



An
Bord
Pleanála

Inspector's Report ABP 308495-20

Development	Install an LNG Plant compound.
Location	Legaland and Monnery Upper, Crossdoney , Co Cavan.
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	20/54
Applicant(s)	Farragh Proteins
Type of Application	Permission
Planning Authority Decision	Grant permission with Conditions
Type of Appeal	Third Party
Appellant(s)	An Taisce
Observer(s)	Environmental Protection Agency. Health and Safety Authority. Development Applications Unit - Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

Date of Site Inspection

22nd June 2022

Inspector

Brendan Coyne

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1.0 Site Location and Description

- 1.1. The site (0.38 ha) is located on the western side of the Crossdoney to Kilmore Road (L1530) in the rural townland of Monnery Upper, c. 2km north-west of Crossdoney and c.6.5 km south-west of Cavan town. The site is located immediately to the south of an animal by-products processing plant known as 'Farragh Proteins'. The land surface of the site comprises a gravelled area in the northern section and part of an agricultural field in the southern section, which slopes upwards in a southerly direction. A stream and gravelled driveway run along the eastern boundary, and a culverted stream runs along the northern boundary, which outflows into the River Erne located c. 36m to the west of the site. The River Erne flows in a northerly direction and discharges into Lough Oughter via Carr's Lough, located c. 2.6km to the northwest.
- 1.2. The appeal site is accessed via the vehicular entrance and access route serving the Farragh Proteins processing plant. Development within the Farragh Proteins plant includes a car parking area adjacent to the site entrance, a reception and laundry building, an ESB substation, a canteen building, two boiler houses, biofilters, a factory building, a wastewater treatment plant and an engineering workshop.
- 1.3. The surrounding area is characterised by one-off rural housing and agricultural buildings. There is a farm and residential dwelling located c. 300m to the east of the site. A commercial scrap metal business known as Felix Gormley Used Metal Disposal is located c. 300m southwest of the site.

2.0 Proposed Development

- 2.1. Application as lodged on the 17/02/2020 - Permission sought for the following;
 - Installation of a liquefied natural gas (LNG) plant compound, which includes;
 - 2 no. 53.6 tonnes / 131 m³ horizontal tanks of cryogenic LNG with 2 no. associated ambient vaporisers,
 - regulation station,
 - electrical control room,
 - all other associated ancillary site works;

- New service road from the existing Farragh Proteins site,
- Site boundaries include a concrete bund (2.2m high/minimum level of 50.11 mOD) surrounding the 2 no. horizontal tanks and 1.8m high-security fencing around the site perimeter.
- Landscaping and site development works at the existing Farragh Proteins site.

2.1.1. The proposed installation will bring the site under the Major Accidents Directive (a Seveso Site).

2.1.2. Farragh Proteins operates under an IPPC EPA licence issued by the EPA.

2.1.3. Documentation submitted with the application includes the following;

- Natura Impact Statement
- Land Use Planning Assessment
- General Information on LNG & Installations – Molgas
- Memorandum to the Health and Safety Authority

2.2. Significant Further Information submitted on the 30/07/2020 included the following;

- Further Information response report
- Revised Natura Impact Statement
- COMAH Land Use Planning Assessment
- Flood Risk Assessment
- Environmental Management Plan
- Materials Safety Data Sheet (MSDS) - Molgas
- Construction and Demolition Waste Management Plan

3.0 Planning Authority Decision

3.1. Decision

Cavan County Council GRANTED permission for the proposed development subject to 21 no. Conditions. Noted Conditions include:

- C.2 The Developer shall pay the sum of €10,480 to the Planning Authority in respect of public infrastructure and facilities benefitting the area.
- C. 3 Hours of operation.
- C.4 Prior to the commencement of development, the applicant shall, in conjunction with the Health and Safety Authority, prepare a Major Accident Prevention Policy Document (MAPP).
- C.5 In consultation with the Cavan County Fire Authority, the applicant shall assess the need for fire water retention facilities on the site.
- C. 6 The applicant shall complete a fire safety assessment for the entire site and notify Cavan County Fire Authority of such assessment.
- C.7 Water service requirements for firefighting on the site.
- C. 8 The applicant shall complete an assessment demonstrating the avoidance of thermal radiation damage from a potential fire outbreak and/or the possibility of failure of pressure vessels currently on site.
- C.9 The applicant shall develop a firefighting LNG operational guidance document to address the firefighting emergency response for the proposed development.
- C.10 Firefighting training requirements.
- C.11 The applicant shall maintain sufficient firefighting media and equipment on site for emergency response use.
- C.12 Flood Risk Assessment requirements.
- C.14 All mitigation measures detailed in the Natura Impact Statement as submitted by way of Further Information shall be implemented and remain in place until the development is complete.
- C.15 The Environmental Management Plan shall be implemented prior to commencement of development.

- C.16 Monitoring measures concerning surface water shall be put in place prior to commencement of development and continue for the duration of site development works.
- C.17 Waste shall be managed in accordance with the Construction and Demolition Waste Management Plan submitted.
- C.18 Mitigation and control measures outlined in the Construction and Demolition Waste Management Plan shall be implemented from the date of commencement and remain in place until the development is completed.
- C. 19 Hazardous waste requirements.
- C.21 Bi-monthly summary reports shall be submitted to the Waste Management Section of Cavan County Council.

3.2. Planning Authority Reports

3.2.1. First Report (08/04/2020)

- The proposed installation will bring the site under the Major Accidents Directive (a Seveso Site).
- The plant at Farragh Proteins is currently powered by liquid petroleum gas (LPG).
- The proposed LNG plant will replace the LPG used as the primary source of fuel for the plant. The LPG will be retained as a backup source of fuel.
- The proposed development is linked directly to the established industrial use on site.
- More details are required regarding the source of the current fuel serving the existing establishment, the source of the proposed fuel and its travel patterns from source to site.
- The proposed development would integrate with the existing adjacent industrial buildings and be ancillary to the site's primary use.
- The site is low-lying and open on approach from the south. The proposed landscaping along the southern and western boundaries would help screen the proposed development.

- A new 5m wide service road is proposed within the site to provide access to the proposed development.
- The nearest residential dwelling is c. 140 meters to the east of the site, and a commercial enterprise and a number of other residential properties are located within close proximity.
- Due to the presence of liquefied flammable gas in quantities above the thresholds set out in the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances Regulations) 2015, the facility will be classified as a lower-tier COMAH (Control of Major Accident Hazards) establishment.
- The COMAH Land Use Study submitted identifies three major accident scenarios, and a risk assessment has been carried out on each of the scenarios. These include;
 - Tank rupture, boiling liquid expanding vapor explosion (BLEVE) and fireball.
 - Vapor release through safety relief valve.
 - Liquid release from tank or spill during tank uploading.
- The COMAH report concludes that the individual risk profile of the Farragh Proteins establishment is dominated by the risk arising from the existing LPG tank. The LNG compound's contribution to the site's risk profile is not significant.
- The Planning Authority is concerned about the potential impact of the proposed development on the adjoining Natura 2000 site and the potential pollution impact emanating from liquid release from the tank or spill during tanker unloading, as outlined in the COMAH report.
- The Natura Impact Statement submitted concludes that the proposed development would not have the potential to significantly affect the conservation objectives of the adjacent Natura 2000 sites, and the integrity of these sites as a whole would not be adversely impacted.
- Given the proximity of the site to the Lough Oughter SAC and SPA, further information is required.

3.2.2. Further Information Request

Further information was requested requiring the following:

1. (a) Identify the designated land use planning zones associated with the site.
(b) Outline the number of dwelling houses within each zone.
(c) Demonstrate how the proposal complies with policies EDO40 and EDO41 of the Cavan Development Plan.
2. An updated Natura Impact Statement (NIS) addressing the proposed development's potential impacts on the Natura 2000 site adjacent to it. As indicated in the COMAH report, this updated NIS should address the possible pollution impact of liquid leakage from the tanks or spill during tanker unloading.
3. An updated NIS addressing risks associated with the proposed development.
4. An updated NIS detailing mitigation measures that would not significantly affect the adjoining Natura 2000 site.
5. A justification for the proposal and details of current fuel serving the existing establishment.
6. A comprehensive and detailed Environmental Management Plan, including measures to protect surface waters in close proximity to the proposed development.
7. Details/drawings of all nearby surface waters and details of environmental protection and monitoring measures, as detailed in the environmental management plan.
8. A flood risk assessment for the proposed development.
9. Details of the conditions of the existing IPPC EPA license and outline how the proposed development may affect the existing license.
10. A comprehensive Construction and Demolition Waste Management Plan.
11. Details of the treatment of waste at the site, including hazardous waste.

3.2.3. Second Report (23/09/2020);

Re. Item No. 1

- The Land Use Planning document submitted identifies the Health and Safety Authority (HSA) defined COMAH risk-based inner, middle and outer land use planning zones and the nearest residential dwelling 'Monery Farm' within these zones.
- Further to consultation, the HSA determines that the siting criteria for new establishments have been met. Thereby, the HSA does not object to the proposed development within the context of major accident hazards.
- The proposed development complies with policy objectives EDO40 and EDO41 of the Cavan Development Plan 2014-2020.

Re. Item No. 2

- The applicant has liaised with the HSA and Cavan County Council's Fire Section, and work on a Major Accident Prevention Plan (MAPP) is ongoing.
- The updated NIS takes into account the identification of major accident scenarios and concludes that the individual risk profile of the Farragh Proteins establishment is dominated by the risk arising from the existing LPG tank.
- The contribution of the proposed LNG compound to the risk profile of the site is not significant.

Re. Item No. 3

- The Material Safety Data Sheet (MSDS) submitted describes the physical characteristics of LNG.
- The COMAH Land Use document lists the risks associated with the proposal, including fire and explosion hazards.
- The Major Accident Prevention Plan (MAPP) will include environmental risk management procedures based on Farragh Protein's existing Environmental Management Plan under ISO 14001.

Re. Item No.4

- Work on a Major Accident Prevention Plan is ongoing with Cavan County Council's Fire Section and the Health and Safety Authority.
- Conditions of the Fire Section noted. These include the requirement that the proposed installation not be brought into operation until the HSA has received the Major Accident Prevention Policy Document (MAPP).

Re. Item No. 5

- The existing facility has an energy demand in excess of 60 GWh per annum.
- Since 2012 the company has been investing in reducing CO₂ emissions and increasing energy efficiency.
- The facility was initially fueled by heavy fuel oils and then moved to LPG, which saw a reduction in emissions and combustion burner control. These gains will be increased with the use of LNG, with the change further reducing CO₂ emissions by approx. 11% or 1,860 tonnes per annum for the same energy consumption.
- The environmental benefits of the proposal are accepted.
- The LNG is planned to be shipped by ISO (International Organization for Standardization) standard tanks from Belgium and the Netherlands.
- As the market develops for LNG, the Applicant intends to source LNG from within the country.
- There will be one or two ISO tanks per day to the site, depending on demand.

Re. Item No. 6

- The Environmental Management Plan submitted provides an environmental management framework for the construction of the LNG compound and access road.
- The Council's Environment and Waste Management Section are satisfied with the proposed monitoring and mitigation measures to protect surface waters during the construction phase.
- The Council's Environment and Waste Management Section report notes that no emission limit values are set out in the program for monitoring, and some items are not included in the suite of parameters to be analysed for all surface waters.

According to the EPA report, if the Agency receives a license review application in relation to the proposed development, all matters relating to emissions to the environment from the proposed activities, as well as the license review application documentation, will be considered and assessed by the Agency.

Re. Item No. 7

- The Environmental Management Plan (EMP) includes a map showing the location of all nearby surface waters, including the River Erne. In addition, monitoring points are detailed in the plan and map. Measures detailed in the EMP shall be in place from the commencement of development and continue for the duration of the site's development works.

Re. Item No. 8

- The Flood Risk Assessment shows that OPW flood maps highlight flood events 1.1km upstream at Farranseer and 1.5km downstream of the site at Drummora.
- The flood risk assessment confirms the development works involve 'highly vulnerable' activities in flood zones A and B using the sequential test, flood and statistical analysis, hydraulic modelling and justification test.
- The flood risk assessment confirms that the primary risk of flooding emanates from the River Erne. Consequently, several measures are recommended to mitigate any impact to surface water quality or flows during the construction phase of the proposed development.
- Given the wide floodplains serving the River Erne and the expansive lake storage provided in the Lough Oughter complex, it is unlikely that a notable rise in river flood levels will occur due to this low infill requirement.
- The Flood Risk Assessment notes that the site is not at risk of flooding from the small watercourse adjoining the site.
- The Flood Risk Assessment concludes that the proposed development will not increase the potential flood risk to upgradient or downgradient receptors or local private properties in the surrounding area. Therefore, mitigation measures listed in the report shall be attached as Conditions.

- The Flood Risk Assessment states that the proposal will include a bund wall and flood gates at access points through the wall.
- The Municipal District Engineer considers the proposed new road level and tank base would be sufficiently elevated for all but a 1 in 500-year return period and recommends including the stated mitigation measures.

Re. Item No. 9

- The proposed development comprises two tanks of 131 cubic meters, which equates to 110 tonnes. An Environmental Impact Assessment (EIA) is not required for the proposed development, having regard to Schedule 5, Part 2, Section 3 (Energy Industry) of the Planning and Development Regulations 2001, which states: (c) *installations for surface storage of natural gas where the storage capacity would exceed 200 tonnes.*

Re. Item Nos. 10 and 11

- The applicant has submitted a detailed Construction And Demolition Waste Management Plan CDWMP. This is acceptable to the Council's Waste Management Section subject to conditions relating to the management of all wastes at the site and the implementation of mitigation and control measures outlined in the plan.

Other

- The Natura Impact Statement has been updated based on the further information request.
- In conclusion, the proposed development, subject to compliance with Conditions, would be in accordance with the Cavan County Development Plan 2014-2020.

3.3. Other Technical Reports

3.3.1. A/Senior Executive Scientist

- The proposed development will bring the site under the Major Accidents Directive (a Seveso Site).
- The proposed development is located in an area designated as a Poor Aquifer with Extreme Vulnerability.

- The proposed development is located in the Erne_080 river water body, which is classed as Moderate Ecological Status. This status must be improved to at least Good Ecological Status by 2021 in accordance with the requirements of the Water Framework Directive.
- The facility has an IED License from the Environmental Protection Agency, Reg No. P0025-05.
- In granting permission for a development requiring a license from the EPA, the Planning Authority may not impose conditions concerning the environmental emissions from this activity.
- The Planning Authority may decide to refuse a grant of permission in respect of a development requiring a license from the EPA on the grounds that the development would have a detrimental effect on the surrounding environment.
- The protection of visual amenities, archaeological sites, natural heritage areas and other special protection areas, etc., remains the Planning Authority's responsibility insofar as this relates to the actual on-site development (as distinct from the waste disposal operation).
- The Environmental Management Plan submitted in response to Further Information is acceptable.
- Recommendation – No objection.

3.3.2. **Waste Management Section** – No objection subject to 6 no. conditions.

3.3.3. **Municipal District Engineer.**

- Application Form 17(a) notes the site has never been flooded. This is incorrect. Further information regarding flood protection measures is advised.
- The site requires an IPPC license.
- Report queries conditions of the existing license and how the development may affect the existing license.

3.4. Prescribed Bodies

3.4.1. Environmental Protection Agency:

- Farragh Proteins Ltd. was issued an IPPC license for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day.
- This license was amended on 23/12/2013 to incorporate the requirements of an Industrial Emissions License.
- An EIS accompanied the license application pertaining to this license, and the planning application was accompanied by an EIAR.
- As part of its consideration of any license review application that may be received which addresses the changes proposed, the Agency shall ensure that before the revised license is granted, the license application will be made subject to an Environmental Impact Assessment with respect to the matters that come within the functions of the Agency and in accordance with the EPA Act. This will include all matters to do with emissions to the environment from the activities proposed.
- If the Agency considers that the proposed activities cannot be carried out, or cannot be effectively regulated under a license, then the Agency cannot grant a license for such an activity.

3.4.2. An Taisce

- The applicant has failed to assess the climate impacts of the proposal regarding the burning of liquefied natural gas (LNG) at the Farragh Proteins plant and the emissions generated by the sourcing and processing of that gas.
- An Taisce disputes the Applicant's claim that LNG is a 'clean' or 'low carbon fossil fuel'.
- When the full lifecycle of LNG is considered, it has a higher emissions impact than coal (source: Oil Change International, 2018).
- Methane leakage is a severe side effect of LNG processing.
- The global warming potential of methane is 86 times that of carbon dioxide over a 20-year time span.

- There is direct functional independence between the proposed development and the source of the LNG that would supply the plant - the proposed LNG plant cannot function without the input of LNG itself.
- There are key parallels between this case and the High Court ruling on Bord na Móna's Edenderry power plant (ABP Ref. PL19.245295; *An Taisce - v An Bord Pleanála* [2015] IEHC 633).
- In the Edenderry case, it was ruled that there was "functional independence" between the power plant and the Bord na Móna's bogs identified in the planning application. It was decided that the source of the fuel should have been considered as part of the application for the continued operation of the power plant.
- In giving the High Court's judgment, Mr. Justice Michael White stated: "*From any reasonable application of the objective facts of this project, there are possible indirect effects of the use of peat from these bogs on the environment*". He went on to state "*The difficulty is that An Bord Pleanála excluded completely the consideration of the indirect effects, when considering the planning application for the extension of life of the power plant*".
- Given the comparable relationship between the source of the LNG and the proposed LNG plant at Farragh Proteins, An Taisce submits that the source of the LNG and the environmental impacts associated with it must be considered when assessing the subject application.
- In a similar case in July 2019, An Bord Pleanála refused permission for the continued operation of the Co. Offaly Shannonbridge peat power plant with progressive bio-mass co-firing on a range of grounds, including inadequate assessment of the direct and indirect impacts of continued peat extraction from the supply bogs identified (ABP Ref. PL19.303108).
- Crucially, the Board stated that the continued harvesting and burning of peat would run counter to national climate mitigation policy.
- An Taisce considers that the use of LNG at the Farragh Proteins site and the indirect impacts of the sourcing and processing of that LNG would similarly run counter to national climate policy and, therefore, must be assessed in determining the subject application.

3.4.3. Appendix document attached entitled 'A stranded asset: The future of investment in fossil fuel and animal agriculture infrastructure in Ireland' by Ian Lumley, Advocacy Officer, An Taisce.

3.5. **Health and Safety Authority**

- The Authority has determined that the sighting criteria for new establishments have been met.
- The Authority does not advise against the granting of planning permission in the context of major accident hazards.

4.0 **Relevant Planning History**

4.1. **Farragh Proteins Site:**

P.A. Ref. 18/539 Permission GRANTED in 2019 to Farragh Proteins Ltd. to retain buildings, plant structures and alterations to existing buildings and plant, including drainage and associated works to regularise the planning position at the existing Farragh Protein Site. This consisted of a new laboratory building, new chemical store extension to the existing engineering workshop with alterations to elevations, a generator building, cooling tower, bunded blood tank, bunded diesel tank, bio-bed, alterations to the boiler house elevations and bio-filter 4 and associated works. The existing development has IPPC EPA Licence.

P.A. Ref. 18/137 Permission GRANTED in 2018 to Farragh Proteins Ltd. to construct a kitchen/canteen extension, docket room extension to reception/office building with internal changes.

Retention Permission Granted to converted attic spaces to reception /office building and adjacent laundry and changing room building, including single-storey extensions to laundry and changing room building, alterations to elevations and associated works. The existing development has IPPC EPA Licence.

P.A. Ref. 12/12 Permission GRANTED in 2012 to Farragh Proteins Ltd. to construct a new boiler house extension to the existing rendering plant to accommodate a new boiler (replacing 2 no. existing boilers), installation of 2 no. bio-filters and extension of

existing waste water treatment system to include a balance tank and aerator tank within bunded area, to meet proposed limit values for final treated effluent. The development also provided for an increase of raw material intake tonnage from 216MT per day (EPA Licence Condition) to 125,000MT per annum. Increase final treated effluent volume from 240m³ per day to 340m³ per day, modification to wet rendering on CAT 3 line including installation of an evaporator to reduce fuel consumption and CO₂ emissions, demolition of existing meal silo & boiler fuel tanks, and associated site works. The existing EPA IPPC Licence (P0025-04) for the site was to be reviewed as part of the proposed upgrade. This application was accompanied by an Environmental Impact Statement (EIS).

