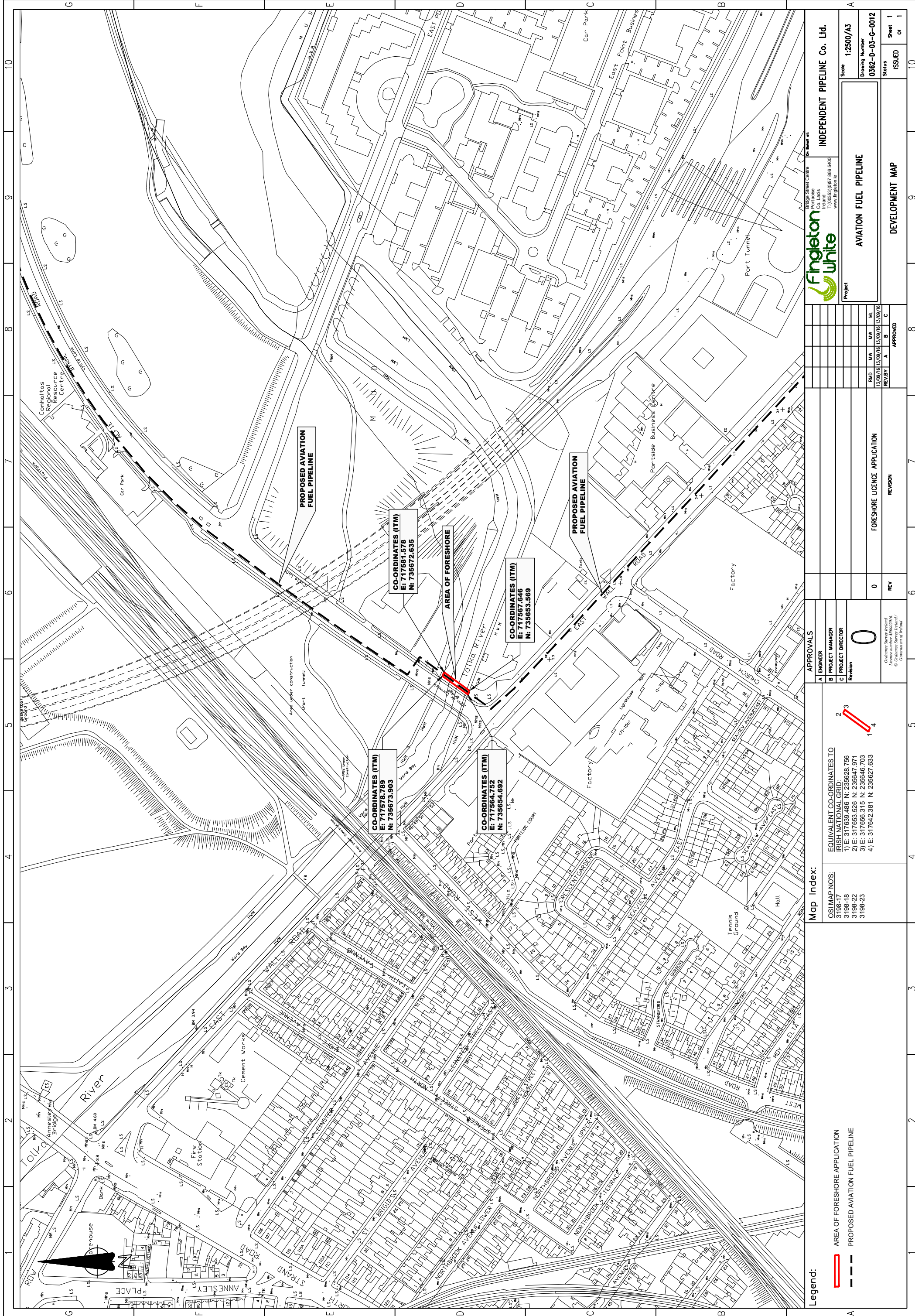
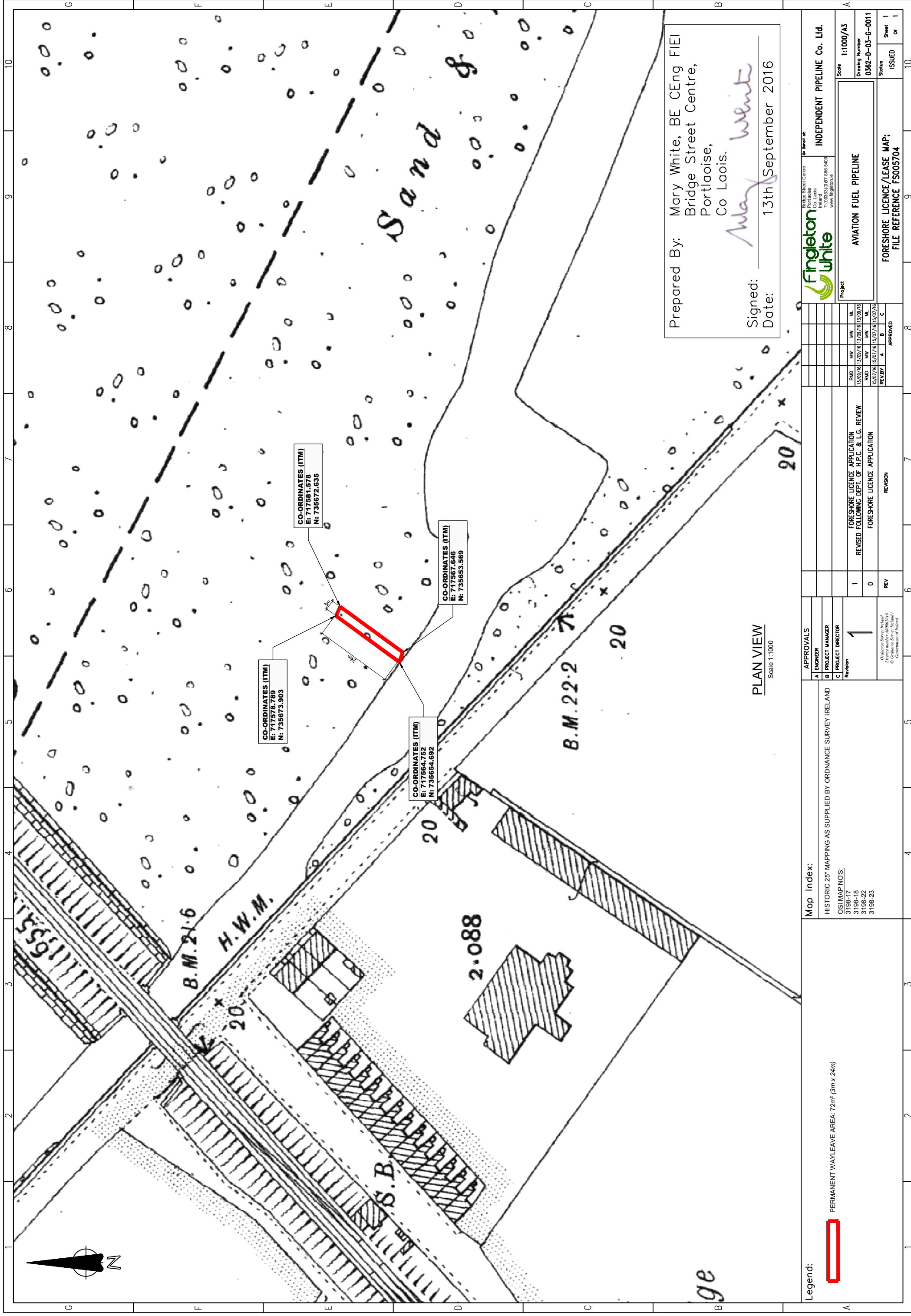


## Appendix A      Maps







Prepared By: Mary White, BE CEng FIEI  
Bridge Street Centre,  
Portlaoise,  
Co Laois.

