



An
Bord
Pleanála

Inspector's Addendum Report 08.PM0014B

Development	Application under section 146B of the Planning and Development Act, 2000 (as amended), to alter the terms of a permission for Strategic Infrastructure Development.
Location	Ralappane and Kilcolgan Lower townlands, Tarbert, Co. Kerry.
Planning Authority	Kerry County Council
Applicant(s)	Shannon LNG
Type of Application	Section 146B
Date of Site Inspection	4 th December 2017
Submissions/Observations	<ul style="list-style-type: none">- Ballylongford Enterprise Association- John Fox- Thomas & Mary O'Connell- Clare County Council- Department of Agriculture, Food and the Marine

- Tarbert Development Association
- Tarbert-Ballylongford Working Group
- Shannon Foynes Port Company
- Kilcolgan Residents Association and Safety Before LNG
- Ken Murphy
- Transport Infrastructure Ireland
- An Taisce
- Friends of the Irish Environment
- Department of Culture, Heritage and the Gaeltacht
- Food and Water Europe & Others
- TCD Environmental Society & TCD Fossil Free
- Not Here Not Anywhere for a Fossil Free Future
- Brid Smith TD, Gino Kelly TD & Richard Boyd-Barrett TD
- Save RGV from LNG
- Friends of the Earth
- People's Climate Clare
- Green Party of Ireland

Inspector

Michael Dillon

1.0 Synthesised Report

This report arises as a result of the Board's memorandum of 11th June 2018, requesting an addendum report to the original Inspector's Report of 18th December 2017. It comprises a synthesis of the original Inspector's Report and of the Inspector's Summary of Submissions of 24th May 2018; and consequent assessment and recommendation.

2.0 Site Location and Description

- 2.1. The site, with a stated area of approximately 104ha, is located in a rural area on the north coast of Co. Kerry, approximately 4km west of Tarbert and 4km northeast of Ballylongford.
- 2.2. The site is irregular in shape, and follows the coastline along the Shannon Estuary for a distance of about 1.6km; rounding Knockfinglas Point. It is set out in pasture, comprising primarily improved grassland, with some wet grassland adjacent to the coastline. It is made up of a series of irregularly shaped fields separated by hedgerows. The site is undulating, but generally rises upwards in a southeasterly direction from the coastline – from approximately 3m OD at the shoreline to a maximum of 33m OD at its southeastern extremity (close to Cahergal ringfort). A small stream runs in a northwesterly direction through the site, discharging into the Shannon Estuary to the southwest of Knockfinglas Point.
- 2.3. On its northeast and southeast sides, the site adjoins agricultural lands. On its southeast side the site adjoins the coast road from Tarbert to Ballylongford – on the opposite side of which is a series of one-off houses and lands in agricultural use. On its northwest and north sides, the site adjoins the Shannon Estuary where, with the exception of the westernmost extremity of the site, much of the boundary consists of a sloping cliff base of glacial till, 3-5m in height. On its northwest side, an irregularly shaped area of land is deliberately omitted from the site. This coincides with a brackish lagoon and areas of reed beds, which have been designated as part of the Ballylongford Bay proposed Natural Heritage Area (pNHA) and also part of the Lower River Shannon candidate Special Area of Conservation (SAC) and the River Shannon and River Fergus Estuaries SPA. The reed bed areas are generally located to the northeast of the small stream, which crosses through the site on its

route to the Shannon Estuary. The boundaries of the cSAC, SPA and pNHA in the vicinity of these reed beds are all slightly different.

- 2.4. Just inside the site boundary, a minor road runs for a distance of about 0.9km, to terminate in a turning/parking area. This road is tourist sign-posted “Kilcolgan Strand”. The road is in a very poor state of repair – potholed and disintegrating – gradually becoming unsuitable for car traffic. A private track leads off in a northeasterly direction just short of the termination of this road, to give access to a farmyard complex. This farmyard complex is still in active use, but the three houses associated with it have been abandoned. A further private road leads off the coast road into the application site, about 0.5km northeast of the aforementioned cul-de-sac. This too, leads to a farmyard complex, where the houses have been abandoned.

3.0 Request Details

- 3.1. A request to alter Condition no. 2 of permission ref. 08.PA0002, was received by the Board on 22nd September 2017. Condition 2 states-

This permission shall, in accordance with the application, be for a period of ten years from the date of this order.

Reason: In order to allow a reasonable period for the completion of this extensive development.

The request relates to an additional five-year timeframe to construct the development – such that condition no. 2 would read- “This permission shall, in accordance with the application, be for a period of fifteen years from the date of this order”.

- 3.2. The reason for the request to extend the permission can be summarised as follows-
- Delays in issuing Foreshore Leases & Licences – not granted until December 2010.
 - Commission for Energy Regulation (CER) consultation process into the national gas transmission grid was commenced in January 2011. A final decision on the tariff costs to access the onshore national transmission grid by parties using new entry points, was not issued until June 2015.

- This period of regulatory uncertainty allowed the applicant to obtain, from ABP and CER, the necessary construction approvals for connecting to the national grid, and to obtain planning approval for a 500MW combined heat & power plant on this site.
- Weakening in the gas market following the economic downturn of 2008.
- EU Commission established a network code on harmonised transmission tariff structures for gas – bringing regulatory certainty to the market – 2017/460.
- The EU Commission recently renewed and extended Shannon LNG’s Project of Common Interest status. This provides for fast-tracking of outstanding permits, and access to lower cost European Investment Bank financing and grant aid.
- It is envisaged that the LNG terminal will be operational by 2023.
- It is noted that the Board has already consented to alterations (ref. 08.PM0002) to the previously permitted scheme.

3.3. The request is accompanied by the following two documents-

- a) Report on the Assessment of the Environmental Impacts of the Proposed Alteration – dated 18th September 2017.
- b) Report on Screening for Appropriate Assessment – dated 18th September 2017.

4.0 Planning History

Ref 08.PA0002: Relates to an application under section 37E of the Strategic Infrastructure Development provisions of the Planning and Development Act, 2000 (as amended), which was granted permission by the Board (under Section 37G), on 31st March 2008, for development of a liquefied natural gas (LNG) regasification terminal on this site. No development has taken place to date on foot of this permission.