P.A. Ref. 11/95 Retention Permission GRANTED in 2011 to Farragh Proteins Ltd. to retain buildings, extensions, plant structures and associated uses to regularise the planning position at the existing Farragh Proteins Site, comprising extensions to the meal out-loading area and storage area; part two-storey extension to the boiler, electrical control equipment and evaporator/condensing plant; lobby extension to the thermal oxidiser and airlock extension. Detached building to include a workshop and lean-to office, chemical store, DAF building, pump house, compressor house, electrical/control house and motor room. Plant to include a bio-filter, condensers, evaporator plant, water tower and structure, decanter, bio-filter extension, cooling tower, bio-bed, 3 no. aerator tanks, sieve equipment, bunded oil tank, revised location of weight bridge, alterations to elevations and associated high and low ductwork/pipework

P.A. Ref. 09/470 Permission GRANTED in 2009 to Farragh Proteins Ltd. to retain and complete a first aid room and boiler room extension to previously approved canteen (planning reg. ref. 08/1099), with alterations to elevations.

P.A. Ref. 08/1099 Permission GRANTED in 2008 to Farragh Proteins Ltd. to demolish an existing canteen building and construct a new single storey canteen, connect to existing services and associated works.

P.A. Ref. 07/1631 Permission GRANTED in 2007 to Farragh Proteins Ltd. to erect a single-storey building comprising changing rooms, toilets and laundry, connection to existing services and associated works.

P.A. Ref. 06/493 Permission GRANTED in 2006 to Farragh Proteins Ltd. to erect a new entrance with entrance walls, piers, security barrier, associated works, and retain an ESB substation.

P.A. Ref. 99/1667 Permission GRANTED in 2000 to Monery Agri-Products Ltd. to erect a new office/reception building in a part single, part 2 storey block connected to existing on-site services.

P.A. Ref. 94/717 Permission GRANTED in 1995 to Monery Agri-Products Ltd. to erect a bulk meal silo and associated works.

P.A. Ref. 93/20746 Permission GRANTED in 1995 to Monery Agri-Products Ltd. to construct a new entry road with a decontamination trap and provide a car park.

P.A. Ref. 91/1980 Permission GRANTED in 1991 to Monery Agri-Products Ltd. to erect canteen, 2 no. changing rooms and toilet facilities.

P.A. Ref. 88/17317 Permission GRANTED in 1988 to Monery Agri-Products Ltd. to erect evaporator plant and bio-filter bed for environmental control purposes

P.A. Ref. 88/17316 Permission GRANTED in 1988 to Monery Agri-Products Ltd. to replace, realign and rebuild parts of premises destroyed by fire

P.A. Ref. 85/15326 Permission GRANTED in 1985 to Monery Agri-Products Ltd. to erect a tallow refining plant and construct treatment plant.

P.A. Ref. 84/1548 Permission GRANTED in 1984 to Monery Agri-Products Ltd. to roof an existing concrete area at the rear of the factory and erect a gas holding tank, and higher new extension.

P.A. Ref. 84/14971 Permission GRANTED in 1984 to Monery Agri-Products Ltd. to construct a treatment plant for the disposal of effluent, 2 no. aeration tanks, 1 sludge holding tank, 1 balance tank, settlement tank and wash bay.

P.A. Ref. 81/12234 Permission GRANTED in 1981 to Monery Agri-Products Ltd. to erect piers and wing walls at entry to premises.

4.1.1. Notable applications in the surrounding Area

4.1.2. Felix Gormley Used Metal Disposals Ltd. site – located c. 350m to the south.

P.A. Ref. 081457 Permission granted in 2009 to re-locate an existing waste oil and diesel storage tank and erect a new unit to house a new "sloping hearth furnace" for the reclamation of Aluminium, connect to all existing services and all associated site works.

P.A. Ref. 00370 Permission granted in 2000 to retain a domestic garage.

P.A. Ref. 97603 Permission granted in 1998 to erect a serviced warehouse and office, weighbridge, sheerer entrance, gates and piers.

5.0 Policy and Context

5.1. Cavan County Development Plan 2022-2028

The Cavan County Development Plan 2022-2028 is the statutory operational plan for the area. The Development Plan came into effect on the 11th July, 2022. The following relevant policies, objectives and standards in the Development Plan are noted:

5.1.1. Section 7.4.2 Regional and Local Roads

GR 01 Planning for significant development proposals should be accompanied with a 'Traffic and Transport Assessment' (TTA) and a 'Road Safety Audit' (RSA) carried out by suitably competent persons, in accordance with the TII's Traffic and Transport Assessment Guidelines and which are assessed in association with their cumulative impact with other existing and committed developments on the road network.

GR 04 Promote the carrying out of Road Safety Audits on new road schemes, road and junction improvements, traffic management schemes and private developments as required in accordance with the TII Publication TII-GE-STY-01024 and advice contained in the DoT Traffic Management Guidelines 2019.

GR 04 Promote the carrying out of Road Safety Audits on new road schemes, road and junction improvements, traffic management schemes and private developments as required in accordance with the TII Publication TII-GE-STY-01024 and advice contained in the DoT Traffic Management Guidelines 2019.

5.1.2. Section 7.8 Natural Gas

It is ambition of the RSES to build out gas supply in the region, in that the expansion of the network would bring competitive advantages to the region. The secure supply of natural gas is in itself an important part of the suite of infrastructure necessary to assist in the improvement of regional accessibility generally.

5.1.3. Section 7.13 Prevention of Major Accidents

MA 01 Have regard to the provision of the 'Major Accident Directive' (Seveso III) (European Council Directive 2012/18/EU) and impose restrictions in consultation with the HSA, on developments abutting or within proximity of a Seveso site. The extent of restrictions on development will be dependent on the type of risk present and the quantity and form of the dangerous substance present or likely to be present.

MA 02 Permit new Seveso development only in low risk locations away from vulnerable residential, retail and commercial development. In areas where Seveso sites exist in appropriate locations with low population densities, ensure that proposed uses in adjacent sites do not compromise the potential for expansion of the existing Seveso use, and in particular the exclusion of developments with the potential to attract large numbers of the public.

MA 03 Have regard to the advice of the Health and Safety Authority when proposals for new Seveso sites are considered.

MA 04 Require developers to submit a detailed consequence and risk assessment with all Environmental Impact Statements and/or legislative licence applications for all Seveso sites.

5.1.4. Section 8.4.1 Ground Water and Surface Water

Groundwater Development Objectives

GW 01 Ensure that groundwater is protected by ensuring compliance with the following:

- The appropriate control of development in areas of high groundwater vulnerability.

- Implementation of the Programme of Measures as required in the River Basin Management Plans
- Licensing of discharges of effluent to groundwater, having particular regard to the requirements of the EC Environmental Objectives (Groundwater) Regulations, 2010 (S.I. No. 9 of 2010)
- Implementation of the EC (Good Agricultural Practice for Protection of Waters) Regulations (S.I. No. 610 OF 2010, which give effect to several EU Directives including in relation to protection of waters against pollution from agricultural sources ('the Nitrates Directive'), dangerous substances in water and protection of groundwater.

GW 02 Protect ground water resources and abstraction points, and this ensures such sources and their zones of contribution are protected and safeguarded in the interests of common good and public health.

GW 03 Support the implementation of the relevant recommendations and measures outlined in the relevant River Basin Management Plan 2022-2027, and associated Programme of Measures, or any such plan that may supersede same during the lifetime of the plan. Development proposals shall not have an unacceptable impact on water quality, the water environment, including surface waters, groundwater quality and quantity, river corridors and associated woodlands, species and wetlands, in County Cavan and in any areas that are hydrologically or hydro geologically linked, including areas in Northern Ireland.

GW 04 Contribute towards, as appropriate, the protection of existing and potential water resources, and their use by humans and wildlife, including rivers, streams, wetlands, groundwater and associated habitat and species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC). The European Union (Water policy) Regulations 2003 (as amended), the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (as amended), the Groundwater Directive 2006/118/EC 439 and the European Communities Environmental Objectives (groundwater) Regulations 2010 (as

amended) and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same, to have cognisance of, where relevant, the EUs Common Implementation Strategy Guidance Document No. 20 and No. 36 which provide guidance on exceptions to the environmental objectives of the Water Framework Directive).

GW 06 Ensure that in assessing applications for development, that consideration is given to the impact on the quality of surface waters having regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021, and any subsequent local or regional plans.

5.1.5. Section 8.6.3 Integration of other provisions relating to flood risk management into the Plan

FRM 01 Support, in co-operation with the OPW, the implementation of the EU Flood Risk Directive, the Flood Risk Regulations (S.I. No. 122 of 2010) and the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Department Circular PL2/2014 or any updated / superseding version. This will include the following:

- Avoid, reduce and/or mitigate, as appropriate in accordance with the Guidelines, the risk of flooding within the flood risk areas indicated in the accompanying Strategic Flood Risk Assessment report, including fluvial, pluvial and groundwater flooding, and any other flood risk areas that may be identified during the period of the plan or in relation to a planning application.
- Development proposals in areas where there is an identified or potential risk of flooding or that could give rise to a risk of flooding elsewhere will be required to carry out a site-specific Flood Risk Assessment, and Justification Test where appropriate, in accordance with the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, (or any superseding document) and Circular PL2/2014 (as updated/superseded). Any flood risk assessment should include an assessment of the potential impacts of climate

change, such as an increase in the extent or probability of flooding, and any associated measures necessary to address these impacts.

- Development that would be subject to an inappropriate risk of flooding or that would cause or exacerbate such a risk at other locations shall not normally be permitted.
- Where certain measures proposed to mitigate or manage the risk of flooding associated with new developments are likely to result in significant effects to the environment or European sites downstream, such measures will undergo environmental assessment and Appropriate Assessment, as appropriate.

FRM 02 Protect Flood Zone A and Flood Zone B from inappropriate development and direct developments/land uses into the appropriate Flood Zone in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (or any superseding document) and the guidance contained in Development Management Chapter.

FRM 03 Site-specific Flood Risk Assessment (FRA) is required for all planning applications in areas at risk of flooding (fluvial, coastal, pluvial or groundwater), even for developments appropriate to the particular Flood Zone. The detail of these site-specific FRAs will depend on the level of risk and scale of development. A detailed site-specific FRA should quantify the risks, the effects of selected mitigation and the management of any residual risks. The assessments shall consider and provide information on the implications of climate change with regard to flood risk in relevant locations. The 2009 OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management (or any superseding document) and available information from the CFRAM Studies shall be consulted with to this effect.

FRM 04 Development proposals will need to be accompanied by a Development Management Justification Test when required by the Guidelines in addition to the site-specific Flood Risk Assessment. Where only a small proportion of a site is at risk of flooding, the sequential approach shall be applied in site planning, in order to seek to ensure that no encroachment onto or loss of the flood plain occurs and/or that only

water compatible development, such as Open Space, would be permitted for the lands which are identified as being at risk of flooding within that site.

FRM 05 In Flood Zone C, where the probability of flooding is low (less than 0.1%, Flood Zone C), site-specific Flood Risk Assessment may be required and the developer should satisfy themselves that the probability of flooding is appropriate to the development being proposed. The County Plan SFRA datasets and the most up to date CFRAM Programme climate scenario mapping should be consulted by prospective applicants for developments in this regard and will be made available to lower-tier Development Management processes in the Council.

FRM 06 Applications for development in flood vulnerable zones, including those at risk under the OPW's Mid-Range Future Scenario, shall provide details of structural and nonstructural risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events.

FRM 07 Protect water bodies and watercourses within the County from inappropriate development, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains. This will include buffers in riverine and wetland areas as appropriate. Consult with the OPW in relation to proposed developments in the vicinity of drainage channels and rivers for which the OPW are responsible, and retain a strip on either side of such channels where required, to facilitate maintenance access thereto. In addition, promote the sustainable management and uses of water bodies and avoid culverting or realignment of these features.

Section 12.4 Rural Enterprise and Economy

REE 01 Consideration shall be given to the establishment, or suitable expansion, of small-scale businesses in rural areas where (i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with.

REE 02 Require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable and that the proposal would not be viable at an alternative location.

REE 03 In accessing an application for the establishment, or suitable expansion, of a small-scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of the application:

- Positive contribution that the proposed development will make to the rural economy
- Nature and scale of the proposal.
- Is the business more suitably accommodated at the proposed location than an urban setting.
- Potential impacts on public health, environment and amenity.
- Potential traffic impact on the road network in the area.

REE 04 Support the location of medium to large scale rural enterprises where it is demonstrated to the Council, that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre and in compliance with development management standards.

REE 05 Support rural entrepreneurship and the development of micro-businesses in rural areas where environmental and landscape impact is minimal and where such development do not generate significant or undue traffic.

REE 13 Promote resource efficiency and support the shift toward a low-carbon and climate resilient economy in the agriculture, food and forestry sectors.

REE 16 Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism and renewable energy so as to sustain employment opportunities in rural areas.

Chapter 13 Development Management

5.2. Other Relevant Government Policy / Guidelines

EU Water Framework Directive (2000/60/EC)

The Birds Directive (Directive 2009/147/EC on the conservation of wild birds)

Seveso III Directive (2012/18/EU)

The Habitats Directive - Council Directive 92/43/EEC

COM/2015/080 Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy.

National Planning Framework - Ireland 2040.

Climate Action Plan 2021.

National Mitigation Plan (2017)

Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances Regulations) 2015.

Policy and Approach of the Health and Safety Authority to COMAH Risk-based Land-use Planning (HSA, 2010).

Policy Statement on the Importation of Fracked Gas, May 2021. Department of the Environment, Climate and Communications.

Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of Environment, Heritage and Local Government (2009).

Programme for Government: Our Shared Future (2020)

The Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009.

Traffic and Transport Assessment Guidelines, National Roads Authority, (2007)

5.3. Natural Heritage Designations

- 5.3.1. The site is located c. 36m to the east of the Lough Oughter SPA (Site Code: 004049) and c. 263m downstream from the Lough Oughter and associated Loughs SAC (Site Code: 000007).

5.4. EIA Screening

5.4.1. Context – grounds of appeal

5.4.2. The Appellant objects to the proposed development on the grounds that an Environmental Impact Assessment (EIA) Screening should be undertaken.

5.4.3. The Applicant contests these grounds of appeal as set out in Section 6.2.1 above. In summary, the Applicant contends that the proposed development is substantially below the threshold of development requiring a mandatory Environmental Impact Assessment Report (EIAR) under Schedule 5 of the Planning and Development Regulations 2001 (as amended). The Applicant states that the Planning Authority did not deem it necessary to undertake EIA Screening prior to determining the application.

5.4.4. The Applicant has not submitted Schedule 7A information with the application or appeal, for the purposes of screening sub-threshold development for environmental impact assessment.

5.4.5. The Planning Authority noted that an EIA was submitted in 2012 under P.A. Ref. 12/12 as part of a planning application to construct a new boiler house extension to the existing rendering plant at the Farragh Proteins site. The Planning report states that the submission of the EIA report was necessary as the proposed development resulted in an increase in raw material intake tonnage from the 216MTper day 212,5000 MT per annum thus exceeding the threshold. The Planning Authority report does not provide a screening determination as to whether or not an Environmental Impact Assessment Report is required for the proposed development

5.4.6. Screening the need for EIA

5.4.7. The proposed development provides for the installation of an LNG Plant compound with 2 no. 53.6 tonnes / 131 m³ tanks of cryogenic LNG with 2 no. associated ambient vaporisers, a regulation station, electrical control room and other associated ancillary site works.

5.4.8. Under Schedule 5, Part 2, 3(c) of the Planning and Development Regulations 2001 (as amended), the following class of development is subject to Part X, Section 176 of

the Planning and Development Act 2000 (as amended) which requires a mandatory Environmental Impact Assessment;

*Installations for surface storage of **natural** gas, where the storage capacity would exceed 200 tonnes.*

Given that the proposed development comprises an installation for the storage of 2 no. 53.6 tonne tanks of cryogenic LNG i.e. 107.2 tonnes in total, the proposal is below the threshold of development set out under Schedule 5, Part 2, 3(c) of the Regulations. Thus, there is not a mandatory requirement for the planning application to be accompanied by an Environmental Impact Assessment Report.

5.4.9. Regarding sub-threshold development, guidance is provided in the Government's 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' (2018). Section 3.4 of the Guidelines states that 'for all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment'. Section 3.5 of the Guidelines states that the preliminary examination should have regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), which sets out criteria for determining whether a development would or would not be likely to have significant effects on the environment. On this basis, a preliminary examination of the proposed development having regard to the criteria set out in Schedule 7 of the 2001 Regulations is detailed below.

5.4.10. Characteristics of proposed development

5.4.11. The proposed development provides for the installation of a liquid natural gas (LNG) plant compound consisting of 2 no. 131m³ / 53.6 tonne horizontal tanks with 2 no. associated ambient vaporisers, a regulation station, electrical control compound and other associated ancillary site works. Proposed works also include a new service road from the existing Farragh Proteins plant site, with site boundaries, landscaping and site development works. The proposed LNG vessels, ancillary equipment and control

room will be located within a bunded area south of the existing Farragh Proteins Facility. As detailed in the NIS submitted with the appeal (dated Feb. 2022), the surrounding bund wall (2.2m high) will protect against flooding to a minimum level of 50.11 mOD. The protective bund and access doors/gates will be impermeable. It is my view that the size, scale and design of the proposed development would integrate with the existing Farragh Proteins site.

- 5.4.12. The project will involve the use, storage and transport of LNG, which is a flammable liquefied gas. As stated by the applicant, the proposal will bring the site under the Major Accidents Directive (a Seveso Site). The Seveso III Directive (2012/18/EU) requires member states to ensure that the objectives of preventing major accidents and limiting consequences of such accident for human health and the environment are considered in land use planning policies through controls on the siting of new establishments, modifications to establishments and certain types of new development in the vicinity of establishments. The Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (the “COMAH Regulations”), implement the Seveso III Directive (2012/18/EU).
- 5.4.13. The applicant has submitted a COMAH Land Use Planning (LUP) assessment prepared by AWN Consulting as part of the planning application, in accordance with the risk-based approach set out in the HSA’s ‘Policy and Approach to COMAH Risk-based Land Use Planning (HSA 2010). Further to review of the COMAH LUP Assessment submitted, the HSA report states that the HSA’s siting criteria for new establishments have been met, and the proposed development should not be refused permission on the basis of being a major accident hazard. On this basis, I am satisfied that the use, storage, transport, and handling of the proposed LNG substance proposed development would not be harmful to human health or the environment.
- 5.4.14. The proposed development will serve the existing Farragh Proteins Facility, which manufactures processed animal protein, tallow, poultry meal, poultry oil, blood meal and feather meal used in the manufacture of pet food and as ingredients for the animal feed industry. The Farragh Proteins Facility operates in accordance with an IPPC licence Register No: P0025-05, amended on 23/12/2013 to incorporate the requirements of an Industrial Emissions Licence.

- 5.4.15. In response to the circulation of the subject appeal, the EPA responded by stating that should a licence review application be received which addresses the changes proposed, the Agency will require that the associated EIAR be submitted in support of the licence review application. This EIAR will be considered and assessed by the Agency. The Agency shall ensure that before a revised licence is granted, the licence review application will be made subject to an EIA with respect to the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Act.
- 5.4.16. The proposed development will not release pollutants or any hazardous/toxic / noxious substances, and all matters to do with emissions to the environment from the activities proposed will be subject to licence review by the EPA.
- 5.4.17. The site consists of agricultural grassland and a gravelled area. A watercourse flows along the eastern and the northern boundaries of the site, which flows into the River Erne, located c. 36m to the west of the site. The River Erne is a designated European site identified as the Lough Oughter SPA (Site Code: 004049). Lough Oughter and associated Loughs SAC (Site Code: 000007) is located c. 263m downstream to the north-west of the site. The site is upstream of a number of lakes, the closest of which is Carr's Lough which is 2.6km downstream of the application site. Appropriate Assessment is dealt with under Section 7.8 below.
- 5.4.18. The closest residential dwelling is located c. 300m to the east of the proposed LNG compound. The Environmental Management Plan for the project details the noise and vibration that will occur during the construction and operation of the proposal. Construction Noise will be well below 65dB, monitored with a noise level meter and restricted to general working hours 8:00 to 18:00 weekdays. No work will be carried out during weekends. The proposed development will not cause vibration or release of light, heat, energy or electromagnetic radiation.
- 5.4.19. The COMAH LUP Assessment identifies the following major accident scenarios that could arise from the proposed development, which could pose risk to human health:
- Tank rupture, BLEVE (boiling liquid expanding vapor explosion) and fireball,
 - Vapour release through safety relief valve,

- Jetfire
- Liquid release from tank or spill during tanker unloading and pool fire in the bund, unloading area.
- Unconfined vapour cloud explosion.

