitate the transition in the future to an entirely renewable energy supply' and '*Incorporate sustainable development, climate change mitigation and adaptation*'. The applicant has not addressed how demand or emissions would be reduced or provide a coherent set of abatement measures. We also note in the Council Development Plan, main aims to '*Minimise the impact of the County's contribution to climate change, and adapt to the effects of climate change, with particular reference to the areas of land use, **energy**, transport, water resources, flooding, waste management and biodiversity...*' and to '*Develop, in consultation with stakeholders appropriate strategies and policies to facilitate a reduction in green house and carbon emissions and development of a sustainable energy and climate change action plan for**

⁴ Case 212192: Planning application for EP Energy Developments Open Cycle Gas Turbine Power Generation Station

⁵ Planning and Development Regulations, 2001 103.(1) *Where a planning application for sub-threshold development is not accompanied by an EIS, and the likelihood of significant effects on the environment cannot be excluded by the planning authority, the planning authority shall make a determination as to whether the development would be likely to have significant effects on the environment and where it determines that the development would be likely to have such significant effects it shall, by notice in writing, require the applicant to submit an EIS and to comply with the requirements of article 105.*

⁶ See All Ireland Traveller health Study, 2010

<https://www.pavepoint.ie/wp-content/uploads/2013/10/AITHS-Booklet-Sep.12.pdf>

the County'

- Regarding the aim to '*Encourage innovation and facilitate the development of pilot schemes that support climate change mitigation and adaptation..*', the applicant does not address the risk that this generation may prevent or preclude zero-emission technologies such as solar PV installations. It is important to note in relation to solar that this does not only refer to potential microgeneration on homes and businesses. Solar and battery storage (i.e. zero emission technologies) are in many instances direct competitors of gas plant, increasingly providing both secure back-up and needed supply during periods of low-wind power.⁷ Increasingly 'zero-carbon' flexible technologies such as solar, battery storage and demand side response can provide these system services and avoid the need for fossil-fuelled generators

Government Policy and Gas Generation

- It should be noted that commitments in the National Planning Framework referenced in the Planning Statement by CWA does not reflect the latest obligations in the Climate Act. As noted above, progressively decreasing carbon budgets and sectoral emissions ceilings should also be taken into account.
- We are aware that Government has previously indicated limited support for the development of new gas-fired generation due to certain electricity capacity challenges. However, it should be noted that the Government has also stated that the connection of such large energy users to the electricity grid "*should take into account...the need to decarbonise the electricity grid*" and that '*As more wind, solar, storage and interconnection is added to the system, conventional generation is expected to operate less... This conventional generation will spend much of its time in reserve for when needed...*'⁸ The applicant has not clarified its suitability, efficacy or necessity in the context minimal and progressively reduced operation, as more wind, solar and battery storage are introduced onto the system.
- It should be noted that the detailed technical assessment of Ireland's current and projected generation adequacy is set out in EirGrid's All Island Generation Capacity Statement to 2021-2030⁹. While the applicant only notes references to gas generation, to our knowledge, the Generation Capacity Statement does not address or assess this OCGT development. This implies that this development, unlike others, remains too uncertain for consideration. There is a likelihood that other similar plant (noted in the GCS) will come on stream in the near to medium term as EirGrid assumptions for new plants capacity for adequacy studies already comprise 18 new plants totalling 1111MW. Table 5 lists the successful generation units in previous T-4 auctions at their de-rated capacities a number of which already have connection agreements.¹⁰ The proposed development's omission calls into question its necessity and viability.
- EirGrid has noted that electricity demand on the Irish system is projected to increase to 2030. However, they have emphasised that '*Under the current arrangements, all available generators benefit from capacity payments. In the future, such payments will only be made to generators who are successful in the new Capacity Market. "It is possible that some generators that fail to secure capacity payments may not be commercially viable."*'¹¹ The applicant has failed to demonstrate its economic viability and capacity market risks.

Gas Network and Decarbonisation

- EirGrid states that "*the decarbonisation of gas supply is a key assumption in us assuming that gas continues to have a strong role in maintaining the demand and supply balance*

⁷ See <https://www.energystorageireland.com/2019/12/store-respond-and-save-cutting-two-million-tonnes-of-co2/>

⁸ <https://www.gov.ie/en/publication/a4757-policy-statement-on-security-of-electricity-supply/>

⁹ <https://www.eirgridgroup.com/site-files/library/EirGrid/208281-All-Island-Generation-Capacity-Statement-LR13A.pdf>

¹⁰ <https://www.eirgridgroup.com/site-files/library/EirGrid/208281-All-Island-Generation-Capacity-Statement-LR13A.pdf>

