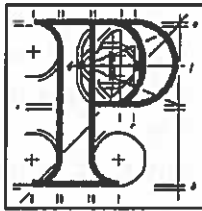


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS, 2000 TO 2002

Mayo County

Planning Register Reference Number: P03/3343

An Bord Pleanála Reference Number: PL 16.207212

APPEAL by Monica Muller of Rossport, Ballina, County Mayo and by others and by Shell E. and P. Ireland Limited care of Tom R. Phillips and Associates of 8-11 Lower Baggot Street, Dublin against the decision made on the 30th day of April, 2004 by Mayo County Council to grant subject to conditions a permission to the said Shell E. and P. Ireland Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development at a site of 160 hectares, approximately, in the townland of Bellagelley South, Bellanaboy Bridge, County Mayo and a site of 117 hectares, approximately, in the townlands of Srahmore and Attavally, Bangor-Erris, County Mayo for the development of a gas terminal for the reception and separation of gas from the Corrib Gas Field, and for a peat deposition site, respectively.

The development will consist of the concurrent development of two sites located 11 kilometres apart, approximately, and identified as the site of the gas terminal for the reception and separation of gas from the Corrib Gas Field in the townland of Bellagelley South, Bellanaboy Bridge, County Mayo (the Bellagelley South site) and the site of peat deposition site in the townlands of Srahmore and Attavally, Bangor-Erris, County Mayo (the Srahmore site), respectively.

The development at the Bellagelley South site will consist of a gas terminal for the reception and separation of gas, including plant and equipment, provision of 4,935 square metres (gross floor area), approximately, of buildings, access roads, 40 number car parking spaces and ancillary developments, of which 13 hectares, approximately, will be developed in respect of the gas terminal's footprint. The proposed development of the Bellagelley South site will also consist of the excavation and removal of 450,000 cubic metres, approximately, of peat from the Bellagelley South site, off site, to the Srahmore site, civil works, inclusive of foundations and piling, the provision of a single storey control building with a gross floor area of 400 square metres, approximately, inclusive of a control room, offices, equipment rooms, kitchenette, locker room and toilets, the provision of a single storey administration building with a gross floor area of 1,015 square metres, approximately, inclusive of a gatehouse, offices, a conference room and an emergency response room, canteen,

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kitchenette, laboratory, archive room, first aid room, store rooms, lockers, changing rooms and toilets; the provision of a maintenance building with a gross floor area of 800 square metres, inclusive of a warehouse, stores, mechanical workshop, welding and fabrication shop, instruments and electrical workshops, a plant room, toilets and a maintenance vehicle shed; a weighbridge; and a lattice antenna structure of 22 metres in height, approximately, for site-wide radio communications. The development of the Bellagelly South site will also consist of a diesel storage tank of 75 cubic metres capacity, approximately; a nitrogen generation unit; an air compressor package; a utility area (for plant); a power generation and switchroom building with a gross floor area of 525 square metres, approximately, for the production of electricity for the proposed gas terminal, to include three number generator sets each with a capacity of 1.3 MW; an emergency generator with a capacity of 650kW; one number emergency generator diesel day-tank and one number diesel distribution pump; a high pressure and low pressure flare tower of some 40 metres in height, approximately; a ground flare with a stack height of some 12 metres, approximately; a transformer building with a gross area of 410 square metres, approximately, to include a 400v switchroom; a heating medium heater with a stack height of 20 metres, approximately, three number flare knock out drums; two number low pressure gas compressors; a methanol recovery system comprising of one number methanol still of 33 metres in height, approximately, a heating medium storage tank with a capacity of 40 cubic metres, approximately, a sales gas compressor building with a gross floor area of 890 square metres, approximately, to include two number sales gas compressors, each with a 7.7 MW ISO rated gas turbine driver; a gas-to-gas heat exchanger; a corrugated plate interceptor; effluent feed/treated water sumps; a water treatment building with a gross floor area of 235 square metres, approximately, containing a multi-media filter, ultrafiltration and nanofiltration membrane units; ion exchange beds; an activated carbon filter and a sludge treatment facility; three number condensate storage tanks, of 10 metres each in height, approximately, and 10 metres each in diameter, approximately, two number product methanol tanks of 8.4 metres each in diameter, approximately, and 10 metres each in height, approximately; three number raw methanol storage tanks 13.5 metres each in diameter, approximately, and 10 metres high, approximately, a firewater pond with a capacity of 7,200 cubic metres, approximately; a used firewater pond with a capacity of 5,000 cubic metres, approximately; a firewater pump building with a gross floor area of 660 square metres, approximately, to include four number firewater pumps, each with capacity of 600 cubic metres per hour, approximately; and four number diesel engine drivers, each rated at 265kW (absorbed), approximately; a finger type Slug Catcher, an inlet pig receiver with a withdrawal footprint of 15 square metres, approximately, a sales gas metering unit with a footprint of 200 square metres, approximately; an odorant tank with a capacity of 10 cubic metres, approximately; a sales gas pig launcher with a loading/withdrawal footprint of 15 square metres, approximately; an Onshore Terminal Termination Unit (OTTU) measuring two metres long by one metre wide by 2.5 metres high, approximately; an electricity substation; a Road Tanker Loading/Unloading area; a waste storage area occupying an area of 990 square metres, approximately; the provision of a number of pipetracks and piperacks joining elements of plant together; the provision of two number settlement ponds and associated drainage arrangements; landscaping works; stock proof fencing around the perimeter of the proposed development; security fencing around the terminal and settlement ponds inside the stock proof fence; paved internal access roads; provision of vehicular access to the R314 via an improved forestry access road and the provision of entrance walls and gates; the reconfiguration of the existing entrance from the site to the R314 to include the widening of the entrance and the provision of

