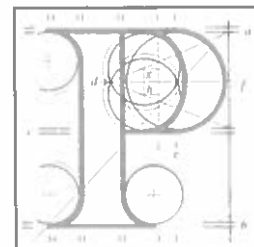


**Our Ref:** PL 16.207212  
**P.A.Reg.Ref:** P03/3343  
**EPA Ref:** P0738-03  
**Applicant:** Shell E and P Ireland Limited  
**EIS:** YES

An Bord Pleanála



Administration Team  
Environmental Licencing Programme,  
Office of Climate, Licensing and Resource Use,  
Environmental Protection Agency,  
P.O. Box 3000,  
Johnstown Castle Estate,  
Co. Wexford.

14th March 2014

**Appeal**      **Re:** Construct gas terminal for the reception and separation of gas  
from the Corrib gas field and for a peat deposition site.  
Bellagelly South, Srahmore, Attavally, Bangor Erris, Co. Mayo.

Dear Sir/Madam,

I have been asked by An Bord Pleanála to refer to your letter dated 19 February 2014 requesting observations in relation to the above-mentioned application for the review of an Industrial Emissions Licence (previously Integrated Pollution Prevention and Control Licence) pursuant to section 87(1B)(b)(i) of the EPA Act 1992, as amended.

In respect of the Agency's request for observations, the Board, pursuant to section 87(1E)(a) of the EPA Act, 1992, as amended, would wish to furnish the following observations in respect of the licence application and EIS which are before the Agency:

The licence application refers to the operation of a facility, the development of which was permitted by the Board under appeal reference number PL 16.207212. The application for that permission was accompanied by an EIS and the permission was granted after the carrying out of an environmental impact assessment by the Board. The Inspector's report and the Board's order are available on the Board's website.

Several subsequent planning applications amended the authorised facility. Three of these were granted by the Board under appeal reference numbers PL 16.229487, PL 16.231952 and PL 16.242283. These applications were not accompanied by an EIS and they were not subject to environmental impact assessments. The Inspectors' reports and the Board orders pertaining to these permissions are available on the Board's website.

Other planning applications to amend the authorised facility were not appealed and grants of permission were made by Mayo County Council. In particular, the Council's decision to grant permission for amendments that include the discharge of water at the subsea manifolds 65 kilometres offshore under register reference number 10/633 was not appealed to the Board.

The Board notes the changes arising for the activity under the licence review and submits as follows:

#### Material Alterations and the Need for Planning Permission

The extent of available information on the licence review application on the Agency's website is acknowledged, together with the volumes of information associated with the previous licence and planning applications applying to the Gas Terminal. With due regard to the amendments arising from the proposed licence, the Board notes there is some lack of clarity that does not enable the Board to fully assess the material changes resulting such as to allow a comprehensive assessment of the physical planning implications arising that may require further planning permissions. Notwithstanding this, the following comments are offered:

Having carried out an initial inspection of documents on the Agency's website, the Board considers that the activity, subject of the current licence review application P0738-03, would appear to be substantially that for which planning permission was granted, subject to conditions, by the Board under Board reference PL 16.207212 and by subsequent amendments made thereto by further planning permissions. Accepting this, the Board wishes to draw the Agency's attention to the following specific changes arising:

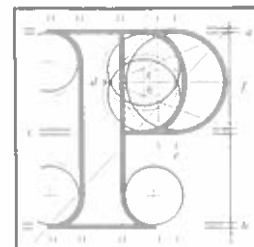
- (a) The licence review includes a proposed change of the discharge point for treated produced water from the permitted outfall point just outside Broadhaven Bay to the subsea manifold located on the sea bed in the Corrib Gas Field in some 350m water depth. The Board notes planning application register reference 10/633 which was permitted by Mayo County Council. This allowed amendments to the permitted gas terminal element of the parent permission only and in particular involved changes to the permitted method of disposal of treated produced water from the site, which included pumping up to a maximum of 80 cubic metres per day to the subsea manifold in the Corrib Gas Field approximately 65km offshore, rather than to the previously permitted discharge location approximately 12.7km offshore of the Corrib Gas pipeline landfall location and transporting via road any remaining surplus treated produced water off site for disposal at a licenced facility. The permitted development included associated on-site infrastructure to accommodate those changes.

