



An
Bord
Pleanála

Record of 3rd Meeting ABP-304007-19

Development	Proposed alteration to Shannon LNG regasification terminal at Ballylongford, Co. Kerry.		
Location	Virtually by Microsoft Teams		
Case Type	Pre-application consultation		
1st / 2nd / 3rd Meeting	3 rd		
Date	22/05/20	Time	11a.m. – 12:30p.m.

Attendees		
Representing An Bord Pleanála		
Rachel Kenny, Director of Planning (Chair)		
Una Crosse, Senior Planning Inspector		
Maeve Flynn, Ecologist		
Jennifer Sherry, Executive Officer	j.sherry@pleanala.ie	01-8737266
Representing the Prospective Applicant		
Martin Ahern, Project Manager, Shannon LNG		
Simon Duncan, Senior Vice-President – Head of Marine Operations		
Barry Sheridan, Technical Director, AECOM		
Aiden O'Neill, Director, Coakley O'Neill Town Planning		

Introduction

The Board referred to the previous meeting held with the prospective applicant on the 22nd January, 2020 and the record of this meeting. The Board enquired as to whether the prospective applicant had any comments it wished to make on the record of this meeting. The prospective applicant replied that it had no comments or corrections to make in relation to this. It was noted for the record that the agent acting on behalf of the prospective applicant has changed to AECOM Ireland Limited.

Presentation by the prospective applicant

Meeting with National Parks and Wildlife Service (NPWS):

- The prospective applicant informed the Board that they had a meeting with Dr. David Lyons of NPWS. The prospective applicant stated it was Dr Lyons position that given the predicted permanent loss of Estuary habitat due to the development, the project would be considered to have an adverse effect on the Lower River Shannon Special Area of Conservation (SAC) in view of the sites conservation objectives and that the project would have to be assessed under Article 6 (4) of the Habitats Directive if it were to proceed (as a project of Imperative reasons of overriding public interest-IROPI). This was asserted to be Dr Lyons position notwithstanding the small amount of habitat loss which is predicted (estimated to be in the region of 0.002% of the total area of the habitat type). In response to the Board's query on the matter, the prospective applicant said the qualifying interest habitat in question, *Estuaries [1130]* (comprising subtidal sand to mixed sediment community complex) is not a priority habitat. The Board's representatives advised that a meeting will be held in the near future between NPWS and the Board to discuss this issue.
- The prospective applicant is seeking direction from the Board as to whether they agree that assessment under Article 6.4 of the Habitat Directive is the most suitable route for this project (i.e. given a finding of adverse effects on

the integrity the Lower River Shannon SAC and in the absence of alternative solutions the Board would have to examine the existence of imperative reasons of overriding public interest IROPI, which require the carrying out of the proposed development). The Board also stressed that IROPI is a complex procedure with a high bar and there must ultimately be reasons overriding public interest in addition to other matters which must be addressed. In response to the Board's query, the prospective applicant stated it is their intention to put in place compensatory habitat measures at application stage if IROPI is the only route available. The Board stated that it is ultimately for the Board to determine whether the Article 6.4 process should be invoked but that any application must first be considered under Article 6(3).

Meeting with Irish Whale and Dolphin Group (IWDG):

- The prospective applicant indicated that they have engaged with the IWDG and they did not indicate significant concerns in respect of the potential for adverse impacts on the Bottlenose Dolphin, a qualifying interest species for the Lower River Shannon SAC. They advised of the need to establish the potential level of impact from noise on the resident pod of dolphins in the Shannon Estuary. The prospective applicant said that a 12-month dolphin survey is due to conclude at the end of August 2020, which focuses on an area of estuary 20 kilometres west and east of the development site and includes visual and acoustic survey of dolphins and passive acoustic survey.

Meeting with Health and Safety Authority (HSA):

- The prospective applicant met with the HSA in relation to the FSU. As a result, the prospective applicant is completing a new Quantified Risk Assessment (QRA) which shall include the FSU.

Meeting with Shannon Foynes Port Company (SFPC):

- The prospective applicant met with SFPC and it was agreed a new marine navigation risk assessment would be completed by SFPC.

Discussion

The following matters were discussed as part of the meeting:

- **Ecological Surveys** – the prospective applicant indicated that they have re-surveyed marine habitats to provide up to date data on the intertidal and subtidal benthos including dive survey and grab sample analysis.
Furthermore, the prospective applicant outlined the presence of a *low grade* lagoon in proximity to the proposed development which could be potentially impacted from the proposed construction works both at sea and on land and that modelling of sediment movements would be undertaken to assess this potential impact. Surveys for terrestrial habitats, mammals and birds have also been undertaken to inform the ecological assessment.
- **Bird Surveys** - In addition the extensive data available on wintering birds in the Shannon Estuary, dedicated bird surveys have been undertaken to inform the assessment of the proposed development. The prospective applicant noted that the proposed development is outside of important feeding areas for wintering waders due to the limited extent of intertidal/exposed mudflats. There has been no evidence to date suggesting the occurrence of large congregations of protected bird species in the immediate area.
- The Board also stated that the same level of robustness would be required in respect of the information and data required for the NIS regardless of the proposed development is considered under either Article 6.3 or Article 6.4.
- **EIA** – the Board’s representatives stressed the legislative changes resulting from the transposition of the new EIA Directive and the requirement for the factor of ‘land’ to be specifically addressed in the EIAR.
- The Boards representatives emphasised the importance to have clarity in respect of the elements of the masterplan included in the application

documentation and re-iterated the requirement to address cumulative effects and in-combination effects in the EIAR and NIS respectively.

- **Current scope to the application** – the prospective applicant informed the Board of their intention to include the combined heat and power (CHP) plant in the new application. The proposed CHP plant will be similar to that permitted (08.PA0028) in 2013. The prospective applicant also notified the Board there is a potential that 4 no. tugs associated with the Shannon Foynes Port Company will be berthed at the LNG jetty and that some design changes to above ground installation (AGI) may be required.
- **Consultation** – the prospective applicant said that they are in frequent contact with the local community who remain supportive of the project. In response to the Board’s query on the matter, the prospective applicant said they are continually meeting with Kerry County Council and are committed to seek further consultation with them in line with the development plan.

Conclusion

The record of the meeting will issue to the prospective applicant and it will then be a matter for the prospective applicant to submit any comments on this if it wishes to do so or at the time of a further meeting. The Board advised it will consult with the NPWS prior to any further meeting with the prospective applicant. Following this meeting the Board will revert to the prospective applicant with regard to a further meeting.

Rachel Kenny

Director of Planning