5.4.20. I have assessed the issue of risk and proposed risk prevention measures in greater detail under Section 7.5 below. I conclude that subject to the risk prevention measures contained within the COMAH Land Use Planning Assessment and the Environmental Management Plan submitted, the proposed development would not pose a significant risk to human health. Given the removed rural location of the site, the proposal would not affect the social environment in the area.

5.4.21. Location of the proposed development

5.4.22. The site is located c. 36m to the east of the River Erne and Lough Oughter SPA (Site Code: 004049) and c. 263m downstream to the southeast of the Lough Oughter and associated Loughs SAC (Site Code: 000007). A watercourse is located along the eastern boundary, and a culverted watercourse runs along the northern boundary. Appropriate Assessment is dealt with under Section 7.8 below.

5.4.23. There are no protected, important or sensitive species of flora or fauna on the appeal site. The NIS submitted details the qualifying interests of the Lough Oughter and Associated Loughs SAC and SPA and the potential impacts of the proposal on the qualifying interests.

5.4.24. The proposed development is at a remove from recorded archaeological monuments in the area and will have no impact on them physically or visually.

5.4.25. The applicant has submitted a Flood Risk Assessment for the proposed development. The issue of Flood Risk is dealt with under Section 7.3 below, where I conclude that the proposed development will not increase flood risk elsewhere, and the risk of flooding to the proposed development is minimal. The proposal includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of proposed flood protection measures and

provisions for emergency services access. Residual risks are acceptable, subject to proposed flood mitigation measures.

5.4.26. Types and characteristics of potential impacts

5.4.27. The Applicant has submitted a COMAH Land Use Planning Assessment in accordance with the risk-based approach set out in the HSA's 'Policy and Approach to COMAH Risk-based Land-use Planning' (2010). A Risk Assessment of the proposed development is provided under Section 7.5 below, where I conclude that the Applicant has taken the necessary measures to prevent major accidents and to limit the consequences for human health and the environment to the satisfaction of the HSA and their siting criteria under its policy and approach to COMAH risk-based land use planning assessment.

5.4.28. Conclusion

5.4.29. In conclusion, having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), it is my view that there is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received from An Taisce against the decision made by the Planning Authority to grant permission for the proposed development. The main grounds of appeal are summarised under the headings below;

6.1.1. Preliminary Environmental Impact Assessment Screening

- An EIA screening is required as a preliminary matter in view of the nature of the plant and its energy and emissions impact, its location sensitivity on the Erne

catchment, and the range of other considerations falling under the Directive stipulating that the Board should undertake preliminary EIA screening.

6.1.2. Failure of the Natura Impact Statement to address in-combination impacts.

- The applicant seeks permission to develop a Seveso activity on a highly vulnerable ecological area.
- The site lies within 53m of the Lough Oughter Complex SPA and 164m from the Lough Oughter and Associated Loughs SAC.
- In-combination impact assessment of the proposal and other relevant projects and plans on the Natura 2000 sites is seriously flawed.
- Only one additional development in the previous five years is mentioned in the NIS (Ref 15/139 p.35). This was an application for a domestic house.
- The in-combination impact analysis for the proposal does not mention other industrial activities close to the site.
- There is no scientific basis in the NIS for choosing which plans and projects should be evaluated when assessing the in-combination impacts on a designated site.
- The following developments should have been included, given their proximity and scale-of-disturbance risk potential;
 - Felix Gormley Used Metal Disposals Ltd. sited less than 350m south of the proposal (P.A. Ref. nos. 97603 / 00370 / 081457). This is an industrial scale metals recycling yard.
 - Kilykeen Forest Holidays Ltd. - P.A. Ref. Nos. 19188 and ABP Ref. PL-02. 306084.
- The NIS should have included a detailed analysis of the intensification of activities at the subject site and cross-referenced this increased throughput with a review of discharge license emissions and atmospheric emissions.
- The NIS failed to properly review the in-combination impacts of the proposed development and other nearby activities in concluding that the proposal will not impact negatively upon the favourable conservation status of the adjacent Natura sites.

- The Planning Authority's assessment of cumulative impacts of the proposal with other proposed / existing plans and developments is flawed.
- The Planning Authority did not adequately consider in-combination impacts during their Appropriate Assessment Screening.
- The Planning Authority applied no scientific rationale for determining what plans and projects should be assessed in determining the in-combination impacts upon a designated site.

6.1.3. EPA License Issues

- The NIS neglects to include detailed monitoring records associated with the various hydraulic discharges from the facility or any mention of breaches of compliance standards referenced in EPA license document conditions – License Ref. No. P0025-05.
- There does not appear to be any detailed discharge license compliance information submitted with this application.
- It is difficult to understand the assertion made in the NIS (p.17) that the emissions from the facility to the river have not resulted in any deterioration in the ecological status of the river.
- The NIS suggests that in the event of a major incident, public health priorities would dictate that any/all ecological safeguards would be circumvented. A detailed review of such a scenario should form a core element of the NIS.
- Notwithstanding the proposed hazardous storage of material on a site located within a flood plain and in proximity to a sensitive water body within a Natura 2000 site, there does not appear to be any allowance or calculations made for fire-fighting waters associated with a fire event.
- There is no detailed review of surface water containment measures on-site and how these would operate during an incident.

6.1.4. Flood Risk Assessment

- The site's precarious location vis-à-vis flood risk is referenced in the licensee's own site visit report submitted to the EPA, on the 14th May 2020 (attached as an

appendix). Section 2.2 of this report states "the licensee outlined that it has been unable to carry out small stream risk scoring (SSRS) between October 2019 and April 2020 due to flooding in the Erne River".

- The application should have included topographic details referencing historic River Erne high water levels, finished floor levels and bund levels within the site.

6.1.5. Assessment and Mitigation of Emissions

- The NIS refers only to emissions associated with fuel combustion.
- No reference is made to the impacts of noxious smells on local fauna, which regularly radiate from this facility.
- There is no examination of the atmospheric emissions associated with the construction phase of the proposed development.
- The author of the NIS has neglected to incorporate a review of light emissions associated with the existing and proposed development into the NIS.

6.1.6. Traffic Impacts

- The Planning Authority should have assessed the risks associated with transporting hazardous materials along this stretch of a local road.
- The road serving the site is used as a 'rat run' for traffic commuting to and from Cavan town.
- There is a disproportionately high volume of HGV traffic using this road, including bulk milk tankers collecting milk from the various intensive dairying farms in the area, truck traffic transporting all the inputs for these farms, commercial truck traffic associated with the nearby metals recycling yard, truck traffic accessing Killykeen resort, and truck traffic associated with the application activity itself.
- No traffic surveys were carried out.
- Given the nature of the hazardous loads proposed, a review of annual average daily traffic (AADT) figures is needed to properly determine the overall risk.
- There is no reference to the NRA's Traffic and Transport Assessment Guidelines.

- The Planning Authority report does not reference the intensification of use at this facility with consequential environmental and amenity impacts.
- No reference made to the malodors associated with this activity.
- An Taisce has received reports of odours that necessitate residents to close all doors and windows for extended periods of time during specific climatic circumstances.
- The Planning Authority appears to be abrogating the requirement to properly assess the application and activity - an activity allowed to intensify over the years sited within the River Erne floodplain and adjoining designated EU site.

6.1.8. Risk Assessment

- A quantified risk analysis was not carried out.
- HAZID / HAZOP / FMEA reports were not conducted to inform the planning application.
- A risk assessment of HGVs travelling along the local road – L1530 was not carried out.

6.1.9. Sustainability of proposed LNG use

- The proposed conversion to LNG use is justified based on being "cleaner" and reducing greenhouse gas emissions. Information on the proposed sourcing of LNG is required to assess the case for its use.
- Data is required to justify the plant's immediate benefits and longer-term sustainability of converting diesel use to LNG.
- Even if an immediate benefit could be demonstrated, this would not address the scale of emissions reductions and alternative technologies required to meet the level of emission reduction action required by the Paris Agreement 2015, EU targets, and the Climate Action and Low Carbon Development Act 2015.
- A 2018 report by the Europe-wide research organisation Transport and Environment found that natural gas for transport is as bad for the climate as using petrol, diesel or conventional marine fuels when the gas extraction and processing impact is accounted for.

- There is currently no proper regulatory framework in Ireland for the sustainable sourcing of imports and distribution of LNG.
- An Bord Pleanála should conduct a complete sustainability evaluation of the proposed LNG sourcing and use and consider alternatives.

6.2. Applicant Response

The response received from Smith Associates, Architects & Surveyors, representing the Applicant, is addressed under the headings below;

6.2.1. The requirement to undertake an EIA

- The proposed development consists of a change of fuel type from LPG to LNG.
- The proposed development provides for installing an LNG Plant comprising 2 no. 131 m³ horizontal tanks and ancillary works.
- Part X of the Planning and Development Act 2000 (as amended) provides the primary legislation for EIA.
- Regulations regarding EIA are provided in Schedules 5, 6, 7, and 7A of the Planning and Development Regulations 2001 (as amended).
- Schedule 5 of the Regulations 2001 sets out the types of development for which mandatory EIAR is required and establishes the thresholds for Environmental Impact Assessment Report requirements.
- In terms of the different categories of development listed in Schedule 5 of the Regulations, the subject development relates to Part 2(3)(c) of the Planning Regulations regarding 'Energy Industry'. It provides the relevant development thresholds as follows:

"Installations for surface storage of natural gas, where the storage capacity would exceed 200 tonnes".
- The proposed development comprises the storage of two 53.6 tonne tanks of cryogenic LNG (i.e. 107.2 tonnes in total), which is substantially below the above threshold. As such, an EIAR Screening is not required for this application.

- Cavan County Council did not deem it necessary to undertake EIA Screening prior to determining the application.

6.2.2. Natura Impact Statement: Cumulative Impact Assessment

- A Natura Impact Statement (NIS) has been submitted with the planning application.
- Following a request for further information by the Planning Authority, an updated NIS (July 2020) was submitted.
- The NIS submitted was prepared by Ms Noreen McLoughlin, BA, MSc, MCIEEM. Details of Ms. McLoughlin's educational qualifications and experience are provided.
- Details of the NIS's consistency with relevant EU and policy guidance are provided.
- Cavan County Council's planning map tool was used to identify current and future projects that may potentially impact European Sites when considered in combination with the proposed works and the existing development at the Farragh Proteins site.
- With the exception of the Farragh Proteins site, only two developments on Monnery Lower townland have been approved in the last five years: a residential dwelling (Reference: 15/139) and a farm complex (Reference 18/165).
- Application P.A. Ref. 15/139 was accompanied by a NIS prepared by Whitehill Environmental. Application P.A. Ref. 18/165 was screened out for the need for AA by the Planning Authority (Planner's report, May 2018).
- Regarding the existing plant, Farragh Proteins was granted planning permission for two small developments (Refs. 18/137 and 18/539). Both of these planning applications were accompanied by Stage 1 AA screening reports. Cavan County Council determined that Stage 2 NIS was not required for these developments.
- The Stage 1 Screening Assessment for the proposed development identified Lough Oughter SPA (004049) and the Lough Oughter and Associated Loughs SAC (000007) as the only two European Sites that could potentially be impacted by the development.

- The NIS found that the proposed development will have no cumulative impacts upon the SAC or SPA when considered in-combination with any 'other' development, which themselves would also not independently impact the SAC or SPA.
- In relation to current and future planning applications, Cavan County Council, as the competent authority, will screen each application for Appropriate Assessment. Any new application will be examined, and the requirement for screening for AA (NIS) will be determined on a case-by-case basis to comply with the provisions of Article 6 of the Habitats Directive.
- It is anticipated that subject to the implementation of effective mitigation measures (listed in Section 5 of the NIS (dated July 2020)) to avoid/negate any potential adverse impacts, there will be no cumulative impacts arising in conjunction with any other plans or projects that would be significant in terms of impacts affecting the conservation objectives or integrity of Lough Oughter and Associated Loughs SAC and SPA.
- Regarding cumulative impact assessment, a further review of all planning applications in the wider Crossdoney area (including the townlands of Monnery Lower and Monnery Upper) was undertaken over the past five years. Given the life of most planning permissions is limited to five years, this period was considered acceptable. In that period, 20 no. planning applications were lodged, including the proposed development. The majority of these projects are related to small residential proposals and agricultural development. Previous developments by Farragh Proteins were also included. All the developments were screened for AA by the Local Authority. Where significant effects on European Sites were likely to occur, an NIS was required.
- When combined with any 'other' development that has been screened for Appropriate Assessment (Stage 1) or where potential impacts have been mitigated (Stage 2 AA), the proposed development will have no cumulative impacts on the Lough Oughter and Associated Loughs SAC and SPA.

- An examination of established developments in the area was undertaken to ensure that the proposed development in combination with these 'other' developments would not adversely impact the integrity of European sites.
- Regarding the Felix Gormley development, there have been no developments at the site for 12 years.
- Felix Gormley Used Metals Disposals Ltd operates under a Waste Facility Permit. The facility does not require a Licence from the EPA. A planning application for this development in 2009 was accompanied by an Ecological Report prepared by Whitehill Environmental under P.A. Refs. 97603 / 00370 / 081457. This report included mitigation around the protection of water quality from run-off from the site during operation.
- Regarding the Killykeen Forest Holidays development, this application pertains to the conversion of a stables building to camping accommodation. This application was accompanied by a NIS, under ABP Ref. 306084). The NIS concluded that any significant effects on the Lough Oughter and Associated Loughs would not occur, subject to the implementation of the mitigation measures.
- The mitigation measures outlined in the NIS will ensure that potential impacts on the SAC and SPA will not arise. Therefore in-combination impacts with other activities can be ruled out. Notwithstanding this, it can be concluded there will be no cumulative impacts on the SAC and SPA as a result of the proposed development, having regard to the following:
 - Chemical water quality monitoring is carried out ten times per year and biological water quality monitoring annually by Farragh Proteins as part of their EPA License requirements;
 - The existing on-site measures employed by the Felix Gormley site regarding the protection of water quality (silt/oil interceptors etc), and;
 - The inert nature of the Killykeen Stables development and the mitigation measures included as part of the NIS relating to that development.

- The proposed development does not have the potential to significantly affect the conservation objectives or qualifying interests of the Lough Oughter and Associated Loughs SAC or the Lough Oughter Complex SPA.

6.2.3. Hydrological Review

- The existing facility operates in accordance with EPA Licence P0025-05, dated 20th December 2013. The licence relates to "*the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day*".
- The subject application relates to a change of use from LPG to LNG and will have no impact on the existing facility's emissions limit value (ELV).
- The proposed development will not affect the existing wastewater treatment plant (WWTP) operations. Therefore, the performance and final effluent (FE) discharge records are irrelevant to this application.
- As the control and monitoring of the ELV is the responsibility of the EPA, the Planning Authority is precluded from attaching conditions relating to environmental monitoring pertaining to activities that an EPA licence will control as per Section 54(3) of the *Waste Management Act 1996*.
- The final effluent (FE) data is publicly available under the Annual Environmental Reports (AER) on the EPA's website.
- Website links are provided in Appendix A of the appeal response submission to Farragh Proteins Annual Environmental Reports for 2008-2019.
- The Planning Authority consulted the EPA prior to the determination of the application.
- In summary, the EPA outlined that the site has an existing licence but could not issue a determination on an amendment to the Licence until planning permission is secured for the proposed development as per Section (1D)(d) of the EPA Act.
- Regarding the proposed LNG facility, Mackay's method can be used to measure potential emissions for the proposed facility. Level I (for distribution within the environmental compartments of air, biota, sediment, soil and water) show that

100% of the methane, ethane, propane and butane hydrocarbons are re-distributed in the air and mainly removed by process of indirect photolysis. The hydrocarbons considered are not hydrolysed in water.

- The LNG has the following properties:
 - Flammability limits in air 4.4 to 16.5%.
 - Above -104°C is lighter than air.
 - Flash point: - 188 °C (methane).
 - Liquefied gas at low temperature (critical temperature – 82.5°C).
 - Dew point: < 5 °C (methane).
 - Self-ignition temperature: - 600 °C (methane).
 - Solubility in water: Insoluble.
- The LNG will be kept in the bunded area so that in case of any spill or leak, the gas will evaporate without contact with the water and habitats. Moreover, it is insoluble in water and vapour above -104°C.
- As outlined in Molgas LNG's Material Safety Data Sheet (MSDS), dated July 2020 (further information response) LNG is not toxic, irritating, sensitising, carcinogenic, toxic for reproduction, mutagenic, or teratogenic. It is non-toxic to fish, aquatic invertebrates, aquatic plants, terrestrial organisms, terrestrial plants and other terrestrial mammals, including birds.
- An LNG fire hazard involves using water fog and dry powder in firefighting. LNG fires do not lead to run-off as the water mist is not designed to settle but lift.
- The potential impacts from a fire event were one of the key considerations in preparing the NIS.
- The NIS concluded that such an event would not adversely impact the integrity of the European sites subject to the implementation of mitigation measures. Some of the key measures relating to fire control include the fire and flammable gas protection system comprising the following elements:
 - Flame detection and alarm;

- Gas detection at valves on the tank and regulation skid;
 - Remote monitoring of gas detection and link to automatic shut-off valves;
 - Dry powder fire extinguishers (UNE60210:2015) of 50 kg are placed around the LNG compound.
- The Environmental Management Plan provides further detail on the range of measures that will be implemented to protect the environment during the construction of the proposed development. This includes surface water monitoring and receiving water monitoring.
 - During the construction phase, surface water monitoring will be done weekly with a daily visual inspection.
 - Receiving water monitoring will comprise ten samples/per year and at least one sample every two weeks during the construction phase.
 - Cavan County Council attached 7 no. conditions to the Notification of Decision to Grant Permission, as recommended by the Local Authority's Fire Service Section.
 - Condition No. 5 requires an assessment of the need for fire retention facilities on the site, in accordance with the EPA's Guidance on Retention Requirements for Firewater Run-off. This will help mitigate any impacts from any fire on the Natura 2000 site.
 - Condition Nos. 9 and 10 require the preparation of a firefighting LNG operational guidance document and that on-site and off-site training be provided in accordance with the operational guidance document, respectively. Should the Board uphold Cavan County Council's decision, the Applicant has no objection to the attachment of these Conditions.

6.2.4. Flood Risk Assessment

- The site is located east of the River Erne and a small tributary runs south of the site.
- As part of a request for further information, the Local Authority requested that a flood risk assessment be completed in accordance with 'The Planning System and

Flood Risk Management Guidelines for Planning Authorities', issued in November 2009.

- The 2009 Guidelines introduce the principle of a risk-based sequential approach to managing flood risk. The key principles of the Sequential Approach to the planning process are:
 - Avoid the risk, where possible,
 - Substitute less vulnerable uses where avoidance is not possible, and
 - Mitigate and manage the risk where avoidance and substitution are not possible.
- Where the Sequential Test's avoid and substitute principals are not appropriate, then the Guidelines propose that a Justification Test be applied to assess the appropriateness, or otherwise, of particular developments that are being considered in areas of moderate or high flood risk.
- The Guidelines use flood zones to determine the likelihood of flooding and for flood risk management within the planning process. The three flood zones levels are:
 - Flood Zone A – where the probability of flooding from rivers and the sea is highest (greater than 1% AEP (Annual Exceedance Probability) or 1 in 100 for river flooding);
 - Flood Zone B – where the probability of flooding from rivers and the sea is moderate (between 0.1% AEP or 1 in 1000 and 1% AEP or 1 in 100 for river flooding); and
 - Flood Zone C – where the probability of flooding from rivers and the sea is low (less than 0.1% AEP or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas outside zones A and B.
- The Guidelines categorise all types of development as either;
 - Highly Vulnerable, e.g. dwellings, hospitals, fire stations, essential infrastructure,
 - Less Vulnerable, e.g. retail, commercial or industrial buildings, local transport infrastructure.