a deceleration lane; realignment of the R314 to the south of its current location, at the site entrance, over a length of 115 metres, approximately, to the west of the centreline of the existing site entrance and over a length of 80 metres, approximately, to the east of the centreline of the existing site entrance (over a total length of 195 metres, approximately); an emergency vehicular access road to the county road running between Pollatomish and the R314 via an improved forestry access road; a new maintenance access and maintenance road from the R314 to the two number settlement ponds; and all other site development works and landscaping above and below ground.

The development will simultaneously consist of the development of a peat deposition site of 117 hectares, approximately, at the Srahmore site. The development of the peat deposition site will consist of the construction of a hardstanding peat reception area of 5,112 square metres, approximately; the provision of a temporary administration building with a gross floor area of 108 square metres, approximately, inclusive of offices, canteen and toilets. The development of the peat deposition site will also consist of the provision of a new entrance and access road to the peat deposition site from the R313; the construction of internal circulation routes; the construction of a surface water swale along the southern and western boundaries of the site; the provision of five number surface water settlement ponds (two number ponds of 800 square metres each, three number ponds of 400 square metres each, approximately). Deposition of peat will take place within an area of 63 hectares, approximately. The peat deposition site will also entail the provision of a controlled overflow area of 12 hectares, approximately; an oil interceptor; a settlement tank of 28 cubic metres, approximately; the provision of a temporary weighbridge and a temporary wheelwash. The development of the peat deposition site will also consist of five number car parking spaces located adjacent to the administration building and 20 number parking spaces for haulage vehicles at the peat reception area.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to -

- (a) The planning history relating to the Terminal site,
- (b) The strategic importance of the proposed development both nationally and regionally,
- (c) National policy as expressed in the National Development Plan 2000-2006, the National Spatial Strategy 2002-2020, the National Climate Change Strategy for Ireland, 2000 and Government policy in relation to energy supply,
- (d) The limited duration of the earthworks and construction phase, including the transportation of peat,

- (e) The availability of vegetation and plantations to provide screening on the terminal site,
- (f) The nature, extent and low lying profile of the deposition site,
- (g) The legislative requirement to obtain licences from the Environmental Protection Agency in relation to the proposed activities on the two sites,
- (h) Consents granted under the Gas Act, 1976, as amended, and the Foreshore Act, 1933, as amended,
- (i) The development objectives and the conservation and amenity provisions of the current Mayo County Development Plan 2003-2009,
- (j) The reports of the Health and Safety Authority to the planning authority and to An Bord Pleanála,

it is considered that the proposed development, subject to compliance with the conditions set out below, would not be unduly injurious to the amenities of the area or property in the vicinity, would be acceptable in terms of traffic safety, would not be prejudicial to public health and safety and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