Ref. 08.PM0002: Relates to an application to An Bord Pleanála, under section 146B of the Planning and Development Act, 2000 (as amended), to make modifications/alterations to approved development ref. 08.PA0002, as follows-

- Allow for option to construct one storage tank in phase 1, rather than 2 storage tanks.
- Slight alteration to jetty head.
- Reduction in width of trestle decking.
- Alterations to pipeline supports close to sea-water pump-house.
- Running of pipes under rather than over a section of the outer perimeter road.
- Relocation of main electrical switchyard.
- Relocation of utility area electrical substation building.
- Relocation of LNG impoundment sumps.
- Reduction in width of some service roads from 9.0m to 6.0m.
- Changes to perimeter fencing.

By order dated 4th March 2013, the Board consented to the proposed changes, and amended Condition no. 3 of permission ref. 08.PA0002. No development has been carried out to date on this site.

Ref. 08.GA0003 & 08.DA0003: Refer to a Strategic Infrastructure Development application by Shannon LNG Ltd, under section 182C(1) of the Planning and Development Act, 2000 (as amended), to construct a 26km underground pipeline to link the proposed LNG terminal at Ralappane, with the national gas transmission grid near Foynes, Co. Limerick. The application was accompanied by a compulsory acquisition order application. By Order dated 17th February 2009, the Board issued permission for the gas pipeline project, and consented to the compulsory acquisition of the necessary lands. Whilst the conditions of permission did not specifically refer to a 10-year permission, I note that the Board's Inspector did address this issue in her report, and condition no. 1 of the permission requires that the development shall be carried out in accordance with the plans and particulars, including the EIS, lodged with An Bord Pleanála on 14th August 2008. This development has not been carried out to date.

Ref. 08.PA0028: Refers to a Strategic Infrastructure Development application by Shannon LNG Ltd, under section 37E of the Planning and Development Act, 2000 (as amended), to construct a 500MW combined heat & power plant on the site of the

proposed LNG terminal. By order dated 9th July 2013, the Board granted permission subject to 27 no. conditions. Condition no. 2 indicated that the permission was for a period of ten years. There is no development to date on foot of this permission.

Ref. ABP-300417-17: Safety Before LNG made a section 5 referral to Kerry County Council, in relation to whether extension of the duration of planning permission for the Shannon LNG Terminal project is a material change or not, and whether the complete abandonment of the project by its promoter is a material change, that is or is not development and is or is not exempted development. On 10th November 2017, Kerry County Council declared that the extension of duration was not development, and that the abandonment by a promoter would constitute neither works nor a material change of use of a permission. This declaration was referred to the Board for review on 6th December 2017, by Safety Before LNG. There is no decision to date on the referral.

5.0 Policy Context

5.1. Kerry County Development Plan 2015-2021

- Map 12.1a indicates that the site is zoned for industry.
- There are no Views or Prospects indicated for protection on Map 12.1a.
- Section 4.6 deals with the Shannon Estuary.
- Section 4.7 deals with the Tarbert/Ballylongford Land Bank of 390ha – zoned for marine-related industry, compatible or complimentary industries and enterprises which require deep water access.
- It is an objective of the Council to- “Support the implementation of the Shannon [sic] Integrated Framework Plan to facilitate the sustainable economic development of the Shannon Estuary” (ES-22).
- It is an objective to the Council to- “Promote and facilitate the sustainable development of these lands for marine related industry, utilising the presence of deep water, existing infrastructure, natural resources and waterside location to harness the potential of this strategic location” (ES-23).

5.2. **Strategic Integrated Framework Plan for the Shannon Estuary 2013-2020**

Kerry County Council, in association with Clare County Council, Limerick City Council, Limerick County Council, Shannon Development, and the Shannon Foynes Port Company, commissioned a land- and marine-based plan for the future development and management of marine-related industry and tourism along the estuary. Clare County Council is the lead in this inter-jurisdictional plan. The Ballylongford development lands are identified in the Plan as a ‘Strategic Development Location’. The Kerry County Development Plan references the SIFP.

6.0 **Notification**

By letter dated 27th September 2017, Kerry County Council was notified of the receipt by An Bord Pleanála of the request to amend a previously approved planning permission, under section 146B.

7.0 **Legislative Comment**

- 7.1. Section 146B is laid out in such a way that it essentially provides for a two-stage process. The first stage is for the Board to consider “*whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned*” – section 146B(2)(a). If the decision is that the making of the alteration would not constitute the making of a material alteration, then the Board “*shall alter the planning permission*” – section 146B(3)(a). The second stage only arises if the Board decides that the proposed alteration “*would constitute such a material change*”. In this instance, the Board, before determining to make such a material alteration or refusing to make such a material alteration, must determine whether the proposed alteration “*would be likely to have significant effects on the environment*” – sections 146B(3) and 146B(4). This determination requires consideration of the requirement for environmental impact assessment and public consultation – sections 146B(7) and 146B(8). Clearly, if the outcome of the first stage is a decision that the proposed alteration would not constitute a material alteration, then there is no basis for addressing the matters referred to in the second stage.

7.2. It should be noted that section 146B(9) provides that the word 'term' has the same meaning as it has in section 146A. Section 146A(4) states- "In this section 'term' includes a condition". I would be satisfied, therefore, that it is open to the Board to consider amending condition no. 2 of permission ref. 08.PA0002, as requested by the applicant. In this regard I would note the Board's decision in relation to an alteration of the Railway Order for the Kildare Route Project (NM0004) in 2017, to allow for an extension of time to complete certain works.

8.0 Projects of Common Interest

8.1. When planning permission was originally granted by the Board for this development on 31st March 2008, the notion of Projects of Common Interest had not been introduced. Since that time, the development of the LNG Terminal and the connection to the national gas grid have been entered in the Union List of Projects of Common Interest. The latest 'Union List' (23rd November 2017) from the European Commission, includes at Item 5.3, the following entry- "Shannon LNG terminal and connecting pipeline (IE)". The 'Union List' (18th November 2015), included at Item 5.3, the following entry- "Shannon LNG terminal and connecting pipeline (IE)". The first 'Union List' of 2013, followed on from the making of the relevant Regulation at Brussels (14th October 2013), and included at Item 5.3, the following entry- "PCI Shannon LNG Terminal located between Tarbert and Ballylongford (Ireland)". When the Board previously considered a section 146B alteration request at the Shannon LNG site (ref. 08.PM0002), the project had not at that stage been included as a Project of Common Interest – the date of the Board's Order being 4th March 2013, and where the LNG terminal project and the connection to the national gas transmission network were only designated a Project of Common Interest in October 2013.