- Water Compatible, e.g. flood infrastructure, docks, amenity open space.
- The proposed site activities fall into the vulnerability categories as follows:
 - Industrial facility = less vulnerable
 - Essential infrastructure = highly vulnerable
- The Flood Risk Assessment provides a detailed description of the site's topography as part of the flood risk assessment as follows:

"Elevations on the site fall northwards from an elongated north-south ridge to the south. There is a lesser gradient through the application site from west to east as slope taper off from the eastern site of this ridge. Current ground levels across the application site are between 52.5 mOD at the southwestern corner and 47.58 mOD at the northwestern corner. Elevations along the eastern site boundary are between 47.9 - 48.2 mOD. Beyond the western site boundary elevations fall from the ridge towards the river." (Page 2.)

- The Flood Risk Assessment assessed flood risk from the River Erne by performing a statistical analysis of annual maxima data at the nearby Bellahillan (36011) hydrometric gauge. The gauge is 650 m upstream of the site and is operated by the OPW. The analysis demonstrated that the flood zonings on the subject site are derived as follows:
 - Any parts of the site below 48.99 mOD are in Flood Zone A;
 - Any parts of the site in the range 48.99 - 49.61 mOD are in Flood Zone B;
 - Any parts of the site above 49.61 mOD are in Flood Zone C.
- Whilst the LNG platform was originally proposed at 49.5 mOD, following analysis in the Flood Risk Assessment, it was proposed to raise the LNG platform to 49.6 mOD. As such, the proposed development falls within Flood Zone C and is therefore not at risk of flooding. In addition, a 500m freeboard will be constructed by way of a surrounding bund. This will protect against flooding to a level of 50.11 mOD.
- Compensation storage is provided by removing the prescribed overburden from the northern tip of the adjacent drumlin ridge on site. Removal of overburden from

this ridge, as outlined in the Flood Risk Assessment Report, will ensure there is no alteration to existing flood flow paths and that floodwaters will be permitted to move freely into the area south of the site.

- The Flood Risk Assessment found that the flood risk from a tributary running south of the site is in Flood Risk Zone C.
- The flood risk assessment concludes:
"The principles of the Sequential Test and Justification Test have been rigorously applied and deemed to have been passed. Mitigation measures have been recommended following detailed analysis. Following implementation of the recommended measures no residual risks are identified. It can be concluded that the proposed development will not increase potential flood risk to upgradient or downgradient receptors, local private properties or the surrounding environment."
- In conclusion, the Flood Risk Assessment confirms that the risks and consequences of flooding have been mitigated through careful design and appropriate mitigation measures proposed as part of the development.
- The Municipal District Engineer accepted the findings of the FRA and its associated mitigation measures.
- Relevant Condition Nos. 12 and 13 of Cavan County Council's Notification of Decision to Grant Permission were imposed.
- Should the Board uphold Cavan County Council's decision to grant permission, the Applicant has no objection to the attachment of these Conditions.

6.2.5. Assessment and Mitigation of Emissions

- LNG is a colourless, odourless gas. Tetrahydrothiophene (THT) is added to the gas inside the gas pipework to give it a distinctive odour and aid the detection of a leak, in line with gas industry practice.
- The NIS has demonstrated that there will be no atmospheric emissions from the project's construction phase that could significantly affect nearby European sites.

- The main atmospheric emissions that can potentially affect the vegetation in European sites include ammonia and nitrogen, neither of which will be produced during the construction or operation of the proposed project.
- Regarding dust generation during construction, the NIS mitigation measures require that "*Activities which result in the creation of cement dust should be controlled by dampening down areas.*"
- Condition No. 14 of Cavan County Council's notification of decision to grant permission requires that all mitigation measures outlined in the NIS be complied with. Should the Board uphold Cavan County Council's decision, the Applicant has no objection to the attachment of these Conditions.
- Potential visual impacts from the illumination of construction activities will be minimised to avoid disturbance to the local community and wildlife.
- Construction work will only be carried out during daylight.
- Site lighting will be designed so that only areas crucial for security purposes will be lit. All site lighting will be switched off when not required.
- Lighting will not be directed towards the river at any point.
- The lighting detail will follow the Bat Conservation Trust's Lighting Guidelines (*Bats and Artificial Lighting in the UK, 2018*).
- The development will not generate any odour or atmospheric emissions that will impact local fauna.
- The use of specialised lighting as outlined above will have no negative impact on local fauna.

6.2.6. Traffic Impacts

- The Safety Management Plan has reviewed the movement of LNG from the ISO tank container terminal at Dublin Port, the road transfer to Cavan and the final approach along a short section of the L1530 to enter the site.
- The detailed route planning has been reviewed by stakeholders, including Cavan Fire Services and the HSA.

- The LNG will be delivered to the site by ADR trained drivers based in County Cavan, already operating with similarly sized vehicles.
- Discussions are ongoing with the Fire Services of Cavan, Meath and Dublin as part of the COMAH MAPP Project following a COMAH notification made on 11th June 2020.
- Contrary to the Appellant's arguments, the proposed development will result in a reduction of 25 No. traffic movements to and from the site (from 282 No. tankers per year (LPG, 2019) to 257 No. LNG tankers) and a corresponding reduction in emissions. On this basis, there is no requirement for a Traffic Impact Assessment and modelling to be undertaken.
- The proposed development will positively impact traffic volumes in the area.

6.2.7. Local Authority Assessment

- The proposed development involves a change of fuel type from LPG to LNG. The development will not result in any intensification of use at the facility.
- LNG is an odourless gas. THT is added to the gas to give it a distinctive odour to aid in detecting a leak.
- The proposed development will not generate any odours in the surrounding environment.
- There will be no noise emissions from the proposed development.
- Proposed landscaping along the site's southern boundary will reduce any visual impacts.
- The Planning Authority conducted a detailed and robust assessment of the planning application, including the NIS, which primarily focuses on potential impacts on the River Erne. Regard was given to all relevant local and national policies.
- The Planning Authority had regard to relevant European Directives, including national and international guidance.
- Prior to determining the application, the Planning Authority referred the application to the following bodies for comment: - EPA, HSA, An Taisce (the Appellant),

Waterways Ireland, Department of Environment, Community and Local Government, Inland Fisheries Ireland, Cavan County Council's Climate Action Officer, Cavan County Council's Heritage Officer, Cavan County Council's Fire Service Section, and Cavan County Council's Health and Safety Office.

- There is no increase in production intensity, water discharge, or air emissions as a result of the proposed development.
- The proposed development will result in an 11% decrease in CO₂ emissions.
- The proposal will result in reduced traffic movements in the area.
- All environmental measures and monitoring will be carried out during the construction phase, as detailed in the NIS and EMP.

6.2.8. Risk Assessment

- A COMAH Land Use Planning (LUP) assessment was prepared by AWN Consulting and submitted as part of the planning application.
- Following the construction of the LNG compound, the facility will be classified as a Lower Tier COMAH establishment. This is due to the presence of liquified gas in quantities above the thresholds set out in the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. 209 of 2015). This includes both LNG and LPG.
- The following major accident scenarios are identified for LNG:
 - Tank rupture, BLEVE (boiling liquid expanding vapour explosion) and fireball,
 - Vapour release through the safety relief valve, and
 - Liquid release from tank or spill during tanker unloading.
- Following the installation of the LNG tanks, LPG will provide a backup to the LNG system.
- The HSA identifies a tank rupture with BLEVE and fireball as the representative LPG tank scenario for land use planning.
- It was concluded in the COMAH Land Use Planning (LUP) assessment report that the individual risk profile of the Farragh Proteins establishment is dominated by the

risk arising from the existing LPG tank. Consequently, the LNG compound's contribution to the site's risk profile is insignificant.

- Contrary to the Appellant's arguments, the LUP assessment was completed fully in accordance with the HSA's guidance document '*Policy and Approach of the Health and Safety Authority to COMAH Risk-based Land-use Planning (19 March 2010), including a detailed Qualitative Risk Assessment*'.
- Following a review of this Report, the HSA recommended, "On the basis of the information supplied, the Authority has determined that the siting criteria for new establishments have been met ... Accordingly the Authority does not advise against the granting of planning permission in the context of major accident hazards".
- Discussions are ongoing with the Fire Services of Cavan, Meath and Dublin as part of the COMAH MAPP Project following a COMAH notification made on 11th June, 2020.
- Condition No. 4 attached to the Notification of Decision to Grant Permission detailed.
- Should the Board uphold Cavan County Council's decision, the Applicant has no objection to the attachment of these Conditions.

6.2.9. Sustainability of Proposed Use

- Farragh Proteins has made a number of significant investments to reduce atmospheric emissions from the use of hydrocarbons in recent years. Principally this has involved a change from heavy fuel oil to LPG (Propane), resulting in a 20% reduction in CO₂ per MWh.
- The proposed development will further improve the facility's efforts using LNG (methane), resulting in an additional 11% (1,860 tonnes per annum) decrease in CO₂ emissions.
- The development will result in a reduction of PM₁₀, SO_x and NO_x emissions.
- LNG is sulphur-free, non-toxic, and non-corrosive. As a result, it provides an efficient off-grid energy solution.
- The development will reduce traffic volumes and its associated emissions in the area.

- Farragh Proteins continues to explore ways to reduce its CO₂ emissions further whilst also providing a critical service supporting the agricultural and waste sectors.

6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority submits that having regard to the planning reports dated the 24th April 2020 and 23rd September 2020, and the Further Information submitted, the proposed development is acceptable having regard to the provisions of the Cavan County Development Plan 2014-2020, in particular, to Section 3.6 regarding Enterprises and Section 3.11 regarding Major Accidents Directive. Regarding the comments from the various internal sections and external bodies, the Planning Authority considers that the proposed development, subject to compliance with the conditions imposed, would be in accordance with the provisions of the Cavan County Development Plan 2014-2020.

6.4. **Observations**

6.4.1. **Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media**

An observation was received from the Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The Department expresses concern regarding the Natura Impact Statement (NIS) submitted, which contains lacunae and relates to Environmental Impact Assessment. The issues raised are summarised under the headings below;

6.4.1.1. **Matters relating to EIA / EcIA:**

- The Department notes that while a NIS has been submitted, information to inform Screening for Environmental Impact Assessment (EIA) has not been provided.
- There has not been an adequate assessment of broader ecological impacts (e.g. Ecological Impact Assessment (EcIA)).
- Ecological impacts on, for example, non-Qualifying Interests (QI) species for European Sites, including but not limited to White Clawed Crayfish (*Austropotambius Pallipes*) and Greenland white-fronted Goose (*Anser albifrons*)

flavirostris), which may be likely to occur as a result of the proposed development should be assessed in accordance with Natural Heritage Policy NHEP7 of the Cavan County Development Plan 2014-2020.

6.4.1.2. **Matters relating to the Natura Impact Statement**

- The Department is concerned with the conclusion of the NIS, which identifies that the proposed development will not adversely affect the integrity of the European Sites identified, on the basis of lacunae in the NIS.

Data and Description

- The Department acknowledges that while the author of the NIS has referenced the Article 17 reports on habitats and species, no reference has been made to the Article 12 reports under the Birds Directive.
- No information is provided on the type of data reviewed concerning birds for the SPA, for example, I-WeBS data or Birds Usage Mapping.
- A bibliography of scientific references and updated EC guidance has not been included, along with information on when data has been accessed.
- The Department notes that no information has been provided about field surveys undertaken, including dates and survey methodologies used. On page 10, the NIS states that "*the habitats and site characteristics of the area are well known to the author*".
- While the proposed development is described in the NIS, the site characteristics, including detail about the habitats and species and existing infrastructure (e.g. drains) should be described in full.
- The Department notes that the planning application drawing indicates a new drain is proposed with an oil interceptor which connects to an existing drain. The location of the existing drain outfall should be fully described. The oil interceptor proposal should be fully described in the mitigation section if this is intended as a measure to avoid impacts on the European sites.

- No information is provided in the NIS about the existing Liquid Petroleum Gas (LPG) being retained as a backup to the LNG installation. This should be included in the cumulative assessment of impacts.

Habitats and Species

- No information has been provided on the field visits carried out to record the habitats and species within and adjacent to the proposed development site.
- The limited habitat description does not use Fossitt 2000 classification or Annexed habitat equivalents.
- The Department notes that page 15 of the NIS states that "the main habitat is in an area of neutral grassland that is poorly drained in some parts". This statement should be clarified in terms of the habitat classification system used.
- The Department wish to highlight the Irish Semi Natural Grassland Survey, IWM78 data set, which recorded 'Wet Grassland GS4' habitat to the north and adjacent to the existing facility.
- The Department notes that the groundwater vulnerability is listed as 'extremely vulnerable' by the EPA.
- Habitats within and adjacent to the proposed development site, which may include wet grassland, may be linked hydrologically to the nearby European sites, and there may therefore be pathways for potential impacts on these European sites.
- The proposed development at its nearest point is approximately 36 meters from the River Erne and the SPA boundary, noting the SPA is designated for the Special Conservation Interest (SCI) habitat of Wetlands and Waterbirds [A999]. Habitats should be surveyed using a standardised classification system within/outside the proposed development site, and ground investigations should be carried out at the excavation site with respect to hydrology.
- Water quality data has been provided in terms of the Q values from an EPA monitoring point upstream of the Farragh Proteins site at Bellahillan Bridge. However, only results from one year of the EPA license WWTPs are presented, i.e. 2018.

- Comprehensive data for all of the years the development has been operating, including all relevant parameters, should be presented in the NIS.
- The Department is concerned that no surveys for Otter (*Lutra lutra*) have been carried out. Otter [1335] is a qualifying interest (QI) for Lough Oughter and Associated Loughs SAC, which is approximately 260m downstream of the proposed development.

Impacts

- The Department notes the NIS has identified six potential impacts. However, in the Department's view, potential impacts for Qi species, Otter, i.e. 'disturbance' from construction and operational phases, has not been assessed sufficiently.
- Otters and all bat species are protected under the Wildlife Act 1976-2018 and are subject to a regime of strict protection pursuant to the requirements of the Habitats Directive (92/43/EEC) as transposed into Irish law in Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended. The assumption that works will take place outside the main activity period for this species has not taken into account the potential presence of any holts nearby. In order to confirm that no direct loss or disturbance will occur, a survey is necessary.
- The Department notes that impacts from 'noise' and 'disturbance' have been identified for the Special Conservation Interest (SCI) species for Lough Oughter Complex SPA. Specific mitigation is not provided in the mitigation section. Consequently, for example, for the SCI species Whooper Swan (*Cygnus cygnus*) [038], the NIS has not considered the potential presence of the Whooper Swan foraging in wet grassland habitats within the vicinity of the development.
- An assessment should include surveys adjacent to the development to determine if there is potential for impacts from noise or disturbance on this species during construction or operational phases after development, i.e. during the wintering period for this species.

Individual and/or In Combination Effects

- Potential transboundary effects should be assessed in the NIS.

- Potential effects on the integrity of European sites downstream should be assessed. The Department notes that effects may occur beyond a 15km radius where there is a hydrological link, i.e. Upper Lough Erne SAC and SPA, in the event of an emergency during the operational phase.

Mitigation

- The Department acknowledges the range of the best practice mitigation measures presented in the NIS. However, reliance on best practice guidelines and measures, e.g., on page 36 of the NIS, referencing Inland Fisheries Ireland guidance is not considered sufficient mitigation in the Department's view.
- Mitigation should be clear and specific for each identified impact and each Qualifying Interest / Special Conservation Interest affected. They must be based on a sound scientific understanding of the habitats or species within the affected European sites, designed to ensure they can be effectively implemented so that impacts will be avoided or reduced to a level that ensures they will not adversely affect the integrity of the European sites affected.
- Any mitigation measures listed in the NIS should be included in the Construction Environmental Management Plan (CEMP).
- Specific details of mitigation, for example, including but not limited to; timing, drawings, maps and locations of mitigation measures, should be included in the NIS.
- It is the view of the Department that it is not possible, based on the lacunae in the NIS, to exclude the likelihood of negative implications of the project for the conservation objectives of European sites and protected species.
- The Department recommends that further information is provided to address the concerns outlined above in relation to the NIS and in relation to broader ecological impacts.

6.4.2. Environmental Protection Agency

- Farragh Proteins Ltd. was issued an IPPC license (Reg. No. P0025-05) on the 20/12/2013 and was amended on 23/12/2013 to incorporate the requirements of an Industrial Emissions License.
- This license was amended on 15/10/2015 for activity providing for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day.
- The development to which the proposed development relates may be of the following type listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended);
 - 3.(c) *Installations for surface storage of natural gas, where the storage capacity would exceed 200 tonnes.*
- With regard to the matters that come within the functions of the Agency, and considering the activity in its entirety, the activity to which the planning application and licence relate may be of a type of project in Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- Should An Bord Pleanála determine that an EIA is required for the proposed development and should a license review application be received which addresses the changes proposed, the Agency will require that the associated Environmental Impact Assessment Report be submitted in support of the license review application. The EIAR will be considered and assessed by the Agency.

6.4.3. Health and Safety Authority

- The application is covered by Regulation 24(2) (a) of S.I. 209 of 2015.
- The Health and Safety Authority received the application from Cavan County Council on the 2nd March 2020.
- The Authority determined that the siting criteria for new establishments had been met based on the information supplied. Accordingly, the Authority did not advise against granting planning permission in the context of major accident hazards.

- The advice given is only applicable to the specific circumstances of this proposal at this period of time. The assessment submitted, which forms the basis of the Authority's advice, specifies the particular dangerous substances that will be stored at this location. Changes to those substances or their location could alter that advice. Conditions should be imposed in this regard.
- Future development around COMAH establishments has the potential to impact on the expansion of those establishments.

6.5. Planning Authority Response to Section 131 Notice

- 6.5.1. The Planning Authority notes the request from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media seeking further information to address their concerns in relation to the NIS and in relation to broader ecological impacts of the proposed development.
- 6.5.2. If the Board considers that these matters are addressed in the further information, the Planning Authority respectfully submits that the decision to grant permission for the proposed development be upheld.

6.6. Applicant's response to Sections 131 and 132 Notices

- 6.6.1. In accordance with Section 131 of the Planning and Development Act 2000 (as amended), the Applicant was requested to make a submission in response to the submission received from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.
- 6.6.2. The Applicant requested an extension of time to respond to the Department's submission to provide a comprehensive response to include a 'winter survey', as suggested by the Department. In response, the Board issued a Section 132 notice to the Applicant seeking comments on the submission received from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media on or before the 11th February 2022. The Applicant responded with Significant Further Information on the 11th February, 2022. The Board deemed the information submitted significant, and new public notices were sought. New public notices were erected and published on the 17th March 2022. This significant Further Information was circulated to relevant parties/

prescribed bodies who were requested to make a submission on or before 03rd May 2022.

6.6.3. The Significant Further Information submitted to An Bord Pleanála on the 11/02/2022 included the following;

- Revised Natura Impact Statement
- Noise Impact Assessment Report
- Ecological Survey Report
- Ecological Impact Assessment and Bat Survey
- Revised Environmental Management Plan
- Revised Construction and Demolition Waste Management Plan

6.7. **Planning Authority Response**

6.7.1. The Planning Authority notes the report submitted by the Applicant in response to the Further Information requested by An Bord Pleanála.

6.7.2. The Planning Authority maintains that, should the Board consider that the matters have been satisfactorily addressed in the further information, the Local Authority respectfully submits that the decision to grant permission for the development be upheld.

7.0 **Assessment**

I have reviewed the proposed development and the correspondence on the file. Having regard to the grounds of appeal, the main issues for consideration are as follows;

- The Principle of the Proposed Development
- Hydraulics and EPA Licence Issues
- Flood Risk Assessment

- Traffic Impacts
- Risk Assessment
- Appropriate Assessment

These are addressed below.

7.1. The Principle of the Proposed Development

7.1.1. The proposed development provides for the installation of an LNG Plant compound, including 2 no. horizontal tanks (131 m³) with 2 no. associated ambient vaporisers, a regulation station, an electrical control room, a 2.2m high surrounding bund and all other associated ancillary site works. Proposed works also include a new service road from the existing Farragh Proteins facility, site boundary fencing, landscaping, and site development works at the existing Farragh Proteins site. The public notice states that the proposed development will bring the site under the Major Accidents Directive (a Seveso Site).

