

An  
Bord  
Pleanála

**Board Direction**  
**08.PM0014**

Having decided at a meeting of the Strategic Infrastructure Division, held on 4<sup>th</sup> day of January 2018, that submissions, relating to the matter of whether the making of the proposed alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned, be invited from the general public (by way of public notice) and the parties involved in the original planning application (ref. 08.PA0002), the Board, at a further meeting held on 11<sup>th</sup> day of July 2018, considered the documentation on file including the submissions received arising from the consultation, and the further reports of the Inspector of 24<sup>th</sup> day of May 2018 and 28<sup>th</sup> day of June 2018. By a vote of 2:1, the Board decided generally in accordance with the Inspector's conclusion and recommendation, as follows:

- that the making of the proposed alteration would not constitute the making of a material alteration of the terms of the development concerned, and
- to make the alteration, as set out in the following order.

Board Order as follows:-

**REQUEST** received by An Bord Pleanála on the 22<sup>nd</sup> day of September, 2017 from Shannon LNG of 8 Trafalgar Terrace, Monkstown, County Dublin under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development (ref. 08.PA0002) 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, County Kerry.

**WHEREAS** the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 31<sup>st</sup> day of March, 2008,

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the permission,

**AND WHEREAS** the Board previously consented to an amendment to condition number 3 of this permission under the provisions of section 146B of the Planning and Development Act 2000, as amended, under case reference number 08.PM0002 by order dated the 4<sup>th</sup> March, 2013,

**AND WHEREAS** the proposed alteration is described as follows:

Alteration to condition number 2 of 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.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, to invite submissions or observations from the public and the parties involved in the original planning application in relation to whether the proposed alteration would constitute the making of a material alteration of the terms of the development concerned,

**AND WHEREAS** having considered all of the documents on file, including the submissions received, the Inspector's Report of the 18th day of December 2017, the Inspector's Summary of Submissions of the 24th day of May 2018, and the Inspector's Addendum Report of the 28th day of June 2018, the Board decided, in accordance

with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the making of the proposed alteration would not constitute the making of a material alteration of the terms of the development concerned,

**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 shall be as follows:

2. This permission shall 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.

### **Matters Considered**

In making its decision, the Board had regard to those matters to 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 submissions.

### **Reasons and Considerations**

Having regard to the reasons 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.

### **Appropriate Assessment Screening**

In conducting a screening for appropriate assessment, the Board considered the nature, scale and context of the proposed alteration, the documentation on file generally, in particular the Appropriate Assessment screening report submitted with

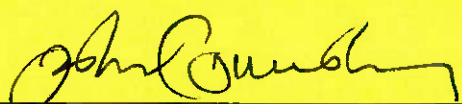
the application, the submissions on file – including from the planning authority, the planning history, and the assessment of the Inspector in relation to the potential for effects on European Sites. In undertaking the screening exercise, the Board accepted and adopted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other plans and projects in the vicinity, the proposed alteration would not be likely to have significant effects on any European sites in light of their conservation objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment Screening**

The Board considered the potential environmental impacts that might arise due to the proposed alteration, both by itself and in cumulation with other development in the vicinity. Having regard to the characteristics of the receiving environment, the planning history of the site including the environmental impact assessment previously undertaken, the characteristics of the proposed alteration, and the submissions on file, the Board is satisfied that the proposed alteration would not be likely to have significant effects on the environment. The Board concurred with the analysis and conclusions of the Inspector in this matter. The Board, therefore, concluded that the preparation of an environmental impact assessment report is not required.

**Note:** The Board noted that administrative errors made during the processing of this case may have led to a conclusion that inadequate time was allowed for the making of submissions. However, the Board was satisfied that upon correction of the errors, all parties were given adequate time for the making of submissions in relation to whether the making of the proposed alteration would constitute the making of a material alteration to the terms of the development.

**Board Member**

  
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John Connolly

**Date:** 11<sup>th</sup> July 2018