8.2. The project is now included on the Union List. The Projects of Common Interest Unit of An Bord Pleanála (as the Competent Authority for Ireland) has considered the current section 146B request. In a Memo, dated 30th November 2017, it was considered that Regulation 347/2013 made no provision to deal with amendments to a permitted Project of Common Interest. The Projects of Common Interest Unit was satisfied that the Shannon LNG Project of Common Interest avails of the transitional provisions of Article 19 of Regulation 347/2013, which states- "for projects of

common interest in the permit granting process for which a project promoter has submitted an application file before 16th November 2013, the provisions of Chapter III will not apply”, allowing it to forego the obligations of Chapter III of the Regulation and it is not expected to enter the permit granting process. Therefore, no Project of Common Interest permit (the Comprehensive Decision) was or will be issued in this case. No procedural steps are required to be taken by the Board (the Competent Authority) in this instance.

9.0 Board Direction

At a meeting held on 4th January 2018, the Board directed that submissions be invited from members of the public and the parties involved in the original planning application ref. 08.PA0002.

10.0 Consequent Correspondence

10.1. By letter dated 10th January 2018, An Bord Pleanála wrote to the applicant, Shannon LNG, indicating that, in accordance with section 146(2)(a) of the Act, that the proposed alteration would constitute a material alteration to the terms of the development. The applicant was informed that the Board had decided to invoke the provisions of section 146B(8) of the Act, and required submission of a copy of the information to be deposited with Kerry County Council for purchase (if required) by members of the public; sending of notice to the list of Prescribed Bodies, informing them that submissions could be made to An Bord Pleanála before a specified date, and requiring new public notice in two newspapers. The applicant was also requested to erect new site notices. The list of Prescribed Bodies was as follows-

- Kerry County Council.
- Health and Safety Authority.
- Environmental Protection Agency.
- Transport Infrastructure Ireland.
- An Taisce.

- Development Applications Unit of the Department of Arts, Regional, Rural & Gaeltacht Affairs [Department of Culture, Heritage and the Gaeltacht].
- Minister for Agriculture, Food and the Marine
- Clare County Council.
- Limerick County Council [Limerick City & County Council].
- Bord Gáis [Gas Networks Ireland].
- Eirgrid.
- Commission for Energy Regulation [Commission for Regulation of Utilities].
- Minister for Housing, Planning, Community and Local Government.

- 10.2. A copy of the same letter – this time dated 11th January 2018, is on file – the only apparent difference being the reference to section 146B(2)(b) instead of 146B(2)(a) in the second paragraph.
- 10.3. By letters dated 11th January 2018, the Board wrote to Prescribed Bodies and those who had originally been party to case ref. 08.PA0002, indicating that a request had been received from Shannon LNG in accordance with section 146B of the Planning and Development Act, 2000 (as amended), to alter the terms of a previously permitted development for an LNG Terminal (ref. 08/PA0002), and enclosing a copy of the letter issued to the applicant on 11th January 2018.
- 10.4. An e-mail from the agent for the applicant on 22nd January confirmed that it was intended to publish public notices in the Irish Examiner and Kerry Eye newspapers on Thursday 25th January 2018 – stating a closing date for receipt of submissions/observations by 22nd February 2018. Copy of draft newspaper notice was included. For clarity, the applicant stated that, reference to Bord Gáis is taken to mean Gas Networks Ireland and reference to the Commission for Energy Regulation is taken to mean the Commission for Regulation of Utilities.
- 10.5. On 22nd January 2018, An Bord Pleanála reverted to the agent for the applicant, with suggested changes to the site notice – to be carried over into the newspaper notices. The e-mail further indicated that- “Contrary to the wording of the original ad issued to Shannon LNG the Board has not made a decision that the amendment sought is

material but is instead inviting submissions as to whether the amendment is or is not material”.

11.0 Submission of Applicant

11.1. On 5th February 2018, Arup, agent for the applicant, wrote to An Bord Pleanála, re-submitting the documentation which had originally been submitted on 22nd September 2017.

11.2. The submission was accompanied by the following documentation of note-

- Copies of letters issued to Prescribed Bodies on 23rd January 2018 (13 in total).
- Copy of new site notice.
- New newspaper notices.

12.0 An Bord Pleanála issues letters to Parties

12.1. On 6th February 2018, An Bord Pleanála wrote to the applicant, Prescribed Bodies, and those who had originally been party to case ref. 08.PA0002, informing them that the letter issued on 11th January 2018, had been revised (copy included) and also including a copy of the notice published on 25th January 2018, in the Kerry Eye newspaper. The altered section of the letter states- “to invite submissions in relation to whether the making of the alteration to which the request relates would constitute the making of a material alteration to the terms of the development concerned”. The last date for submissions remained the 22nd February 2018.

12.2. On 12th February 2018, John McElligott of Safety Before LNG, contacted An Bord Pleanála by e-mail, to complain of ‘double decisioning’ in relation to 08.PM0014, and that the Board had acted *ultra vires*. A letter of response from An Bord Pleanála, dated 16th February 2018, explained that an administrative error had been made in the drafting of the original letter. The original letter did not reflect the intention of the Board in relation to how the matter was to be administratively dealt with. It is also clear that no decision has been made by the Board as to whether or not the proposed alteration would constitute the making of a material alteration of the

conditions of the development. The correspondent was informed that submissions would be received by An Bord Pleanála up until 22nd February 2018.

13.0 **Submissions from Prescribed & Public Bodies**

Submissions were received from the following-

13.1. Transport Infrastructure Ireland

Received on 20th March 2018; indicating no comment to make.

13.2. An Taisce

Received on 22nd February 2018; the 2008 consent was made without any connection to the electricity grid or gas network. The Ó Grianna case is of relevance. A revised EIA is needed to consider both the LNG Terminal and the grid connection. The 2008 decision failed to address the issue of transboundary climate and other impact of extraction and transport of LNG to the site. Fracking generates significant methane impacts. White J. held, in the case of the Edenderry Power Station, that there is a functional interdependence between the power plant and Bord na Móna bogs. Shipping LNG from the US will likely cause an uptake in global greenhouse gas emissions. Under the terms of the Paris Agreement, Ireland has to limit the development of fossil fuel use.

