



Safety before LNG
Protecting the Shannon Estuary and its people

Safety Before LNG
Island View
Convent Street
Listowel
County Kerry
V31 PW61

Telephone: +353-87-2804474
Email: safetybeforelng@hotmail.com
Web: www.SafetyBeforeLNG.ie

An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

By email to bord@pleanala.ie

Re: Section 5 Referral on Shannon LNG pipeline

AN BORD PLEANÁLA	
LDG- <u>064358 - 23</u>	15 th June 2023
ABP- _____	<i>OK</i>
16 JUN 2023	
Fee: € <u>220</u>	Type: <u>cheque</u>
Time: _____	By: <u>post</u>

Dear Sir/Madam,

We are hereby referring to An Bord Pleanála the Planning and Development Act 2000, section 5 response by Limerick City and County Council received by us on May 24th 2023, attached below.

A cheque for €220, the required fee, along with a paper copy of this referral is being sent by post.

In support of this referral we add the following:

In the High Court Case 2021 699 JR¹ - Glassco Recycling Limited -v- An Bord Pleanála – paragraph 48, Justice Ferriter points out clearly that in the absence of an express condition in a development consent, the content of the documents submitted with a planning application are of “a nature designed to identify specific and precisely enforceable parameters for the development including its use”.

In its planning application for the pipeline consent GA0003 lodged on August 14th, 2008, and for which permission was granted on February 17th 2009, Shannon LNG stated to An Bord Pleanála that it was only “seeking planning permission for this development for a period of 10 years”² There is an absence of any express condition added to the development consent which would override this 10-year period and our contention is that the planning permission for the Shannon LNG pipeline has expired.

Please do not hesitate to contact us if you require further information.

Yours faithfully,

John McElligott

¹ <https://courts.ie/view/judgments/09b2acaf-0cbc-4a83-8424-87263c62d9d8/f229eaa1-b375-4303-b112-8c2cf9750c7e/2023 IEHC 293.pdf/pdf>

² safetybeforelng.ie/licensing/lngpipeline/Planning Application Document ABP_C1767-10.pdf



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Pleanáil, Comhshaol agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning, Environment and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING, ENVIRONMENT & PLACE-MAKING

EC33/23/SMn/CL

24th May 2023

John McElligott
Safety Before LNG
Island View
Convent Street
Listowel
Co. Kerry
V31 PW61

Re: Section 5 Application on Shannon LNG Pipeline

Dear Sir,

I refer to the above application received on 27th April 2023 and wish to inform you that the Planning Authority has written to An Bord Pleanála to clarify the length of permission No. 08.GA003.

The Planning Authority is not in a position to make a decision on the above application until such time as written confirmation has been received from An Bord Pleanála.

You may wish to submit a declaration directly to An Bord Pleanála.

Section 5 3(b) of the Planning and Development Acts 2000 (as amended) is as follows:

Without prejudice to subsection (2), in the event that no declaration is issued by the Planning Authority, any person who made a request under subsection (1) may, on payment to the Board of such fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that declaration was due to be issued under subsection (2).

An Bord Pleanála may be contacted on low-call 1800-275175 or e-mail appeals@pleanala.ie

Any further queries in relation to this matter should be addressed to Seán Moran, Development Inspector.

Yours faithfully,

For Director of Services
Planning, Environment & Place-Making.

✉ customerservices@limerick.ie
🌐 www.limerick.ie
🐦 @LimerickCouncil
☎ 061 - 556 000



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:	John McElligott, 'Safety Before LNG'
Applicant's Address:	Island View, Convent Street, Listowel, County Kerry, V31 PW61
Telephone No.	087-2804474
Name of Agent (if any):	
Address:	
Telephone No.	
Address for Correspondence:	John McElligott, 'Safety Before LNG', Island View, Convent Street, Listowel, County Kerry, V31 PW61

Location of Proposed development:

26 km gas pipeline route from Leahys, Foynes, County Limerick to Tarbert, County Kerry

Description of Proposed development:

We request a declaration under Section 5 (1) of the Planning and Development Act 2000 on whether any works carried out on the Shannon LNG pipeline from Foynes Co. Limerick to Tarbert Co. Kerry as described in the planning application granted by An Bord Pleanála under reference GA0003 on February 17th, 2009 carried out any time from today's date (and/or contrary to the consent conditions) is or is not development or is or is not exempted development.

