

An
Bord
Pleanála

Board Order
ABP-308495-20

Planning and Development Acts 2000 to 2021

Planning Authority: Cavan County Council

Planning Register Reference Number: 20/54

Appeal by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 23rd day of September, 2020 by Cavan County Council to grant subject to conditions a permission to Farragh Proteins care of Smith Associates Architects - Surveyors of Deanery Street, Belturbet, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission is sought to (A) install an LNG Plant compound with two number 131 cubic metres horizontal tanks with two number associated ambient vapourisers, regulation station, electrical control room including all other associated ancillary site works, (B) new service road from existing site, site boundaries, landscaping and site development works at existing Farragh Proteins site at Legaland and Monnery Upper, Crossdoney, County Cavan. This installation will bring the site under the Major Accidents Directive (a Seveso Site). The existing development has an IPPC EPA Licence. Further public notices were received by the planning authority on the 30th day of July, 2020 and by An Bord Pleanála on the 22nd day of March, 2022.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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) the Climate Action and Low Carbon Development Amendment Act 2021 amending Climate Action and Low Carbon Development Act 2015,
- (iv) the 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, 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 and, taking into account the Screening Report for Appropriate Assessment submitted with the application and the report and screening assessment as completed by the inspector, considered that the following sites are the European Sites for which there is potential for significant effects on:

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

The Board concluded that an 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, and 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 development would not adversely affect the integrity of the Lough Oughter and Associated Loughs Special Area of Conservation (site code: 000007) or the 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 21st 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.

9. (a) Prior to the commencement of development, the developer shall, in conjunction with the Health and Safety Authority, prepare a Major Accident Prevention Policy Document (MAPP) in accordance with Part 3 of Chemicals Act (Control of Major Accidents Hazards Involving Dangerous Substances) Regulations, (S.I. No. 209 of 2015). The Major Accident Prevention Policy shall also include details on a design standard for the proposed LNG installation, details of an inspection and maintenance schedule in relation to the proposed LNG installation and associated pipework network, an explosion protection document (EPD), with associated hazardous area classification drawings for the entire site (including the proposed LNG installation), and shall comply with the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011), as amended.
- (b) The developer shall be responsible for appointing a competent person to undertake to inspect the installation and commissioning of the proposed development and to certify the proposed LNG installation on completion.

Reason: In the interest of public safety.

10. In consultation with Cavan County Fire Authority, the developer shall assess the need for fire water retention facilities on the site, in accordance with the Environmental Protection Agency Guidance on Retention Requirements for Firewater Run-off. The proposed LNG installation shall not be brought into operation until such time the works identified in this assessment have been completed and noted to the planning authority for inspection.

Reason: For reasons of emergency response and environmental protection.

11. Under Regulation 18(6) of the Fire Services Act 1981, as amended, the developer shall complete a fire safety assessment for the entire site and notify the Cavan County Fire Authority of such assessment. The proposed LNG installation shall not be brought into operation until such time as the action items identified with the fire safety assessment have been completed, to achieve a risk profile of 'Tolerable' as defined in Publicly Available Specification (PAS) 79 Fire Risk Assessment - Guidance and a recommended methodology or similar.

Reason: For reasons of fire safety.

12. A water main for firefighting shall be provided to the entire site. The water source shall be delivered via a duty pump and a standby pump. Each of the two pumps shall be sized hydraulically by the Mechanical and Engineering Consultants so as to ensure that they are capable of supplying a flow of at least 4,000 litres per minute throughout the length of the water main. The pumps shall be automatically operated by pressure flow valves and will require periodic maintenance in accordance with the manufacturer's instructions. The water source must be sustainable for not less than 90 minutes. There shall be a residual water pressure of 2 bar at full fire flow discharge. It is required that the new water main shall have a minimum diameter of 100 millimetres. The proposed new external hydrants shall comply with the requirements of BS 750: 1984 'Specification for underground fire hydrants and surface box frames and covers'. All hydrants shall be conspicuously marked in accordance with BS 3251: 1976 'Specification of indicator plates for fire hydrants and emergency water supplies'. Hydrants shall be located in accordance with the requirements of Part B of the Building Control Regulations. The proposed LNG installation shall not be brought into operation until such time the works have been completed and inspected by the planning authority.

Reason: For reasons of emergency response.

13. The developer shall complete an assessment demonstrating the avoidance of damage from thermal radiation from a potential outbreak of fire and/or the possibility of failure of pressure vessels currently on site, proposed installation shall not begin until such time the Central Competent Authority (CCA) has received this assessment for their action as deemed appropriate. Under the Chemicals Acts (Control of Major Accidents Hazards Involving Dangerous Substances) Regulations (S.I. No. 209 of 2015), the Central Competent Authority is construed under Regulation 4 as the Healthy and Safety Authority (HSA).

Reason: For reasons of safety.

14. In consultation with the Central Competent Authority (CCA), the developer shall develop a firefighting LNG operational guidance document to address the firefighting emergency response for the proposed LNG installation on site and during transportation of the LNG product. The proposed LNG installation shall not be brought into operation until such time the Central Competent Authority (CCA) has received this operational guidance for their action as deemed appropriate. Under the Chemicals Act (Control of Major Accidents Hazards Involving Dangerous Substances) Regulations (S.I. No. 209 of 2015), the Central Competent Authority is construed under Regulation 4 as the Health and Safety Authority (HSA).

Reason: For reasons of emergency response.

15. The developer shall arrange on-site and off-site training on the firefighting LNG operational guidance documents, as deemed appropriate by Cavan County Fire Authority. The proposed LNG installation shall not be brought into operation until such time as the training has been completed.

Reason: For reasons of emergency response.

16. Based on the proposed spill and fire control measures identified within the firefighting LNG operational guidance document, the developer shall maintain sufficient firefighting media and equipment onsite for emergency response use. The proposed LNG installation shall not be brought into operation until such time this provision has been met.

Reason: For reasons of emergency response.

17. Bi-monthly summary reports shall be prepared by a suitably qualified and experienced person and be submitted to the Waste Management Section of the planning authority which shall include details of:

- (a) works carried out/completed for the period and mitigation measures undertaken,
- (b) summary details of Environmental Monitoring undertaken and monitoring results, and
- (c) summary details of waste generated, reduced and removed from site including waste collection permit holder details.

Reason: In the interest of sustainable waste management.

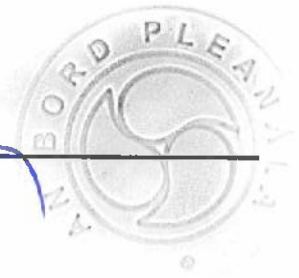
18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 15th day of December 2022.