13.3. Development Applications Unit of Department of Culture, Heritage and the Gaeltacht

Received on 22nd February 2018; recommended conditions in relation to underwater archaeology. In relation to European sites, it is noted that there have been a number of changes since March 2008- including extension of River Shannon and River Fergus Estuaries SPA; publication of detailed conservation objectives for both the aforementioned SPA and the Lower River Shannon SAC; more up to date information is now available on marine mammals; new Regulation has been introduced in relation to prevention and management of the introduction and spread of invasive species on ship hulls and within ballast water; changes in the presence of the Otter species since survey was carried out in 2007, and a resurvey would be required prior to commencement of development.

13.4. Department of Agriculture, Food and the Marine

Received on 16th January 2018; indicating no comment to make.

13.5. Clare County Council

Received on 15th February 2018; indicating that the Board should have regard to the Strategic Integrated Framework Plan for the Shannon Estuary. The LNG Terminal permission forms part of the overall Tarbert-Ballylongford Landbank which was identified within the SIFP for Marine Related Industry.

13.6. Shannon Foynes Port Company

Received on 20th February 2018, from HRA Planning, agent for the Port Company; indicating that it is responsible for all commercial maritime activities on the Shannon Estuary – including at Ballylongford. The Port Company is fully supportive of the permission and considers that condition no. 2 should be extended to 15 years. Planning circumstances have not materially changed since 2008 – particularly in relation to European and national energy policy. The LNG Terminal is a Project of Common Interest – a key infrastructure project of the EU. To become a PCI, a project must have a significant impact on energy markets and market integration in at least two EU countries, boost competition and help the EU's energy security by diversifying sources, and contribute to the EU's climate and energy goals by integrating renewables. Ireland is the only country in northwest Europe without an LNG Terminal. The National Planning Framework acknowledges the importance of energy sustainability, security of supply and competitiveness. Section 6.4 of the White Paper on Ireland's Energy Policy confirms that Ireland has no strategic gas storage and very limited operational gas storage. The Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary is fully in support of this project. The SIFP has undergone its own Strategic Environmental Assessment (SEA) and appropriate assessment (AA). Although a non-statutory plan, all three local authorities have either varied their development plans or prepared new ones, incorporating the objectives of the SIFP. The land continues to be zoned for marine-related industry in the Kerry County Development Plan 2015-2021. Objective ES-23 of the Plan supports the development. Planning policy has not changed since 2008. The requested amendment seeks to modify the timescale and not the development proposal. The permitted development has been subject to detailed environmental assessment. Section 42(1)(ii) of the Planning and Development Act, 2000 (as amended) sets out criteria on the acceptability, or otherwise, of extending the life of a permission under four headings – a) to d). Whilst this is not the relevant section of

the Act for the purposes of this application to An Bord Pleanála, it is of relevance to the case in hand. With the potential of a post-Brexit trade regime implementing tariffs on gas piped into Ireland through Britain, there has never been a more critical time to ensure a secure energy supply to the country.

14.0 Submissions of Other Parties

14.1. Arising from letters issued to Prescribed Bodies and to individuals/groups/bodies who had been party to the previous application (ref. 08.PA0002), and arising from revised site/newspaper notices, 16 submissions were received by An Bord Pleanála from the following, both opposed to, and in favour of, extending the permission-

- Green Party of Ireland, Suffolk Street, Dublin 2 – received 22nd February 2018.
- Bríd Smith TD, Gino Kelly TD & Richard Boyd-Barrett TD, Leinster House, Dublin 2 – received 22nd February 2018.
- Friends of the Earth, Rathgar, Dublin 6 – received 22nd February 2018.
- Kilcolgan Residents Association & Safety Before LNG, (Johnny McElligott) Listowel, Co. Kerry – received 20th February 2018.
- Food and Water Europe & Others, Templeogue, Dublin 6W – received 22nd February 2018.
- Not Here Not Anywhere for a Fossil Free Future, Heuston South Quarter, Dublin 8 – received 22nd February 2018.
- Tarbert Development Association, Tarbert, Co. Kerry – received 20th February 2018.
- John Fox, Tarbert, Co. Kerry – received 7th February 2018.
- Ken Murphy, Tarbert, Co. Kerry – received 21st February 2018.
- Tarbert-Ballylongford Working Group, Tarbert, Co. Kerry – received 20th February 2018.
- TCD Environmental Society & TCD Fossil Free, Trinity College, Dublin 2 – received 22nd February 2018.

- People’s Climate Clare, Ennis, Co. Clare – received 22nd February 2018.
- Ballylongford Enterprise Association, Ballylongford, Co. Kerry – received 13th February 2018.
- Thomas & Mary O’Connell, Tarbert, Co. Kerry – received 7th February 2018.
- Friends of the Irish Environment, Eyeries, Co. Cork – received 22nd February 2018.
- Save RGV from LNG, Texas, USA – received 22nd February 2018.

14.2. The issues raised, where relevant, can be summarised in bullet point format as follows. I note that many of the points put forward relate to earlier decisions of the Board regarding this site.

- The extension of permission should be regarded as a material alteration to the terms of the original permission, and should be refused.
- There are newly designated SACs in the vicinity. When originally considered, the Lower River Shannon SAC had only candidate status.
- The River Shannon and River Fergus Estuaries SPA has been expanded since the original permission was granted in 2008. This SPA is home to over twenty species of wetland and water birds.
- Advances in climate science and international climate agreements have been made since the original permission was granted. Reduction in greenhouse gas emissions within the EU is now set at 40%, compared with 20% in 2008. Europe needs to urgently phase out all fossil fuels. No more than one third of proven reserves of fossil fuels can be consumed prior to 2050, if the world is to achieve the two-degree Centigrade goal for limiting climate change.
- Infrastructure may become a stranded asset due to changes in international investment patterns. BNP-Paribas Bank has just withdrawn funding for LNG terminals in the US which would be exporting to Shannon LNG Terminal. Demand for gas in Ireland has dwindled by 20% in recent years.
- There are no plans in place in the event of the future abandonment of the site. Abandonment could lead to safety issues for residents and potential pollution of the environment. The Board must take appropriate measures to ensure

that calamitous events do not ensue, in the case that the development is abandoned by its operators. This is particularly so, given that the original promoter has withdrawn from the project.