The proposed development is a 26km. natural gas pipeline, with associated above ground installations (AGIs), to connect the now-expired Shannon LNG Regasification Terminal at Ralappane, Tarbert, County Kerry to the existing natural gas network at Leahys, County Limerick

**Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO**

Applicant's interest in site:	Member of 'Safety Before LNG', which is opposed to the proposed US Fracked Gas Import Terminal in Tarbert.
List of plans, drawings, etc. submitted with this application:	<ul style="list-style-type: none"> a. Full Section 5 Application sent by email and by post (with €80 cheque attached) to Limerick City and County Council by John McElligott, Safety Before LNG, dated 26th April 2023 b. Requested clarification sent to Limerick County Council dated 27th April 2023 c. Shannon LNG application letter to An Bord Pleanála requesting planning permission for 10 years – dated 14 August 2008 d. Foynes AGI Site Location Map 1 to 10560 e. 26 Km Pipeline Route Map

**Have any previous extensions/structures been erected at this location
YES/NO**

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent): John McElligott (signature submitted on posted documentation)

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:
Limerick City & County Council, Planning and Environmental Services,
City & County Council Offices, Dooradoyle Road, Limerick.

OFFICE USE ONLY

Ref. No. _____ Date Received _____
Fee Received _____ Date Due _____



Safety before LNG
Protecting the Shannon Estuary and its people

Safety Before LNG
Island View
Convent Street
Listowel
County Kerry
V31 PW61

Telephone: +353-87-2804474
Email:
safetybeforelng@hotmail.com
Web: www.SafetyBeforeLNG.ie

26th April 2023.

To:
Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.
By post and by email to planning@limerick.ie

Re: Section 5 Declaration on Shannon LNG Pipeline.

Dear Sir/Madam,

We request a declaration under Section 5 (1) of the Planning and Development Act 2000

On whether any works carried out on the Shannon LNG pipeline from Foynes Co. Limerick to Tarbert Co. Kerry as described in the planning application granted by An Bord Pleanála under reference GA0003 on February 17th, 2009 carried out any time from today's date (and/or contrary to the consent conditions) is or is not development or is or is not exempted development.

In your decision we ask you to consider the following relevant issues:

1. It seems that the [pipeline consent GA0003](#)¹ which was granted on 17th February 2009 expired in [2019](#)² at the latest . Planning permission expires after 5 years by [default](#)³ for applications lodged under Part III or Part XXI of the Planning and Development Act 2000 as amended, if not otherwise mentioned in one of the conditions of a grant for development consent. The Pipeline Application was lodged under Section 182C of Part XI. However, Condition 1 of the pipeline consent states that "*the development shall be carried out in accordance with the plans and particulars, including the environmental impact statement, lodged with An Bord Pleanála on the 14th day of August 2008*". Condition 2 states that "*prior*

¹ <https://archive.pleanala.ie/en-ie/case/GA0003>

² http://www.safetybeforelng.ie/licensing/lngpipeline/complete_decision_on_lng_pipeline.pdf

³ <https://revisedacts.lawreform.ie/eli/2000/act/30/section/40/revised/en/html>

to the commencement of development, details of the phasing of the proposed development, in conjunction with the construction of the permitted liquefied natural gas terminal at Ralappane and Kilcolgan Lower, County Kerry, shall be submitted to, and agreed in writing with, the relevant local authorities".

Condition 1 cannot be complied with because in its planning application lodged on August 14th, 2008, Shannon LNG stated to An Bord Pleanála that it was only "[seeking planning permission for this development for a period of 10 years](#)"⁴.

Condition 2 cannot be complied with because planning permission for the LNG terminal is no longer "permitted" since development consent for the LNG Terminal [PA0002](#)⁵ expired in 2018.

We are essentially asking if breaching a condition, or if the impossibility of fulfilling a pre-commencement condition, going to the heart of permission GA0003, renders implementation of that permission unlawful and unauthorised development. This development is linked to the Shannon LNG terminal, which lost its planning permission in 2018. In simpler terms, Shannon LNG applied for a 10-year planning permission for a pipeline which they got in 2009, so do they need to reapply for planning permission for a pipeline from Foynes to Tarbert?

We have forwarded you the required fee of €80 by post and await your feedback.

Yours sincerely,
John McElligott

4

http://safetybeforelng.ie/licensing/lngpipeline/Planning%20Application%20Document_ABP_C1767-10.pdf

⁵ <https://archive.pleanala.ie/en-ie/case/PA0002>

Section 5 Declaration on Shannon LNG Pipeline

Safety Before LNG SLNG <safetybeforelng@hotmail.com>

Thu 27/04/2023 08:59

To: enforcements@limerick.ie <enforcements@limerick.ie>;planning@limerick.ie <planning@limerick.ie>

1 attachments (100 KB)

Limerick CoCo Section 5 Referral on Shannon LNG Pipeline.pdf;

Dear Margaret-Anne,

Thank you for your quick reply.