General/Clarification

1. The development shall be carried out in accordance with the following plans and particulars -
 - (a) Original submission to the planning authority on the 17th day of December, 2003 and the 23rd day of December, 2003, including the Environmental Impact Statement and the mitigation measures contained therein,
 - (b) Amendments and elaboration of the original submission by way of Additional Information submitted to the planning authority on the 11th day of March, 2004,
 - (c) Amendments and elaboration to the above submissions by way of Additional Information submitted to the Board on the 31st day of August, 2004 and the 15th day of September, 2004,

except as may be amended by the following conditions.

Reason: To clarify the development to which this permission relates, and in the interest of the proper planning and sustainable development of the area.

2. Before development commences, other than works directly associated with the reconfiguration of the main entrance to the Terminal site and the provision of an entrance to the Deposition site, the owners/developers (and their successors in title) shall enter into legally binding agreement(s) with the planning authority under section 47 of the Planning and Development Act, 2000. The agreement(s) shall provide for the following:
- (i) the satisfactory landscaping of the site, including the maintenance and/or replacement of existing trees and provision of new planting, in accordance with the Landscape Strategy (Drawings Numbers COR-RS-LA-001 – 003 (inclusive)) submitted to the planning authority on the 23rd day of December, 2003,
 - (ii) payment to the planning authority of all costs incurred by Mayo County Council in relation to the repair, maintenance and rehabilitation of the road network arising from the construction of the development, determined by the Road and Bridge survey to be carried out prior to and post construction in accordance with a further condition of this permission; the amount of such costs shall be as agreed between Mayo County Council and the developer or, in default of agreement, shall be determined by An Bord Pleanála,
 - (iii) restoration of the Terminal site to the satisfaction of the planning authority following the cessation of gas processing operations, including the demolition of process items of equipment and removal of facilities to grade level,
 - (iv) full implementation of the Traffic Management Plan, submitted to the planning authority on the 11th day of March, 2004, as amended and clarified by Additional Information submitted to the Board on the 15th day of September, 2004, and as may be amended by the conditions of this permission.
 - (v) payment of the planning authority's reasonable costs in engaging transportation personnel to monitor the Traffic Management Plan, and the provision of office accommodation and telecommunications facilities on site for such personnel, and
 - (vi) payment of the planning authority's reasonable costs in engaging environmental personnel to monitor implementation of the Environmental Management System, required by way of further condition, and the provision of office accommodation and telecommunications facilities on site for such personnel.

Reason: To ensure satisfactory control of the development in the interest of the proper planning and sustainable development of the area.

3. All agreements with the planning authority, required by way of the conditions in this permission, shall be in writing and copies of such agreements shall be made available for public inspection during normal office hours at the planning authority's offices, and at the developer's offices in Bangor Erris.

Monitoring results required under the conditions of this permission shall be submitted to the planning authority electronically and in hard copy form, and shall be made available for public inspection during normal office hours at the planning authority's offices, and at the developer's offices in Bangor Erris. The developer shall develop a computerised database for the recording and transfer of monitoring data; the design of the database shall be subject to agreement with the planning authority.

Reason: In the interest of clarity and transparency, and to facilitate ease of interpretation of all monitoring data collected and recorded.

Stability Matters

4. The foundation design for the flare shall be such as to accommodate the weight of the flare and the wind loading. Details of this design shall be agreed with the planning authority prior to the construction of the flare.

Reason: In the interest of safety and the proper planning and sustainable development of the area.

5. The hazards listed on the Geotechnical Risk Register submitted to the Board on the 31st day of August, 2004 shall be the subject of ongoing monitoring throughout the development. A qualified engineer with appropriate experience shall carry out the monitoring. During the excavation and construction phase, the developer shall submit a report in relation to the Risk Register, on a two monthly basis, to the planning authority and the Project Monitoring Committee. The report shall describe the progress of monitoring the hazards listed on the Register and shall detail any specific difficulties encountered and contingencies employed. The reports shall be made available for public inspection within seven days of submission at both the developer's offices in Bangor Erris and the planning authority's offices. The nature and frequency of reporting during the operation phase shall be agreed with the planning authority prior to commissioning the terminal plant.