With due regard to previous amendments relating to the disposal of treated produced water being subject to planning permission, and acknowledging that the licence review includes a proposed change to the discharge point, the Environmental Protection Agency should satisfy itself that the development changes arising from the licence review are compliant with the amendments in this instance that have been subject to planning permission under planning application register reference 10/633, as any material change to that which has been previously permitted would likely require a further planning permission.

- (b) The Board notes that the application for a review of the licence provides for the design configuration of the Emergency Holding Tank (EHT) associated with surface and groundwater drainage being changed.

The Board refers to Appeal Ref. PL 16.231952, which comprised an application for amendments to that permitted under the parent permission for the Gas Terminal, namely Appeal Ref. PL 16.207212. The amendments permitted primarily related to the surface water Emergency Holding Tank and associated equipment and structures. It included for its relocation from its permitted location in the southwest corner of the terminal platform (outside the permitted perimeter fence) to a location approximately 20 metres to the northeast (so as to be in the southwest corner of the terminal platform, inside the permitted perimeter fence), and the permitted amendment was specific in its size.

The Agency should satisfy itself that the development changes arising from the licence review are compliant with the amendments in this instance that have been subject to planning permission under Appeal Ref. PL 16.231952 relating to the design configuration of the Emergency Holding Tank, as any material change to that which has been previously permitted would likely require a further planning permission.



- (c) The Board notes that it is submitted that there is an updated location of the septic tank and Puraflo modules, changed due to ground conditions.

The Board refers to Appeal Ref. PL 16.229487, which comprised an application for amendments to that permitted under the parent permission for the Gas Terminal. This related to an extensive schedule of amendments, one of which included the relocation of the Puraflo modules and percolation area from their previously permitted position to the south of the car park to a new location east of the car park.

While it would appear that the intended location for the Puraflo unit would be in accordance with that permitted under Appeal Ref. PL 16.229487, the Agency should satisfy itself that the detailed development changes arising from the licence review are compliant with the amendments permitted under planning permission Appeal Ref. PL 16.229487, as any material change to that which has been previously permitted would likely require a further planning permission.

## SEVESO II

The Board notes that the application for a review of the licence provides for the Seveso classification for the site being changed from "Lower Tier" to "Upper Tier", based upon calculations involving the aggregated inventories and summations with respect to upper tier assessment on a flammability basis.

The full implications arising from this classification change have not been set out for the Board and the impact of this change may require further planning permissions and/or Environmental Impact Assessment. The Agency will note that the Health and Safety Authority constitute the designated "competent authority" to give technical advice to planning authorities and the Board on the land use planning implications arising from establishments that fall within the remit of Seveso II in accordance with Article 12 of Council Directive 96/82/EC.

In conclusion, the Board notes that the parent permission for the Gas Terminal, Appeal Ref. PL 16. 207212, has been subject to an extensive range of amendments for which planning permissions have been granted. Any development changes arising from the licence review which constitute material changes to that for which previous permissions have been granted, and which have not themselves been subject to further planning applications and permission(s), would likely require the need for receipt of such permission(s). Furthermore, it should be noted that the permitted Gas Terminal development pre-dated the provisions of the Planning and Development (Strategic Infrastructure) Act, as amended. In this instance it is the planning authority, i.e. Mayo County Council, who would be the competent authority to adjudicate at the outset on amendments requiring permission relevant to the licence review, with the Board remaining the adjudicating authority in the event of a planning appeal.

I trust that the foregoing is of assistance to you.

All of the documentation on the Board's file, which includes the Environmental Impact Statement is available on the Board's Extranet site except Mayo County Council's drawing numbers 3225/04/02 and

Tel (01) 858 8100 Tel  
Glao Áitiúil 1890 275 175 LoCall  
Facs (01) 872 2684 Fax

Láithreán Gréasáin [www.pleanala.ie](http://www.pleanala.ie) Web  
Ríomhphost [bord@pleanala.ie](mailto:bord@pleanala.ie) Email

3225/04/03. Your IT Department is required to liaise with the Board's IT Department in order to facilitate access to the Extranet site.

If you have any further queries in relation to the matter, please contact the undersigned officer of the Board.

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Brid Tiernan  
Executive Officer  
Direct Line:01-8737154

EPA02

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