This is a section 5 application for the following reasons:

1. On March 31st, 2022, Wes Edens, the CEO of New Fortress Energy - the owners of Shannon LNG - in an [open letter](#) [1] to An Taoiseach Micheál Martin, claimed that the Shannon LNG project was "shovel ready" and that "Planning approval for the 26km gas pipeline to connect to the GNI grid has been secured".
2. Shannon LNG then [claimed](#) [2] to the Single Electricity Committee (SEM) in November 2022 that it was "the most advanced CCGT project in development in the country and by the time the auction is held in March 2023 we will have: - planning permission for the 600 MW CCGT - **planning permission for a 26km gas pipeline (as backup to the LNG terminal) with all wayleaves executed** - an executed 220 kv connection agreement for 600 MW MEC".
3. We are concerned that Shannon LNG's claims that it has planning permission for a 26km gas pipeline is not true and that it is a signal of intent to start working on the pipeline as if it has planning permission.
4. Also, recently, workers have been seen on the site of the pipeline route in some sort of pre-preparatory survey works, it would seem, but if the planning has expired then this needs clarification.

If you wish to give your opinion on whether the pipeline would be unauthorised and requires planning, then that would be very helpful too. But this is essentially a section 5 application.

Kind Regards,
John McElligott.

[1] <https://drive.google.com/file/d/1epvlsi8Fog2QI-O3lzGY2MyMbqa-qL7n/view?usp=sharing>

[2] <https://www.semcommittee.com/sites/semc/files/media-files/Shannon%20LNG%20Response%20to%20SEM-22-076.pdf>

From: enforcements <enforcements@limerick.ie>
Sent: Wednesday 26 April 2023 11:57
To: safetybeforelng@hotmail.com <safetybeforelng@hotmail.com>
Subject: FW: [EXTERNAL]Section 5 Declaration on Shannon LNG Pipeline

Hi John,

Are you asking for a Section 5 Application or are you asking our opinion is there something unauthorised in this area? Could you clarify please.

Regards,
Margaret-Anne

From: plandev <planning@limerick.ie>
Sent: Wednesday, April 26, 2023 12:11 PM
To: enforcements <enforcements@limerick.ie>
Subject: FW: [EXTERNAL]Section 5 Declaration on Shannon LNG Pipeline

From: Safety Before LNG SLNG <safetybeforelng@hotmail.com>
Sent: Wednesday 26 April 2023 10:33
To: plandev <planning@limerick.ie>
Subject: [EXTERNAL]Section 5 Declaration on Shannon LNG Pipeline

Caution: This is an external email and may have a suspicious subject or attached content. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

Dear Sir/Madam,

Would you please be so kind as to confirm receipt of the attached Section 5 Request?

Thanking you in advance,

Yours faithfully,

John McElligott
'Safety Before LNG'

www.SafetyBeforeLNG.ie

Island View, Convent Street, Listowel, County Kerry. Telephone: 087-2804474

[Limerick City & County Council Disclaimer](#)



Arup Consulting Engineers

Our ref C1767.10/EL/FK
File ref A.1.1 L0037
Date 14 August 2008

15 Oliver Plunkett Street
Cork
Tel +353 21 4277670
Fax +353 21 4272345
eoghan.lynch@arup.com

www.arup.ie

An Bord Pleanála
64 Marlborough Street
Dublin 1

For the attention of The Secretary

ARUP

Dear Sir/Madam

**C 1767.10 Shannon Pipeline
Notice of Direct Planning Application to An Bord Pleanála in respect of a Strategic Infrastructure
Development**

On behalf of our Client, Shannon LNG Limited, please find enclosed an application for permission in respect of a Strategic Infrastructure Development by Shannon LNG Limited.

The proposed development is a natural gas pipeline to connect the proposed Shannon LNG Terminal at Ralappane, County Kerry to the existing natural gas network at Leahys, County Limerick. The development will consist of a steel natural gas pipeline (approximately 26km long, below ground) and two above ground installations (AGIs); the Shannon LNG Terminal AGI is situated at the western end of the pipeline within the boundary of the proposed Shannon LNG Terminal, and Foynes AGI is situated at the eastern end of the pipeline at a greenfield site on the existing natural gas network at Leahys, County Limerick.

