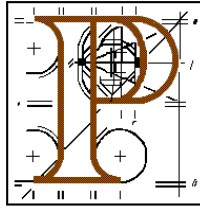


## **An Bord Pleanála**



### **Inspector's Report.**

**Case Ref. No:** ABP-302012

**Issue:** SID Pre-application – whether project is or is not strategic infrastructure development.

**Proposed Development:** Water Treatment Plant

**Location:** Ballinaboy Bridge Gas Terminal Site,  
Ballinaboy, County Mayo

**Applicants:** Shell E&P Ireland Limited

**Planning Authority:** Mayo County Council.

**Inspector:** Kevin Moore

## **1.0 Proposed Development**

- 1.1** The proposed development seeks to provide additional water treatment to assist water treatment within the terminal's existing settlement ponds. This is required due to ground water seepages clogging the site's ground water drainage blanket.
- 1.2** Following analysis of the groundwater, it was determined that chemical treatment would be required to ensure ongoing compliance with the parameters of the activity's Industrial Emissions Licence. This proposed treatment plant would provide coagulation, flocculation and clarification.
- 1.3** The main components of the development would include:
- A new pump sump
  - 1400m of pipework
  - A diffused air flotation unit
  - Bunded coagulant dosing skid
  - Sludge thickener
  - Hydrotech drum filter
  - A housed polymer preparation unit
  - A control panel building
  - 3 underground concrete sumps
  - A concrete sludge storage tank
  - Pumps and control panels.

The development would also include the construction of a new concrete pump sump to collect groundwater from the perimeter drains. Duty/standby pumps would be installed to pump groundwater to the proposed treatment plant.

The proposal's chemical mixing tank would be mounted on concrete plinths such that the tank would be approx. 4.9m over existing ground level.

The treatment plant would be automatic, would be capable of operating around the clock and would be powered by the site's power supply.

The new plant would replace an existing temporary Siltbuster treatment plant.

## **2.0 Legal Provisions.**

- 2.1** Section 2 of the Planning and Development Act 2000, as amended, defines 'strategic gas infrastructure development' as:

*any proposed development comprising or for the purposes of a strategic downstream gas pipeline or a strategic upstream gas pipeline, and associated terminals, buildings and installations, whether above or below ground, including any associated discharge pipe.*

- 2.2** Section 37A refers to the Board's jurisdiction in relation to certain planning applications and refers as follows:

- (1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*
- (2) That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –*
  - (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
  - (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in respect of the area or areas in which it would be situate,*
  - (c) the development would have a significant effect on the area of more than one planning authority.*

- 2.3** Section 182(C) relates to an application for approval of strategic gas infrastructure development. Subsection (1) states:

*Where a person (hereafter referred to in this section as the 'undertaker') intends to carry out a strategic gas infrastructure development (hereafter referred to in this section and section 182D as 'proposed development'), and where the Board determines following consultations under section 182E that the development comes within paragraph (a), (b) or (c) of section 37A(2), the undertaker shall prepare, or cause to be prepared -*

- (a) an application for approval of the development under section 182D,*  
*and*

*(b) an environmental impact statement or Natura impact statement or both of those statements, as the case may be in respect of the development,*

*and shall apply to the Board for such approval accordingly, indicating in the application whether the application relates to a strategic upstream gas pipeline or a strategic downstream gas pipeline.*

**2.4** Section 182E(1) requires:

*A person (a ‘prospective applicant’) who proposes to apply for approval under section 182B or 182D shall, before making the application, enter into consultation with the Board in relation to the proposed development.*

**3.0** **Applicant’s case.**

**3.1** The Prospective Applicant submits:

- The proposed development would address an on-site issue relating to suspended solids within the groundwater prior to discharge to the local area. It could not be considered to be of strategic or social importance to the State or Region.
- It could not be considered that the provision of the treatment plant contributes to national or regional policies relating to the National Spatial Strategy or the Regional Spatial and Economic Strategy.
- The proposal does not have transboundary effects and will not impact on the area of other planning authorities.

It is concluded, having regard to the above, that the proposed water treatment plant does not represent Strategic Infrastructure Development.

**4.0** **Assessment.**

**4.1** I acknowledge that the proposed development seeks to enhance and improve water treatment at the gas terminal site, necessitated by clogging of the existing groundwater drainage blanket by seepages into the blanket from groundwater with elevated total suspended solids. Having regard to the description of the proposal, it is apparent that it would comprise infrastructure development ancillary to the gas terminal at Ballinaboy.

- 4.2** The proposed development, in my opinion, is one that could not reasonably be viewed as being substantial in nature nor could it be viewed as being of 'strategic' importance as so construed by the provisions of section 37A(2) of the Planning and Development Act. I concur with the prospective applicant's submission, based on the scale and function of the proposed development, that the proposal could not be viewed as one of strategic economic or social importance to the State. It would solely be a feature of the overall site's water treatment system. Furthermore, it could not reasonably, in itself, be seen to contribute substantially to the fulfilment of any of the objectives set out in the National Spatial Strategy, the National Planning Framework, the Regional Planning Guidelines for the West Region, or any objectives that may result from a Regional Spatial and Economic Strategy developed by the Northern and Western Regional Assembly. Finally, I note that the proposed development would not have a significant effect on the area of more than one planning authority, namely Mayo County Council.
- 4.3** Having regard to these considerations, I am of the opinion that the proposed development would not satisfy any of the conditions contained in section 37A (2) (a), (b) or (c) of the Act. Therefore, I agree with the prospective applicant that this proposed development does not constitute a strategic infrastructure development.

**5.1 Recommendation.**

- 5.1** I recommend that the Shell E&P Ireland Limited be informed that the proposed development, consisting of a new water treatment plant to provide an additional level of water treatment at the existing gas terminal site at Ballinaboy, County Mayo, does not fall within one or more of the paragraphs specified in the condition contained in section 37A (2) of the Planning and Development Act, 2000, as amended, and that a planning application should be made in the first instance to Mayo County Council.

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**Kevin Moore**  
**Senior Planning Inspector.**  
**2<sup>nd</sup> August 2015.**