¹¹ See <https://www.eirgridgroup.com/newsroom/generation-capacity-state/>

*in our scenarios out to 2040.*¹² They contend that a carbon-neutral power system may possibly be achieved through new Combined Cycle Gas Turbines (CCGT) together with Carbon Capture and Storage. However, they outline that if investment decisions in capital intensive CCGTs are made without a strong incentive for CCS development “large volumes of carbon will be locked into the electricity system for another 30 years.” This carbon-neutral power system may also be achieved through more flexible Open Cycle Gas Turbine (OCGT) installations coupled with biogas. However, it is noted that OCGTs are unsuitable for CO₂ capture via CCS, “meaning that in order to decarbonise such generation capacity, incentives are needed to decarbonise the fuel itself, requiring the gas supply to be 100% renewable.” The applicant has not addressed decarbonisation of gas supply or these concerns as raised by EirGrid.

- Regarding connections to the gas network, the applicant has not demonstrated with any degree of certainty that the OCGT will be connected to the network in safe or secure manner. The relevant regulatory framework is currently the subject of consultation: the Commission for Regulation of Utilities is currently consulting on Gas Network Ireland’s network plans and tariffs and note that the connection process for gas-fired generation must be updated.¹³ The applicant has not addressed this uncertainty regarding its gas connection and associated tariff.
- In this consultation, the CRU address plans for expansion of biomethane and hydrogen in the gas network. Gas Networks Ireland have also introduced an objective for half of the gas in Ireland’s network to be comprised of biomethane and hydrogen with remainder made up of ‘abated gas’ through Carbon Capture and Storage (CCS).¹⁴ Given that these technologies are yet to proven viable scale at any scale, it is likely that the gas network and any decarbonised or ‘abated gas’ (if even possible) will come under significant pressure. The applicant has not clarified how the proposed plant will be future-proofed to accept or run on hydrogen, biomethane (or CCS). We recognise that usage of *the network* and abatement strategies are not the responsibility of the applicant, however the applicant must be expected to show how it will align with future use of the gas network, including installation of appropriate equipment, monitoring and resources.

Security of Supply and Stranding Risk

- It is important to note that although fossil gas generation forms a significant portion of Ireland’s fuel mix and is important for electricity supply, it does not follow that any and all additional fossil gas generation is necessary or supportive of Ireland’s climate and energy objectives.
- Regarding any suggested additional support to security of electricity supply, it should be noted that the Department of Environment, Climate and Communications is still in the process of completing the review of the Security of Supply of Ireland’s Electricity and Natural Gas Systems. Planning approval may run counter to the conclusions of this forthcoming Government review.
- In assessing energy security considerations it is particularly important that the Council addresses the potential for gas and electricity assets to become underutilised, uneconomic and ultimately stranded resulting in greater insecurity. This is particularly relevant in the context of the new target of “up to 80” renewable electricity by 2030, as noted in the Government’s 2021 National Development Plan, as well as full decarbonisation by 2050 in accordance with the Climate Act’s climate neutrality target.
- UCC research on behalf of the EPA regarding fossil fuel lock-in risks indicates that ‘*From a policy perspective, it is important that the market model and payments for energy, capacity and flexibility are designed to expedite the transition to zero carbon and are not sunk costs in fossil fuel generation and infrastructure*’. They also note that ‘*in future scenarios with a tight top-down carbon constraint, difficult-to-reach projects with high*

¹² <http://www.eirgridgroup.com/site-files/library/EirGrid/EirGrid-TES-2019-Report.pdf> EirGrid Tomorrow’s Energy Scenarios 2019 Ireland Planning our Energy Future

¹³ See <https://www.cru.ie/wp-content/uploads/2021/12/CRU21133-PC5-Regulatory-Framework-Consultation-Paper.pdf>

¹⁴ See https://www.gasnetworks.ie/vision-2050/future-of-gas/GNI_Vision_2050_Report_Final.pdf

capital costs, along with carbon-intensive reserves, face a high stranding risk.¹⁵

In light of the above, we urge Fingal County Council to reject the application made for the new gas power station proposed by Kilshane Energy Ltd.

We would like to thank Fingal County Council for their consideration of the above sections and would be happy to provide further information upon request.

Is mise le mórmeas

Friends of the Earth

¹⁵ Celine McInerney, Conor Hickey, Paul Deane, Joseph Curtin and Brian Ó Gallachóir on behalf of the EPA, 'Fossil Fuel Lock-in in Ireland: How Much Value Is at Risk?' (2015-CCRP-MS.27) Research Report No 302, 2019.