Reason: In the interest of safety and the proper planning and sustainable development of the area.

Roads, Transportation and Traffic Management

6. Prior to the commencement of peat haulage operations from the Terminal site, the main entrance and adjoining carriageway of the R314 shall be realigned in accordance with Mayo County Council Drawing Number 3225/04/02 to the satisfaction of the planning authority. Until such time as these works are completed, and subject to the employment of two Traffic Controllers at the entrance, the importation of construction materials into this site shall be restricted to a maximum of four HCV's per hour.

Reason: In the interest of traffic safety.

7. The following traffic management measures shall apply -

- (a) Haulage of all excavated peat from the Terminal site to the Deposition site shall be restricted to the designated Haul Route, and the return of all unladen haulage vehicles shall be along the designated return route. No haulage of peat shall commence until such time as the proposed improvements of the Haul Route and the return route are completed.
- (b) The maximum number of Heavy Commercial Vehicle (HCV) movements along the haul route shall not exceed 800 per day, or 400 in each direction per day. The developer shall keep a record of all traffic movements into and out of the sites, and a copy of this shall be available for inspection by the planning authority and the Project Monitoring Committee on request.
- (c) The proposed statutory one-way system at the southern end of the Haul Route, involving the L1204 and L12044, shall be in place prior to the commencement of haulage of peat.
- (d) Two Traffic Directors shall be employed at the junction of the L12044 and L1204 at all times during the haulage of peat.
- (e) All signage detailed in the Traffic Management Plan shall be erected prior to the commencement of the haulage of peat. Prior to this, or during the haulage period, the developer shall erect any other signage required by the planning authority to facilitate the safe haulage of construction materials.
- (f) A school traffic warden shall be engaged to travel on each of the school buses using the Haul Route so as to facilitate the safe embarking/alighting and road crossing by children at all times during the haulage of peat.

Reason: In the interest of efficient traffic management and public safety.

8. The roadside boundary on the R314 shall be set back in accordance with Mayo County Council Drawing Number 3225/04/03, and the setback area shall be made level with the adjoining carriageway; these works shall be completed to the satisfaction of the planning authority at the same time as the creation of the proposed access to the settlement ponds.

Reason: In the interest of traffic safety.

9. (1) On completion of the main entrance to the terminal site, the haulage of all materials required for the construction of the development at the Bellanaboy site shall be via Local Roads L1204 and L12044 and the section of the Regional Road R314 from Bellanaboy Bridge to the main entrance.
- (a) Materials transported via Bangor shall use Regional Road R313, the Local Road L12044, the Local Road L1204 and the Regional Road R314 as the haul route to the site.
- (b) Materials transported from Belmullet shall use the Regional Road R313, the Local Road L12044, the Local Road L1204 and the Regional Road R314 as the haul route to the site.
- (2) Haulage of all materials required for the construction of development at the Srahmore site shall be via the Regional Road R313.

Reason: In the interest of efficient traffic management and public safety and to minimise damage to the public road system in the area.

10. The developer shall be responsible for the carrying out of a Road and Bridge survey before and after the construction period. The extent and precise content of the survey, which may be carried out by Mayo County Council at the developer's request and which shall generally relate to the road network directly and indirectly affected by the proposed development, shall be subject to agreement with the planning authority.

Reason: To facilitate the determination of damage attributable to the proposed development, and to ensure the proper maintenance and reinstatement of roads and bridges following construction.

11. Before peat haulage commences, the developer shall obtain the agreement of the planning authority, with regard to the following -
- (a) Regular survey of the road surface along the haul route and return route during the haulage and construction period. At minimum, a survey shall be carried out on a monthly basis during peat haulage and on a three monthly basis during the remainder of the construction period.
- (b) Target tolerances for the road surfaces and response times for repairs.
- (c) Liaison with the Project Monitoring Committee.

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In the event of target tolerances being exceeded and in the absence of necessary maintenance of the road surface, the planning authority (following consultation with the Project Monitoring Committee) may require the cessation of all haulage activities or construction traffic directly related to the development.

