



An
Bord
Pleanála

Inspector's Report

ABP-313808-22

Development	Installation of a refrigeration plant
Location	Bellanaboy Bridge Gas Terminal, Bellanaboy, Co. Mayo
Planning Authority	Mayo County Council
Prospective Applicant(s)	Vermillion Energy Ireland
Type of Application	SID Pre-Application Consultation under S.182E of the Planning and Development Act 2000, as amended.
Date of Consultation meeting	18/08/2022
Inspector	Conor McGrath SPI

1.0 Introduction

The Board received a request on 14th June 2022 from Vermillion Energy Ireland to enter into pre-application consultations under section 182E of the Planning and Development Act 2000, as amended, in relation to the proposed installation of refrigeration plant at the existing Bellanaboy Bridge Gas Terminal in County Mayo.

This report provides an overview of the proposed development, relevant planning cases and legislative provisions and recommends that the proposed development does not constitute strategic infrastructure.

A pre-application consultation meeting with the prospective applicants was held on 18/08/2022.

2.0 Site Location and Description

The proposed development site is located within the overall gas terminal facility operated by the prospective applicants at Bellanaboy Bridge, Co. Mayo. The facility is located on the R312 which connects Belmullet, approx. 15km to the west, with Ballycastle, approx. 30km to the east. The facility is set back approx. 200m from the regional road and is generally bounded by mature coniferous forestry. The site of the proposed refrigeration plant is located in the northeastern corner of the existing complex, within an area is bounded by plant infrastructure and internal roads.

3.0 Proposed Development

The proposed gas terminal facility has been operational for a number of years and receives gas from the offshore Corrib gas field for transmission to the national gas network. The documentation accompanying the request describes how declining gas reserves in the Corrib field are resulting in reduced pressure in the system. This gives rise to a requirement for additional cooling of the gas in order to meet the specification for injection into the national gas network.

The likely future requirement for refrigerant infrastructure was identified in the original gas terminal planning application in 2004 and provision was made for the installation of such refrigeration plant within the original plant design. The development is described as an appendage to the current plant, allowing for the

routing of gas through a heat exchanger. It is indicated that the development does not give rise to any additional emissions from the terminal, and that a review of the current IE licence is not required. Construction is planned to commence in Q1 2023 with the proposed refrigeration plant operational by 2024.

The footprint of the proposed refrigeration plant is described as approximately 31m X 36m at grade, with some elements located above ground level on existing and new support structures. The main elements of the plant are 9 no. skid mounted packaged refrigeration units which will tie into existing infrastructure at the facility. It is identified that the following site preparation works will be required prior to delivery of skids to site

- Site clearance and earthworks.
- Drainage tie-ins.
- Piping tie-ins.
- Concrete foundations.
- Structural steel platforms.
- Pipe rack construction.

4.0 Relevant Planning History

PA ref. P03/3343 ABP ref. PL16.207212: Permission granted in October 2004 for construction of a gas terminal for the reception and separation of gas from the Corrib gas field and for a peat deposition site, at Bellagelly South, Srahmore, Attavally, Bangor Erris, Co. Mayo.

The duration of this permission was extended on two occasions. On 16th November 2009 under Reg. Ref. 03/33430, the planning authority extended the duration to 21st December 2012. It was extended again on 17th April 2012 under Reg. Ref. 03/334300 to 21st May 2017.

ABP ref. GC16.GC0001: In respect of the proposed re-routing of the on-shore upstream gas pipeline relating to Corrib Gas Field Project, Co. Mayo, it was determined that such development did constitute strategic infrastructure development.

In respect of proposed amendments to the permitted Bellanaboy Bridge Gas Terminal (under construction), the Board determined that the proposed amendments to the terminal did not constitute strategic infrastructure as the terminal was the subject of an application for planning permission before the coming into effect of the Strategic infrastructure Act and was granted permission under Section 34 of the 2000 Act.

PA ref. 07/3322: Permission granted in 2008 for relocation of a sump chamber, to provide above ground services, install a valve pit; a CCTV mast and camera; a stone wall to the east of the entrance; and ancillary works and landscaping.