7.1.2. The COMAH Land Use Planning Assessment submitted with the application, prepared by AWN Consulting, provides greater detail on the existing Farragh Proteins Facility and the nature, scale and operations of the proposed development, summarised as follows;

7.1.3. Existing Facility:

- Farragh Proteins has operated at the site since 1951.
- The facility comprises a Category 3 rendering plant which manufactures processed animal protein (PAP), tallow, poultry meal, poultry oil, blood meal and feather meal used to manufacture pet food and as ingredients for the animal feed industry.
- The site contains a factory building, engineering workshop, reception building and laundry building, canteen building, 2 no. boiler houses, an ESB sub station, biofilters, a wastewater treatment plant and a car parking area.
- Operations in the plant are currently fueled by LPG (liquid petroleum gas) and backed up by diesel. These substances and small quantities of boiler treatment chemicals are classified within the categories listed in Part 1 of Schedule 1 to the

2015 COMAH (Control of Major Accident Hazards) Regulations or named in Part 2 of Schedule 1.

- There is currently an Intermediate Bulk Container (IBC) of nitric acid on site, which is not in use and will be removed from the site. There is also an IBC of sodium hypochlorite in a chemical storage cabinet outdoors.

7.1.4. Proposed Development:

- The proposed development comprises the installation of 2 No. 53.6 tonne tanks of cryogenic LNG.
- LNG (liquefied natural gas) is natural gas that has been super cooled. The triple point temperature of LNG is – 182 deg C.
- The LNG tanks will be owned and operated by Molgas.
- The LNG vessels will be located within a bunded area to the south of existing facilities.
- A 1m high earthen berm will be constructed on the southern and western boundaries of the proposed development.
- The LNG will be stored in double-walled tanks designed and constructed to EN 10028- 7, EN 10028-1, EN13445, EN13648, EN10088, EN13458 and EN10025.
- The outer vessel is constructed from stainless steel, and the inner vessel is made from carbon steel.
- The space between the tanks operates under a vacuum filled with perlite insulation.
- It is expected that 4 – 5 LNG tank fills will be required at Farragh Proteins. The maximum number of fills per annum is estimated at 238.
- Vaporizer Module (Regasification Step) - LNG is vaporized into Natural Gas (NG) by passing through one of the vaporizers, which will be continuously working for either 8 or 24 hours and then changed automatically to the other vaporizer.
- Electric heaters are installed downstream of the vaporizers to ensure the supplied NG's regulating conditions.

- Regulation & Odorization Module - The NG enters the regulation module, where its pressure will decrease to the working pressure of the boilers by using the pressure regulator. At the end of this process, the NG undergoes metering and odorizing before being fed to the Farragh Proteins facilities.

7.1.5. Rationale for the proposed development

7.1.6. The Natura Impact Statement (NIS) submitted, dated February 2022, provides detail on the rationale for the proposed development, as follows;

- The changeover to LNG by Farragh Proteins will reduce atmospheric emissions from the operation of the plant.
- LNG offers a reduction in CO₂ emissions by up to 25% versus fuel oil and 11% versus LPG.
- Other emissions, including PM₁₀, SO_x and NO_x, will be virtually eliminated.
- Following the installation of the LNG tanks, LPG will provide a backup to the LNG system.
- The LNG tanks will be owned and operated by Molgas.

7.1.7. In response to the further information requested by the Planning Authority under Item No. 5, the applicant details the justification and environmental benefits of the proposal as follows;

- Farragh Proteins had an energy demand of over 60 GWh per annum and, since 2012, has been investing in reducing CO₂ emissions and increasing energy efficiency.
- Initially, Farragh Proteins moved from heavy fuel oils to (LPG) Propane and now propose to use LNG (methane).
- PM₁₀, SO_x and NO_x emissions were reduced with the use of LPG and combustion burner control. These gains will increase with the use of LNG.
- The table below, as detailed in the Applicant's further information response, details the Calorific Value and CO₂ Emissions of heavy fuel oil, LPG and LNG as follows;

Fuel	Calorific Value	CO2 per MWh
Heavy Fuel Oil	12.03	267
LPG (Propane)	14.07	214 (-20%)
LNG (Methane)	14.93	183 (-31%)
	MWh/Tonne	kg

- For the same energy consumption, the change from LPG to LNG will further reduce CO2 emissions by approximately 11% or 1,860 Tonnes per annum.
- The applicant proposes to source the LNG by ISO tanks from LNG import terminals in Belgium and the Netherlands.
- Molgas hope to secure LNG from Irish Biomethane plants, similar to the facility in County Tyrone, as the market develops for Liquid Biomethane (LNG) as it has in Sweden.
- Molgas supplied Swedish BioLNG used for a project in Dublin in June 2019 (not specified).
- The applicant states that Molgas are aware of the sensitivity of LNG exports from shale gas in the US and confirm that their supply from trading companies Gate in the Netherlands is mainly supplied from Russian LNG (50%) and Fluxys (NL) from Qatar (64%). In 2019, Gate and Fluxys took (22% and 6%) from the US.

7.1.8. The Planning Authority, in its assessment, considered the proposed development relates to an established industrial site and that the proposed development is linked directly to the primary use of the Farragh Proteins site.

7.1.9. The Health and Safety Authority Report (dated 30th March 2020) states that the siting criteria for new establishments have been met and accordingly outlines no objections to the proposed development. On this basis, the Planning Authority consider the proposed development complies with policy objectives EDO40 and EDO41 of the

(then operational) Cavan County Development Plan 2014-2020, regarding Major Accident Directive Objectives.

7.1.10. Regarding the nature of the proposed development, i.e. an LNG compound ancillary to a manufacturing/processing facility, I refer the Board to the 'Programme for Government: Our Shared Future' (2020) which states that

"As Ireland moves towards carbon neutrality, we do not believe that it make sense to develop LNG gas import terminals importing fracked gas. Accordingly, we shall withdraw the Shannon LNG terminal from the EU Projects of Common Interest list in 2021.

We do not support the importation of fracked gas and shall develop a policy statement to establish that approach".

7.1.11. The Government's 'Policy Statement on the importation of Fracked Gas' (May, 2021) recognises that;

- *fracked gas can have significantly higher greenhouse gas emissions than conventional natural gas, both nationally and globally, and the widespread use of fracked gas would not be consistent with Ireland's 2030 and 2050 climate objectives nor globally with the Paris Agreement;*
- *The Minister for the Environment, Climate and Communications is currently carrying out a review of the security of energy supply of Ireland's electricity and natural gas systems which is focussing on the period to 2030 in the context of ensuring a sustainable pathway to net zero emissions by 2050....*
- *the review will inform whether it would be appropriate, or not, to develop LNG terminals in Ireland and, if any such terminals were to be developed, whether they should only be in order to provide a contingency supply in the event of failure of existing natural gas supply infrastructure.*

7.1.12. In order to implement the Programme for Government commitment that it does not support the importation of fracked gas, the Government has approved that:

- *Pending the outcome of the review of the security of energy supply of Ireland's electricity and natural gas systems, it would not be appropriate for the development of any LNG terminals in Ireland to be permitted or proceeded with;*

- *The Government will work with like-minded European States to promote and support changes to European energy laws – in particular the upcoming revision of the European Union’s Gas Directive and Gas Regulation – in order to allow the importation of fracked gas to be restricted; and*
- *The Government will work with international partners to promote the phasing out of fracking at an international level within the wider context of the phasing out of fossil fuel extraction.*

7.1.13. The subject LNG plant is not a terminal. There is no evidence on file to demonstrate that the LNG to be imported onto the site shall comprise fracked gas. On this basis, it is my view that the proposed development would not be contrary to the Government’s Programme for Government and policy outlined above. Furthermore, I refer the Board to the EU - Communication Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy (COM/2015/080), which seeks to ensure that all EU countries have access to liquid gas markets and how LNG can contribute to enhancing the diversity of gas supply and improving energy security in the EU, as stated on the official European Commission Energy website re. liquid natural gas (link: [Liquefied natural gas \(europa.eu\)](http://europa.eu)).

7.1.14. The proposed development, which seeks to reduce CO₂ emissions by approximately 11% or 1,860 tonnes per annum for the same energy consumption, would be consistent with the Climate Action Plan 2021, which has the target of a 51% reduction of greenhouse gas emissions by 2030.

7.1.15. Regarding land use, the appeal site and surrounding area is not zoned for a particular use. Having regard to (i) the existing permitted use on the site, which comprises a rendering plant which manufactures processed animal by-products as ingredients for the animal feed industry, (ii) the operations of the existing facility, which is currently fueled by LPG and backed up by diesel, and (iii) the rationale for the proposed development as detailed above, I am satisfied that the proposed development is acceptable in principle, subject to further detailed assessment regarding site suitability and environmental impacts.

7.2. Hydraulics and EPA Licence Issues

- 7.2.1. The Appellant objects to the proposed development on the grounds that the NIS submitted fails to detail the following;
- Monitoring records associated with the various hydraulic discharges from the existing facility.
 - Breaches of compliance standards referenced in the EPA license document conditions – License Ref. No. P0025-05.
 - Detailed discharge license compliance information.
 - Allowance or calculations made for fire-fighting waters associated with a fire event.
 - A detailed review of surface water containment measures on-site and how these would operate during an incident.
- 7.2.2. The Applicant contests these grounds of appeal, as set out in Section 6.2.3 above.
- 7.2.3. The submission received from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media raises concerns that comprehensive water quality data in terms of the Q values from the EPA monitoring point upstream of the Farragh Proteins site at Bellahillan Bridge for all of the years the development has been operating, including all relevant parameters, should be presented in the NIS.
- 7.2.4. As detailed in the EPA submission to the Board, the existing Farragh Proteins facility operates in accordance with EPA Licence No. P0025-05, issued on 23/12/2013. The EPA is responsible for the licencing and regulation of activities on the site and controlling and monitoring the facility's emissions limit value (ELV). The EPA submission raises no objections to the proposed development.
- 7.2.5. The submission of an Annual Environmental Report (AER) is a requirement of an EPA licence. I note that data available on the EPA website shows that the most recent Licensee Report No. 5849 issued by the EPA for EPA Licence No. P0025-05, dated 13/07/2022, details that the Farragh Proteins licensee complied with its licence on the date of site visit. Report available to view at [090151b28083eadd.pdf \(epa.ie\)](#). On this basis, I am satisfied that the operator at the Farragh Proteins facility is compliant with its EPA-approved Industrial Emissions Licence.

7.2.6. Regarding allowance/calculations made for fire-fighting waters associated with a fire event, the COMAH Land Use Plan submitted details measures to control these events, including the following:

- The provision of dry powder fire extinguishers (UNE60210:2015) of 50 kg each in place around the LNG compound.
- Flame detection and alarm,
- Gas detection at valves on the tank and regulation skid,
- Remote monitoring of gas detection and link to automatic shut-off valves.
- Details provided of automatic control panel limiting the operation (pressure and levels) inside the storage tank or tanks and pressure and temperature in the regulation module

7.2.7. The COMAH Land Use Plan states that in the unlikely event of a fireball or BLEVE (Boiling Liquid Expanding Vapor Explosion), the areas most at risk are the Farragh buildings to the north of the LPG site. These areas are all located within a concrete bund, therefore, any water generated during a fire-fighting event on this site will be contained.

7.2.8. Having regard to the above, I am satisfied that the COMAH Land Use Plan submitted adequately details the proposed fire and flammable gas protection system and surface water containment measures on-site and how these would operate during a fire incident. While details have not been provided of allowance/calculations made for fire-fighting waters associated with a fire event, I do not consider this a sufficient reason for refusal. This issue can be dealt with by way of Condition requiring the applicant to submit for the written agreement of the Planning Authority a Fire Prevention and Mitigation plan, agreed with the Council's Fire Authority for the entire site, including details of fire-fighting waters associated with a fire event. On this basis, I recommend that the appeal should not be refused permission in relation to this issue.

7.3. **Flood Risk Assessment**

7.3.1. The Appellant objects to the proposed development on the grounds of its precarious location vis-à-vis flood risk. The appellant draws attention to a report submitted to the

EPA on the 14th May 2020 regarding compliance with some of its license conditions whereby the "the licensee outlined that it has been unable to carry out small stream risk scoring (SSRS) between October 2019 and April 2020 due to flooding in the Erne River". The Appellant states that topographic details should have been included with the application referencing historic River Erne high water levels and finished floor levels and bund levels within the site. The applicant contests this as set out in Section 6.2.4 above.

- 7.3.2. The River Erne is located c. 36m to the west of the site, which flows in a northerly direction and discharges into Lough Oughter, located c. 2.6km to the north-west. A tributary of the River Erne flows along the eastern and northern boundaries of the site.
- 7.3.3. There are no pFRA or CFRAM maps for the appeal site on the OPW's national flood information portal, floodinfo.ie. There are no past flood events recorded on or in the vicinity of the site. The OPW flood maps indicate historical flood events 1.1 km upstream at Clonloskan and 1.5 km downstream of the site at Drummora.
- 7.3.4. The OPW national indicative fluvial maps show that most of the appeal site is located in an area subject to river flooding with a Present Day Scenario Annual Exceedance Probability (AEP) of 1% (Medium Probability) with an odds of occurrence in a given year of 100:1. The OPW details that flooding from other reaches of the river may occur but has not been mapped, and so areas that are not shown as being within a flood extent may therefore be at risk of flooding from unmodelled rivers (as well as from other sources).
- 7.3.5. Having regard to Section 2.23 of The Planning System and Flood Risk Management Guidelines (2009), the subject site is located within Flood Zone B where the probability of flooding from rivers is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding). Flood Zone A's are where the probability of flooding from rivers is highest, greater than 1% or 1 in 100 for river flooding.
- 7.3.6. Table 3.1 of the Guidelines sets out classifications of the vulnerability of different types of development, including highly vulnerable development, less vulnerable development and water-compatible development. Highly vulnerable development includes potential significant sources of pollution (SEVESO sites, IPPC sites, etc.) in the event of flooding. The proposed development would fall within this category.

- 7.3.7. Table 3.2 of the Guidelines provides a matrix of vulnerability versus flood zones to illustrate appropriate development and that which requires a Justification Test. As the site comprises a highly vulnerable development within Flood Zone B, a justification test is required.
- 7.3.8. The applicant has submitted a Flood Risk Assessment for the proposed development, prepared by Envirologic Hydrological Consultants. A flood analysis is given of the River Erne and tributary stream, where data is analysed of the hydrometric station at Bellahillan, where there is an active hydrometric gauge operated by the OPW and positioned 650 m upstream of the site. These results are correlated to the levels at the appeal site. Based on the flood frequency analysis at Bellahillan, the assessment identifies that the flood zonings on the appeal site are as follows;
- Any parts of the site below 48.99 mOD are in Flood Zone A.
 - Any parts of the site in the range 48.99 - 49.61 mOD are in Flood Zone B.
 - Any parts of the site above 49.61 mOD are in Flood Zone C.
- 7.3.9. The FRA states that the raised platform will be raised to 49.61 to place primary risk activity in Flood Risk Zone C, i.e. not at risk of flooding.
- 7.3.10. Regarding Compensatory Storage, the FRA states that the amount of infill required to raise the ring road area to 49.25 mOD and the platform a further 0.35 m to 49.6 mOD was estimated as 1,028 m³. As infilling required will occur within Flood Zones A and B, compensation storage must be provided. In accordance with the Flood Risk Guidelines (2009), this storage must be created to provide compensation at the same elevations from which storage is being removed. On this basis, storage must be created at the following intervals:
- 49.25 - 49.6 mOD = 147 m³
 - 49.0 - 49.25 mOD = 324 m³
 - 48.75 - 49.0 mOD = 260 m³
 - 48.5 - 48.75 mOD = 182 m³
 - 48.25 - 48.5 mOD = 115 m³

- 7.3.11. The FRA states that cuttings from the northern tip of the adjacent drumlin ridge will provide this compensatory storage. This will ensure no alteration to existing flood paths that will be permitted to extend south and east of the site. Any material excavated to create compensatory storage will be placed in Flood Zone C and away from the river. Regarding the design flood level, the FRA states that where it is not possible to incorporate a climate change allowance into flow calculations, a 500 mm freeboard will be implemented. Freeboard is a safety margin to account for uncertainties in water-level prediction and/or structural performance and is the difference between the height of the flood defence or floor level and the design flood level. Freeboard accounts for uncertainty in hydrological predictions modelling accuracy, topographical accuracy and the quality of digital elevation models. The FRA states that in light of the nature of the proposed activity being considered potentially 'highly vulnerable', a FFL of 50.11 mOD is recommended.
- 7.3.12. The report states that in order to reduce the amount of additional compensatory storage required and to complement submitted designs, it is recommended that rather than further raising the platform to 50.11 mOD, the surrounding bund wall will protect against flooding to a minimum level of 50.11 mOD. The report recommends that the protective bund be impermeable, and access doors/gates should also be impermeable when closed. Pipework, electrical conduits, etc., should be waterproof, and drainage channels should have non-return valves where the outfall is below 50.11 mOD.
- 7.3.13. The Flood Risk Assessment provides a flood analysis of the tributary stream adjacent the site. The analysis incorporates OPW advice, application of the OPW FSU – 3 Variable Method, relevant flood studies reports and hydraulic modelling. The analysis concludes that the floodplain serving the Erne is so large and the tributary stream flood flows so negligible compared to that of the Erne, that the flows in the channel do not increase flood risk to the site. The report states that given the lag time to flooding in the Erne it is much more likely that peak flows in the stream will not reach peak levels in the Erne. When flood flows in the stream are simulated, with the Erne level as observed on 12th June 2020 set as the downgradient boundary, the flood levels in the stream as it passes the site are between 46.66 and 47.44 mOD. Existing ground levels at the site are all above 47.58 mOD which it means it won't be impacted by flood

conditions in the stream. On this basis, the report states the flood risk from the tributary to the site is in Flood Risk Zone C in its current form.

7.3.14. The Flood Risk Assessment details the following proposed mitigation measures to mitigate against flood risk to the site and to ensure flood risk to other receptors in the area is not increased;

- The elevation of the platform will be raised from the proposed level of 49.50 mOD to 49.61 mOD in order to place this work area in Flood Risk Zone C, i.e. not at risk of flooding.
- In light of the nature of the proposed activity being considered potentially 'highly vulnerable,' a FFL of 50.11 mOD is recommended. Rather than raising the platform to 50.11 mOD it is recommended that the surrounding bund wall will protect against flooding to a minimum level of 50.11 mOD.
- The protective bund will be impermeable, and any access doors/gates should also be impermeable when closed.
- Pipework, electrical conduits, etc., should be waterproof, and drainage channels should have non-return valves where the outfall is below 50.11 mOD.
- Soil and subsoil will be excavated from the northern tip of the adjacent drumlin ridge to provide compensatory storage.
- In addition to providing compensatory storage, the removal of a modest amount of overburden from the northern tip of the adjacent ridge will ensure there is no alteration to existing flood flow paths and that floodwaters will be permitted to move freely into the area south of the site.
- Excavation of compensatory storage will, by its nature, be within the active floodplain area, though only at risk during the low probability Q100 and Q1000 events. To minimise the risk of exposure and excavated areas becoming inundated due to river flooding, compensatory storage works should take place when flood risk is lowest, i.e. between May to October. River level trends at the nearby Bellahillan gauge should be monitored daily during the construction phase works.
- The excavation of greenfield areas to provide compensation storage has the potential to mobilise sediment, which can then be transported to the designated

area via overland flow. Measures to mitigate against the mobilisation of suspended solids, and transport of same to the river channel, will be implemented and will include the following:

- A greenfield vegetated margin of at least 10 m shall be maintained between any excavation works and the eastern riverbank of the River Erne.
- Cut off drains shall be installed to intercept clean runoff water and divert away from the works area. Small overflow dams and geotextile silt barriers shall be installed in any perimeter channels within the construction site.
- Prior to the commencement of works, any areas within which excavation is proposed shall be enclosed within a straw bale silt fence. The downgradient face of the straw bales shall be lined with a geo textile membrane. This silt fence will remain in place until such a time as vegetation has become established on any exposed soils and subsoils.
- Silt traps will be temporarily installed on the adjacent stream during excavation works.
- Stripped soils shall be temporarily stockpiled on site for reinstatement upon completion of excavation. Movement of material shall be minimised in order to reduce degradation of soil structure and generation of dust.
- Soil handling shall only take place during appropriate weather conditions and when the soils are in optimum condition (moist but friable). Soils shall not be moved when they are too dry or during unusually windy weather conditions.
- Conversely, soils should not be handled when the moisture content is so high it results in smearing.
- Excavated subsoils shall be temporarily stockpiled on site in Flood Risk Zone C prior to permanent placement into Flood Risk Zone C.
- The excavated area will remain open/exposed for as little time as possible before the replacement of topsoil and the establishment of vegetation.
- Once the prescribed volumes of subsoil have been excavated, slope stability shall be assessed by a suitably qualified engineer.