Signed: \_\_\_\_\_  
Date: 13th September 2016



Project	AVIATION FUEL PIPELINE	Score	1:1000/A3
		Drawing Number	0362-D-03-G-0011
		Status	Sheet 1 ISSUED or 1
	FORESHORE LICENCE/LEASE MAP: FILE REFERENCE FS005704		

[illegible]


**Map Index:**

HISTORIC 25" MAPPING AS SUPPLIED BY ORDNANCE SURVEY (IRELAND)

OSI MAP NO'S:

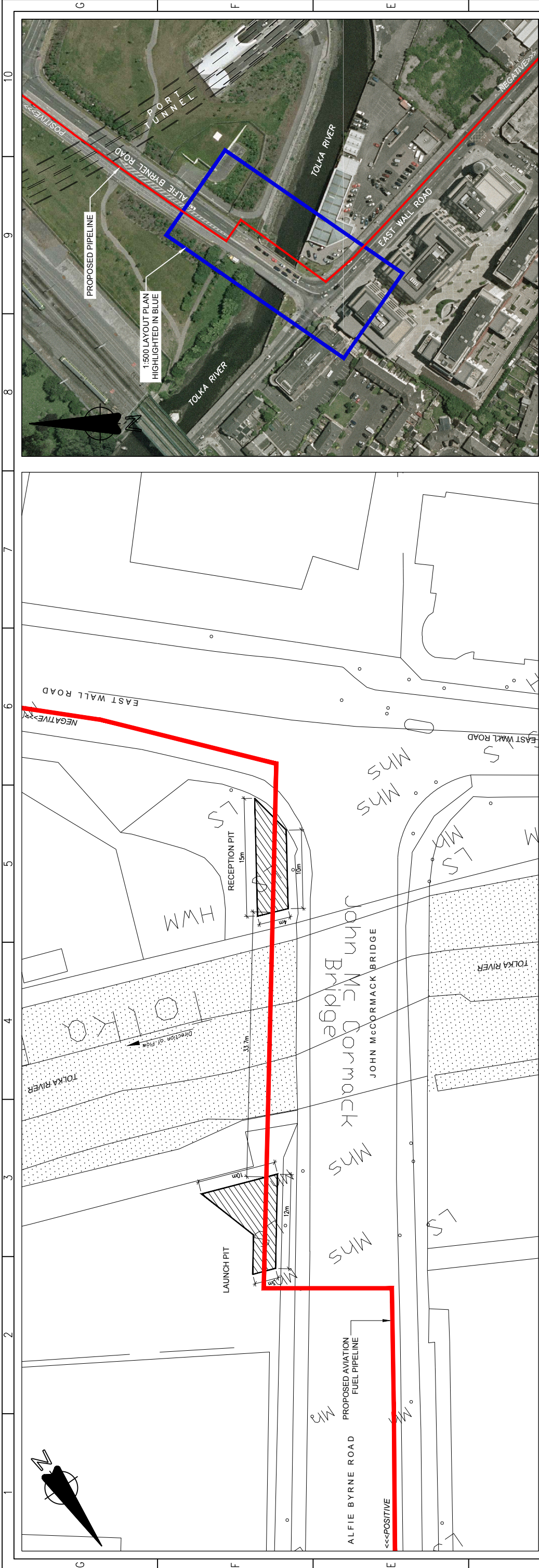
3198-17  
3198-18  
3198-22  
3198-23

Legend:

 PERMANENT WAY LEAVE AREA: 72m<sup>2</sup> (3m x 24m)

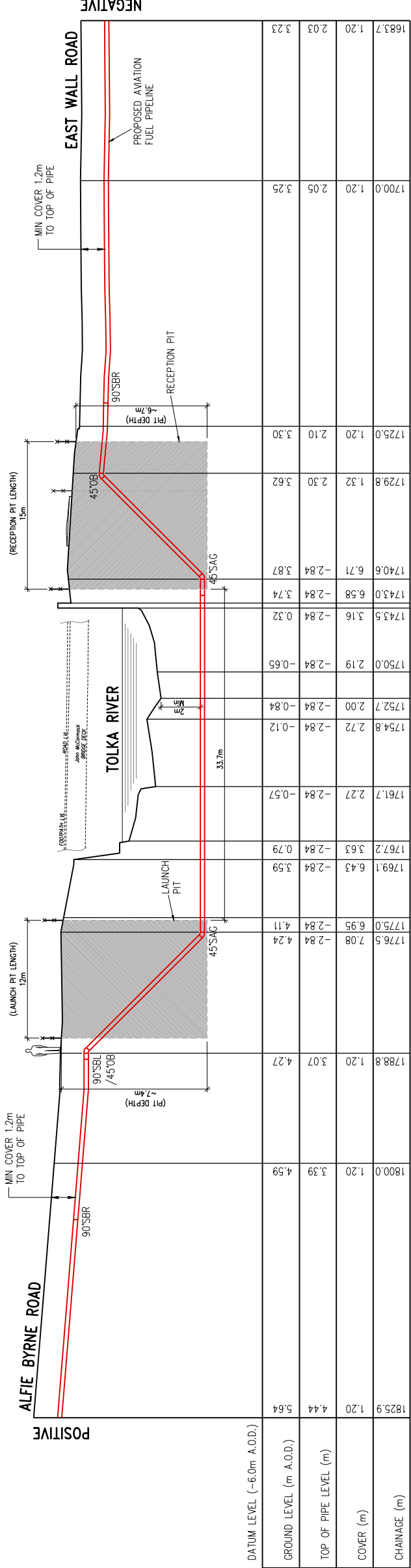
## Appendix B Tolka River Crossing Drawing





SITE LOCATION MAP  
REFER STRIP MAP 0362/D/02/G/0008  
Scale 1:2500  
OS MAP REF: 3198-17, 3198-18

LAYOUT PLAN  
Scale 1:500



PROFILE ALONG CENTRE LINE OF PIPE  
Scales Horizontal 1:500 Vertical 1:250

Legend:		Map Index:		APPROVALS		FORESHORE LICENCE APPLICATION ISSUE		INDEPENDENT PIPELINE Co. Ltd.	
				A ENGINEER		15/09/16 15/09/16 15/09/16		Bridge Street Centre Portlaoise Co. Laois T:00353(0)57 866 5400 www.fingleton.ie	
				B PROJECT MANAGER		RMD KM MW ML		Fingleton White	
				C PROJECT DIRECTOR		RMD KM MW ML		Scale 1:500/A3	
				Revision		06/07/15 08/07/15 09/07/15 09/07/15		Project AVIATION FUEL PIPELINE	
				3		RMD KM MW ML		Drawing Number 0362-D-07-C-0001	
				2		RMD KM MW ML		Status ISSUED	
				1		RMD KM MW ML		Sheet 1 of 1	
				0		RMD KM MW ML		TOLKA RIVER CROSSING	
				REV		REVISION		10	
				Ordnance Survey Ireland Licence number (R0002016) © Ordnance Survey Ireland / Government of Ireland		REVBY A B C			
				5		APPROVED			
				4		7		9	
				3		8			
				2					
				1					

## Appendix C      Correspondence

## Maeve Toal

---

**From:** Gretta Hannigan <Gretta.Hannigan@fisheriesireland.ie>  
**Sent:** 12 May 2014 10:39  
**To:** Maeve English  
**Cc:** Brian Beckett  
**Subject:** FW: EIS Scoping Aviation Pipeline Dublin Port to Dublin Airport Fingleton White

Ms Maeve English  
Feehily, Timoney and Co.,  
Consultants in Engineering & Environmental Sciences.

**RE: EIS for an Aviation Pipeline from Dublin Port to Dublin Airport.**

Your Ref : Q:/LE10/727/01/Let15/ME/MG

Dear Maeve,

I refer to your letter of April 10<sup>th</sup> in respect of a proposal by Fingleton White to construct and operate an aviation fuel pipeline from Dublin Port to Dublin Airport.

The ecological integrity of surface water systems the River Tolka which represents a regionally significant salmonid system, Mayne, Cuckoo and Santry Rivers must be protected at all times and should not deteriorate in any way as a result of either construction or operation of the proposed development. The Cuckoo and Mayne Rivers are non-salmonid, however with improvements in habitat and water quality we are hopeful of an positive change in fisheries status. The Santry River is non-salmonid due of the presence of a number of impassable features located toward the lower end of the system. The Wad is extensively culverted and is non salmonid.

- All works should be completed in line with an Construction Management Plan which ensures that good construction practices are adopted throughout the construction period and contains mitigation measures to deal with potential adverse impacts identified in advance of the scheme.
- As with any development, all measures necessary should be taken to ensure comprehensive protection of local aquatic ecological integrity, in the first place by complete impact avoidance and as a secondary approach through mitigation by reduction and remedy. River and stream crossings should be planned and executed in an environmentally sensitive way. The proposal to cross all watercourse by trenchless techniques is welcomed. Trenchless crossings will not be subject to salmonid seasonal constraints. Borehole exploratory work in salmonid systems should be completed during the period May to September.
- Any works associated with watercourses or riparian habitats including trenchless crossings are subject to Method Statement and must be submitted to IFI (ERBD) for assessment and approval.
- Construction works have significant potential to cause the release of sediments and pollutants into surrounding watercourses. Pollution of the adjacent waters from poor on-site construction practices could have a significantly negative impact on the fauna and flora of this surface water system. A comprehensive and integrated approach for river protection during construction and operation should be implemented. Pipe laying activity poses a high risk of suspended solid contamination of surface waters, if dewatering of the launch and reception pits or water jetting of the pipe is required water must be treated by either infiltration over land, discharge to a Local Authority sewer or to a suitably sized and sited settlement pond before discharge to any watercourse. There can be no direct pumping of contaminated water from the works to a watercourse at any time.
- Appropriate bunding should be in place at all high risk refuelling and storage locations (hydrocarbon interception etc.). The short-term storage and removal / disposal of excavated material must be considered and planned such that risk of pollution from these activities is minimised.
- Works to the river banks / bed must not impact negatively on the water quality / fisheries habitat. All works areas should be reinstated fully in a manner that minimises the potential for erosion.

Please provide us with a copy of the EIS when complete.

Yours sincerely,



Gretta Hannigan

Gretta Hannigan  
Senior Fisheries Environmental Officer

-----  
**Iascach Intíre Éireann**  
**Inland Fisheries Ireland**

**Tel** +353 (0)1 2787 022  
**Fax** +353 (0)1 2787 025  
**Email** [gretta.hannigan@fisheriesireland.ie](mailto:gretta.hannigan@fisheriesireland.ie)

**Web** [www.fisheriesireland.ie](http://www.fisheriesireland.ie)

15a Main Street, Blackrock, County Dublin, IRELAND.  
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This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of Inland Fisheries Ireland. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone. Please contact the sender if you believe you have received this email in error.