PA ref. 08/170 ABP ref. PL16.229487: Permission granted in 2008 for modifications and alterations to the permitted gas terminal (03/3343), including increased finished floor level of the administration, maintenance and laboratory complex buildings, increase in the size of the laboratory, relocation of services adjacent to the buildings and addition of a new septic tank and pump chamber, amendments to the wastewater treatment building and reorganisation and layout of adjacent plant equipment, increasing the height of the permitted lime silo, repositioning of a permitted water storage tank, provision of three recyclable carbon filter skids, amend the levels of the east-west access road and other minor works.

PA ref. 08/774: Permission granted in 2008 for amendments to the sales gas compressor building, the heat medium fired heater, the heating medium surge drum and associated equipment.

PA ref. 08/1182: Permission granted in 2008 for amendments to the power generation building and addition of a selective catalytic reduction building and an associated urea solution storage tank and transfer pumps.

PA ref. 08/1620 ABP ref. PL16.231952: Permission granted in 2009 for amendments to the Bellanaboy Bridge Gas Terminal (P03/3343, PL16.207212), relating to the relocation and resizing to the emergency holding tank and the addition of an ESB switch room and transformer near the main entrance.

PA ref. 09/20: Permission granted in 2009 for additional fire shields around the termination unit and hydraulic power unit; a heat shield along the pipe rack, stair towers and an access platform for the used firewater pond; to relocate an emissions monitoring system and analyser and fire and gas detectors; enlarge a gas metering

cabinet; modify access platforms; replace ladders with stairs and platforms; and remove culvert and ramp over an internal road.

PA ref. 09/196: Permission granted in 2009 to add a cold separator vessel and to modify access to a fire monitor.

PA ref. 09/1248: Permission granted in 2010 for a security fence around the terminal platform and amend access points in authorised fence; ramps and paving at the control building; CCTV cameras; relocation of petrol interceptor; re-arrange and extend garden; alter ground cover around flare stack; omit faunal gates.

PA ref. 10/633: Permission granted in 2010 to discharge treated water from the site to the sub-sea manifold up to 80m³ per day with any surplus trucked off site, and to relocate 2 water samplers.

PA ref. 11/56: Permission granted in 2011 for changes to the settlement pond.

PA ref. 12/603: Permission granted in 2013 for amendments to landscaping associated with the removal of peat from the site.

PA ref. 13/2: Permission granted in 2013 for storage access on the east-west pipetrack; various step overs; external stairs on the control building; a ladder and platform at the valve actuator at the pig launcher; stairs and platforms to access tanks and vessels; omitting davits; changes to piping around the offshore terminal termination unit and hydraulic power unit.

PA ref. 13/68: Permission granted in 2013 for wind socks; fire monitors; pole mounted lights; a remote valve station and monitor adjacent to the emergency holding tank; safety barriers along site roads; relocate emissions monitoring system; extending the sales gas compressor building and amending its doors and the road layout around it; relocate fire and gas detectors; an additional depressurization valve on the export gas pipe rack; provide storage containers to the west of the firewater pump building.

PA ref. 13/232 ABP ref. PL16.242283: Permission granted in 2013 for amendments to the permitted gas terminal (P03/3343) providing lubrication oil tank with support frame, methanol injection pump, 8 heat detectors, response team storage building.

PA ref. 13/355: Permission granted for amendments to permitted gas terminal element (03/3343) and to development subsequently permitted under p10/633 and p13/68, including include addition of an enclosure to house a water mist system and associated works.

PA ref. 13/561: Permission granted for amendments to permission (p03/3343) and to development subsequently permitted under p09/1248 & p13/68, including the replacement of palisade fence, replacement of the existing 1.8m high vehicular emergency access, flood lights, amendments to pipework, changes to road surface and associated works.

ABP ref. ABP-302012-18: It was determined that a proposed new water treatment plant to provide an additional level of water treatment at existing Bellanaboy Bridge Gas Terminal, did not fall within one or more of the paragraphs specified in the condition contained in section 37A (2) of the Planning and Development Act, 2000, as amended, and that a planning application should be made in the first instance to Mayo County Council.