Reason: To ensure the proper maintenance of road surfaces during the construction and haulage periods in the interest of traffic safety.

12. (1) All vehicles leaving the construction areas of the sites shall pass through a wheel wash.
- (2) The developer shall take all reasonable measures to ensure that no material shall leak or fall from vehicles transporting waste from the terminal site. Before haulage of waste commences, the developer shall obtain the agreement of the planning authority in relation to details of vehicles and methodologies to be used to ensure the prevention of such leakage.

Reason: In the interest of amenity, the proper planning and sustainable development of the area, and traffic safety.

13. The haul route and schedule of haulage for the construction phase of the development shall be clearly documented and published in a manner to be agreed with the planning authority. All HCV's and other commercial vehicles visiting the sites on a regular basis (twice a week or more), shall have a clear notice visible to the public identifying involvement with the development.

Reason: In the interest of traffic management.

14. An independent safety audit on the upgraded haul route shall be carried out and agreed with the planning authority prior to the commencement of haulage of peat. The audit shall have regard to the Risk Assessment Matrix in Appendix 1 of the Traffic Management Plan and make particular reference to the following -

- (a) Items A11, A12, A14, A15, A16, A18, A19, A20, A21, A24, A26, and A27 of the Risk Matrix.
- (b) The possible need for a lay-by on the southern approach to the bridge over the Glencullin River.
- (c) The adequacy of the proposed 40 mph non-statutory speed limit in the vicinity of, and on the lead-in to the junction between the L1204 and L12044.
- (d) The adequacy of the proposed 40 mph non-statutory speed limit in the vicinity of, and on the lead-in to the sharp bend at chainage 8000m.

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- (e) The operational aspects of the proposed traffic lights along the haul route outside haulage hours.

Reason: In the interest of traffic safety.

Health and Safety

15. Before the commissioning of the gas terminal, the developer shall submit to the planning authority a certified Safety Audit in relation to the installation of the combined upstream pipeline and terminal elements of the development within the planning application site, and the agreement of the planning authority shall be received.

The Safety Audit shall be prepared and certified by an independent qualified and competent person or body. Such body or person, and the precise form of the Safety Audit, which shall include Qualitative and Quantitative Risk Analysis of the specified combined components, shall be agreed with the planning authority.

The Safety Audit shall also be submitted to the Health and Safety Authority and the Department of Communications, Marine and Natural Resources at the same time as it is submitted to the planning authority.

Reason: It is necessary that the cumulative impacts of the upstream pipeline and terminal components within the application site are assessed and a Safety Audit is prepared and certified in the interest of public health and safety.

16. (1) Any amendment to the permitted scheme which relates to the control or impact of major accident hazards (as defined by Seveso II Directive), but which does not materially alter the permitted development, shall be subject to notification and agreement of the planning authority, following consultation with the Health and Safety Authority.
- (2) Prior to the commissioning of the terminal, the developer shall obtain the agreement of the planning authority for a plan for the control of traffic close to the terminal for use in the event of a major accident.

Reason: In the interest of health and safety.

17. No development works shall take place on the sites until water supplies are provided to the satisfaction of the planning authority.

Reason: In the interest of public health.

18. Prior to commencement of development, details of aeronautical requirements shall be agreed with the planning authority. Subsequently, the developer shall inform the planning authority of the co-ordinates of the as-constructed position of the flare stack and any other structures required by the planning authority.

Reason: In the interest of air traffic safety.

Environmental Protection

Management System

19. Before development commences, the developer shall obtain the agreement of the planning authority for an Environmental Management System (EMS), specific to the earthworks and construction phase of the development on the two sites. The EMS shall include as a minimum the following -

- (a) Management and Reporting Structure.
- (b) Schedule of Environmental Objectives and Targets, including objectives for the minimization of suspended solids movement to surface water systems, and effective management of all silt and settlement pond flow discharges during periods of high precipitation.
- (c) An Environmental Management Programme.
- (d) Corrective Action Procedures.
- (e) Awareness and Training Programme.
- (f) Communications Programme.