- Required EU reductions in the burning of fossil fuels would likely lead to early redundancy of this facility, and potential claims for compensation from the owners to the Irish Government.
- LNG Terminals pose hazards to human health and safety, and to the surrounding environment.
- The Climate Action and Low Carbon Development Act 2015, requires the Board to consider climate change objectives. Climate change impact was barely touched upon in the original EIS. The Government is committed to reducing CO₂ emissions by 80% before 2050.
- The Paris Climate Accord of 2015 aims to hold the increase in global average temperature to well below the 2 degrees Centigrade above pre-industrial levels, and pursuing efforts to limit the temperature increase to 1.5 degrees Centigrade above pre-industrial levels.
- The World Bank will end its support for oil and gas extraction within the next two years. Fossil-fuel based energy is outdated and the way forward is with renewable energy.
- Fracked gas could be imported from the US. Ireland has banned terrestrial fracking since 2017. Importing fracked gas would be morally unjustified and would make more difficult the fight of groups in the US to halt the construction of fracking infrastructure.
- The release of fugitive methane emissions from fracking and liquefaction/gasification processes is of concern. Methane (CH₄) is of much more concern than CO₂ in relation to greenhouse gas emissions.
- Since 2008, there have been new EIA Directives, and the Aarhus Convention has been transposed into Irish legislation.
- Appropriate Assessment and Environmental Impact Assessment need to be undertaken for this extension of permission. The Board carried out screening for appropriate assessment of 08.PM0002 in 2013, and the same needs to be

done now. No appropriate assessment was carried out for the original application on this site (ref. 08.PA0002) and so permission cannot be extended – breaching section 41(1)(a)(ii)(IV) of the Act.

- The new Project Ireland 2040 National Planning Framework makes no reference to LNG, and neither does the accompanying National Development Plan 2018-2027.
- Baseline data submitted in the original EIS is now long out of date.
- The local region is now being supplied with gas from a new pipeline linking Foynes with Listowel – by-passing the Ballylongford site completely.
- The amending EIA Directive 2014/52/EU requires consideration of resource efficiency, climate change, biodiversity and disaster prevention.
- The Aarhus Convention requires that members of the public be adequately informed of the environmental consequences of the Shannon LNG project, and sufficient time must be given to allow for full engagement with the decision.
- The Seveso III Directive was launched in 2012. LNG poses a serious threat to the surrounding environment and to public health and safety, and much more evidence is now available in relation to the dangers of storage and transportation of LNG than was the case in 2008. Changing weather patterns pose much greater risks for facilities such as this one.
- Public consultation by An Bord Pleanála gives rise to concern at the manner in which letters were issued and dates for submissions. There is concern that the Board has already pre-determined this issue. An Bord Pleanála has acted *ultra vires* in issuing double decisions. This is an abuse of procedure. Fourteen days is not enough time to allow interested persons to participate fairly in the process.
- The construction phase will be at least six years – so a five-year extension will not be sufficient for this project. Section 42(1) of the Act provides that five years is the maximum a permission can be extended. Substantial works have not been carried out on this site. Given that ten years was originally allowed for the ‘completion of this extensive development’, then it is likely that another

ten would be required for it – particularly where no work has been carried out to date.

- This is the first time that section 146B has been used to extend a planning permission. As section 42 of the Act does not allow a planning authority to interfere with conditions, and only allows for an extension in isolation from the other conditions, the whole application should be re-examined under section 146B.
- There has not been any change in the regulatory certainty surrounding the onshore transmission grid, by parties using new entry points, as claimed by the applicant.
- If the Shannon LNG Terminal has just been added to the EU list of Projects of Common Interest, then a new SEA of energy developments in Ireland needs to be undertaken to account for this inclusion.
- The list of Prescribed Bodies, which An Bord Pleanála required the applicant to circulate, is not the same as the one provided in the EIS of the original application. The omission of the Minister of Communications, Climate Action and Environment is of particular concern.
- There is concern that groups and individuals who attended the oral hearing into the original scheme (ref. 08.PA0002) were not informed by An Bord Pleanála of this application to extend planning permission.
- There is no investor behind this project – since the original applicant abandoned it in 2015.
- There is no national demand for an LNG Terminal (which would last for thirty years) – Ireland would have to be a hub for the export of this gas abroad.
- A detailed referral on this facility has already been sent to An Bord Pleanála – ref. ABP-300417-17.
- The original planning permission and conditions was welcomed by groups and individuals in the area, and the proposed extension of permission is supported.
- The extension will have no impact on the environment and is reasonable.

- There will be no change to the other conditions imposed, and permits required for this development.
- Jobs, which this development will bring, are much needed in the area – where there are no jobs for young people.
- 99% of the population of North Kerry and West Limerick are genuinely very supportive of this project. This landbank was purchased in 1959 – and this is the first project which has been granted permission on the site.
- Development will tarnish the clean environment tourism of County Clare.
- If LNG is regarded as a transitional fuel, the length of the transition to a low-carbon energy system needs to be discussed. The means of generating electricity in the state needs to be decided – these are all significant changes since 2008, and argue against the extension of permission.
- Ireland is likely facing fines of up to €455 million for failing to meet Paris Agreement targets on fossil fuel use by 2020. Constructing new fossil fuel infrastructure will not help to meet the targets.

14.3. The submissions are accompanied by the following documentation of note-

- Petition of 933 objectors from Friends of the Earth.
- Details of referral to An Bord Pleanála (dated 5th December 2017) from Safety Before LNG.
- Copy of letters/press releases in relation to complaint of double decisioning, between John McElligott and An Bord Pleanála.
- Open letter to An Bord Pleanála calling for proper public consultation in relation to LNG Terminal at Ballylongford (undated).
- Correspondence from Safety Before LNG in relation to Section 5 referral to KCC and An Bord Pleanála.
- Testimony of John Young of Save RGV from LNG, Rio Grande Valley, Texas, USA – dated 12/11/2017.

15.0 An Bord Pleanála refers Submissions/Observations

By letters dated 8th and 23rd March 2018, An Bord Pleanála referred the submissions/observations received, to the applicant, Shannon LNG, and to Kerry County Council for information.

16.0 An Bord Pleanála extends time for Submissions/Observations

16.1. By letters dated 10th April 2018, An Bord Pleanála wrote to the parties to this application, acknowledging that there had been administrative errors made in the processing of the case, and that those errors had caused some confusion, and that additionally, persons involved in the case had complained about the time given for comment arising from the date of the letters issued. It was confirmed that no decision had been made by the Board to date, in relation to the application. In the interest of fairness, additional time was allowed for comments – up to 14th May 2018.