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## Maeve Toal

---

**From:** Reception  
**Sent:** 17 April 2014 16:00  
**To:** Maeve English  
**Subject:** FW: G Pre00158/2014 - Fuel pipeline Dublin Port to Dub Airport

**Categories:** Red Category

FYI  
Mary

---

**From:** Manager Dau [mailto:Manager.Dau@ahg.gov.ie]  
**Sent:** 17 April 2014 15:54  
**To:** Reception  
**Subject:** G Pre00158/2014 - Fuel pipeline Dublin Port to Dub Airport

**\*\*PLEASE FORWARD TO MAEVE ENGLISH\*\***

Our Ref: G Pre00158/2014  
(Please quote in all related correspondence)

Fehily Timoney & Co  
FAO Maeve English

Maeve, a chara

I acknowledge receipt of your recent consultation.

In the event of observations, you will receive a co-ordinated heritage-related response by email from Development Applications Unit (DAU) on behalf of the Department.

If after six weeks from the date of your enquiry you have not heard from DAU and wish to receive an update, please 'phone the direct line number below or, alternatively, 053-911 7500 and ask for DAU.

**Important additional information:**

Pre-planning consultations should only be sent to Development Applications Unit, which co-ordinates for the Department across the three heritage sections. Duplicate correspondence sent to NPWS or elsewhere in the Department is not necessary and can lead to duplication of effort and potential confusion.

This office issues all responses and communications by email and, accordingly, inward consultations/enquiries by email are preferred. Please send your emails only to [manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie) (Note: i) it is not necessary to also send a hard copy; and ii) please send a maximum of two attachments).

Le meas

Muiris Ó Conchúir  
Manager, Development Applications Unit (DAU)  
*Bainisteoir, Aonad um Iarratais Forbartha*  
Department of Arts, Heritage & the Gaeltacht  
*Roinn Ealaíon, Oidhreachta & Gaeltachta*  
Newtown Road, Wexford  
*Br an Bhaile Nua, Loch Garman*  
T: 053-911 7387 (direct/díreach)  
Reception/Fáiltiú: 053-911 7500

\*\*\*\*\*

Is faoi rún agus chun úsáide an té nó an aonán atá luaite leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.

Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo scuabtha le bogearraí frithvíorais chun víorais ríomhaire a aimsiú.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by anti-virus software for the presence of computer viruses.

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**An Roinn  
Ealaíon, Oidhreacht agus Gaeltachta**  
**Department of  
Arts, Heritage and the Gaeltacht**

**Our Ref: G Pre00158/2014**

28 May 2014

Maeve English  
Fehily Timony & Company  
Core House  
Pouladuff Road  
Cork  
[Maeve.english@ftco.ie](mailto:Maeve.english@ftco.ie)

**Re: EIS scoping for aviation fuel pipeline from Dublin Port to Dublin Airport.**

A Chara,

On behalf of the Department of Arts, Heritage and the Gaeltacht, I refer to your notification in relation to the above proposal. Outlined below are the observations of the Department of Arts, Heritage and the Gaeltacht in relation to archaeology and to nature conservation.

**Archaeology**

The Department notes the intention of the developer to submit an EIS in respect of the proposed construction of the fuel pipeline.

The services of a suitably qualified archaeologist should be engaged to carry out an assessment of the revised pipeline route and to evaluate its impact on archaeological sites and potential sites along the route. The results of this assessment should be included in the Environmental Impact Assessment.

The archaeologist should consult with all appropriate authorities, in particular the Dublin City Archaeologist.

**Nature Conservation**

**EIS**

With regard to scoping for an EIS for this proposed development an ecological survey should be carried out of the proposed compound sites and route of the pipeline to survey the habitats and species present. Where ex-situ impacts are possible survey work may be required outside of the development sites. Such surveys should be carried out by suitably qualified persons at an appropriate time of the year depending on the species being surveyed for. The EIS should include the results of the surveys, and detail the survey methodology and timing of such surveys. Inland Fisheries Ireland should be consulted with regard to fish species if applicable. With regard to any existing records the data of the National Parks and Wildlife Service (NPWS) should be consulted at [www.npws.ie](http://www.npws.ie) and the data of the National Biodiversity Data Centre at <http://www.biodiversityireland.ie/>. Reference should be made to the National Biodiversity Plan and any relevant County Biodiversity Plan. The EIS should also address the issue of invasive alien plant and animal species, such as Japanese Knotweed, and detail the methods required to ensure they are not accidentally introduced or spread during construction. Information on alien invasive species in Ireland can be found at <http://invasives.biodiversityireland.ie/> and at <http://invasivespeciesireland.com/>.

The impact of the development on the flora, fauna and habitats present should be assessed. In particular the impact of the proposed development should be assessed, where applicable, with regard to:

- Natura 2000 sites, i.e. Special Areas of Conservation (SAC) designated under the EC Habitats Directive (Council Directive 92/43/EEC) and Special Protection Areas designated under the EC Birds Directive (Directive 2009/147 EC),
- Other designated sites, or sites proposed for designation, such as Natural Heritage Areas, Nature Reserves and Refuges for Fauna or Flora, designated under the Wildlife Acts of 1976 and 2000,
- Habitats listed on annex I of the Habitats Directive,
- Species listed on Annexes II and IV of the Habitats Directive,
- Habitats important for birds,
- Birds listed on Annex I of the EC Birds Directive,
- Species protected under the Wildlife Acts including protected flora,
- Habitats that can be considered to be corridors or stepping stones for the purpose of article 10 of the Habitats Directive,
- Red data book species,
- and biodiversity in general.

In order to assess the above impacts it may be necessary to obtain hydrological and/or geological data. In particular any impact on water table levels or groundwater flows may impact on wetland sites some distance away. The EIS should assess cumulative impacts with other plans or projects if applicable. Where negative impacts are identified suitable mitigation measures should be detailed if appropriate. As Ireland has to report every 6 years on the National resource of habitats and species listed under the Habitats Directive it is important that any impact on such habitats and species both inside and outside of Natura 2000 sites is recorded.

Where there are impacts on protected species and their habitats, resting or breeding places, licenses may be required under the Wildlife Acts or derogations under the Habitats Regulations. In particular bats and otters are strictly protected under annex IV of the Habitats Directive and a copy of Circular Letter NPWS 2/07 entitled "Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 – strict protection of certain species/applications for derogation licences" can be found on our web site at <http://www.npws.ie/media/npws/publications/circulars/media.6686.en.pdf>. In addition licenses will be required if there are any impacts on other protected species or their resting or breeding places, such as on protected plants, badger setts or birds' nests. Hedgerows should be maintained where possible. Where trees or hedges have to be removed there should be suitable planting of native species in mitigation. The EIS should estimate the length of hedgerow that will be lost, if any. Where possible hedges and trees should not be removed during the nesting season (i.e. March 1<sup>st</sup> to August 31<sup>st</sup>). Birds' nests can only be intentionally destroyed under licence issued under the Wildlife Acts of 1976 and 2000. In order to apply for any such licenses or derogations as mentioned above a detailed survey should be submitted to NPWS which should have been carried out by appropriately qualified person/s. Such licences should be applied for in advance of planning to avoid delays and in case project modifications are necessary.

Should the original survey work take place well before construction commences it is recommended that an ecological survey of the development site should take place immediately prior to construction to ensure no significant change in the baseline ecological survey has occurred. If there has been any significant change mitigation may require amendment and there may be a need for new licence applications with regard to protected species. In such a case NPWS should be consulted.

You should refer to the various circular letters issued by the National Parks and Wildlife Service of this Dept. which can be found at <http://www.npws.ie/planning/appropriateassessment/>. In particular Circular Letter PD 2/07 and NPWS 1/07 on the use of compliance conditions is relevant and in order to allow for a complete assessment, it is essential that any mitigation measures detailed in the EIS and/or NIS form part of a construction management plan which must be implemented by

the successful contractor at construction phase. This must be detailed in the EIS/NIS. It is not possible to adequately assess the impact of the project without knowing the minimum standards and mitigation measures that will be in any construction methodology or plans.

### Appropriate Assessment

In accordance with article 6.3 of the Habitats Directive, this project should be subject to appropriate assessment (AA) screening and if necessary appropriate assessment.

It is noted that there will be some river crossings and these are to be trenchless. It should be noted that any impacts on such rivers could impact on Natura 2000 sites downstream. This issue should be assessed.

Some Guidance documents are referred to below which may help. However CJEU case law has to some extent clarified certain issues, in particular case C-258/2011- N6 Galway City Outer Bypass. As a result of this permanent loss of a habitat for which a site has been designated has been established to mean that there is a significant effect on the site. Therefore it is the view of this Dept. that if any loss of a habitat or habitat of a species for which the site is designated cannot be ruled out with certainty at screening, the likelihood of an adverse effect on the integrity of the site must be assumed, thus proceeding to appropriate assessment.

