

File With Section

SECTION 131 FORM

Appeal NO: PL 16 207212.Defer Re O/H ☐

TO:SEO

Having considered the contents of the submission ~~dated~~ received 30/06/04 fromMayo County Council I recommend that section 131 of the Planning and Development Act, 2000☒ not be invoked at this stage for the following reason(s):No new issues ✓E.O.: Kieran SmythDate: 01/07/04

To EO: _____

Section 131 not to be invoked at this stage. ☒Section 131 to be invoked – allow 2/4 weeks for reply ☐S.E.O.: M DaleDate: 6/7/04

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission
to: _____

Allow 2/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

CORRESPONDENCE FORM

Appeal No: PL 16.207212.

M r Fagon.

Please treat correspondence received on 30/06/04. as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>20</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2 Keep Envelope: <input type="checkbox"/>
<u>Planning authority's response to appeals.</u>	3. Keep Copy of Board's letter <input type="checkbox"/>

Amendments/Comments

4. Attach to file	RETURN TO EO <input checked="" type="checkbox"/>
(a) R/S <input type="checkbox"/>	(d) Screening <input type="checkbox"/>
(b) Mapping <input type="checkbox"/>	(e) Inspectorate <input type="checkbox"/>
(c) Processing <input type="checkbox"/>	

	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Kieron Somers</u>	AA: <u>James Fagon</u>
Date: <u>01/07/04.</u>	Date: <u>1/7/04</u>



COMHAIRLE CONTAE MHAIGH EO

Aras an Chontae, Caislean a 'Bharraigh, Contae Mhaigh Eo.

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Your Ref.

Our Ref.

PL 16.207212

P03/3343

28th June, 2004

PER REGISTERED POST

The Secretary,
An Bord Pleanála,
64 Marlborough St.,
Dublin 1

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 refer to previous correspondence relating to the above.

- Please find the attached responses to appeal submissions from Mayo County Council's Senior Planner, Mr. Iain Douglas.***

Any observations that Mayo County Council wish to make on grounds of appeal will follow.

Yours sincerely,

for County Secretary
JM/CF

AN BORD PLEANÁLA	
TIME _____	BY _____
30 JUN 2004	
LTR-DATED _____	FROM _____
PL _____	

RESPONSE TO APPEAL SUBMISSIONS P03/3343.

Dear Sir,

With reference to your letter of 3rd June 2004 and enclosed appeal submissions Mayo County Council has the following observations.

1. Brid & Treasa McGarry.

The relevant grounds of appeal in this case are:

- Health & Safety
- Project Splitting
- Planning & Development Act 2000 Sections 256 & 257
- Contrary to Mayo County Development Plan 2003-2009

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

2. Gerard McDonnell.

The relevant grounds of appeal in this case are:

- Impact on local community
- Lack of information on visual impact
- Impact on local environment
- View application de novo

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

3. Shell E&P.

With regard to the appeal on individual Conditions the Council has the following comments:

Condition 2

Mayo County Council has no objection to the proposed change of wording of this condition.

Condition 3

This is a standard condition often used by An Bord Pleanala itself. The applicant is mistaken as to the purpose of the Condition. The Condition is intended to give legal



effect to certain requirements, it is not the purpose or intention of the condition to be used as a secondary or alternative means of Enforcement.

Condition 4

It is the Council's view that first line of the Condition makes it quite clear that the condition requires the road to be improved before the peat haulage and main construction period since these are the primary generators of traffic onto the R314. The Condition as currently worded and normally interpreted does not exclude preparatory works being undertaken within the site itself.

The revised wording is in itself vague ie. "certain construction materials".

Since road safety due to the amount of traffic generated by the development is the main issue behind the Condition it is the volume of construction material rather than the nature of those materials that needs to be considered.

Condition 6

Since discussions and consultations commenced on this and previous applications regarding road damage due to traffic generated by this proposal the term "region" was always taken to be that defined by the extent of the Road and Bridge Survey. Given the common understanding which existed before, the Council have no objection to a direct reference to the Road and Bridge Survey referred to in Condition 7 being included.

Condition 12

It is the Council's view that from the first line of the Condition in referring to "haul route" and "schedule of haulage" it is quite clear that the condition does not apply to small single deliveries, couriers etc.

Condition 15

The Council has no objection to the proposed change of wording.

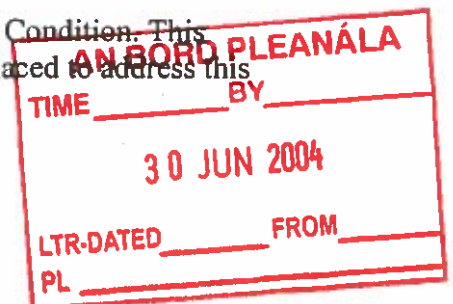
Condition 25

The raising of background noise levels by more than 5 dBA is considered significant. The appellant refers to construction noise on the site, in fact standard noise measurement practice is to take readings at the nearest noise sensitive location, in this case noise measurement should be taken at the nearest residence.

The rewording sought by the appellant in the use of "by-example" introduces vagueness and un certainty. If the 5dBA limit is removed an exhaustive list of activities will be required. The use of the 5 dBA level allows for clarity and consistency of application.