- Following the completion of excavation, all exposed areas will be capped with topsoil and seeded with suitable grass species.

7.3.15. Regarding providing a Justification Test for activities in Flood Zones A and B, as required under The Planning System and Flood Risk Management Guidelines (2009), the FRA states that implementing the mitigation measures outlined above will ensure Part 2 of the Justification Test has been satisfied.

7.3.16. Section 5.15 of the Flood Risk Management Guidelines requires that where a Planning Authority is considering proposals for new development in areas at a high or moderate risk of flooding, that includes types of development that are vulnerable to flooding and that would generally be inappropriate as set out in Table 3.2, the Planning Authority must be satisfied that the development satisfies all of the criteria of the Justification Test as it applies to development management outlined in Box 5.1 of the Guidelines. This criterion includes the following:

1. *The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.*
2. *The proposal has been subject to an appropriate flood risk assessment that demonstrates:*
 - (i) *The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;*
 - (ii) *The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;*
 - (iii) *The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and,*

- (iv) *The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.*

The acceptability or otherwise of levels of residual risk should be made with consideration of the type and foreseen use of the development and the local development context.

7.3.17. The Planning Authority in its assessment, refer to the comment received from the Municipal District Engineer, which states that based on the information contained within the FRA, the proposed new road level and tank base should be sufficiently elevated for all but a 1 in 500 year return period and recommends the inclusion of the stated mitigation measures, which were imposed under Condition No. 13 of the grant of permission.

7.3.18. Having regard to the foregoing, I consider that the applicant has appropriately applied the requirements of the justification test in order to demonstrate that the risk of flooding to the proposed development is low and will not exacerbate flood levels within the site or surrounding area. The applicant has proposed appropriate flood mitigation measures, as detailed above. During site inspection, I saw no evidence of flooding on the subject site and the open stream to the east of the site had a shallow water level. The stream along the northern boundary has been culverted, thereby preventing sediment infiltration along this section of the watercourse.

7.3.19. On the basis of the above, I am satisfied that the proposed development satisfies all of the criteria of the Justification Test as it applies to development management outlined in Box 5.1 of the Flood Risk Management Guidelines. The proposed development is located on lands adjoining the approved Farragh Proteins facility and will be ancillary to the plant. The proposed development will not increase flood risk elsewhere, and the risk of flooding to the proposed development is minimal. The proposal includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of proposed flood protection measures and provisions for emergency services access. I consider that residual risks are acceptable subject to proposed flood mitigation

measures. I recommend, therefore, that the appeal should not be refused permission in relation to this issue.

7.4. Traffic Impacts

- 7.4.1. The proposed development will be accessed via the existing vehicular entrance serving the Farragh Proteins site. The entrance to the appeal site is accessed at its north-eastern corner, where a 5m wide one-way vehicular access route/loop encircles the 2 no. horizontal LNG tanks.
- 7.4.2. The Appellant objects to the proposed development on the grounds that the Planning Authority should have assessed the risks associated with transporting hazardous materials along the local road serving the site. The Appellant puts forward that this road is used as a 'rat run' for traffic commuting to and from Cavan town and is used by a disproportionately high volume of HGV traffic, including bulk milk tankers collecting milk from the various intensive dairying farms in the area, truck traffic transporting all the inputs for these farms, commercial truck traffic associated with the nearby metals recycling yard, truck traffic accessing Killykeen resort, and truck traffic associated with the application activity itself. The Appellant states that no traffic surveys were carried out and that given the nature of the hazardous loads proposed, a review of annual average daily traffic (AADT) figures to properly determine the overall risk is needed. The applicant contests these grounds of appeal as set out in Section 6.2.6 above.
- 7.4.3. The Construction and Demolition Waste Management Plan (CDWMP) submitted details the following;
- If planning permission is secured for the proposed development, the construction of site access tracks and drainage infrastructure will precede all other activities.
 - Deliveries to the site will be made via the main access road.
 - Deliveries will be managed on arrival, and any queuing of delivery vehicles will be avoided.

- Heavy Good Vehicles (HGV's) associated with the proposal will be in the form of low loaders, rigid flatbed trucks, concrete mixing trucks and articulated lorries for the delivery of plant, equipment and materials.
- The main contractor will be required to schedule the delivery of materials strictly on a daily basis.
- Parking will be provided on-site.
- The road layout will ensure that reversing is kept to a minimum. Where reversing is required, vehicles will use broadband reverse sirens or where it is safe to do so, disengage all sirens and use banks-men.
- Wheel washing of vehicles before exiting the site will take place to ensure that adjoining roads are kept clean of dirt and debris. In addition, regular washing of adjoining streets will take place as required by road sweepers.

7.4.4. The Further Information response report to the Planning Authority details the following:

- The LNG will be transported to the site via 40' ISO cryogenic tanks from Dublin Docks. These containers are built to International Maritime (IMO) standards to allow gas shipment worldwide and will be delivered by an Irish transport company, driving through Dublin, Meath and Cavan.
- The 40' tank containers are mounted on an articulated trailer behind a Motive Unit for filling at the LNG terminal and transport to and from the container shipping terminal.
- There will be one or two ISOs per day to the site, depending on demand.

7.4.5. In response to the grounds of appeal, the Applicant states that contrary to the Appellant's arguments, the proposed development will result in a reduction of 25 No. traffic movements to and from the site (from 282 No. tankers per year (LPG, 2019) to 257 No. LNG tankers) and a corresponding reduction in emissions. Within this context, the Applicant states that there is no requirement for a Traffic Impact Assessment and modelling to be undertaken.

7.4.6. Policy Objective GR 05 of the Cavan County Development Plan 2022-2028 seeks to 'Promote road safety and implement traffic safety measures in conjunction with

Government Departments, the Road Safety Authority and other agencies'. I note that the Council's Municipal District Engineer raised no concerns regarding vehicular access, parking, or traffic impact on the local road network.

- 7.4.7. Having reviewed the site layout plan of the proposed development and the existing vehicular access serving the Farragh Proteins facility, I am satisfied that an HGV vehicle can safely enter and exit the site without causing an obstruction to traffic along the L1530 local road. The stated number of daily delivery tanks serving the proposed LNG plant compound would not result in a significant intensification of traffic movements and thereby would not significantly increase the risk of a traffic hazard on the local road network. HGVs would circulate the 2 no. horizontal LNG tanks providing adequate access for deliveries and the need for reversing movements would be eliminated. Adequate parking is provided within the existing Farragh Proteins facility, and adequate sightlines are provided at the site entrance. On this basis, I am satisfied that the proposed development would be acceptable in terms of traffic and road safety and should not be refused permission on these grounds of appeal.

7.5. Risk Assessment

- 7.5.1. The Appellant objects to the proposed development on the grounds that a quantified risk analysis was not carried out and HAZID / HAZOP / FMEA reports were not conducted to inform the planning application. The Applicant contests these grounds of appeal as detailed in Section 6.2.8 above.
- 7.5.2. The project will involve the use, storage and transport of LNG, which is a liquefied flammable gas. As stated in the public notice, the proposal will bring the site under the Seveso III Directive (a Seveso Site).
- 7.5.3. The Seveso III Directive (2012/18/EU) requires member states to ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are considered in land use planning policies through controls on the siting of new establishments, modifications to establishments and certain types of new developments in the vicinity of establishments. The Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (COMAH Regulations) place an obligation

on operators of establishments that store, handle or process dangerous substances above certain thresholds to take all necessary measures to prevent major accidents and to limit the consequences for human health and the environment.

7.5.4. The Applicant has submitted a COMAH Land Use Planning Assessment in accordance with the risk-based approach set out in the HSA's 'Policy and Approach to COMAH Risk-based Land-use Planning' (2010). The COMAH Land Use Planning Assessment provides a quantitative risk assessment and identifies Inner, Middle and Outer Land Use Planning (LUP) zones, as defined by the HSA and fatality risk in each zone. The Assessment identifies the following:

- Major accident scenarios regarding the HSA Policy document (HSA, 2010);
- Consequence modelling of major accident scenarios.
- Assigns frequencies to major accident scenarios with reference to frequency values outlined in the HSA's Policy document (HSA, 2010);
- Assessment of individual risk and generation of individual risk contours;
- An assessment of societal risk using societal risk indices.

7.5.5. The LUP Assessment confirms that due to the presence of liquefied flammable gas in quantities above the thresholds set out in the Chemicals Act Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. 209 of 2015), the facility will be classified as a Lower Tier COMAH establishment following its construction. The COMAH LUP Assessment provides an assessment of the proposed LNG Tank and Road Tanker and identifies the following major accident scenarios for LNG:

- Tank rupture, BLEVE and fireball
- Vapour release through safety relief valve
- Liquid release from tank or spill during tanker unloading

7.5.6. The Assessment identifies mortality consequences for each of the major accidents hazards, frequency and comments for each. Section 4.2 of the Land Use Planning Assessment details safety/protections measures which include, inter alia, the following;

- LNG will be stored in double-walled tanks that are designed and constructed to EN 10028- 7, EN 10028-1, EN13445, EN13648, EN10088, EN13458 and EN10025.
- Overpressure relief of the tanks is provided by way of 2 No. sets of dual safety relief valves, connected by a 3-way valve.
- Tank levels (contents) are monitored remotely, and web cameras are also in place at the tanks.
- The maximum fill level is 95% of the tank volume. The tank has a high-high level alarm, and the inlet valve closes automatically when this level is reached.
- Tank filling is via ISO road tanker. It is automated and achieved via a dead-man shut-off valve. The tanker driver is not required to enter the LNG compound.
- The ISO road tankers are designed to codes RID/ADR IMDG regulations for ISO-type T75 and ASME code 8 div1.
- The fire and flammable gas protection system comprises the following elements:
 - Flame detection and alarm
 - Gas detection at valves on the tank
 - Remote monitoring of gas detection and link to automatic shut off valves
 - Dry powder fire extinguishers (UNE60210:2015) of 50 kg each in place around the LNG compound
 - Automatic valves are installed upstream of the vaporizers, so the process can be carried out automatically by the control panel.
 - Electric heaters are installed downstream of the vaporizers in order to ensure the regulating conditions of the supplied NG.
 - The electric heater is equipped with a temperature detector and works in case the temperature of the NG which comes from the vaporizer is too low. A second heater may be installed as redundancy in case the first one is not available (maintenance or repair actions).
 - A regulating valve (a cool shutoff valve), equipped with an integrated temperature sensor to record accurate temperature measurements, will be in place. This

automatic regulating valve shuts off NG flow to the regulation skid when the temperature is too low (in that case, all automatic valves in the Storage and Regasification Plant (SRP) would shut off the flow).

- Inside the control room there is a control panel which measures pressure and level inside the storage tank or tanks and pressure and temperature in the regulation module. The control panel limits the operation of the SRP in case of:
- Too low / too high consumption NG pressure.
- Emergency shutdown activation.
- The automatic control panel also perform the SRP shutdown using the pneumatic regulating valve, in case of:
 - Low temperature in regulation module.
 - Low consumption pressure.
 - Emergency shutdown activation

7.5.7. The Assessment concludes that the individual risk profile of the Farragh Proteins establishment is dominated by the risk arising from the existing LPG tank and that the contribution of the LNG compound to the risk profile of the site is not significant. The assessment states that the maximum level of individual risk at the nearest residential dwelling Monery Farm is < 1E-06 per year, which is in the broadly acceptable region. This dwelling is located c. approximately 148m east of the site boundary and 300m east of the proposed LNG compound.

7.5.8. Objective MA 02 of the Development Plan 2022-2028 seeks to 'Permit new Seveso development only in low-risk locations away from vulnerable residential, retail and commercial development. In areas where Seveso sites exist in appropriate locations with low population densities, ensure that proposed uses in adjacent sites do not compromise the potential for expansion of the existing Seveso use, and in particular the exclusion of developments with the potential to attract large numbers of the public'. Objective MA 03 seeks to 'have regard to the advice of the Health and Safety Authority when proposals for new Seveso sites are considered'. Objective MA 03 seeks to 'have regard to the advice of the Health and Safety Authority when proposals for new Seveso sites are considered'.

- 7.5.9. Further to review of the COMAH Land Use Planning Assessment submitted, the HSA report states that 'On the basis of the information supplied, the Authority has determined that the siting criteria for new establishments have been met... Accordingly the Authority does not advise against the granting of planning permission in the context of major accident hazards'.
- 7.5.10. Having regard to the foregoing. I am satisfied that the Applicant has taken the necessary measures to prevent major accidents and to limit the consequences for human health and the environment, to the satisfaction of the HSA's siting criteria under its policy and approach to COMAH Risk-Based Land Use Planning Assessment. While not explicitly stated in the COMAH LUP report, I am satisfied that the information contained therein provides a hazard and operability assessment and identifies major accident hazards, details of which are to the satisfaction of the HSA. On this basis, I recommend that the proposed development should not be refused permission on these grounds of appeal.

7.6. Appropriate Assessment

7.6.1. Compliance with Article 6(3) of the Habitats Directive

- 7.6.2. The requirements of Article 6(3) as related to screening the need for Appropriate Assessment of a project under Part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

7.6.3. Background on the Application

- 7.6.4. The original application was accompanied by a Natura Impact Statement (dated February 2020) prepared by Whitehall Environmental Consultants. A revised Natura Impact Assessment (dated July 2020) was submitted in response to further information requested by the Planning Authority regarding how the proposed mitigation measures would result in no significant effects on the adjoining Natura 2000 sites. The revised NIS included the following:
- (i) Identification of major accident scenarios.

- (ii) Identification of potential impact to Natura 2000 sites due to flood events on the site. Supporting documentation includes a Flood Risk Assessment, COMAH Land Use Planning Assessment, Environmental Management Plan and Construction and Demolition Waste Management Plan.
- (iii) List of updated mitigation measures, including reference to mitigation measures outlined in the Construction and Demolition Waste Management Plan and Flood Risk assessment.

The Planning Authority raised no concerns regarding the revised NIS submitted.

7.6.5. The Appellant objects to the proposed development on the grounds of deficiencies in the submitted Natura Impact Statement (NIS). In particular, the Applicant states that the NIS fails to adequately address the cumulative impacts of the proposal on adjacent Natura 2000 sites. Details of the NIS's deficiencies are outlined in Section 6.1.2 above and summarised as follows:

- The proposal comprises a Seveso activity on an extremely vulnerable ecological area.
- The site is within 36m of the Lough Oughter Complex SPA and 164m from the Lough Oughter and Associated Loughs SAC.
- The in-combination impact assessment of the proposal and other relevant projects and plans on the Natura 2000 sites in the NIS is flawed for the following reasons;
 - The NIS fails to properly review the in-combination impacts of the proposed development and other nearby activities in concluding that the proposal will not impact negatively upon the favourable conservation status of the adjacent Natura sites.
 - The NIS refers to only one other development in the preceding five years (Ref 15/139), an application for a domestic house.
 - The in-combination impact analysis for the proposal does not mention other industrial activities close to the site.
 - The following developments should have been included, given their proximity and scale-of-disturbance risk potential;

- Felix Gormley Used Metal Disposals Ltd. sited less than 350m south of the site (P.A. Ref. nos. 97603 / 00370 / 081457). This is an industrial-scale metals recycling yard.
 - Killykeen Forest Holidays Ltd. - P.A. Ref. Nos. 19188 and ABP Ref. PL-02. 306084.
 - The NIS contains no scientific rationale for determining what plans and projects should be assessed in determining the in-combination impacts upon a designated site.
- The Planning Authority did not adequately consider in-combination impacts during their Appropriate Assessment Screening.
- The NIS should have included a detailed analysis of the intensification of activities at the subject site and cross-referenced this increased throughput with a review of discharge license emissions and atmospheric emissions.
- The Planning Authority's assessment of the cumulative impacts of the proposal with other proposed / existing plans and projects is flawed.
- The Planning Authority applied no scientific rationale for determining what plans and projects should be assessed in determining the in-combination impacts upon a designated site.

7.6.6. The Applicant contests these grounds of appeal as detailed in Section 6.2.2 above.

7.6.7. The Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media made a submission to An Bord Pleanála expressing concerns that the Natura Impact Statement contains lacunae (gaps/omissions). The issues raised are detailed in Section 6.4.1 above and summarised as follows;

- There is no reference to the Article 12 reports under the Birds Directive.
- No information was provided on the type of data reviewed regarding birds for the SPA, for example, I-WeBS data or Birds Usage Mapping.
- A bibliography of scientific references and updated EC guidance has not been included, along with information on when the data was accessed.

- No information has been provided about field surveys undertaken, including dates and survey methodologies used to record the habitats and species within and adjacent to the proposed development site.
- The site characteristics, including detail about the habitats and species, and existing infrastructure (e.g. drains), should be described in full.
- The location of the existing drain outfall should be fully described.
- The proposed oil interceptor should be fully described in the mitigation section if this is intended as a measure to avoid impacts on the European sites.
- No information is provided in the NIS about the existing Liquid Petroleum Gas (LPG) being retained as a backup to the LNG installation. This should be included in the cumulative assessment of impacts.
- The habitat description is limited and does not use Fossitt, 2000 classification or Annexed habitat equivalents.
- The site's habitat should be clarified in terms of the habitat classification system used.
- The Irish Semi-Natural Grassland Survey, IWM78 data recorded 'Wet Grassland GS4' habitat to the north and adjacent to the existing facility. The EPA listed groundwater vulnerability of this habitat as 'extremely vulnerable'. In addition, habitats within and adjacent to the proposed development site, which may include wet grassland, may be linked hydrologically to the nearby European sites, and there may be pathways for potential impacts on these European sites.
- The proposed development at its nearest point is approximately 36 meters from the River Erne and the SPA boundary, noting the SPA is designated for the Special Conservation Interest (SCI) habitat of Wetland and Waterbirds [A999]. Therefore, habitats should be surveyed using a standardised classification system within/outside the proposed development site, and ground investigations carried out at the excavation site concerning hydrology.
- Comprehensive water quality data regarding the Q values from the EPA monitoring point upstream of the Farragh Proteins site at Bellahillan Bridge for all of the years

the development has been operating, including all relevant parameters, should be presented in the NIS.

- No surveys for Otter (*Lutra lutra*) have been carried out. Otter [1335] is a qualifying interest (QI) for Lough Oughter and Associated Loughs SAC, which is approximately 260m downstream of the proposed development.
- Potential impacts for Qi species, Otter, including 'disturbance' from construction and operational phases, have not been assessed sufficiently.
- A survey is required to determine the potential presence of otter holts nearby.
- The mitigation section does not provide specific mitigation concerning impacts from 'noise' and 'disturbance'.
- The NIS has not considered the potential presence of the Whooper Swan (*Cygnus cygnus*) foraging in wet grassland habitats within the vicinity after development. An assessment should include surveys adjacent to the proposed development to determine if there is potential for impacts from noise or disturbance on this species during construction or operational phases after development, i.e. during the wintering period for this species.
- Potential transboundary effects should be assessed in the NIS.
- Potential effects on the integrity of European sites downstream should be assessed. Effects may occur beyond a 15km radius where there is a hydrological link, i.e. Upper Lough Erne SAC and SPA, in the event of an emergency during the operational phase.
- Reliance on best practice guidelines and measures is not considered sufficient mitigation in the Department's view.
- Mitigation should be clear and specific for each identified impact and Qualifying Interest / Special Conservation Interests affected. They should be based on a sound scientific understanding of the habitats or species within the affected European sites, designed to ensure they can be effectively implemented so that impacts will be avoided or reduced to a level that ensures they will not adversely affect the integrity of the European sites affected.

- Any mitigation measures listed in the NIS should be included in the Construction Environmental Management Plan (CEMP).
- The NIS should include specific mitigation details, such as timing, drawings, maps, and locations of mitigation measures, among other things.