Guidance on AA is available in the Departmental guidance document on Appropriate Assessment, which is available on the NPWS web site at <http://www.npws.ie/media/npws/publications/codesofpractice/AA%20Guidance%2010-12-09.pdf> and in the EU Commission guidance entitled "*Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*" which can be downloaded from [http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

A rule of thumb often used is to include all Natura 2000 sites within a distance of 15km. It should be noted however that this will not always be appropriate. In some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included.

In order to carry out the appropriate assessment screening and/or prepare a NIS you will need to collect information about the relevant Natura 2000 sites including their conservation objectives. Details of designated sites and species and conservation objectives can be found on [www.npws.ie](http://www.npws.ie). Site-specific, as opposed to generic, conservation objectives are now available for some sites. Each conservation objective is defined by a list of attributes and targets. Where these are not available for a site it is recommended that you look at the detailed conservation objectives for other sites which have the same qualifying interests. For example if a site without detailed conservation objectives has otters as a qualifying interest you could refer to the River Barrow and River Nore SAC detailed conservation objectives to see how otters are treated. You might also note that it is now advised, as per the notes and guidelines in the detailed conservation objectives, that any reports quoting conservation objectives should give the version number and date. This will allow statutory consultees and others assessing reports to be confident that the correct and most up to date version of the conservation objectives are used at the time of writing any report.

Where further detail is required on any information on the NPWS website, a data request form should be submitted. This can be found at <http://www.npws.ie/media/npws/publications/Data%20request%20form.doc>. It should be noted that at present due to technical problems not all the most up to date conservation objectives have been added to the website. In particular site specific conservation objectives are now available for North Dublin Bay. While this issue will shortly be rectified it would be worth checking via the data request form that all the most recent conservation objectives for any sites you are interested in are up to date on this web site.



As stated above various circular letters issued by the National Parks and Wildlife Service of this Dept. can be found at <http://www.npws.ie/planning/appropriateassessment/>. In particular Circular Letter PD 2/07 and NPWS 1/07 on the use of compliance conditions is relevant. In order to allow for a complete assessment, it is essential that any mitigation measures detailed in the EIS and/or NIS form part of a construction management plan to be implemented by the successful contractor at construction phase. This should be detailed in the EIS/NIS. It is not possible to adequately assess the impact of the project without knowing the minimum standards and mitigation measures that will be in any construction methodology or plans.

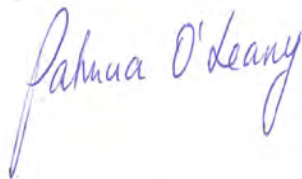
It is recommended that you consult with the relevant Local Authorities to determine if there are any projects or plans which alone or in combination could impact on any Natura sites

The acknowledgement to this letter or any further information should ideally be sent to [manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie); if this is not possible, correspondence may alternatively be sent to:

The Manager  
Development Applications Unit  
Department of Arts, Heritage and the Gaeltacht  
Newtown Road  
Wexford

Finally, the above observations and recommendations are based on the papers submitted to this Department on a pre-planning basis and are made without prejudice to any observations the Minister may make in the context of any consultation arising on foot of any development application referred to the Minister, by the planning authority, in his role as statutory consultee under the Planning and Development Act 2000, as amended.

Is mise, le meas



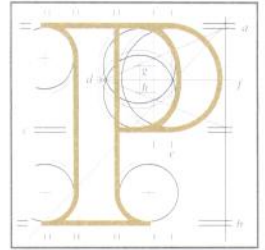
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Patricia O'Leary  
Development Applications Unit  
Tel: (053) 911 7482

## Appendix D      An Bord Pleanála – PL 29N.245738

Our Ref: PL 29N.245738  
P.A.Reg.Ref: 2552/15  
Your Ref:

An Bord Pleanála



Fingleton White  
Bridge Street Centre  
Portlaoise  
Co. Laois.

RECEIVED 27 APR 2016

27 APR 2016

**Appeal** **Re:** Aviation fuel pipeline.  
Inlet Station at Team CV Ltd,  
Bond Drive, Dublin Port, Dublin 1 to Dublin Airport, Co. Dublin.

Dear Sir,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2015. A copy of the order is enclosed.


Your attention is drawn to section 34(13) of the Planning and Development Act 2000 which provides that "a person shall not be entitled solely by reason of a permission under this section to carry out any development".

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

In cases where a grant of (full) planning permission is notified by the Board, it is policy to include a copy of the Department of the Environment and Local Government's Leaflet PL11 - **Guide to the Building Control System** and a copy of the Health and Safety Authority's leaflet **Safety and Health on Construction Projects - The Role of Clients** with the notification. These leaflets are issued at the request of the above bodies.

Yours faithfully,

  
Carmel Morgan  
Executive Officer  
Direct Line:

Encl: **Board Direction Attached**

64 Sráid Maonbhride,  
Baile Átha Cliath 1.

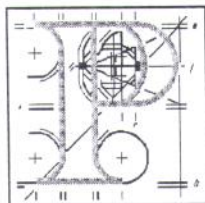
Tel: (01) 858 8100 Tel  
Glaos Áitiúil 1890 275 175 LoCall  
Faxes: (01) 872 2684 Fax  
Láithreán Gréasáin [www.pleanala.ie](http://www.pleanala.ie) Web  
Riomphost [bord@pleanala.ie](mailto:bord@pleanala.ie) Email



64 Marlborough Street,  
Dublin 1.



# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2552/15

An Bord Pleanála Reference Number: PL 29N.245738

**APPEAL** by David Ryan of 49 Copeland Avenue, Dublin and by others against the decision made on the 15<sup>th</sup> day of October, 2015 by Dublin City Council to grant subject to conditions a permission to Fingleton White of Bridge Street Centre, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** For development of an aviation fuel pipeline from Dublin Port, Dublin to Dublin Airport, County Dublin. The route of the pipeline is from proposed inlet station at Team CV Limited, Bond Drive, Dublin Port, Dublin and via Bond Drive, Tolka Quay Road, East Wall Road, under the Tolka River, Alfie Byrne Road, Clontarf Road, Howth Road, Copeland Avenue, Malahide Road (R107), and R139 (formerly N32). (It then enters Fingal County Council administrative area at Clonshaugh Road and routes via AUL/FAI sports ground, under the M1 motorway, via the DAA Long Term Red Car Park, adjacent to the Eastlands Car Hire Compound, ALSAA complex, under the Swords Road R132 and via Corballis Road to a reception station at Dublin Airport, County Dublin. (A separate application is being lodged concurrently with Fingal County Council in respect of the development proposed in its administrative area). The development will consist of (a) single storey Control Building, pumps and ancillary pipework in a fenced compound at Bond Drive, Dublin Port, Dublin, (b) a 200mm diameter continuously welded steel pipeline, laid generally in the public road, at a depth of circa 1.2 metres below surface level except where it will pass under the Tolka and Santry Rivers and culverted streams. The length of the pipeline in Dublin City Council administrative area will be circa 11.4 kilometres (total

length will be circa 14.4 kilometres), and (c) two number above-ground control boxes associated with emergency shut-down valves on the pipeline, at the junction of the Malahide Road R107 and Donnycarney Road and on the R139 (formerly N32) east of the junction with Clonshaugh Road South. The pipeline will be laid in the roadway under the Clontarf Bridge which is a protected structure.

## **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.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

In coming to its decision, the Board had regard, inter alia, to the following:

- the nature and design of the proposed pipeline connection;
- the strategic importance of Dublin Airport to the national economy;
- the anticipated growth in demand for air travel via Dublin Airport in the short to medium term;
- the associated growth in requirement for aviation fuel at the airport;
- the avoided road tanker journeys facilitated by the proposed pipeline over its lifetime;
- the significantly lower level of hazard associated with pipeline delivery as compared with road transport;



- the established nature of aviation fuel pipeline technology and experience internationally;
- the submissions on file, including the views of the Health and Safety Authority; and
- the report of the Inspector.

#### Appropriate Assessment

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites and specifically on the following:

- South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024);
- South Dublin Bay Special Area of Conservation (site code 000210);
- North Dublin Bay Special Area of Conservation (site code 000206)
- Baldoyle Bay Special Protection Area (site code 004016);
- Baldoyle Bay Special Area of Conservation (site code 000199);
- Malahide Estuary Special Area of Conservation (site code 000205); and
- Rogerstown Estuary Special Area of Conservation (site code 000208).

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that, subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura site, having regard to the conservation objectives of those sites.

### Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct effects, indirect effects and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

### Conclusion

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity of the route of the proposed pipeline, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by the planning authority on the 21<sup>st</sup> day of August 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission shall apply for a period of 10 years from the date of this order.

**Reason:** In the interest of clarity.

3. The pipeline shall be used for the conveyance of Jet A1 aviation fuel only. The use of the pipeline for the conveyance of any other fuel or fluid shall be the subject of a separate planning application notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them.

**Reason:** In the interest of clarity and safety.

4. All of the environmental, construction and ecological mitigation measures set out in the Environmental Impact Statement, the Natura impact statement, as revised, and other particulars submitted with the application and the further information submitted to the planning authority on the 21<sup>st</sup> day of August 2015 shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.



