

**An
Bord
Pleanála**

**Board Direction
BD-011504-22
ABP-308495-20**

The submissions on this file and the Inspector's report were considered at Board meetings held on the 13/10/2022 and 25/11/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to;

- (i) the policies and objectives set out in the Cavan County Development Plan 2022-2028,
- (ii) the provisions of the Climate Action Plan 2021 (Government of Ireland),
- (iii) Climate Action and Low Carbon Development Amendment Act 2021 amending Climate Action and Low Carbon Development Act 2015;
- (iv) European and National Policy on liquefied natural gas (LNG),
- (v) the nature, scale and design of the proposed development,
- (vi) the location of the proposed development adjoining the existing Farragh Proteins Plant and its proposed use ancillary to the plant,
- (vii) the planning history of the site and the surrounding area,
- (viii) the pattern of existing and permitted development in the area, and
- (ix) the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development which relates to the provision of energy to serve the established industrial activity on the existing Farragh Proteins site, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety and impact on the environment, would provide an energy supply to the established industrial activity which would facilitate a reduction in emissions compared to the current operating context and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1 Screening

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application, the report and screening assessment as completed by the inspector that the following sites are the European Sites for which there is a likelihood of significant effects on:

- the Lough Oughter and Associated Loughs Special Area of Conservation (site code: 000007);
- Lough Oughter Complex Special Protection Area (site code: 004049);

The Board concluded that Appropriate Assessment is required for these two European Sites.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the

submissions and observations on file, including the further information responses at application and appeal stage, and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the Conservation Objectives for the sites. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment and to allow it to reach complete, precise and definitive conclusions for Appropriate Assessment.

- In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans and projects, the mitigation measures which are included as part of the proposal. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out by the Inspector of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed road development would not adversely affect the integrity of the Lough Oughter and Associated Loughs Special Area of Conservation (site code: 000007) or Lough Oughter Complex Special Protection Area (site code: 004049) in view of the conservation objectives of those sites and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by the planning authority on the 30th day of July 2020 and as further amended by the plans and particulars received by An Bord Pleanála on the 11th day of February 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to commencement of development, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The developer shall ensure that all mitigation measures set out in the Natura Impact Statement, received by An Bord Pleanála on the 11th day of February 2022 and supporting documentation submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

3. Prior to the commencement of development on site, the developer shall submit for the written agreement of the planning authority details of the proposed LNG platform and bund design. Proposals shall clearly demonstrate that mitigation measures relating to the protection of soil, geology, hydrogeology and groundwater have been appropriately incorporated, and that the bund design shall withstand the uplift pressure of groundwater.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted

to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all the mitigation measures outlined in the Natura Impact Statement, Construction and Demolition Waste Management Plan, Environmental Management Plan and Flood Risk Assessment.

Reason: In the interest of amenities, environmental protection, public health, and safety.

6. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The scheme shall minimise obtrusive light outside the boundaries of the development at all times and shall comply with the mitigation measures for bats as outlined in the Natura Impact Statement.

Reason: In the interest of amenity, public safety, and the protection of bats.

7. An odour management plan, which shall include a monitoring programme, shall be put in place by the developer in respect of the construction and operation phase of the development. The nature and extent of the plan and the monitoring sites shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The results of the programme shall be submitted to the planning authority on a monthly basis.

Reason: To protect the residential amenities of the area.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, and not at all on Saturdays, Sundays and public holidays. Deviation from these times will only be permitted in exceptional circumstances where prior written approval has been received from the planning authority.

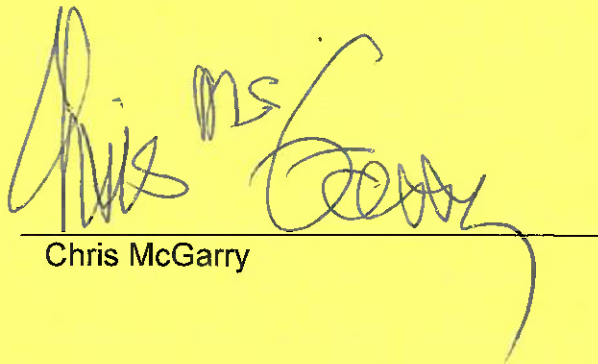
Reason: In order to safeguard the residential amenities of property in the vicinity.

ADD IN PA CONDITION NUMBERS 4, 5, 6, 7, 8, 9, 10, 11, 21.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member



Chris McGarry

Date: 25/11/2022