7.6.8. Based on the above and the lacunae in the NIS submitted, the Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media considered it not possible to exclude the likelihood of negative implications of the project for the conservation objectives of European sites and protected species.

7.6.9. As detailed in Section 6.6 above, the submission from the Development Applications Unit was circulated to all parties on the 24th May 2021. The Applicant's response on the 11th February 2022 included a revised NIS. This was deemed significant further information, and revised public/site notices were published/erected by the Applicant. The Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media did not respond to the revised NIS submitted. The information contained in the revised NIS (dated February 2022) and supporting documentation submitted with the application informs the screening of the need for Appropriate Assessment below.

7.7. Stage 1 - Screening the need for Appropriate Assessment:

7.7.1. The first test of Article 6(3) is to establish if the proposed development could have likely significant effects on a European site. This is considered Stage 1 of the appropriate assessment process, i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded based on objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect, and an Appropriate Assessment carried out.

7.7.2. Screening determines whether Appropriate Assessment is necessary by examining:

- 1) whether a project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and

- 2) the potential effects of a project, either alone or in combination with other projects, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

7.7.3. Screening involves the following:

1. Description of plan or project, and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely effects – direct, indirect and basis of available information as a desk study or field survey or primary research as necessary.
4. Screening Statement with Conclusions.

7.7.4. The proposed development and its local site characteristics

7.7.5. The Applicant provides a description of the proposed development on page 14 of the Natura Impact Statement. In summary, the proposed development comprises installing an LNG Plant compound containing 2 no. 131m³ horizontal tanks with 2 no. associated ambient vaporisers, a regulation station, electrical control room and other associated ancillary site works. Proposed works also include a new service road from the existing Farragh Proteins site, site boundaries including a surrounding concrete bund (minimum level of 50.11 mOD / 2.2m high), landscaping, and site development works. The existing Farragh Proteins development has an IPPC EPA Licence (P0025-05).

7.7.6. Taking account of the characteristics of the proposed development in terms of its location and the nature of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Deterioration of water quality in designated areas arising from pollution from surface water run-off during site preparation and construction.
 - Deterioration of water quality in designated sites arising from the operation of the facility, including potential accident/fire events on the site and operations to control these events.

- Potential pollution events arising from liquid release from the tank or spill during tanker uploads.
- Impacts on the Natura 2000 European sites due to flood events on the site.
- Habitat loss or fragmentation due to inappropriate disposal of construction waste and spoil.
- Habitat loss or changes to the ecology of the designated habitats due to atmospheric emissions.
- Risk to Annex I or Annex II species associated with the site, including the effects of noise and disturbance during construction and operation.
- Cumulative impacts with other proposed/existing plans and developments.

7.7.7. European Sites

7.7.8. Given the location of the site and the nature and scale of the proposed development, I consider the designated European sites, as set out in Table 1 below, to be within the zone of influence of the subject site.

Table 1

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance from the site	Connections (source, pathway receptor)	Considered further in screening Y/N
Lough Oughter Complex SPA 004049	<ul style="list-style-type: none"> • Great Crested Grebe (Podiceps cristatus) • Whooper Swan (Cygnus cygnus) • Wigeon (Anas penelope) 	36m west of the site	Yes A stream along the eastern and northern boundaries of the site flows into the Lough	Yes

			Oughter Complex	
Lough Oughter and Associated Loughs SAC 000007	<ul style="list-style-type: none"> ▪ Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation ▪ Bog woodland ▪ Otter <i>Lutra lutra</i> 	263m downstream of the site	Yes A stream along the eastern and northern boundaries of the site flows into the Lough Oughter and Associated Loughs SAC	
Upper Lough Erne SAC UK	<ul style="list-style-type: none"> • Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) ▪ Otter (<i>Lutra lutra</i>) 	30km downstream	Yes A stream along the eastern and northern boundaries of the site flows into the River Erne which flows downstream into the Upper Lough Erne SAC UK.	

Upper Lough Erne SPA UK	Whooper Swan <i>Cygnus cygnus</i>	30km downstream	Yes A stream along the eastern and northern boundaries of the site flows into the River Erne (Lough Oughter SPA/SAC) which flows downstream into the Erne SPA UK	

7.7.14. As detailed in Table 1 above, there are two Natura 2000 designated sites within 15km of the application site. These include the Lough Oughter Complex (Site Code SPA 004049) located c.36m west of the site, and Lough Oughter and Associated Loughs (Site Code SAC 000007), located c. 263m downstream. I have also recorded two former European sites in Northern Ireland beyond 15km but within the hydrological zone of influence of the application site. Having regard to the significant downstream distance between the application site and these two former European sites, it is considered that significant effects upon these sites will not arise when considered on their own or in combination with other plans or projects.

7.7.15. I am satisfied that other European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on such European sites could be ruled out, either as a result of the separation distance from the appeal site or given the absence of any direct hydrological or other pathways from the appeal site.

7.7.16. Identification of likely effects

7.7.17. A European site will only be at risk from likely significant effects where the source-pathway-receptor link exists between the proposed development and the European site. A small stream flows adjacent to the eastern and northern boundaries of the application site, which flows into the River Erne and both the Lough Oughter Complex SPA (Site Code 004049) and Lough Oughter and Associated Loughs SAC (Site Code 000007).

7.7.18. The NIS (dated Feb 2022) states that impacts on the Natura 2000 designated sites arising from the construction and operation of this proposed development cannot be ruled out. Section 3.4 of the NIS identifies potential impacts from the proposed development on the Natura 2000 sites as follows;

- Deterioration of water quality in designated areas arising from pollution from surface water run-off during site preparation and construction.
- Deterioration of water quality in designated sites arising from the operation of the facility, including potential accident/fire events on the site and operations to control these events. Potential pollution events arising from liquid release from the tank or spill during tanker uploads must also be considered.
- Impacts on the Natura 2000 sites due to flood events on the site.
- Habitat loss or fragmentation due to inappropriate disposal of construction waste and spoil.
- Habitat loss or changes to the ecology of the designated habitats due to atmospheric emissions.
- Risk to Annex I or Annex II species associated with the site, including the effects of noise during construction and operation.
- Cumulative impacts with other proposed/existing plans and developments.

7.7.19. Having examined the information presented in the NIS and supporting documentation, submissions, the nature and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle, proximity and functional relationship between the proposed development and the European sites,

their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that the proposed development could result in significant effects on two European sites and that a Stage 2 Appropriate Assessment is required to determine if adverse effects on site integrity can be ruled out.

7.7.20. Mitigation measures

7.7.21. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.7.22. Screening Determination

7.7.23. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects could have significant effects on the following European Sites;

- Lough Oughter Complex SPA (Site Code: 004049)
- Lough Oughter and Associated Loughs SAC (Site Code: 000007)

7.7.24. In consideration of these site's Conservation Objectives, it is my view that a Stage 2 Appropriate Assessment is therefore required.

7.8. Stage 2 - Appropriate Assessment

7.8.1. The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, Sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.
- The Natura Impact Statement and associated documents.

- Appropriate Assessment of implications of the proposed development on the integrity of each European site.

7.8.2. Compliance with Article 6(3) of the EU Habitats Directive

7.8.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

7.8.4. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.8.5. Screening the need for Appropriate Assessment

7.8.6. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on the following European sites;

- Lough Oughter Complex (Site Code: SPA 004049)
- Lough Oughter and Associated Loughs SAC (Site Code: 000007)

7.8.7. The Natura Impact Statement (NIS)

7.8.8. This Appropriate Assessment is based on the revised Natura Impact Statement (dated February 2022) submitted to An Bord Pleanála in response to a submission on the appeal from the Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. The NIS examines and assesses potential adverse effects of the proposed development on the following European Sites.

- Lough Oughter Complex SPA (Site Code: 004049)

- Lough Oughter and Associated Loughs SAC (Site Code: 000007)

7.8.9. The NIS was informed by the following studies, surveys and consultations (See Section 2.3 and 2.4 of the NIS for a complete list of sources):

- A desk top study.
- An examination of aerial photography and maps.
- A consultation meeting with personnel from Inland Fisheries Ireland prior to the initial submission of the application.
- A Flood Risk Assessment
- A Noise Impact Assessment
- Field-based studies
- A site characterisation assessment on the 15th and 16th of September 2021.
- Habitat surveys of the site on 30th September 2021.
- Bird and fauna survey in September 2021
- Wintering bird surveys between October and December 2021
- Field searches for otters on 30th September, 19th October, 13th November and 23rd December 2021.
- A camera trap survey to record otter activity during the period of 30th September to 23rd December 2021
- Bat surveys on the 15th and 16th of September 2021.
- Noise monitoring

7.9. Appendix I of the NIS provides a list of sources of references used in the preparation of the NIS. Appendix II provides a list of additional ecological surveys and reports used to inform the NIS.

7.10. The NIS (February 2022) concludes that, subject to the implementation of the recommended mitigation measures, the proposed development does not have the potential to significantly affect the conservation objectives of the aforementioned Natura 2000 sites and the integrity of these sites as a whole will not be adversely

impacted. The conclusion states that subject to the implementation of the mitigation measures, there will be no deterioration in water quality or impacts upon natural eutrophic lakes, there will be no loss or disturbances to any habitat that is used by the otter, and there will be no direct or indirect impacts upon the bird species that use the lake. In light of this, the NIS considers that the proposed works do not have the potential to significantly affect the conservation objectives or qualifying interests of the Lough Oughter and Associated Loughs SAC or the Lough Oughter Complex SPA. The NIS states the integrity of the site will not be adversely affected.

7.11. Having reviewed the NIS, supporting documentation and submissions, I am satisfied that together these documents provide adequate information in respect of the baseline conditions, use the best scientific information available on European sites, and clearly identify potential adverse impacts. Details of mitigation measures and how and when they will be implemented are detailed in Section 5 of the NIS. The NIS notes that as part of the EPA License Requirements, Farragh Proteins must undertake annual biological monitoring of the River Erne at points 1km upstream and 165m downstream of its WWTP discharge points. The report states that monitoring has been undertaken by Whitehill Environmental Consultants since 2014, and monitoring of atmospheric emissions from the site will continue to be reported annually to the EPA. The NIS states that ecological monitoring is also included for a number of mitigation measures and considers such in line with best practice. The report states that the appointed contractor will manage mitigation and monitoring, and an outline construction and demolition waste management plan (CDWMP) has been submitted, which incorporates all mitigation measures detailed in the NIS.

7.11.1. I am satisfied that the information is sufficient to allow for a complete assessment of the proposed development in view of the requirements of Appropriate Assessment, and precise and definitive findings can be reached with regard to the implications of the project on European Sites.

7.11.2. Appropriate Assessment of implications of the proposed development on each European site

7.11.3. The following is an objective scientific assessment of the implications of the project on the relevant conservation objectives of the European sites using the best scientific

knowledge in the field. All aspects of the project which could result in significant effects are assessed, and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed.

7.11.4. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2011) Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

7.11.5. Relevant European sites: The following sites are subject to appropriate assessment.

- Lough Oughter Complex (Site Code: SPA 004049)
- Lough Oughter and Associated Loughs SAC (Site Code: 000007)

7.11.6. A description of these sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out in the NIS and outlined in Tables 2-3 below. I have also examined the Natura 2000 data forms as relevant, and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie)

7.11.7. Aspects of the proposed development.

7.11.8. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include;

- Deterioration of water quality in designated areas arising from pollution from surface water run-off during site preparation and construction.

- Deterioration of water quality in designated sites arising from the operation of the facility, including potential accident/fire events on the site and operations to control these events. Potential pollution events arising from liquid release from the tank or spill during tanker uploads must also be considered.
- Impacts on the Natura 2000 sites due to flood events on the site.
- Habitat loss or fragmentation due to inappropriate disposal of construction waste and spoil.
- Habitat loss or changes to the ecology of the designated habitats due to atmospheric emissions.
- Risk to Annex I or Annex II species associated with the site, including the effects of noise during construction and operation.
- Cumulative impacts with other proposed/existing plans and developments.

7.11.9. Tables 2-3 summarise the appropriate assessment and site integrity test. The conservation objectives, targets and attributes as relevant to the identified potential significant effects are examined and assessed in relation to the aspects of the project (alone and in combination with other plans and projects). Mitigation measures are examined, and clear, precise and definitive conclusions are reached in terms of adverse effects on the integrity of European sites.

7.12. Supplemental to the summary tables, key issues that arose through consultation and through my examination and assessment of the NIS and further information request are expanded upon in the text below as follows:

- Key issues raised in the appeal submission from An Taisce, as detailed in Section 6.1 above.
- Key issues raised by the Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, as detailed in Section 6.4.1 above.
- In combination effects between the proposed development, the existing Farragh Proteins facility and development in the surrounding area.

7.13. Tables 2-3: Summary of Appropriate Assessment of implications of the proposed development at the Farragh Proteins Site on the integrity of European Sites alone and in combination with other plans and projects in view of the sites Conservation Objectives.

Table 2 Lough Oughter Complex (Site Code: SPA 004049) Summary of Key issues that could give rise to adverse effects (from screening) <ul style="list-style-type: none"> • Habitat Loss • Deterioration of water Quality and water dependant habitats • Disturbance to Annex I or II species • Cumulative impacts with other development Conservation Objectives: [Insert reference (see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004049.pdf)]					
Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
A005 Great Crested Grebe <i>Podiceps cristatus</i>	<u>Conservation Objectives</u> To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Effects upon the bird species arising from deteriorations in water quality in the River Erne due to construction and operational works.	Vegetation removal works will be scheduled outside of 1st March to the 31 st of August period so as not to disturb nesting bird species.	No likely significant in-combination effects.	Yes
A038 Whooper Swan <i>Cygnus cygnus</i>		Effects upon birds, notably the whooper swan, arising from the construction noise generated on site.	Lighting restrictions during construction and operation.		
A050 Wigeon <i>Anas penelope</i>	To maintain or restore the favourable conservation condition of the wetland habitat at Lough Oughter Complex SPA as a resource				

	<p>for the regularly-occurring migratory waterbirds that utilise it.</p> <p><u>Targets and Attributes</u></p> <p>No specific targets or attributes recorded</p>	<p>Visual disturbances to the bird species arising during the construction and operation of the proposed development.</p>	<p>Noise control restrictions during construction and operation.</p> <p>Monitoring of atmospheric emissions from the site will continue and be reported annually to the EPA.</p> <p>Further details - refer to Section 17.13.1 below</p>		
<p>Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site, and no reasonable doubt remains as to the absence of such effects.</p>					

Table 3

Lough Oughter and Associated Loughs SAC (Site Code: 000007)

Summary of Key issues that could give rise to adverse effects (from screening)

- **Habitat Loss**
- **Deterioration of water Quality and water dependant habitats**
- **Disturbance to Annex I or II species**
- **Cumulative impacts with other development**

Conservation Objectives: [Insert reference (see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000007.pdf)]

Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
1355 Otter <i>Lutra lutra</i>	<p><u>Conservation Objectives</u> To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in Lough Oughter and Associated Loughs SAC</p> <p><u>Attributes & Targets</u> Distribution - No significant decline. Extent of terrestrial habitat - No significant decline. Extent of freshwater (river) habitat - No significant decline.</p>	<p>Significant effects upon this species arising from deteriorations in water quality in the River Erne and its tributaries during construction and operation.</p> <p>Any pollution event or deterioration in water quality could affect the food chains (invertebrate and fish biomass) in the system upon which the otter depends.</p>	<p>Best practice environmental control measures as outlined in the Construction and Demolition Waste Management Plan (CDWMP).</p> <p>Mitigation measures that apply for fish protection will ensure no adverse effects on prey available to otter.</p> <p>Lighting restrictions and light management as detailed in the</p>	No likely significant in-combination effects.	Yes

	<p>Extent of freshwater (lake) habitat - No significant decline.</p> <p>Couching sites and holts - No significant decline.</p> <p>Fish biomass available - No significant decline.</p> <p>Barriers to connectivity - No significant increase.</p>	<p>There are no otter holts or couches along the River Erne at points close to the application site. Therefore, significant effects upon the otter arising from daytime constructional noise are not likely to arise.</p> <p>Significant effects upon the otter arising from operational noise will not arise</p>	<p>Natura Impact Statement.</p> <p>Protection of fauna species and notification of the NPWS prior to resumption of construction works.</p> <p>Further details - refer to Section 17.13.1 below</p>		
<p>3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation</p>	<p><u>Conservation Objectives</u></p> <p>To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Oughter and Associated Loughs SAC</p> <p><u>Attributes and Targets</u></p>	<p>A deterioration in water quality in the Erne River and designated lake habitats downstream due to contamination of the River Erne and its tributaries with silt, hydrocarbon or aggregate runoff arising during construction. This in turn could affect protected species which depend on this habitat.</p>	<p>Construction and operational mitigation measures as outlined in the NIS.</p> <p>Flood Risk Mitigation Measures as detailed in the NIS and Flood Risk report including the construction of a 2.3m high impermeable bund</p>	<p>No likely significant in combination effects.</p>	<p>Yes</p>

	<p>Habitat area - Area stable or increasing, subject to natural processes.</p> <p>Habitat distribution - Restore, subject to natural processes.</p> <p>Vegetation composition: typical species - Typical species present, in good condition, and demonstrating typical abundances and distribution</p>	<p>A deterioration in this habitat arising from reductions in water quality that could arise during the operation of the proposed development.</p> <p>Impacts upon this habitat arising from the mobilisation of pollutants during flood events on the site.</p>	<p>and compensatory storage areas.</p> <p>Monitoring to be implemented:</p> <ul style="list-style-type: none"> • Reiver level trends at Bellahillan gauge during construction. <p>Further details - refer to Section 17.13.1 below</p>		
91D0 Bog woodland	<p><u>Conservation Objectives</u></p> <p>To maintain the favourable conservation condition of Bog woodland* in Lough Oughter and Associated Loughs SAC.</p> <p><u>Attributes and Targets</u></p> <p>Habitat area - Area stable or increasing.</p> <p>Habitat distribution - No decline, subject to natural processes.</p>	<p>Bog Woodland habitats do not occur within the Zone of Influence of the application site. There are no areas of designated/non-designated bog woodland that have the potential to be impacted upon from this proposed development.</p>	<p>Vegetation along the riparian zones of drains will be retained.</p> <p>Root protection of trees.</p> <p>Further details - refer to Section 17.13.1 below</p>	No likely significant in-combination effects.	Yes

	Woodland size - Area stable or increasing.				
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

7.13.1. Mitigation Measures

7.13.2. Section 5 of the NIS submitted details the proposed mitigation measures with reference to supporting documentation submitted. These mitigations are detailed under the headings below;

7.13.3. Control of Pollutants

- During construction activities on the site, best practice environmental control measures will form part of the construction methodology, as outlined in the Construction and Demolition Waste Management Plan (CDWMP) submitted.
- Work areas will be kept to a minimum and clearly demarcated/cordoned off prior to the commencement of works.
- Drains on-site and close to the point of construction works will be cordoned off prior to the commencement of development.
- Vegetation along the riparian zones of the drains will be retained as buffer zones and incorporated into the development if possible.
- A double silt fence will be installed around the entire site enclosure to prevent run-off during construction.
- Any waste generated during construction works will be disposed of to a licensed waste facility by a licensed waste haulier.
- Work areas will be kept to a minimum and clearly demarcated/cordoned off prior to commencement.
- Drains on-site and close to the point of construction works will be cordoned off, prior to the commencement of development.
- Vegetation along the riparian zones of the drains will be retained as buffer zones and incorporated into the development if possible.
- A double silt fence will be installed around the entire site enclosure to prevent run-off during construction.

- Any waste generated during construction works will be disposed of at a licensed waste facility by a licensed waste haulier.
- Topsoil will not be stored close to any watercourse and will be removed from the site regularly.
- Works will not take place in periods of heavy precipitation.
- Bare soil will be seeded as soon as possible with grass seed or native wildflower seed (local source if possible). This will minimise erosion into local drains and watercourses.
- Proper management of concrete on-site will ensure that run-off into the surrounding environment does not arise.
- Best practices in bulk-liquid concrete management will be employed in addressing pouring and handling, secure shuttering, adequate curing times etc.
- Wagons and mixers will be washed offsite or in a bunded, designated area.
- Control of cement dust by dampening down areas
- Raw or uncured waste concrete will be disposed of in a manner that will not impact any watercourse.
- All fuels, lubricants and hydraulic fluids will be kept in secure bunded areas remotely from any watercourse. The bunded area will accommodate 110% of the total capacity of the containers within it. Containers will be adequately secured to prevent unauthorised access and misuse.
- Effective spillage procedures will be put in place
- Any waste oils or hydraulic fluids will be collected, stored in appropriate containers and disposed of offsite in an appropriate manner.
- Storage areas, machinery depots and site offices will be located remotely from the watercourse.
- Run-off from the machine service and concrete mixing areas will not enter the watercourse.