The developer shall implement the agreed EMS for the duration of the earthworks and construction phase of the development. On written request by the planning authority, the developer shall submit a report on any specific environmental matter or an environmental audit.

The EMS shall be the subject of an annual review by the planning authority, following consultation with the Project Monitoring Committee.

The developer shall modify the EMS in accordance with any reasonable requirement of the planning authority, at any stage.

Reason: In the interest of environmental protection and the proper planning and sustainable development of the area.

Water Resources

20. The initial excavation phase on the terminal footprint, prior to the construction and operation of the settlement ponds, shall conform to the following -

- (a) The area to be excavated shall not exceed one hectare.
- (b) All drainage waters from this excavated area shall be monitored for suspended solids and orthophosphate, and any other parameter at specified frequency required by the planning authority (following consultation with the Project Monitoring Committee), before discharge

from the site. The initial monitoring frequency of suspended solids shall be each afternoon during working days, and three times weekly for orthophosphate (all on working days). Precise details of the monitoring programme, including Trigger Levels shall be agreed with the planning authority (following consultation with the Project Monitoring Committee) prior to the commencement of the excavation of peat. Where practical, at least two of the sampling occasions per month for suspended solids and orthophosphate shall follow a heavy rainfall event.

- (c) Monitoring results shall be submitted on a weekly basis to the planning authority or as otherwise specified by the planning authority, and shall be placed on public display within seven days of receipt.
- (d) In the event of Trigger Levels being reached or exceeded for any of the specified monitoring parameters, the developer shall notify the planning authority without delay, and shall carry out any remedial measures specified by the planning authority including, if necessary, cessation of works.
- (e) Proposals for the regular maintenance of silt ponds facilitating this phase of development shall be agreed with the planning authority prior to commencement of excavation.

Reason: To prevent water pollution.

21. Other than the initial excavation phase referred to in condition number 21 above, all surface water discharges from the disturbed area of the sites shall be channelled through the settlement ponds.

Prior to commencement of development, the developer shall agree with the planning authority precise details of a monitoring programme for the settlement ponds and their discharge, and a maintenance programme for the ponds.

Parameters to be monitored shall include -

- (a) temperature,
- (b) turbidity,
- (c) dissolved oxygen,
- (d) electrical conductivity,
- (e) orthophosphate,
- (f) total phosphorus,
- (g) nitrate,
- (h) ammonia (as N),
- (i) suspended solids

and any other parameter required by the planning authority. The frequency and methods of monitoring shall be agreed in advance of the operation of the settlement ponds with the planning authority. Any alterations to the agreed monitoring regime or maintenance programme shall be subject to agreement

with the planning authority, following consultation with the Project Monitoring Committee.

Results shall be submitted to the planning authority on a fortnightly basis or at other such interval specified by the planning authority (following consultation with the Project Monitoring Committee). All results shall be made available for public inspection within seven days of receipt.

Reason: To prevent water pollution.

22. All tank and drum storage areas on the sites shall, as a minimum, be bunded to a volume not less than the greater of the following -

- (a) 110% of the capacity of the largest tank or drum within the bunded area, or
- (b) 25% of the total volume of substance which could be stored within the bunded area.

All fuel storage areas and cleaning areas, particularly for concrete trucks, shall be rendered impervious to the stored or cleaned materials and shall be constructed to ensure no discharges from the areas.

Reason: To prevent surface and ground water pollution.

23. The developer shall maintain on the sites for the duration of the construction period, oil abatement kits comprising of booms and absorbent materials. The precise nature and extent of the kits shall be agreed in writing with the planning authority prior to commencement of development.

Reason: To prevent water pollution.

24. The location of the percolation area for the wastewater treatment system shall be as shown on Drawing Number COR-AR-SD-RF1-005, submitted to the planning authority on the 11th day of March, 2004.

Reason: To prevent water pollution in the interest of public health.

Noise and Dust

25. During construction and haulage, noise levels shall be kept to a minimum. Any activity that will result in a significant increase in the ambient noise levels, for example, piling or rock breaking, shall be notified to the Project Monitoring Committee in advance. Advance notice of the schedule of such activity shall be made available to the general public by way of public advertisement.

Reason: In the interest of public health and residential amenity.