The proposed pipeline has a nominal diameter of 750 millimetres and a design pressure of 98barg; this is the pressure required at the LNG terminal end of the pipeline to meet the injection pressure requirements of 85 barg at the existing natural gas network. The pipeline will be designed, installed, operated and maintained to meet the requirements of I.S. 328:2003, 'Code of Practice for Gas Transmission Pipelines and Pipeline Installations'.

Although a specific route has been developed for the pipeline, planning permission is sought for a corridor along the pipeline route. The purpose of the corridor is to allow for route refinement in the event that unforeseen features are discovered during the construction of the pipeline, for example an archaeological feature. The pipeline route would be adjusted within the confines of the corridor to avoid the feature, subject to the agreement of the landowner. The corridor is 100 metres wide and is normally centred on the pipeline (i.e. it extends 50 metres on both sides of the line) except where it is moved laterally to avoid going outside the boundary of the land owned by the wayleave landowner, or to avoid other features. At a number of locations the corridor is constrained on both sides such that its width is less than 100 metres. The predicted impacts and mitigation measures, described in the Environmental Impact Statement, are based on this corridor.

./2

Dublin
50 Ringsend Road Dublin 4
Tel +353 (0)1 233 4455

Limerick
Hartstonge House
Upr Hartstonge Street
Tel +353 (0)61 212 100

Galway
Commerce House
Flood Street
Tel +353(0)91 566 183

Shannon LNG has also applied for a Compulsory Acquisition Order under Section 32 of the Gas Act, 1976 relating to all landowners along the route where consent had not been received at the time of application.

The proposed Shannon LNG Terminal AGI falls within the footprint of the proposed Shannon LNG Terminal which is an establishment to which the Major Accident Directive applies.

Shannon LNG is seeking planning permission for this development for a period of 10 years.

Five hard copies and five electronic copies of the following documentation are enclosed:

- application form and appended documentation
- planning drawings, and
- the Environmental Impact Statement prepared in relation to the application

The application will also be available for viewing at a dedicated website, <http://www.shannonpipelineplanning.ie>, from 19 August 2008. We confirm that the planning application information available on this website is the same as that submitted to An Bord Pleanála.

Please contact the undersigned if you have any queries.

Yours faithfully
for
Arup Consulting Engineers



Eoghan Lynch

Encl.

Copy to: Shannon LNG Limited



NOTES:

1. DRAWINGS FOR PLANNING PURPOSES ONLY, NOT FOR BID OR CONSTRUCTION.
2. ORDNANCE SURVEY RURAL MAP SHEET REFERENCE 4794, 4795, 4857, 4858.
3. REPRODUCED FROM THE ORDNANCE SURVEY BY PERMISSION OF THE GOVERNMENT. OSI LICENCE No. NP004407.

Rev.	Date	By	Description	MD	Issued for
PL2	22.05.08	ES	Revised for Planning	MD	Revised for Planning
PL1	10.05.08	ES	Issued for Planning	MD	Issued for Planning

PLANNING

LEGEND:

- PIPELINE PLANNING CORRIDOR
- LANDHOLDING UNDER CONTROL OF LANDOWNER OF AGI SITE
- EXISTING WAYLEAVE
- EXISTING PIPELINE
- LOCATION OF PROPOSED FOYNES AGI AND ACCESS ROAD