PA ref. 18/730: Permission granted for provision of ground water treatment plant within the terminal footprint, storage tanks and associated works

5.0 Case made by Prospective Applicant

The prospective applicants make the following points in respect of the proposed development:

- The parent permission for the gas terminal was granted in 2004 under Section 34 of the 2000 Act, prior to the implementation of Strategic Infrastructure Act 2006.
- The previous Board determination under ABP ref. PL16.GC0001 in November 2007, highlighted that proposed amendments to the facility did not constitute Strategic Infrastructure Development (SID) as the original application was determined under Section 34 and not SID legislation.
- The Inspector's Report in respect of the parent permission noted that any requirement for mechanical refrigeration in the future on the terminal site is likely to be ancillary to the main use of the site, and that there was no requirement to apply for permission at that time.

- It is clear therefore that the proposed development to provide refrigeration plant cannot be considered as Strategic Infrastructure.
- The 2000 Act defines Strategic Gas Infrastructure Development as “...any proposed development comprising or for the purposes of a strategic downstream gas pipeline or a strategic upstream gas pipeline, and associated terminals, buildings and installations, whether above or below ground, including any associated discharge pipe”
- The proposed development could potentially be considered as an ‘installation’ associated with a gas pipeline.
- This consultation request as to whether the proposed development is considered strategic is sought under section 182E(1) of the Act.
- It is the opinion of the prospective applicant that the proposed development does not comprise SID.
- Section 182(C) refers to development coming within the scope of section 37A(2), the criteria of which are considered below:
 - The Refrigeration Plant will cool the gas to ensure it can be used within the national gas network. It is ancillary to the existing terminal and cannot be considered to be of strategic or social importance to the State or Region.
 - The existing gas terminal is operational and contributes to the fulfilment of national and regional policies. The proposed refrigeration plant will address declining reservoir pressure which is an issue common to this type of facility. It is not considered that such plant contributes to national or regional policies.
 - The proposed development does not have any transboundary effects and will not impact on the area of other Planning Authorities.
- Whilst the Refrigeration Plant may come within the scope of Strategic Gas Infrastructure Development of the Planning and Development Acts 2000, as amended, it does not represent development which is of strategic importance.
- The Board already considered that the Refrigeration Plant is ancillary to the terminal and have already adjudicated that similar development cannot be

considered as strategic infrastructure as the parent permission was granted under Section 34 of the Act.

6.0 Legislative Provisions

Section 2(1) of the Planning and Development Act 2000, as amended defines 'strategic infrastructure' as including, inter alia:

(e) any proposed strategic gas infrastructure development referred to in section 182C(1),

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

Section 182(C)(1) in relation to strategic gas infrastructure development states:

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

- (a) an application for approval of the development under section 182D, and*
 - (b) an environmental impact statement or Natura impact statement or both of those statements, as the case may be in respect of the development,*
- and shall apply to the Board for such approval accordingly....*

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

(1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act

2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

(2) That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in respect of the area or areas in which it would be situate,*
- (c) the development would have a significant effect on the area of more than one planning authority.*

Section 182E(1) requires that a person (a 'prospective applicant') who proposes to apply for approval under section 182B or 182D shall, before making the application, enter into consultation with the Board in relation to the proposed development.

7.0 Consultations

A pre-application consultation meeting was held with the prospective applicants on 18/08/2022. Meeting minutes are attached to the file. In advance of the meeting, the prospective applicants circulated a presentation which is also attached to the accompanying file, and which makes the following points:

- In order to meet the specification for export of gas to the grid, it must be cooled.
- As reservoir pressure declines over time, the current process for cooling the gas becomes less efficient and plant optimization is required.
- This optimization is the installation of refrigeration plant as an alternative means to cool the gas to meet specification. This was foreseen as part of the original plant design
- The refrigeration plant represents approx. 2% of the overall plant infrastructure.

- 16 no. subsequent planning applications on site have been submitted directly to the PA under s.34.
- The most recent SID Determination (ABP Ref. ABP-302012-18) for ground water treatment plant was that this did not constitute SID.
- The proposed Refrigeration Plant development is ancillary to the Gas Terminal and is not considered to be of strategic or social importance to the State or Region.
- The proposed development is not Strategic Infrastructure.