26. Dust levels shall not exceed 350 mg/m² (TA Luft Air Quality Standard) per day averaged over thirty days when measured at the Bellanaboy site boundaries. Any activity, which could reasonably be expected to exceed that dust level, and proposed mitigation measures, shall be notified to the planning authority and the Project Monitoring Committee in advance, and shall be made available to the general public by way of public advertisement.

Reason: In the interest of public health and residential amenity.

Waste Disposal

27. (1) No waste material, other than material being transferred to a licenced waste facility, generated on the sites during the construction phase shall be removed off the sites without the prior agreement of the planning authority.
- (2) Prior to commencement of development, the developer shall submit, and obtain the agreement of the planning authority to a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

28. Sanitary facilities shall be installed on the sites for the duration of the peat haulage and construction periods. All wastes generated from such facilities shall be disposed of off the sites. The facilities and method of disposal shall be to the requirements of the planning authority.

Reason: In the interest of public health.

Natural Heritage

29. Prior to commencement of development, the developer shall carry out a baseline study of salmonid habitats in the area of the sites for the proposed development. The scope, nature and degree of monitoring of the baseline study shall be agreed with the planning authority, who shall consult with the North Western Regional Fisheries Board, together with a schedule of follow-up surveys during the construction and immediate post-completion phases of the development.

Reason: In order to provide comprehensive baseline data to facilitate necessary monitoring and protection of salmonid habitats in the area.

30. Within 12 months of the date of this order, the developer shall submit a report, including a survey (carried out at the appropriate time of year) into the presence or otherwise in the area of the sites of breeding hen harriers together with mitigation measures proposed to minimise disturbance during the breeding season, if breeding is recorded.

Reason: In order to establish if hen harriers are breeding in the area affected by the development and to determine the nature and extent of any mitigation measures required.

Monitoring

General

31. Prior to commencement of development, the developer shall obtain the agreement of the planning authority for a monitoring plan to ensure that all mitigation measures proposed in the Environmental Impact Statement and Additional Information submitted to the planning authority and the Board relating to the protection of habitats, flora and fauna are carried out. Monitoring shall be carried out by a suitably qualified ecologist who shall liaise with the Project Monitoring Committee.

Reason: In the interest of protecting the environment.

32. The developer shall appoint a suitably qualified and experienced Environmental Officer for the period of the earthworks and construction phase. As part of his/her duties, the Environmental Officer shall liaise with the Project Monitoring Committee in relation to implementation of the required environmental monitoring, and shall be responsible for reporting to that committee and the planning authority -

- (a) any malfunction of any environmental system,
- (b) any occurrence with the potential for environmental pollution,
- (c) any emergency

which could reasonably be expected to give rise to pollution of waters. The Environmental Officer shall maintain a record of any such occurrences and action taken; this record shall be available for public inspection at the developer's offices at Bangor Erris during normal office hours.

Reason: In the interest of proper environmental control during the earthworks and construction phase.

33. Before development commences on the sites, the developer shall obtain the agreement of the planning authority for a monitoring plan in relation to surface water, ground water, dust and continuous noise. Such monitoring shall be carried out by the developer throughout the earthworks and construction phase (to the date of commissioning on the terminal site and the date of commencement of deposition on the repository site). The monitoring plan shall, as a minimum, include -

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- (a) A list of all monitoring locations,
- (b) Description and specification of equipment to be used,
- (c) The identity and qualifications of persons responsible for monitoring,
- (d) Parameters to be used,
- (e) Monitoring intervals,
- (f) Averaging times,
- (g) Proposal for the presentation of data,
- (h) Codes of practice to be used, and
- (i) Details of right of access to Mayo County Council appointed staff to carry out environmental monitoring checks as required, or as requested by the Project Monitoring Committee.

Costs incurred by the planning authority in carrying out any necessary monitoring, monitoring checks, inspections and environmental audits, shall be reimbursed by the developer.

Reason: In the interest of clarity, and the protection of the environment during the earthworks and construction phase.