5. Prior to the commencement of operational usage of the pipeline and as part of the commissioning process, an independent and suitably qualified person to be agreed in writing with the planning authority shall be appointed at the developer's expense to carry out an assessment and report in respect of the structural integrity of the pipeline to be submitted to the planning authority. This exercise shall be repeated at intervals to be agreed in writing with the planning authority (minimum annually).

**Reason:** In the interest of environmental protection.

6. Prior to the commencement of development an independent and suitably qualified person to be agreed with the planning authority shall be appointed at the developer's expense to undertake the following:
- (i) validate all design details,
  - (ii) validate accurate and detailed service drawings prepared by the applicant after consultation with all utility companies and relevant authorities, which will show all utilities underground in the vicinity of the pipeline,
  - (iii) validate a detailed geotechnical, topographical and utilities survey consisting of radar survey, manhole survey and topographical survey which shall be carried out and verified by boreholes, trial pits and slit trenches immediately prior to construction,
  - (iv) inspect and validate construction works and submit weekly reports to the planning authority which shall include the developer's detailed drawings of the pipeline as laid in addition to a detailed photographic survey of on-going works,
  - (v) validate the testing and commissioning of the pipeline and associated installations,
  - (vi) validate all operating and emergency plans/procedures in addition to procedures for on-going inspections and testing of the pipeline, and

- (vii) all validation pursuant to this condition shall be submitted to the planning authority for written agreement.

**Reason:** To ensure the structural integrity of the pipeline and general environmental protection.

7. The developer/operator shall submit details of a Major Accident Prevention Document (MAPD) to the planning authority prior to the commissioning of the pipeline which shall comply and be in accordance with the Dublin City Major Emergency Plan. Details of the Major Accident Prevention Document (MAPD) shall be subject of a written agreement with the planning authority prior to the commissioning of the pipeline.

**Reason:** In the interest of safety.

8. Prior to the commissioning of the proposed pipeline details of emergency response procedures in respect of any rupture, burst, crack or other type of damage or interference along the pipeline shall be submitted to, and agreed in writing with, the planning authority and shall include procedures for review and testing at yearly intervals.

**Reason:** In the interest of environmental protection.

9. The developer shall indemnify the planning authority against any incidence, accident, emergency or other event likely to cause or give rise to environmental pollution or damage to the environment arising from the construction, commissioning, operation, maintenance or decommissioning of the pipeline.

**Reason:** In the interest of environmental protection.

10. Any removal or relocation of the aviation fuel pipeline shall be carried out at the developer's expense where such is required for the purposes of road reconstruction and repair or for the repair, replacement and renewal of any service installed in the public road, at the request of the planning authority.

**Reason:** In the interest of orderly development.

11. Prior to the commencement of development, the developer shall carry out a proving survey demonstrating that there is an unobstructed route for the proposed pipeline having regard to a number of locations where heavily congested underground services exist.

**Reason:** In the interest of orderly development.

12. The developer shall meet the requirements of all statutory undertakers in respect of other underground utilities and services along the route of the proposed pipeline.

**Reason:** In the interest of orderly development.

13. Prior to commencement of development, the applicant shall submit a fully integrated Traffic Management Plan to the planning authority for agreement for each phase of the proposed development. The Traffic Management Plan must include details of required VMS signage, temporary signs, cones, bollards, barriers and any other temporary infrastructure associated with the development. A full safety plan and risk assessment for each phase of the required road works associated with this development must also be submitted to the planning authority for agreement prior to the commencement of development. Details of the various stages and phasing of the development shall also be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety.



14. A suitably experienced traffic management co-ordinator shall be appointed by the contractor employed by the developer to co-ordinate an overall approach to traffic and pedestrian management and to act as the main point of contact for the planning authority prior to and during the construction works. The traffic management co-ordinator to be appointed shall be agreed with the planning authority. The person appointed shall be a senior member of the contractor's team and shall have the authority to act on behalf of the contractor in respect of traffic management issues associated with the overall project.

**Reason:** In the interest of traffic safety.

15. Prior to the commencement of development, the developer shall apply for a road opening licence and pay associated licence fees and other associated charges for the area of excavation for the proposed pipeline. The developer's contractor shall adhere to any conditions set out by the planning authority on all such licences. All road works within the planning authority's functional area shall, unless otherwise agreed, comply with the requirements of the directions for the control and management of road works and no works shall take place without the necessary directions/permits/consents and road opening licences being in place.

**Reason:** In the interest of orderly development.

16. Any amended location for the pipeline in the vicinity of the Eastern Bypass shall be agreed in writing with the planning authority prior to the commencement of development. In the event that the route of the pipeline is required to be located outside the planning application boundary as indicated in the drawings attached, a separate application for planning permission shall be required.

**Reason:** In the interest of orderly development.

17. Prior to the commencement of development, the developer shall prepare and agree with the planning authority a Construction Management Strategy in the vicinity of Dublin Port Tunnel. All works subject to the grant of permission shall be undertaken in accordance with Dublin Port Tunnel Guidance Notes for Developers.

**Reason:** In the interest of orderly development.

18. The depth from the road surface to the top of the proposed pipeline shall be a minimum of 1.5 metres along the Malahide Road to provide for the potential of a future light rail scheme being routed along the Malahide Road. In the event that the aviation fuel pipeline is required to be relocated along any section of the road to facilitate any future light rail scheme, the developer shall be responsible for all costs associated with the necessary relocation.

**Reason:** In the interest of orderly development.

19. Prior to any excavation of the carriageway for the proposed pipeline along the Alfie Byrne Road, the developer shall be required to demonstrate and obtain the agreement of the planning authority as to how the integrity of the road can be maintained following the installation of the pipeline including repairs to any membrane structures which are damaged during the course of the works. All costs associated with the reconstruction of the road including repairs to the stress relieving membranes shall be borne by the developer. The developer shall also pay for the attendance and monitoring of the works by Dublin City Council engineers or agents working on its behalf.

**Reason:** In the interest of traffic safety.

20. All costs occurred by the planning authority including any repairs to the public road and services necessary as a result of the laying of the proposed pipeline shall be at the expense of the developer.

**Reason:** It is considered reasonable that the developer pay for any repairs to the public road necessitated as a result of the proposed development.



21. A decommissioning plan shall be submitted for the written agreement of the planning authority prior to any long-term discontinuance of the pipeline for the conveyance of aviation fuel and prior to any revalidation of the pipeline.

**Reason:** In the interest of public health and safety.

22. Prior to the commencement of development, a Construction Management Plan (incorporating a plan for the management of construction waste including contaminated soil), Emergency Response Plan and an Operational/Maintenance Plan shall be submitted to and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic safety, public health and safety and orderly development.

23. All drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

24. (1) The construction of the proposed pipeline at Belcamp and other grassland sections of the route shall be limited to the period between April and August to ensure compliance with the Birds Directive regarding preventing disturbance of feeding grounds.
- (2) The Invasive Species Management Plan contained in Appendix 11.5 of the Environmental Impact Statement shall be adhered to. All records of any invasive alien species shall be submitted to the National Biodiversity Data Centre for future monitoring use.

**Reason:** In the interest of the protection of natural heritage.

25. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the boundary of the pipeline route. 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 hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

26. Copies of all reports detailing site investigations carried out along the route as part of proposed development shall be forwarded to the Geological Survey of Ireland.

**Reason:** In the interest of orderly development.

27. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority a noise management plan relating to the construction and decommissioning phases of the project.

**Reason:** In the interest of orderly development.



28. Construction works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

29. The developer shall incorporate adequate measures to ensure that all trees and shrubs along the alignment of the proposed pipeline route are adequately protected from damage during the construction phase.

**Reason:** In the interest of residential and visual amenity.

30. Prior to the commencement of development, the developer shall submit a tree survey by a qualified arborist detailing the conditions of all trees and shrubs located within ten metres of the proposed pipeline route. Subsequent to the completion of the development, a similar survey shall be undertaken one year after the completion of the development and again three years and five years after the completion of the development. Any plants which die are removed or become seriously damaged or diseased subsequent to the completion of the development shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.



31. Prior to the commencement of development the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or other security to secure environmental restoration in the event of a leak of the pipeline or in the event of the need for decommissioning coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of the environment. The form and amount of the security shall be as agreed between the planning authority and the developer or in default of an agreement shall be determined by An Bord Pleanála.

**Reason:** In the interest of environmental protection.

32. The developer shall pay to the planning authority a financial contribution of €3,293 (three thousand, two hundred and ninety-three euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

33. The developer shall pay to the planning authority a financial contribution of €1,786 (one thousand seven hundred and eighty six euro) in respect of the Luas C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

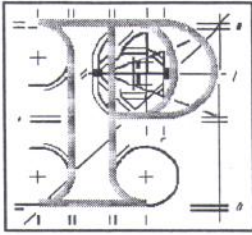


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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 26<sup>th</sup> day of April 2016.





## Board Direction

Ref: PL29N.245738

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20<sup>th</sup> April 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

### REASONS AND CONSIDERATIONS

In coming to its decision the Board had regard, inter alia, to the following:

- the nature and design of the proposed pipeline connection;
- the strategic importance of Dublin Airport to the national economy;
- the anticipate growth in demand for air travel via Dublin Airport in the short to medium term;
- the associated growth in requirement for aviation fuel at the airport;
- the avoided road tanker journeys facilitated by the proposed pipeline over its lifetime;
- the significantly lower level of hazard associated with pipeline delivery as compared with road transport;
- the established nature of aviation fuel pipeline technology and experience internationally;
- the submissions on file, including the views of the Health and Safety Authority, and
- the report of the Inspector.