At the consultation meeting the prospective applicant gave an overview of the case, including the rationale for the proposed development and history of the site. The principle matters discussed after the presentation related to the rationale for the proposed development and its role in facilitating the ongoing operation of the gas terminal facility.

8.0 **Assessment**

8.1. **Strategic infrastructure**

The proposed refrigeration plant is to be installed and operated as part of the overall operations at the existing gas terminal facility. While the scale of development relative to the overall facility can be regarded as small, the development is considered to constitute an “installation”, which can be understood to comprise buildings, device, system or equipment that have a particular purpose.

In this regard therefore, it is considered that the proposed development would comprise strategic gas infrastructure development, as defined in section 2(1) of the Act. The requirement under section 182(C)(1) therefore is for the Board to make a determination as to whether the development falls within one or more of the paragraphs under section 37A(2)(a), (b) or (c). These criteria are as follows:

(a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,

The existing gas terminal is of strategic importance to the state, processing nationally important levels of natural gas for the national gas network. Reserves in the Corrib field are declining, and the associated pressure reductions require further processing / cooling of the gas in order to meet the requirements for injection into the national network. Such reduction in pressure and the future requirement for such refrigeration plant was foreseen in original design and planning applications for the terminal and gas pipeline.

The prospective applicants have confirmed that the terminal can continue to operate in the absence of the proposed refrigeration development, however, this is a less energy efficient and more labour intensive solution. The proposed development is described as an alternative means to cool the gas to meet grid specification, optimising the plant and processes carried out at the terminal.

I therefore regard the proposed development as part of and ancillary to the overall processes carried out at the terminal. I do not regard the development as being of nature or scale which would be of strategic economic or social importance to the State. In support of this conclusion, I note also that previous s.182E requests in respect of ancillary development at the site were held not to constitute strategic infrastructure development.

(b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,

Having regard to the scale and ancillary nature of the proposed development, I do not consider that it could in itself be seen to contribute substantially to the fulfilment of any of the objectives set out in the National Planning Framework or any objectives set out in the RSES.

(c) the development would have a significant effect on the area of more than one planning authority.

The development is ancillary to the operation of the existing terminal and will not have a significant effect on the area of more than one planning authority.

Having regard to these considerations, I do not consider that the proposed development would fall within any of the conditions contained in section 37A(2)(a), (b) or (c) of the Act and consider therefore that the proposed development does not constitute a strategic infrastructure development.

8.2. Status of the existing development as Strategic Infrastructure Development

The prospective applicants refer to a previous determination under ABP ref. PL16.GC0001, which concluded that proposed amendments to the previously permitted terminal, then under construction, did not constitute Strategic Infrastructure Development (SID) as the original application was determined under Section 34 and not under the 2006 Strategic Infrastructure Act. On this basis, the prospective applicants argue that the proposed development cannot be considered as SID.

Unlike the case under consideration in GC0001, the proposed development does not relate to a proposed amendment to a permitted development under construction, rather it relates to development at the site of a permitted and operational development. This distinction is important, and I do not concur with the argument of the prospective applicant in this regard. I note also that this argument was not made or considered in the previous s.182E case under ref. ABP-302012-18. I consider that the question before the Board is that set out in s.182(C)(1), which I have addressed above.

9.0 Conclusion

Having regard to the foregoing, I am of the opinion that the proposed development would not satisfy any of the conditions contained in section 37A(2)(a), (b) or (c) of the Planning and Development Act 2000, as amended. Therefore, I agree with the prospective applicant that this proposed development does not constitute a strategic infrastructure development

10.0 Recommendation

I recommend that the prospective applicants, Vermillion Energy Ireland be informed that the proposed development, consisting of the installation of a new refrigeration

plant at the existing Bellanaboy Bridge Gas Terminal, Bellanaboy, Co. Mayo, does not fall within one or more of the paragraphs specified in the condition contained in section 37A (2) of the Planning and Development Act, 2000, as amended, and that a planning application should be made in the first instance to Mayo County Council.

Conor McGrath

Senior Planning Inspector

26/08/2022