34. Prior to commencement of development, a Project Monitoring Committee (PMC) shall be established to monitor geotechnical risks set out in the revised Geotechnical Risk Register (submitted to the Board on 31st day of August, 2004), surface water run-off, drainage control, traffic management and road maintenance, implementation of the landscape plan and other environmental issues. The PMC shall comprise two representatives of the developer, two representatives of Mayo County Council, and an invitation shall be extended to the North West Regional Fisheries Board, the Department of the Environment, Heritage and Local Government, and the Environmental Protection Agency to provide one representative each for the committee. In addition, two representatives of the local community, selected in accordance with procedures to be agreed with the planning authority, shall be invited to serve on this committee. The PMC shall have the right to co-opt other members as required. The Mayo County Manager or his/her nominee shall chair the PMC.

Details of the mode of operation for the committee, including frequency of meetings, reporting and liaising arrangements with other persons and bodies, shall be agreed with the planning authority before development commences.

Reason: To ensure effective monitoring during construction in the interest of the proper planning and sustainable development of the area.

Archaeology

35. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including any further

hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably qualified archaeologist with relevant experience in Peatland archaeology prior to commencement of development. The archaeologist, who shall work under licence, shall assess the site and monitor all site development works,
- (c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove. The archaeologist shall be responsible for reporting any finds, without delay, to the planning authority. In such event, works shall cease in the effected area and shall not recommence until such time as mitigation measures (if any) agreed with the planning authority have been carried out, and
- (d) submit a report to the planning authority detailing the results of the monitoring.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

Complaints Register

36. A complaints register shall be maintained by the developers at their offices in Bangor Erris; this shall relate to all written complaints made regarding any aspect of the earthworks and construction phase of the development. The register, which shall be available for public inspection on request during normal office hours, shall include -

- the name of the complainant
- the nature of the complaint
- the date and time of the complaint
- actions taken as a result of the complaint

Reason: In the interest of the proper monitoring of the development.

Financial

37. Prior to commencement of development, the developer shall lodge with Mayo County Council a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, upon the cessation of activity at the terminal, coupled with an agreement empowering Mayo County Council to apply such security or part thereof to the satisfactory reinstatement of the site. The form and amount of the security shall be as agreed between Mayo County Council and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory reinstatement of the site.

38. The developer shall pay the sum of €4,325,125 (four million three hundred and twenty-five thousand one hundred and twenty-five euro) (updated at the time of payment in accordance with the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of road improvement works, namely:

- Widening and strengthening of the Local Roads L1204 and L12044 along their entire length
- Strengthening of Regional Road R313 Bangor-Muinhin and Glencastle
- The provision of a right turning lane at the junction of Regional Road R313 and Local Road L12044 in accordance with Mayo County Council Drawing Number 3225/04/04.

This contribution shall be paid prior to the commencement of the development or in such phased payments as may be agreed between the planning authority and the developer. Payment is subject to the provisions of section 48(12) of the Planning and Development Act 2000.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

39. The developer shall pay the sum of €1,394,361 (one million three hundred and ninety-four thousand three hundred and sixty-one euro) (updated at the time of payment in accordance with the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of the cost of upgrading the proposed extension of the Erris Regional Water Supply which will facilitate the development. This contribution shall be paid prior to the commencement of the development or in such phased payments as may be agreed between the planning authority and the developer. Payment is subject to the provisions of section 48(12) of the Planning and Development Act 2000.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

40. The developer shall pay the sum of €30,000 (thirty thousand euro) (updated at the time of payment in accordance with the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of the cost of specialist infrastructure required by Mayo County Fire Service which will facilitate the development. This contribution shall be paid prior to the commencement of the development or in such phased payments as may be agreed between the planning authority and the developer. Payment is subject to the provisions of section 48(12) of the Planning and Development Act 2000.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

41. The developer shall provide artwork to a maximum value of €64,000 (sixty-four thousand euro) in a location and form to be agreed with Mayo County Council.

Reason: In the interest of visual amenity.

42. The developer shall pay to the planning authority a contribution of €1 (one euro) per m³ of waste peat transported to the deposition site towards the cost of the provision of environmental improvements, recreational or community amenities in the locality. The identification of such projects shall be decided by the planning authority having consulted with the local community.

Reason: It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which will help mitigate the impact of the transport of waste peat on the local community.



Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 22nd day of October 2004.