16.2. These letters from the Board elicited a further four submissions/observations from the following-

- Not Here Not Anywhere for a Fossil Free Future, Heuston South Quarter, Dublin 8 – received 14th May 2018.
- Kilcolgan Residents Association & Safety Before LNG, Listowel, Co. Kerry – received 14th May 2018.
- An Taisce – received 11th May 2018 [Copy of original submission of 22nd February 2018].
- Kerry County Council – received 14th May 2018.

16.3. The issues raised, where different from those already made to An Bord Pleanála, and summarised in the Inspector's Summary of Submissions (dated 24th May 2018), can be summarised in bullet point format as follows-

- The decision of the Board will have long-term implications for Ireland's future energy policy, and the ability of the country to fulfil climate commitments under the Paris Agreement.
- The decision will integrate Ireland into the global fracking industry.

- The EU Parliament is breaching its own SEA Directive by approving the EU Energy Programme of Projects of Common Interest without any environmental assessment or consideration of reasonable alternatives. PCI projects may be considered as being of overriding public interest. There was no environmental report accompanying the approval of the first PCI list. If An Bord Pleanála approves the extension of planning for Shannon LNG, without requiring SEA on what is already a split project in the Priority Corridor North-South Gas Interconnections in Western Europe, this will be a clear example of a breach of EU law by Ireland.
- The Union List of Projects of Common Interest has grouped Shannon LNG in the Priority Corridor North-South Gas Interconnections in Western Europe (NSI West Gas) which includes Northern Ireland and Scotland. A cumulative SEA of these projects is required by An Bord Pleanála.
- There is a new gas distribution pipeline from Foynes to Listowel. When the case for the pipeline from Shannon LNG to Foynes was being debated, it was argued that the pipeline could also serve Listowel. Things have clearly changed since that time.
- A number of Irish MEPs are opposed to Shannon LNG being included on the PCI list.
- The site is owned by the state – Shannon Commercial Properties (formerly Shannon Development). There are rumours of a US company ready to sign a deal in relation to a gas-based project on the site. An Bord Pleanála needs to request information on any such deal from Shannon Commercial Properties under the precautionary principle – in order to assess the cumulative impacts of any such deal before it reaches any decision.
- Having SEAs at an individual project level amounts to project splitting. SEA needs to be carried out for combined gas projects.
- The National Planning Framework recognises the Strategic Integrated Framework Plan for the Shannon Estuary as a model of multi-agency collaboration. The National Planning Framework also provides for increased linkages to the area through the Limerick-Foynes national route corridor and

the Listowel By-pass, thereby positioning the Ballylongford lands as a strategic development site of national importance.

16.4. The submissions are accompanied by the following documentation of note-

- Sample of comments in relation to Uplift Petition – and list of those associated with the petition.
- EU Parliament motion objecting to the PCI list – 8th March 2018.
- EU list of Projects of Common Interest – 23rd November 2017.
- Issue Brief – May 1017, “The Trans-Atlantic Plastics Pipeline: How Pennsylvania’s Fracking Boom Crosses the Atlantic”. (Food & Water Watch).
- Letter from Matt McCarthy MEP, to Safety Before LNG – dated 23rd April 2018, in relation to PCI vote at the EU Parliament.
- Letter from Lynn Boylan MEP, to Safety Before LNG – dated 16th March 2018, in relation to PCI vote at the EU Parliament.
- Extract from RTE news website quoting EPA press release in relation to Ireland not meeting 2020 greenhouse gas emissions targets – dated 13th April 2017.
- Irish Times article by Eoin Burke-Kennedy in relation to bill which Ireland will face for missing climate targets – dated 24th November 2017.

17.0 Correspondence from European Commission

By letter, dated 1st March 2018, the European Commission Directorate-General for Energy wrote to An Bord Pleanála in relation to this site. The response of An Bord Pleanála, of 11th April 2018, is on file. The further response of the European Commission, of 17th May 2018, is on file.

18.0 Environmental Impact Assessment Comment

18.1. The request to An Bord Pleanála is accompanied by a Report on the Assessment of the Environmental Impacts of the Proposed Alteration – dated 18th September 2017. Council Directive 2014/52/EU includes additional requirements with regard to EIA

which were not in place when the original application was considered by the Board – particularly in relation to human health, land and biodiversity. No changes are proposed in relation to the operation of the originally permitted development (as amended), and so there will be no greater or lesser impact on human health. The impact on human beings would have been considered when EIA was undertaken for the proposed development, and as amended. There are no implications for land, over and above those originally considered when the application was made – the land-take is not being altered by this request under section 146B. The loss of agricultural land would have been considered under the material assets heading when EIA was undertaken for the originally proposed development, and as amended. The site has been identified for marine-related industry and is zoned such. In terms of biodiversity, there will be a loss of land which is currently used as farmland. Surrounding lands are also largely used for farming. In the context of reduction of the quantum of farmland in the area, the loss will not be significant. The land is zoned for industrial development.

- 18.2. The proposed alteration will not change the nature or extent of the proposed development. The Board did consider whether changes proposed under section 146B request (ref. 08.PM0002) would result in significant impacts on the environment, and concluded that there would be no significant impacts on the environment, arising from the proposed changes – and consented to the proposed changes.
- 18.3. Since permission was originally granted in 2008, and modified in 2013, there has been no significant change to the receiving environment in terms of human beings, traffic, ecology (with the exception of the SPA extension), archaeology & cultural heritage, landscape and visual environment, soils & geology, surface water and groundwater, noise or material assets. The 2013 appraisal, associated with the proposed alteration (ref. 08.PM0002) to the LNG Terminal permission, considered the extended River Shannon and River Fergus Estuaries SPA. At the time of consideration of the original application (ref. 08.PA0002), only parts of Tarbert Bay and Ballylongford Bay were included within the larger SPA. The appraisal concluded that the proposed alterations would not change the conclusions of the 2007 Environmental Impact Assessment, carried out for the original scheme in relation to impacts on terrestrial, freshwater, estuarine or marine ecology. An Bord Pleanála