Condition 31

The Council notes the appellant's submission and report on this Condition. This condition arises from the report of the DoEHLG who are best placed to address this matter.



Condition 32

The Council notes the appellant's submission on this Condition. This condition arises from the report of the DoEHLG who are best placed to address this matter.

Conditions 34-36

The technical advice received from the Health & Safety Authority (HSA) recommended the inclusion of the items in this condition. Since the items form part of the health and safety considerations it is essential that they are part of the overall planning deliberations. Having sought the technical advice of the HSA as required by the Planning & Development Act 2000 and Planning & Development Regulations 2001 it would be inappropriate to then ignore the advice given.

Condition 55

The intention of the Council was to ensure that the EMS was devised and formulated in accordance with accepted best practice and standards rather than the EMS being approved by a particular body or organisation. It would satisfy the Council's requirements if the Board ensure that the EMS is prepared in accordance with BS - EN - ISO 14001 "Specification for Environmental Management Systems (BS 7750) in addition to the rewording sought.

Condition 70

The Council has no objection to the proposed rewording of the Condition.

4. An Taisce.

The relevant grounds of appeal in this case are:

- Planning & Development Act 2000 Sections 256 & 257
- Material Contravention of Mayo County Development Plan 2003-2009
- Impact on cSAC/cSPA of discharges to sea
- Road Improvements
- Peat removal and deposition
- Impact of haul route on cSAC
- Rock Source
- Inadequate construction data
- Financial Bond
- Traffic Management Plan

AN BORD PLEANÁLA

TIME _____ BY _____

30 JUN 2004

LTR-DATED _____ FROM _____

PL _____

Most of the issues have been addressed in the report of the Senior Planner dated 24th April 2004. However with regard to the haul route, the improvements to the R314 and other roads in the vicinity of this development are the subject of a Part 8 Consultation advertised publicly and as such will be subject to public consultation. With regard to the source of rock the Council have no evidence that Lennon's Quarry is the proposed source for such rock.

5. Sean McDonnell.

The relevant grounds of appeal in this case are:

- Health & Safety
- Peat excavation & deposition
- Traffic
- Noise
- Visual Impact
- Air Emissions
- History of landslides and implications for the onshore pipeline

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

6. FEASTA.

The relevant grounds of appeal in this case are:

- Roads & Traffic
- Lack of information on peat drying methodology
- Lack of formal approval of pipeline standards
- No health & safety audit

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

7. Bellanboy/Leenamore Residents Association.

The relevant grounds of appeal in this case are:

- Health & Safety including risk of terrorist attack
- Traffic
- Peat excavation & deposition
- Devaluation of property
- Noise
- Odour
- Visual Impact
- Air Emissions
- Impact on natural habitat, flora & fauna
- Planning Conditions

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.



8. **Mary Corduff.**

The relevant grounds of appeal in this case are:

- Contrary to Mayo County Development Plan 2003-2009
- Injurious to the amenities & devaluation of property
- Health & Safety
- Contrary to proper planning and sustainable development of the area

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

9. **Brendan Philbin.**

The relevant grounds of appeal in this case are:

- Contrary to Mayo County Development Plan 2003-2009
- Adverse visual impact on the landscape
- Injurious to the amenities & devaluation of property
- Health & Safety

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

10. **Bellanboy/Leenamore Concerned Residents.**

The relevant grounds of appeal in this case are:

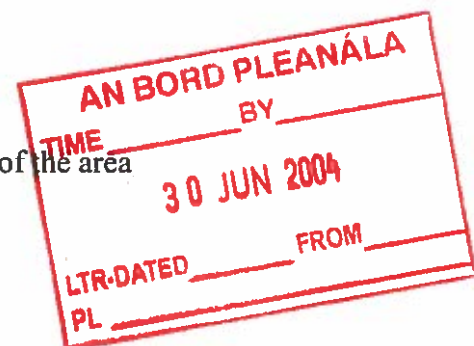
- Contrary to proper planning and sustainable development of the area
- Health & Safety
- Air Emissions
- Contamination of water resources
- Peat excavation & deposition
- Traffic
- Devaluation of property
- Impact on natural habitat, flora & fauna

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

11. **Maura Harrington.**

The relevant grounds of appeal in this case are:

- Development is contrary to the Mayo County Development Plan 2002-2009.
- Generally contrary to the proper planning and sustainable development of the area.



- The issue of NORM/TENORM is not addressed.

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

12. Brian Coyle.

The relevant grounds of appeal in this case are:

- Health & Safety
- Instability of peat
- Traffic implication of the proposed peat removal
- Risk to water resources of the peat removal & deposition
- History of landslides and implications for the onshore pipeline

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

13. Micheál Ó' Seighin & Others.

The relevant grounds of appeal in this case are:

- Adverse Visual Impact of the Development
- Devaluation of property
- Injurious to Public Health
- Endangerment of public safety
- Environmental safety
- Adverse impact on the structure of the local community
- Generally contrary to the proper planning and sustainable development of the area

These issues are addressed in the report of the Senior Planner dated 24th April 2004, the Council has nothing further to add to that report in this instance.