### *Appropriate Assessment*

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites and specifically on the following:

- South Dublin Bay and River Tolka Estuary SPA (site code 004024);
- South Dublin Bay SAC (site code 000210);
- North Dublin Bay SAC (site code 000206)
- Baldoyle Bay cSAC (site code 004016);
- Baldoyle Bay SPA (site code 000199);
- Malahide Estuary cSAC (site code 000205); and
- Rogerstown Estuary SAC (site code 000208).

In completing the appropriate assessment the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura site, having regard to the conservation objectives of those sites.

### *Environmental Impact Assessment*

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct effects, indirect effects and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not have an unacceptable impact on the environment.



## Conclusion

The Board considers that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of the area or property in the vicinity of the route of the proposed pipeline, would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars received by the planning authority on the 21<sup>st</sup> day of August 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The grant of planning permission shall be for a period of 10 years from the date of this Order.

**Reason:** In the interest of clarity.

3. The pipeline shall be used for the conveyance of Jet A1 aviation fuel only. The use of the pipeline for the conveyance of any other fuel or fluid shall be the subject of a separate planning application regardless of any provisions set out in the exempted development regulations.

**Reason:** In the interest of clarity and safety.

4. All of the environmental, construction and ecological mitigation measures set out in the environmental impact statement, the Natura impact statement, as revised, and other particulars submitted with the

application and in the further information submitted to the planning authority on the 21<sup>st</sup> day of August 2015 shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

5. Prior to the commencement of operational usage of the pipeline and as part of the commissioning process an independent and suitably qualified person to be agreed in writing with the planning authority shall be appointed at the developer's expense to carry out an assessment and report in respect of the structural integrity of the pipeline to be submitted to the planning authority. This exercise is to be repeated at intervals to be agreed in writing with the planning authority (minimum annually).

**Reason:** In the interest of environmental protection.

6. Prior to the commencement of development an independent and suitably qualified person to be agreed with the planning authority shall be appointed at the developer's expense to undertake the following:
  - (i) validate all design details;
  - (ii) validate accurate and detailed service drawings prepared by the applicant which will show all utilities underground in the vicinity of the pipeline and shall be prepared after consultation with all utility companies and relevant authorities;
  - (iii) validate a detailed geotechnical, topographical and utilities survey consisting of radar survey, manhole survey and topographical survey which shall be carried out and verified by boreholes, trial pits and slit trenches immediately prior to construction;
  - (iv) inspect and validate construction works and submit weekly reports to the planning authority which shall include the applicant detailed drawings of the pipeline as laid in addition to a detailed photographic survey of on-going works;

- (v) validate the testing and commissioning of the pipeline and associated installations;
- (vi) validate all operating and emergency plans/procedures in addition to procedures for on-going inspections and testing of the pipeline;
- (vii) all validation pursuant to this condition shall be submitted to the planning authority for written agreement.

**Reason:** To ensure the structural integrity of the pipeline and general environmental protection.

7. The developer/operator shall submit details of a Major Accident Prevention Document (MAPD) to the planning authority prior to the commissioning of the pipeline which shall comply and be in accordance with the Dublin City Major Emergency Plan. Details of the Major Accident Prevention Document (MAPD) shall be subject of a written agreement with the planning authority prior to the commissioning of the pipeline.

**Reason:** In the interest of safety.

8. Prior to the commissioning of the proposed pipeline detailed emergency response procedures in respect of any rupture, burst, crack or other type of damage or interference along the pipeline. These shall be the subject to the written approval of the planning authority and shall include procedures for review and testing at yearly intervals.

**Reason:** In the interest of environmental protection.

9. The applicant shall indemnify the planning authority against any incidence, accident, emergency or other event likely to cause or give rise to environmental pollution or damage to the environment arising from the construction, commissioning, operation, maintenance or decommissioning of the pipeline.

**Reason:** In the interest of environmental protection.



10. Any removal or relocation of the aviation fuel pipeline shall be carried out at the developer's expense where such is required for the purposes of road reconstruction and repair or for the repair, replacement and renewal of any service installed in the public road, at the request of the planning authority.

**Reason:** In the interest of orderly development.

11. Prior to the commencement of development the developer shall carry out a proving survey demonstrating that there is an unobstructed route for the proposed pipeline having regard to a number of locations where heavily congested underground services exist.

**Reason:** In the interest of orderly development.

12. The developer shall meet the requirements of all statutory undertakers in respect of other underground utilities and services along the route of the proposed pipeline.

**Reason:** In the interest of orderly development.

13. Prior to the commencement of development the applicant shall submit a fully integrated Traffic Management Plan to the planning authority for approval for each phase of the proposed development. The Traffic Management Plan must include details of required VMS signage, temporary signs, cones, bollards, barriers and any other temporary infrastructure associated with the development. A full safety plan and risk assessment for each phase of the required road works associated with this development must also be submitted for planning authority approval prior to the commencement of development. Details of the various stages and phasing of the development shall also be the subject of agreement with the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety.

14. A suitably experienced traffic management co-ordinator shall be appointed by the contractor employed by the developer to co-ordinate an overall approach to traffic and pedestrian management and to act as the main point of contact for the local authority prior to and during the construction works. The traffic management co-ordinator to be appointed shall be agreed with the planning authority. The person appointed shall be a senior member of the contractor's team and shall have the authority to act on behalf of the contractor in respect of traffic management issues associated with the overall project.

**Reason:** In the interest of traffic safety.

15. Prior to the commencement of development the developer shall apply for a road opening licence and pay associated licence fees and other associated charges for the area of excavation for the proposed pipeline. The developer's contractor will adhere to any conditions set out by the local authority on all such licences. All road works within the planning authority's functional area will, unless other agreed, follow the requirements of the directions for the control and management of road works and no works will take place without the necessary directions/permits/consents and road opening licences being in place.

**Reason:** In the interest of orderly development.

16. Any amended location for the pipeline in the vicinity of the Eastern Bypass shall be agreed in writing with the planning authority prior to the commencement of development. In the event where the route of the pipeline is required to be located outside the planning application boundary as indicated in the drawings attached, a separate application for planning permission will be required.

**Reason:** In the interest of orderly development.

17. Prior to the commencement of development, the developer shall prepare and agree with the planning authority a Construction Management Strategy in the vicinity of Dublin Port Tunnel. All works subject to the grant of permission shall be undertaken in accordance with Dublin Port Tunnel Guidance Notes for Developers.



**Reason:** In the interest of orderly development.

18. The depth from the road surface to the top of the proposed pipeline shall be a minimum of 1.5 metres along the Malahide Road to cater for the potential of a future light rail scheme being routed along the Malahide Road. In the event that the aviation fuel pipeline is required to be relocated along any section of the road to facilitate any future light rail scheme, the applicant shall be responsible for all costs associated with the necessary relocation.

**Reason:** In the interest of orderly development.

19. Prior to any excavation of the carriageway for the proposed pipeline along the Alfie Byrne Road the applicant shall be required to demonstrate and obtain the agreement of the planning authority as to how the integrity of the road can be maintained following the installation of the pipeline including repairs to any membrane structures which are damaged during the course of the works. All costs associated with the reconstruction of the road including repairs to the stress relieving membranes shall be borne by the applicant. The developer shall also pay for the attendance and monitoring of the works by Dublin City Council engineers or agents working on its behalf.

**Reason:** In the interest of traffic safety.

20. All costs occurred by the planning authority including any repairs to the public road and services necessary as a result of the laying of the proposed pipeline shall be at the expense of the developer.

**Reason:** It is considered reasonable that the developer pay for any repairs to the public road necessitated as a result of the proposed development.

21. A decommissioning plan shall be submitted for the written agreement of the planning authority prior to any long-term discontinuance of the pipeline for the conveyance of aviation fuel and prior to any revalidation of the pipeline.

**Reason:** In the interest of health and safety.

22. Prior to the commencement of development a Construction Management Plan (incorporating a plan for the management of construction waste including contaminated soil), Emergency Response Plan and an Operational/Maintenance Plan shall be the subject of written agreement with the planning authority.

**Reason:** In the interest of traffic safety, public health and safety and orderly development.

23. All drainage arrangements shall comply with the requirements of the planning authority and the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

24.

- (a) The construction of the proposed pipeline at Belcamp and other grassland sections of the route shall be limited to the period between April and August to ensure compliance with the Birds Directive regarding preventing disturbance of feeding grounds.
- (b) The Invasive Species Management Plan contained in Appendix 11.5 of the EIS shall be adhered to. All records of any invasive alien species are to be submitted to the National Biodiversity Data Centre for future monitoring use.

**Reason:** In the interest of the protection of natural heritage.

25. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the boundary of the pipeline route. 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 hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

26. Copies of all reports detailing site investigations carried out along the route as part of proposed development shall be forwarded to the Geological Survey of Ireland.

**Reason:** In the interest of orderly development.

27. Prior to the commencement of the development the applicant shall submit to the planning authority a noise management plan relating to the construction and decommissioning phases of the project. This plan shall be the subject of written agreement with the planning authority.