had engaged the services of 'EcoServe' to comment on planning application ref. 08.PA0002. The Report to the Inspector (dated February 2008), dealt specifically with marine and estuarine ecology – and, in particular, the Bottlenose dolphin – a qualifying interest of the adjoining cSAC. Wintering bird surveys had been carried out which identified the presence of Red-throated diver and Great northern diver (Annex I species, but not referenced in the River Shannon and River Fergus Estuaries SPA). Since permission was originally granted in 2008, permission has been granted by the Board for a gas-fired power station (5km distant) to replace the existing oil-fired power station at Tarbert (ref. 08.PA0017). Permission has also been granted by the Board for a 500MW combined heat and power plant on this LNG site (ref. 08.PA0028) and for the construction of a gas pipeline to link the LNG terminal with the national gas grid near Foynes, Co. Limerick (ref. 08.GA0003). Planning permission has also been granted by Kerry County Council (ref. 13/138) for a peaker power generating plant at Kilpaddoge (2km distant) – granted permission on 21st October 2013. The EIS for the Kilpaddoge power station included a cumulative assessment of other plans and projects already permitted in the area. As the proposed alteration relates only to the duration of permission, there will be no significant cumulative impacts with other proposed developments in the area.

- 18.4. Having regard to the submissions received, following the Board's request for comment, I would be satisfied that no arguments have been put forward which would alter my original assessment in relation to the impact on the environment of extending the permission by a further five years. This permission could have been carried out any time within the ten years since the original grant of permission. To argue that the environmental impact of its construction, say in year eleven (the first year of any extended permission), would somehow be different to the impact of its construction in, say year ten (the last year of the existing permission), has not been demonstrated. The purpose of the EIA regulations is to assess the impact on the environment, prior to construction. There have been no significant environmental changes in the vicinity of this site which would warrant submission of a revised EIAR (where an EIS had originally been submitted). The position in relation to national, EU and international energy policy will, undoubtedly, change over time. There does not appear to have been any significant change in national energy policy which

would justify refusal of this application to modify permission ref. 08.PA0002. I note that this project remains on the EU list of Projects of Common Interest.

19.0 Screening for Appropriate Assessment

- 19.1. The request to the Board is accompanied by a Report on Screening for Appropriate Assessment – dated 18th September 2017. This document sets out the Features of Interest and Conservation Objectives for European sites in the immediate vicinity. The relevant European sites are the Lower River Shannon SAC (Site code 002165) and the River Shannon and River Fergus Estuaries SPA (Site code 004077). At the time of consideration of the original SID application (ref. 08.PA0002), only parts of Tarbert Bay and Ballylongford Bay were included within the above-mentioned wider SPA, in the vicinity of the LNG Terminal site. The SPA was subsequently expanded to encompass the entire Shannon Estuary. The entire Shannon Estuary was within the aforementioned SAC at the time of the original SID application to the Board – ref. 08.PA0002.
- 19.2. Conservation Objectives for the SAC were produced in August 2012, and would have been taken into consideration by the Board when assessment was made of potential impacts on the SAC, during consideration of a request to vary permission ref. 08.PA0002, by way of section 146B request (ref. 08.PM0002). I note that the section of estuary immediately abutting the LNG Terminal site is indicated as ‘Critical Habitat’ for Bottlenose dolphin (*Tursiops truncatus*), and the entire shoreline of the estuary is indicated as a commuting buffer for Otter (*Lutra lutra*). The National Parks & Wildlife Service, in drawing up the Conservation Objectives for this site, would have been aware of the existence of the original permission to erect the LNG Terminal. Alterations (under Section 146B) to the layout and the construction at this site were considered by the Board not to have significant impacts on European sites – ref. 08.PM0002. As the request relates to an extension of time only, it will not have any impact on the Conservation Objectives set down in the August 2012 publication from the Department of Arts, Heritage and the Gaeltacht.
- 19.3. Conservation Objectives for the SPA were produced by the Department of Arts, Heritage and the Gaeltacht in September 2012, and would have been taken into consideration when assessment was made by the Board of potential impacts on the

SPA, during consideration of a request to vary permission ref. 08.PA0002, by way of section 146B request (ref. 08.PM0002). I note that only the jetty elements of the LNG Terminal project extend into the SPA. The land boundary in the northwestern portion of the site is deliberately drawn to exclude any portion of what was to become the extended SPA. The original EIS submitted with SID application ref. 08.PA0002, referred to the potential expansion of the River Shannon and River Fergus Estuaries SPA, when considering potential impacts of the development on bird species. It was acknowledged to be the most important coastal wetland in Ireland – containing the largest numbers of birds and wintering birds. The National Parks & Wildlife Service, in drawing up the boundary of the extended SPA, would have been aware of the planning history of the LNG Terminal site.

19.4. The Features of Interest of the SPA are as follows-

- Cormorant (*Phalacrocorax carbo*)
- Whooper swan (*Cygnus cygnus*)
- Light-bellied Brent goose (*Branta bernicla hrota*)
- Shelduck (*Tadorna tadorna*)
- Wigeon (*Anas penelope*)
- Teal (*Anas crecca*)
- Pintail (*Anas acuta*)
- Shoveler (*Anas clypeata*)
- Scaup (*Aythya marila*)
- Ringed plover (*Charadrius hiaticula*)
- Golden plover (*Pluvialis apricaria*)
- Grey plover (*Pluvialis squatarola*)
- Lapwing (*Vanellus vanellus*)
- Knot (*Calidris canutus*)
- Dunlin (*Calidris alpina*)
- Black-tailed godwit (*Limosa limosa*)

- Bar-tailed godwit (*Limosa lapponica*)
- Curlew (*Numenius arquata*)
- Redshank (*Tringa totanus*)
- Greenshank (*Tringa nebularia*)
- Black-headed gull (*Chroicocephalus ridibundus*)
- Wetland and waterbirds.

19.5. The conservation objectives for the species mentioned is to maintain the favourable conservation conditions, and to maintain the favourable conservation condition of the wetland habitat as a resource for the regularly-occurring migratory waterbirds that utilise it. As the request relates to an extension of time only, it will not have any impact on the Conservation Objectives for the SPA.