- All refuelling and lubrication of equipment will take place on sealed and bunded surfaces to avoid the potential for accidental spillage of hydrocarbons.
- All plant and machinery will be regularly maintained and serviced to minimise the release of hydrocarbons.
- Spill kits will be present in all plant machinery.
- Oil booms and oil soakage pads will be kept on-site to deal with any accidental spillage.
- Waste oils and hydraulic fluids will be collected in leak-proof containers and removed from the site for disposal or recycling.
- Stockpile areas for sand and gravel will be kept to a minimum size, well away from all watercourses.
- Silt barriers will be erected along the western boundary and part of the northern site boundary to protect the settlement ponds.
- The settlement ponds will be inspected daily and maintained regularly.
- All effectiveness of these measures and the measures outlined in the Construction and Demolition Waste Management Plan will be monitored regularly by the site engineers.

7.13.4. Flood Risk

(as detailed in the NIS and Flood Risk report)

- Elevating the platform for the tanks to 49.61mOD in order to place the work area in Flood Zone C.
- The surrounding bund wall (2.2m high) will protect against flooding to a minimum level of 50.11 mOD. This bund will be impermeable, and any access doors/gates will be impermeable when closed.
- Pipework, electrical conduits, etc., will be waterproof, and drainage channels will have non-return valves where the outfall is below 50.11 mOD.

- In addition to providing compensatory storage, the removal of a modest amount of overburden from the northern tip of the adjacent ridge will ensure there is no alteration to existing flood flow-paths and floodwaters will be permitted to move freely into the area south of the site.
- Excavation of the compensatory storage areas will take place when flood risk is lowest, i.e. between May to October. River level trends at the nearby Bellahillan gauge will be monitored daily during the construction phase works.
- The excavated area will remain open/exposed for as little time as possible before the replacement of topsoil and the establishment of vegetation.
- Once the prescribed volumes of subsoil have been excavated, slope stability will be assessed by a suitably qualified engineer.
- Following completion of excavation, all exposed areas will be capped with topsoil and seeded with suitable grass species.

7.13.5. Noise

(as detailed in the NIS and Noise Impact Assessment)

- All construction activities will take place between 7:00 am and 19:00 pm, Monday to Friday. Any works that, by necessity, are required to be carried out outside of these times will be notified to any potentially affected local residents in good time and prior to specified works commencing.
- During construction, guidance on noise control, as per The National Roads Authority's 'Guidelines for the Treatment of noise and vibration in National Road Schemes' (2004) and British Standard 5228-1 'Code of practice for Noise Control on Construction and Open Sites'.
- Timely and adequate maintenance of all construction equipment, including preventative maintenance, to ensure efficient operation and minimisation of potential noise.
- During the construction phase, if carried out between May – September, a noise limit of 65 dB will be applied to the development.

- If construction occurs in the winter months, a temporary noise barrier will be erected to the west of the development site to mitigate construction noise levels at NM1 (the SPA boundary).
- A 3-meter-high noise barrier at a distance of 33 meters from both the development boundary and SPA boundary will mitigate construction noise by a factor of 11.9 dB(A), thereby resulting in a potential noise level of 53.7 dB, similar to the 53.9 dB(A) recorded at NM1 during the assessment.
- Carrying out the construction phase between May and September, in order to avoid any potential impacts to Whooper Swans. Whooper Swans winter in Ireland from October to April.

7.13.6. Biodiversity and Protected Species

- Should protected fauna species such as bat species, badgers or hedgehogs be found within the site boundary during the construction phase of the project, an officer of the NPWS will be notified prior to the resumption of construction works.
- Regarding badgers, mitigation measures will be put in place having regard for Guidelines for the Treatment of Badgers Prior to the Construction of National Road Schemes (NRA 2006).
- The building site will be made safe for mammals with hazards such as open holes/excavations covered over or fitted with ramps to allow for escape.
- Where possible, vegetation removal works will be scheduled outside of 1st March to the 31st of August period so as not to disturb nesting bird species.
- If works take place beside any trees that will remain as part of the landscape plan, then root protection will be maintained throughout the construction phase.
- All planting of trees and hedges will be undertaken during the bare root season November to April. The balance of tree planting will be completed within 12 months of the completion of the development.

7.13.7. Lighting

- Construction works in the hours of darkness when bats are active (April – October) will be kept to a minimum;
- Lighting of hedgerows/treelines will be avoided where possible.
- Direct lighting of the River Erne will be avoided.
- Lighting during construction works will be of a low height (without compromising safe working conditions) to ensure minimal light spill.
- Where possible and practicable, timers or motion sensors will be used.
- Directional lighting will be used where possible by the use of louvres or shields fitted to the lighting.
- White light emitting diode (LED) or amber coloured LED outdoor lighting will be used where possible.
- During operations, lighting will be directed to where it is required only.
- Lighting of hedgerows/treelines will be avoided where possible.
- Buildings, car parks and site entrance lighting will be angled away from hedgerows and treelines.
- Direct lighting of the River Erne will be avoided.
- Lighting will be of low height where possible to minimise light spill.
- Where possible and practicable to do so, timers or motion sensors will be used;

7.13.8. Post Construction

- All aspects of the LNG installation, including storage and delivery of fuel, will be done in accordance with the safety protocols outlined by Molgas.
- Six dry powder fire extinguishers of 50kg each will be installed in the control room. These will be kept in operable working condition as per recommended guidelines.
- Monitoring of atmospheric emissions from the site will continue and be reported annually to the EPA.

- During operations, surface water from the site will be discharged to the drain to the north of the site via an oil interceptor. The effectiveness of this interceptor will be tested prior to commissioning. Once operational, this oil interceptor will be serviced regularly. Silt interceptors will be included above the discharge outfall.
- The EPA will approve all emission points, and the existing ELV (Emission Limit Values) will apply. Testing will be carried out as required by the EPA.

7.13.9. Deterioration in Water Quality During Construction

7.13.10. The proposed development involves the excavation of soil and the pouring of concrete for foundations and other hard surfaces. These works will take place approximately 36m (closest point) from the River Erne. There is a watercourse along the eastern and northern site boundaries that flows into the River Erne and Lough Oughter SPA/SAC. Proposed mitigation measures are detailed in Section 17.13.1 above. The NIS states that if appropriate mitigation measures are not implemented during the construction and operation of the proposed development, then there is the possibility that water quality locally will be negatively impacted. The NIS details how possible direct impacts include the pollution of the waters during construction with silt, oil, cement, hydraulic fluid etc. This pollution would directly affect the habitat of protected species by reducing water quality. These substances would also have a toxic effect on the ecology of the water, directly affecting certain species and their food supplies. Furthermore, increased siltation levels may result in the suffocation of fish eggs, an increase in the mortality rate of all fish species, a reduction in the amount of food available for fish, and the establishment of barriers to fish migration. The NIS details how during the construction period of the proposed development, pollution of the water with hydrocarbons, cement, and concrete could have a significant negative impact on fish and aquatic invertebrate populations. Therefore, appropriate mitigation will be necessary to maintain the conservation status of the Lough Oughter SAC / SPA and its protected habitats and species, as there is a possible risk of direct and indirect impacts deriving from the proposed development during site preparation and construction.

7.14. Having reviewed the proposed mitigation measure, as detailed in Section 17.13.1 and Tables 2-3 above, I am satisfied that the mitigation measures outlined in the Natura Impact Statement, Construction and Demolition Waste Management Plan and the Flood Risk report and the design of the proposed development including the 2.3m high impermeable bunding would mitigate potential impacts on water quality and that there will be no significant adverse effects on the qualifying interests within the Lough Oughter SAC / SPA.

7.14.1. Deterioration in Water Quality During Operation

7.14.2. Contaminated run-off from the hard-core areas surrounding the LPG tank could cause water quality to deteriorate locally and in designated water courses. This would have a direct impact on designated habitats and species.

7.14.3. Any major accident or fire involving the proposed LNG installation could harm designated habitats and species. Controlling a fire and the water generated from potential fire-fighting actions could run off into the SPA / SAC, posing a threat to the SPA / SAC's protected habitats and species.

7.14.4. The following major accident scenarios were highlighted in the COMAH Land Use Plan submitted:

- Tank rupture, BLEVE and fireball
- Vapour release through safety relief valve
- Liquid release from tank or spill during tanker unloading

7.14.5. The NIS recognises that in the unlikely event of a fireball or BLEVE, the areas most at risk are the Farragh buildings to the north of the existing LPG tank. These areas are all located within an impermeable 2.3m high concrete bund. Therefore, any water generated during a fire-fighting event on this site will be contained. The NIS states that the overall negative effect on the SAC / SPA arising from this scenario is likely to be insignificant.

7.14.6. The NIS refers to the COMAH Land Use Plan, which concludes that the overall risk of a major accident scenario on the proposed LPG site is insignificant. For the LPG tank, the risk of tank rupture with BLEVE and fireball is 1E-05 per year. The risk of liquid

release from the road tanker and a pool fire in the unloading area is 1.5E-07/year. Therefore, the NIS states that due to the very low risk of a major accident event occurring at the site, the potential risk arising to the SAC / SPA arising from this is not likely to be significant.

7.14.7. I have previously addressed the potential for impacts on water quality during a fire incident in section 7.2 of this report. The COMAH Land Use Plan submitted adequately details the proposed fire and flammable gas protection system and surface water containment measures on-site and how these would operate during a fire incident. The COMAH Land Use Plan submitted was to the satisfaction of the HSA. I am satisfied these measures would mitigate potential impacts on surface water quality in the event of a major accident or fire. Furthermore, I am satisfied that the potential impacts on water quality will be mitigated through the proposed measures as detailed in the Construction and Demolition Waste Management Plan and Flood Risk report detailed above.

7.14.8. Potential Flood Events

7.14.9. The NIS details how the proposed LNG tank platform will be raised from 49.5mOD to 49.6mOD to place it in Flood Zone C, i.e., not at risk of flooding. A 500m freeboard will be provided by way of a surrounding bund. The NIS states how in order to comply with Flood Risk Guidelines (2009), compensation storage must be provided on-site to replace the floodplain storage volume that will be lost by infilling the raised platform for the tanks and the internal access road. This compensation storage will be provided by removing prescribed volumes of overburden from the northern end of the nearby ridge. This measure will ensure no interruption to existing flood flow paths.

7.15. The NIS states how given the wide floodplains serving the River Erne in the area, plus the extensive lake storage provided in the Lough Oughter complex to the north of the site, it is unlikely that a notable rise in river flood levels will occur due to the compensation storage that will be required on site.

7.15.1. The NIS refers to the Flood Risk report, which concludes that the proposed development would not increase potential flood risk to upgradient or downgradient receptors, local private properties or the surrounding environment. Notwithstanding

this, the Flood Risk Report outlines a number of mitigation measures in order to mitigate against any impacts to surface water quality and flows arising from the construction of the proposed development. These are detailed in Section 7.3 above.

7.15.2. I have previously addressed the potential for impacts on water quality during a flood event, as detailed in Section 7.3 above. I am satisfied that the proposed mitigation measures, as detailed above and in the Flood Risk Report, mitigate against any impacts to surface water quality or flows during the construction or operation phase of the proposed development in the event of a flood.

7.15.3. Habitat Loss and Fragmentation

7.16. The proposed development will take place within c. 36m of the Lough Oughter Complex SPA and 164m from the Lough Oughter and Associated Loughs SAC. Proposed works will involve the excavation of topsoil and sub-soil. The inappropriate disposal or storage of this material within designated areas or areas of biodiversity value could lead to the loss or fragmentations of these designated habitats. I am satisfied that if proposed mitigation measures relating to habitat protection and enhancement, as detailed in Section 7.13.1 above, there will be minimal habitat loss or fragmentation.

7.16.1. Atmospheric Emissions from the Development

7.16.2. The Farragh Protein facility's current fuel source is LPG. According to the NIS, burning this fuel releases pollutants into the atmosphere, including PM10, NOx, and SOx, and switching to LNG will essentially remove these emissions, which can be considered a positive impact. The NIS notes how as part of the Applicant's current EPA License requirements, atmospheric emissions from the site are monitored regularly and are reported to the EPA annually in the Farragh Proteins Annual Environmental Report (AER). The NIS states that in the 2018 AER, atmospheric emissions from the site were in compliance with the Emission Limit Values (ELVs) set out in the IEL License for the site.

7.16.3. I have previously addressed industrial emissions in Section 7.2.5 above, whereby I note data available on the EPA website shows that the most recent Licensee Report No. 5849 issued by the EPA for EPA Licence No. P0025-05, dated 13/07/2022, details that the Farragh Proteins licensee complied with its licence on the date of the site visit. On this basis, I am satisfied that the operator at the Farragh Proteins facility is compliant with its EPA-approved Industrial Emissions Licence. I am satisfied that the requirement of the EPA license will ensure atmospheric emissions from the site are monitored regularly and reported annually to the EPA in an Annual Environmental Report (AER). Such measures will mitigate the potential effects of atmospheric emissions from the proposed development.

7.16.4. Risk to Annex I and Annex II Species Associated with the Site

7.16.5. The NIS details the risks to Annex I and Annex II Species associated with the site. Regarding Otter, the NIS states the species occasionally forage within the area of the River Erne close to the site. However, the Natura Impact Statement states that this section of the Erne is of low importance to the otter. Field searches for otter signs and resting places found no otter holts, couches or resting spots along the River Erne at points close to the site. Given that there will be no direct loss or disturbance to the riparian habitats of the River Erne, I am satisfied that there will be no direct impacts on the habitats for otters. The proposed mitigation measures to protect water quality in the area will ensure no decreases in water quality which may indirectly affect this species.

7.16.6. The NIS addresses potential effects on Annex I bird species of the SPA which could arise through any deterioration in water quality in the River Erne and its downstream habitats and noise during the construction and operation of the development. The NIS refers to the Noise Impact Assessment report (NIA) where the following is noted;

- The baseline assessment of the NIA indicated that daytime monitored background noise levels (LA90) at five monitoring locations in the study area ranged between 30.3 dB(A) and 51.9 dB(A), while the average daytime LA90 in the vicinity of the site was calculated to be 48.4 dB(A).

- The baseline assessment indicates that daytime monitored noise levels (LAeq) at the five monitoring locations were below or equal to the 55 dB EPA limit, with the exception of location NM4, which was influenced by passing traffic. Therefore, existing site-related noise at the five monitoring locations, three of which are at the SPA boundary, does not appear to constitute a nuisance or would be expected to impact upon the Lough Oughter Complex SPA.
- Construction activities will generally be conducted between the hours of 07:00 am and 19:00 pm Monday to Friday.
- Using the BS5228 'ABC Method' it was determined that a noise threshold level of 65 dB should be applied to the proposed development during the construction phase.
- The potential noise level at NM1, the closest SPA boundary location to the development site, as a result of the construction phase, was calculated to be 65.6 dB, which would exceed the recommended BS5228 threshold of 65 dB by a factor of only 0.6 dB.
- Construction noise levels were determined using distance calculations from the closest boundary point of the development site. It is anticipated that the above calculations are an over-estimate as they do not take into consideration existing noise barriers in the vicinity of the site and other noise-reducing natural elements (sound degradation from ground absorption, air absorption, reflections and attenuation by surfaces, foliage, and topography have not been considered). Therefore, it is unlikely that the BS5228 threshold of 65 dB would be exceeded at the five assessed locations (NM1 – NM5).

7.16.7. The NIS details how Whooper Swans return to the Lough Oughter Complex SPA between October – April annually, likely with increased numbers, and “were recorded foraging within the study area on one occasion during surveys, situated approximately 500m from the proposed development site boundary” as per the Wintering Bird Surveys, indicating that they are acclimatised to the level of continuous noise emissions from current site operations. Therefore, noise from the construction phase, if carried out during the wintering bird period of October – April, could impact this and

other wintering species, and this should therefore be mitigated in line with current site operational noise levels.

- 7.16.8. Having regard to the above, I am satisfied that negative impacts on Annex I and Annex II species arising from noise would be minimal or mitigated by the proposed mitigation measures and measures within suitable conditions. These mitigation measures include, inter alia, continuous monitoring of atmospheric emissions from the site and annual reporting to the EPA, restrictions on lighting, noise and vegetation removal, and best practice environmental control measures as outlined in the Construction and Demolition Waste Management Plan (CDWMP).
- 7.16.9. Based on my examination of the NIS, surveys undertaken, and NPWS data, no adverse impacts on Annex I and Annex II Species will occur as a result of the proposed development, and there will be no adverse direct or indirect effects on the qualifying interest species within the Lough Oughter Complex (Site Code: SPA 004049) and Lough Oughter and Associated Loughs SAC.

7.17. In Combination Effects

- 7.18. The NIS provides a comprehensive analysis of other plans and projects that could act in combination with the proposed development. I am satisfied that the analysis of in-combination effects was complete and robust in terms of current or future plans or projects that may potentially impact Natura 2000 sites when combined with the proposed works. The NIS refers to development granted permission in the preceding five years and details how the Farragh Proteins was granted planning permission for two small developments under P.A. Refs.18/137 and 18/539 and that these applications were accompanied by AA screening reports. The Natura Impact Statement notes that any future application that has the potential to impact the Lough Oughter SAC/SPA will be subjected to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive.
- 7.19. I have carried out an updated review of such projects, and I do not consider that there are any developments with the potential to result in significant cumulative effects. This includes the Felix Gormley used metal disposal recycling yard sited less than 350m south of the site and the Killykeen Forest Holidays Ltd., as referred to by the Appellant.

Based on my examination of the Natura Impact Statement, NPWS data and scientific evidence provided, the proposed development will have no cumulative impact upon the Lough Oughter SAC/SPA when considered in combination with any other development that has been screened for Appropriate Assessment (Stage 1) or where potential impacts have been mitigated against (Stage 2 AA / NIS). I have no scientific evidence before me to demonstrate otherwise. The existing LPG plant will be decommissioned upon commission of the LNG plant. This will ensure that there are no in-combination effects from both of these operations when implemented.

7.20. Having regard to the above, I am satisfied that no cumulative / in combination effects on European Sites are likely to arise.

7.20.1. Appropriate Assessment Conclusions

7.21. The proposed development has been assessed in light of the requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the following European Sites:

- Lough Oughter Complex (Site Code: SPA 004049)
- Lough Oughter and Associated Loughs SAC (Site Code: 000007)

7.22. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of those sites in light of their conservation objectives. I am satisfied that an examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. Where potential significant effects on Natura 2000 sites have been identified, key design features and mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available, which I consider to be adequate in order to carry out a Stage 2 Appropriate Assessment, that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of Natura 2000 sites will be avoided.

7.22.1. Therefore, following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lough Oughter Complex SPA (Site Code 004049) and the Lough Oughter and Associated Loughs SAC (Site Code 000007), or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project, and there is no reasonable doubt as to the absence of adverse effects.

8.0 Recommendation

I recommend that permission is granted subject to the following conditions-

9.0 Reasons and Considerations

9.1. 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) European and National Policy on liquefied natural gas (LNG),
- (iv) the nature, scale and design of the proposed development,
- (v) the location of the proposed development adjoining the existing Farragh Proteins Plant and its proposed use ancillary to the plant,
- (vi) the planning history of the site and the surrounding area,
- (vii) the pattern of existing and permitted development in the area, and
- (viii) the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable at this location, adjoining the existing Farragh Proteins site. The proposal would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and

traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and appeal, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.</p>
2.	<p>The developer shall ensure that all mitigation measures set out in the Natura Impact Statement (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.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
3.	<p>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.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>

4.	<p>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 and Flood Risk Report.</p> <p>Reason: In the interest of amenities, environmental protection, public health, and safety.</p>
5.	<p>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.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>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.</p> <p>Reason: In the interest of amenity, public safety, and the protection of bats.</p>

8.	<p>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.</p> <p>Reason: To protect the residential amenities of the area.</p>
9.	<p>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.</p> <p>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</p>

Brendan Coyne
 Planning Inspector

19th October 2022