**Reason:** In the interest of orderly development.

28. Construction hours shall be restricted to the period of 08.00 hours to 19.00 hours Monday to Friday and 08.00 hours to 14.00 on Saturday and not at all on Sundays or Bank Holidays unless written agreement is obtained from Dublin City Council on a case by case basis.

**Reason:** In order to protect residential amenity.

29. The developer shall incorporate adequate measures to ensure that all trees and shrubs along the alignment of the proposed pipeline route are adequately protected from damage during the construction phase.

**Reason:** In the interest of residential and visual amenity.

30. Prior to the commencement of development the applicant shall submit a tree survey by a qualified arborist detailing the conditions of all trees and shrubs located within ten metres of the proposed pipeline route. Subsequent to the completion of the development a similar survey shall be undertaken one year after the completion of the development and again three years and five years after the completion of the development. Any plants which die are removed or become seriously damaged or diseased subsequent to the completion of the development shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

31. Prior to the commencement of development the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or other security to secure environmental restoration in the event of a leak of the pipeline or in the event of the need for decommissioning coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration of the environment. The form and amount of the security shall be as agreed between the planning authority and the developer or in default of an agreement shall be determined by An Bord Pleanála.

**Reason:** In the interest of environmental protection.

32. The developer shall pay to the planning authority a financial contribution of €3,293 (three thousand two hundred and ninety three euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The



contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

33. The developer shall pay to the planning authority a financial contribution of €1,786 (one thousand seven hundred and eighty six euro) in respect of the Luas C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Please bring the provisions of s.34(13) of the Act to the attention of the applicant.

Please issue a copy of the Direction with the Order.

Board Member:

  
G.J. Dennison

Date: 21<sup>st</sup> April 2016

Appendix E      Dublin City Council - 2552/15





Planning Registry & Decisions, Planning Department  
Civic Offices, Wood Quay, Dublin 8

Clárann / Cinntí Pleanála  
An Roinn Pleanála agus Forbartha, Clárann / Cinntí  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8  
Registry T: (01) 222 2149 / F: (01) 222 2675  
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Date 19-Oct-2015

Fingleton White  
Bridge Street Centre  
Portlaoise  
Co. Laois

RECEIVED 20 OCT 2015

Application No.	2552/15
Registration Date	21-Aug-2015
Decision Date	15-Oct-2015
Decision Order No	P3105
Location	Inlet Station: Team CV, Bond Drive, Dublin Port, Dublin 1 to Dublin Airport, Co. Dublin
Proposal	<p>PROTECTED STRUCTURE: Permission for development of an aviation fuel pipeline from Dublin Port, Dublin 1 to Dublin Airport, Co Dublin. The route of the pipeline is from proposed inlet station at Team CV Ltd, Bond Drive, Dublin Port, Dublin 1 and via Bond Drive, Tolka Quay Road, East Wall Road, under the Tolka River, Alfie Byrne Road, Clontarf Road, Howth Road, Copeland Avenue, Malahide Road (R107) and R139 (formerly N32). (It then enters Fingal Co. Council administrative area at Clonshaugh Rd. and routes via AUL/FAI sports ground, under the M1 motorway via the DAA Long Term Red Carpark, adjacent to Eastlands Car Hire Compound, ALSAA complex, under the Swords Road R132 and via Corballis Road to a reception station at Dublin Airport, Co Dublin. A separate application is being lodged con-currently with Fingal County Council in respect of the development proposed in its administrative area). The development will consist of (a) single storey Control Building, pumps and ancillary pipework in a fenced compound at Bond Drive, Dublin Port, Dublin 1 (b) a 200mm diameter continuously welded steel pipeline, laid generally in the public road at a depth of circa 1.2m below surface level except where it will pass under the Tolka and Santry Rivers and culverted streams. The length of the pipeline in Dublin City Council administrative area will be circa 11.4 km (total length will be circa 14.4 km.) (c) 2no. above-ground control boxes associated with emergency shut-down valves on the pipeline, at the junction of the Malahide Road R107 and Donnycarney Road and on the R139 (formerly N32) east of the junction with Clonshaugh Road South. The pipeline will be laid in the roadway under the Clontarf Bridge which is a protected structure. An Environmental Impact Statement and Natura Impact Statement have been prepared in respect of the application and will be submitted with the planning application.</p>
Applicant	Fingleton White
Application Type	Permission

NOT1perm

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### **NOTIFICATION OF DECISION TO GRANT PERMISSION**

In pursuance of its functions under the Planning & Development Acts 2000 (as amended) Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 15-Oct-2015 decided to GRANT PERMISSION for the development described above, subject to the following condition(s).

### **CONDITION(S) AND REASON(S) FOR CONDITION(S)**

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made there under are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 21st August 2015, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. The developer shall pay the sum of €3,292.82 to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.





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Note:

From the 1st of January 2014, Irish Water are now the statutory body responsible for both water supply and waste water services, including the collection of any charges that may be associated with the provision of these services.

- Accordingly the level of contributions applied by Dublin City Council to decisions from the 1st of January 2014, under the current Section 48 Development Contribution Scheme have been reduced by 25% (per square metre of approved development), to take into account the contribution associated with these services. The reduction has been applied to this decision.

- Dublin City Council retains control and responsibility for surface water and flood alleviation works.

3. The developer shall pay the sum of €1,786.00 to the Planning Authority in respect of the LUAS C1 Line Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas C1 line area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended).

4. This planning permission is granted for a limited period of 10 years from the date of this grant.

5. The requirements of DCC's Roads & Traffic Planning Division shall be undertaken as follows:

a) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure environmental restoration in the event of a leak of the pipeline or in the event of the need for decommissioning, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory restoration



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of the environment. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

b) Prior to commencement of development, an independent, suitably qualified person (to be agreed with the planning authority or, in default of agreement, to be determined by An Bord Pleanála) shall be appointed, at the developer's expense to monitor the pipeline on an annual basis. The timeframe for the monitoring process shall be agreed in writing with the planning authority.

c) Prior to commencement of development, an independent, suitably qualified person (to be agreed with the planning authority or, in default of agreement, to be determined by An Bord Pleanála) shall be appointed, at the developer's expense to undertake the following:

i. Validate all design details.

ii. Validate accurate and detailed service drawings prepared by the applicant, which shall show all utilities and shall be prepared after consultation with all utility companies and relevant authorities.

iii. Validate a detailed geotechnical, topographical and utilities survey consisting of radar survey, manhole survey and topographical survey shall be carried out and verified by boreholes, trial pits and slit trenches immediately prior to construction.

iv. Inspect and validate construction works and submit weekly reports to the planning authority, which shall include the applicant's detailed drawings of the pipeline as laid, in addition to photographs of ongoing works.

v. Validate the testing and commissioning of the pipeline and associated installations.

vi. Validate all operating and emergency plans/procedures, in addition to procedures for ongoing inspections and testing.

d) All validation pursuant to this condition shall be submitted to the planning authority.

e) The developer and/or operator shall submit details of a Major Accident Prevention Document (MAPD) to the planning authority prior to the commissioning of the pipeline, which shall be compatible with the Dublin City Major Emergency Plan.



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- f) The developer shall, prior to the commissioning of the proposed pipeline, develop detailed emergency response procedures in respect of any leak, rupture, burst, damage or other interference with the proposed pipeline. These procedures shall be subject to the approval of the Planning Authority and other relevant agencies and shall include for review and testing at agreed intervals.
- g) The applicant shall indemnify Dublin City Council against any incident, accident, emergency or other event likely to cause or giving rise to environmental pollution or damage to the environment arising from the construction, commissioning, operation, maintenance and decommissioning of the pipeline.
- h) Any required wayleave agreements along the route of the pipeline shall be secured prior to commencement of development.
- i) The Developer shall accept responsibility for the removal or relocation of the aviation pipeline at its own expense, if such is necessary for the purpose of road reconstruction and repair or for the repair, replacement and renewal of any service installed in the public road, for at the request for the Planning Authority.
- j) The Developer shall demonstrate compliance by proving there is an unobstructed route for the proposed pipeline given that there are a number of locations with heavily congested underground services such as East Wall Road and Copeland Avenue.
- k) The Developer shall meet the requirements (such as horizontal and vertical clearances) of Statutory Undertakers and other utilities that have underground services along the route of the proposed pipeline.
- l) A fully integrated traffic Management Plan shall be submitted to the Planning Authority for approval prior to the commencement of each phase of this development. This traffic management plan must include details of required VMS signage, temporary signals, cones, bollards, barriers or any other temporary plant machinery or any other temporary infrastructure associated with the development. A full safety plan and risk assessment for dealing with each phase of any required road works associated with this development must also be submitted for approval prior to the commencement of each associated stage of the development.
- m) An experienced Traffic Management Coordinator will be appointed by the Contractor to coordinate the overall approach to traffic and pedestrian management and to act as the main point of contact for the local authority prior to and during the construction works. The Traffic Management Coordinator will be a senior member of the Contractors team and will have the authority to act on behalf of the Contractor in respect of traffic management and the overall project.