19.6. The screening document submitted with this section 146B request, referred to potential cumulative effects. The granting of permission for a 500MW combined heat & power plant on the LNG Terminal site was identified, as was the permission for the connecting gas pipeline from the LNG Terminal site to Foynes, Co. Limerick. Permission has been granted to replace the oil-fired power station at Tarbert. The power stations at Moneypoint and Tarbert were taken into consideration when the EIS for the original LNG Terminal was compiled. The replacement power station project at Tarbert would have included consideration of the in-combination effects of the LNG Terminal project. A Natura Impact Statement accompanied the application to construct the 500MW combined heat & power plant at the LNG Terminal site. This NIS considered the cumulative and in-combination impacts of the proposed plant, together with the LNG Terminal project. It was concluded that there would be no significant cumulative or indirect impacts. An NIS accompanied the application to Kerry County Council for the nearby Kilpaddoge power plant. This NIS considered the cumulative impact of the proposed replacement power station at Tarbert, the Kilpaddoge 220kV sub-station (ref. 08.VA0007) and the LNG Terminal. Kerry County Council, as the competent authority, carried out appropriate assessment of the Kilpaddoge peaker power plant development, and concluded that there would be no significant cumulative effects on the integrity of any European site.

19.7. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a Stage 1 screening determination, that the proposed amendment to condition no. 2 of permission ref. 08.PA0002, individually or in combination with other plans or projects, would not be likely to have a significant effect on European sites 002165 or 004077, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

20.0 Other Issues

Many of the issues raised in the submissions received by An Bord Pleanála, do not properly relate the proper planning and sustainable development of the area. In carrying out this assessment, I have addressed the issues relevant to the potential impact on the environment, and in relation to any impact on European sites. Issues relating to energy policy in third countries, financial backing for energy projects, land ownership, and the status of the applicant company are not relevant planning considerations. The fact of a project (even a large-scale one), not being mentioned within the National Planning Framework or the National Development Plan 2018-2027, cannot be seen to confer legitimacy or withhold legitimacy from a permitted development – particularly where the project is a private one. Opposition of some MEPs to a project is, similarly, not a relevant planning consideration. The construction of a gas pipeline linking Foynes with Listowel does not impact on the ability to carry out this development.

21.0 Conclusion

I am satisfied that the reasons outlined by the applicant for the delay in the project coming to fruition, are acceptable. The case put forward for an extension for a further five years to a ten-year permission is reasonable. It is also noted that the Shannon LNG Terminal project is included on the European Union List of Projects of Common Interest – the latest such List being produced as recently as November 2017. The extension of permission for a further five years would not constitute the making of a material alteration to the terms of the development. I am satisfied that no Environmental Impact or Appropriate Assessment issues arise in the extension of

the permission. In arriving at this conclusion, I have taken into consideration the extension to the River Shannon and River Fergus Estuaries SPA. There is no basis to proceed to the second stage assessment provided for in section 146 of the Planning and Development Act, 2000 (as amended). Section 146B(2)(b) provides that the Board, prior to making a decision as to whether the making of the alteration to the permission (as sought by the applicant) would constitute the making of a material alteration to the terms of the development, may invite submissions in relation to the matter by such persons or class of persons, and which may include the public as the Board considers appropriate. This was done by way of letters to Prescribed Bodies and those who had been party to the original SID application for permission to construct the LNG terminal on this site – ref. 08.PA0002. A substantial number of submissions were received in response to this invitation. Kerry County Council was notified of the receipt by the Board of the request to amend the previously approved planning permission, and was also invited to comment on whether or not the making of the alteration to which the request relates would constitute the making of a material alteration to the terms of the development concerned, and no comment was received.

22.0 Recommendation

I recommend that the Board should alter permission ref. 08.PA0002 as requested, and in accordance with the following draft order-

REQUEST: received by An Bord Pleanála on 22nd of September 2017, from Shannon LNG, under section 146B of the Planning and Development Act, 2000 (as amended), in respect of a Strategic Infrastructure Development described as the proposed liquefied natural gas (LNG) regasification terminal on the southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Co. Kerry.

PROPOSED ALTERATION: Alteration to Condition number 2 of Board Order 08.PA0002, for permission to construct the Shannon LNG Regasification Terminal, which reads as follows-

2. This permission shall, in accordance with the application, be for a period of ten years from the date of this order.

Reason: In order to allow a reasonable period for the completion of this extensive development.

WHEREAS the Board made a decision to grant permission for the LNG Terminal project (ref. 08.PA0002), subject to conditions, by Order dated 31st of March 2008:

AND WHEREAS the Board previously consented to an amendment to condition no. 3 of this permission, under the provisions of section 146B of the Planning and Development Act, 2000 (as amended) – ref. 08.PM0002, by Order dated 4th of March 2013:

AND WHEREAS the Board noted that no development has taken place to date on this site, on foot of this amended permission:

AND WHEREAS the Board noted that no previous application to extend this permission has been made:

AND WHEREAS the Board noted that the Shannon LNG terminal project has been included in the European Union List of Projects of Common Interest, subsequent to the original grant of planning permission ref. 08.PA0002, and the amendment to this permission ref. 08.PM0002; and that it has been included on the latest Union List of 23rd of November 2017:

AND WHEREAS having regard to the nature of the issues involved, the Board decided to invite submissions or observations in relation to the matter from Prescribed Bodies and from persons who had made submissions or observations in relation to the original application, the subject of this alteration – ref. 08.PA0002, and concluded that the proposed alteration would not be likely to have significant effects

on the environment; and therefore, the Board considered that the amendment of Condition number 2 would not result in a material alteration to the terms of the development, the subject of the permission:

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000 (as amended), the Board hereby alters the above-mentioned decision, so that condition number 2 of its order shall be as set out below:

Alteration to Condition number 2 of Permission ref. 08.PA0002

This permission shall, in accordance with the application, be for a period of fifteen years from the date of this order.

Reason: In order to allow a reasonable period for the completion of this extensive development.

The Board carried out a screening for appropriate assessment. It concluded that, on the basis of the information submitted, the proposed alteration, in itself, or in combination with other plans and projects, would not be likely to have significant effects on any European sites.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included the submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the reason cited for Condition number 2, as originally stated, the Board considered that the amendment sought to extend the period of the planning permission would not give rise to any significant change in the overall impact of the

development on the area and, following on from this, that it would not have any significant consequences in terms of impact on the residential amenities or ecology of the area. The proposed alteration would not otherwise have material consequences, over and above those already considered under case reference number 08.PA0002 (as amended by case ref. 08.PM0002), and would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Michael Dillon,
Planning Inspectorate.**

28th June 2018.