SHANNON LNG LIMITED
SHANNON PIPELINE

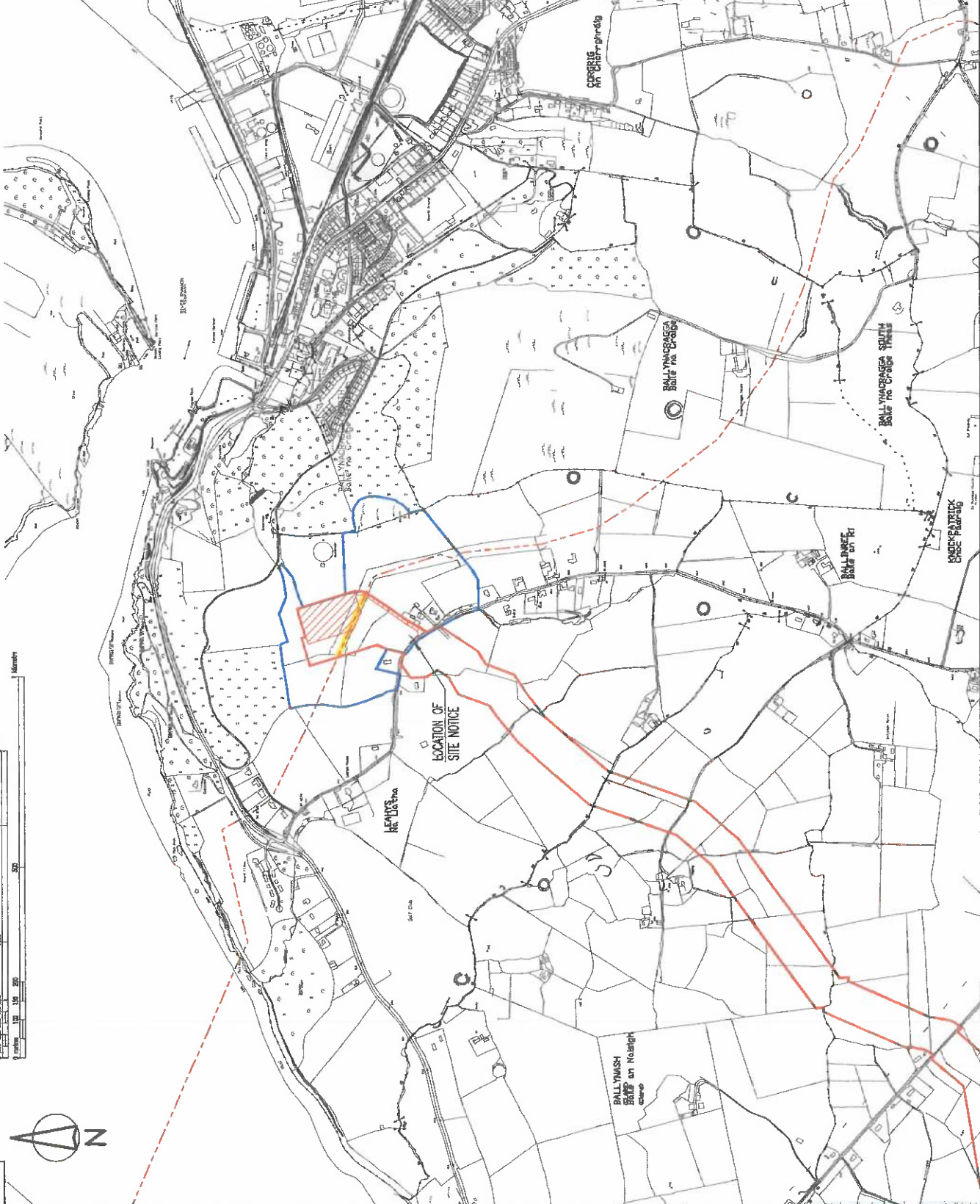
FOYNES AGI
SITE LOCATION MAP
1:10560

ARUP

15 Oliver Plunkett Street, Cork
Tel: 01-4774800 Fax: 01-4774845
Email: arup@arup.com

Scale: 1:10560 @ A3
Author: [Name] Approved: [Name] Date: 08.05.08

Project No: C1767
Drawing No: SL-004
Sheet: P12





NOTES:
 1. ALL DRAWINGS IN METRES UNLESS NOTED OTHERWISE.
 2. TO NOT SCALE FOR PROPOSED DRAWINGS ONLY.
 3. BOUNDARY FOR PLANNING PURPOSES ONLY, NOT FOR BOUNDARY CONSIDERATION.
 4. LAND OWNERS SHOULD BE CONTACTED EARLY WITH ANY LAND ACQUISITION MATTERS.
 5. OWNERSHIP SHOWS ARE TO BE CONFIRMED BY SURVEY.

- LEGEND**
- PROPOSED PIPELINE ROUTE
 - EXISTING ROADS
 - EXISTING SHANNON LNG PIPELINE

PLANNING

Sheet No.	Scale	Description	Author	Date
P12	1:10,000	PROPOSED PIPELINE ROUTE	ARUP	2011
P13	1:10,000	EXISTING ROADS	ARUP	2011
P14	1:10,000	EXISTING SHANNON LNG PIPELINE	ARUP	2011

**SHANNON LNG LTD.
 SHANNON PIPELINE**

ARUP
 11 THE BRIDGEWAY
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 WWW.ARUP.COM

Scale 1:10,000
 Contour 5m
 Datum: AD63
 Projection: UTM
 Zone: 30N

C1767
 RM-001
 P12

Map 1 - Scale and Orientation of Shannon Lng Area