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n) Prior to commencement of development Road the Developer shall apply for a road opening licence and pay associated licence fee and all other associated charges for the area of excavation for the proposed pipeline. The Contractor will adhere to any conditions set out by the local authority on all such licences. All roadworks within DCC's functional area will, unless otherwise agreed, follow the requirements of the Directions for the Control and Management of Roadworks in Dublin City (DCMR) and no works will take place without the necessary direction/permit/consents and road opening licences being in place.

o) The developer shall liaise with Transport Infrastructure Ireland (TII) in relation to the location of the proposed pipeline which lies within the protection corridor for the Eastern Bypass. Any amended location for the pipeline in the vicinity of the Eastern Bypass shall be agreed in writing with the planning authority prior to commencement of development.

p) Prior to the commencement of development, the developer shall liaise with Transport Infrastructure Ireland (TII) and the operators of the Dublin Tunnel to prepare and agree a Construction Traffic Management Strategy for the Dublin Tunnel for the duration of the works.

All works subject to the grant of permission shall be undertaken in accordance with Dublin Port Tunnel Guidance notes for developers.

q) The cover to the top of the pipe shall be a minimum of 1.5m along the Malahide Road to cater for the potential of a future light rail scheme being routed along the Malahide Road. In the event that the aviation pipeline is required to be relocated to facilitate any future light rail scheme, the applicant shall be responsible for all costs associated with necessary relocation.

r) Alfie Byrne Road is constructed on fill or made up ground and has a number stress relieving membranes installed within the makeup of the road. Prior to any excavation of the carriageway for the proposed pipeline the applicant shall demonstrate and obtain the agreement of Environmental and Transportation Department on how the integrity of the road can be maintained following the installation of pipeline including repairs to any membrane structure damaged during the course of the works. All costs associated with the reconstruction of the road including repairs to the stress relieving membranes shall be borne by the applicant.

The developer shall also pay for the attendance & monitoring of the works by Dublin City Council engineers or agents working on its behalf.





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s) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

t) The pipeline shall not be used for other than the conveyance of JET A1 aviation fuel whether or not this would be exempted development under the Planning Acts and Planning Regulations. Revalidation of the pipeline shall be subject to separate planning permission.

u) A decommissioning plan shall be submitted for written agreement prior to any long term discontinuance of the pipeline for the conveyance of aviation fuel and prior to any revalidation of the pipeline.

v) The Pipeline shall be designed as per details submitted with any amendments agreed in writing in advance of any proposed change.

w) A Construction Management Plan; Emergency Response Plan and Operational/Maintenance plan shall be submitted for written agreement

Reason: in the interests of traffic safety and orderly development

6. Prior to commencement of any works on site the applicant shall ascertain the requirements of Iarnród Éireann including the obtainment of wayleave agreements. Any required construction requirements from Iarnród Éireann shall be incorporated in an overall Construction Plan.

Reason: In the interests of orderly development.

7. The requirements of DCC's Drainage Division shall be undertaken as follows:

a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).

b) A comprehensive Construction Method Statement must be submitted to Drainage Division for approval prior to commencement of construction, outlining how the Contractor will deal with clashes with drainage pipes or culverts.

c) Any proposed temporary severances/diversions of pipelines must be clearly identified and get specific approval from Drainage Division or Irish Water as

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appropriate. The Method Statement must include a system for certification by the developer's engineers of any repairs or re-instatements of drainage assets.

d) The developer must obtain a Trade Effluent Discharge Licence for all temporary discharges of ground water to the drainage network during construction.

Reason: In the interests of public health

8. The requirements of DCC's Bio-Diversity Officer shall be undertaken as follows:

a) The construction of the proposed pipeline at Belcamp and other grassland sections of the route shall be limited to April-August, to ensure compliance with the Birds Directive regarding preventing disturbance of feeding grounds.

b) As the pipeline depth is within the possible depth for invasive alien species, especially Japanese knotweed, the Invasive Species Management Plan of March 2015 shall be followed, with all records of any invasive alien species are to be submitted to the National Biodiversity Data Centre for future monitoring use.

Reason: In the interests of natural heritage

9. Archaeology

a. The developer shall retain a suitably qualified licensed-archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary.

b. The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.

c. The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.

d. The archaeologist shall consult with and forward their Method Statement in advance of commencement to the City Archaeologist.

e. In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such





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features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service, Department of Arts Heritage and Gaeltacht) shall determine the further archaeological resolution of the site.

f. A written and digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the City Archaeologist and National Monuments Service, Department Arts Heritage and Gaeltacht.

g. Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

10. Copies of reports detailing site investigations carried out shall be forwarded to the Geological Survey of Ireland for their record.

Reason: In the interests of orderly development.

11. Prior to the commencement of Development, a Project Construction and Demolition Waste Management Plan shall be submitted to and agreed to writing by the Planning Authority.

Reason: In the interests of the protection and conservation of the environment, having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DoEHLG, July 2006 and also Dublin City Council Waste Management Guidelines.

12. A Hazardous/contaminated Soil Management Plan shall be submitted for the written agreement of the planning authority prior to commencement of any works on site.

Reason: In the interests of public health.



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13. A Noise Management Plan relating to the construction, operational and decommissioning phases of the project shall be submitted for the written agreement of the planning authority in addition to compliance with the mitigation measures set out in 14.5 of the EIS Vol.2

Reason: In the interests of orderly development.

14. Prior to commencement of any works on site the applicant shall agree working hours with the planning authority, with any extension to agreed workings to be agreed prior to such additional required hours.

Reason: In the interests of orderly development

15. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

The applicant should note that development on foot of this **Decision to Grant** may not commence before a notification of final grant has been issued by the Planning Authority or An Bord Pleanála following consideration of an appeal.

- **Your attention is drawn to the requirements of the attached “Codes of Practice”.**

Schedule A: Drainage Division

Schedule B: Roads, Streets & Traffic Division

Schedule C: Air Quality Monitoring and Noise Control Unit

N.B.

- It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements



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under other Codes or legislation affecting the proposal, including the requirements of the Building Regulations, and Waste Management Acts.

- A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
- A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
- Any observations or submissions received by the Planning Authority in relation to this application have been noted.

#### **NOTES TO APPLICANT:**

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- Appeals must be received by An Bord Pleanála within **FOUR WEEKS** beginning on 15-Oct-2015. (N.B. not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they are sent by post or otherwise. The appeal **MUST BE FULLY COMPLETE** in all respects - including the appropriate fee - when lodged. It is not permissible to submit any part of it at a later date, even within the time limit.
- Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.
- In relation to the Financial Contribution conditions, please note that this figure may be increased from January 2010 in line with the Wholesale Price Index (Building and Construction Materials).

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- In relation to Compliance conditions three copies of compliance drawings will be required by the Planning Authority.

Signed on behalf of the Dublin City Council:

  
Ken Kelly  
For Assistant Chief Executive



## Appendix F      Company Documentation

**COMPANIES ACTS, 1963 to 1990**

**COMPANY LIMITED BY SHARES**

**Memorandum  
and  
Articles of Association  
of**

**INDEPENDENT PIPELINE COMPANY LIMITED**

**R. N. MOONEY A.C.I.S.**  
7 Old Rectory Park,  
Taney Road,  
Dundrum,  
Dublin 14.

COMPANIES ACTS, 1963 TO 1990

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COMPANY LIMITED BY SHARES

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MEMORANDUM

AND

ARTICLES OF ASSOCIATION

OF

**INDEPENDENT PIPELINE COMPANY LIMITED**

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Incorporated: 28 May 1992

Registered No.: 189580

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COMPANIES ACTS, 1963 TO 1990

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COMPANY LIMITED BY SHARES

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MEMORANDUM OF ASSOCIATION

OF

INDEPENDENT PIPELINE COMPANY LIMITED

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1. The name of the Company is INDEPENDENT PIPELINE COMPANY LIMITED.
2. The objects for which the Company is established are:—
  - (a)

To construct, erect, refurbish and maintain, either by the Company or other parties, sewers, pipelines, buildings, houses, offices, flats, shops, roads, streets, tramways, gas works, water works and all other works, erections and things of any description whatsoever either upon the lands acquired by the Company or upon other lands, and generally to alter and improve the lands and other property of the Company or of third parties and to carry on the businesses of builders, refurbishers, architects and surveyors, brick and tile makers, lime burners and house and estate agents.

- (b) To carry on any other business of any description which may be capable of being advantageously carried on in connection with or ancillary to these objects or any of them.
- (c) To buy, sell, manufacture and deal in articles and things of all kinds which may be required for the purposes of or be commonly dealt in by persons engaged in any such business or required by workmen and others employed by the Company.
- (d) To purchase or otherwise acquire for any estate or interest any business, undertaking, property, assets or rights of any kind, patents, patent rights, inventions and concessions and to develop and turn to account and deal with the same in such manner as may be thought expedient.
- (e) To sell, exchange, lease, grant licences and other rights over or otherwise deal with or dispose of the undertaking and all or any part of the property of the Company for such consideration as may be thought fit and in particular for stocks or shares (whether fully paid up or not) or any securities of any other company.
- (f) To develop and turn to account any land or interest in land acquired by the Company and in particular by laying out and preparing the same for building purposes, constructing, altering, pulling down, decorating, maintaining, fitting up and improving buildings and conveniences, and by planting, paving, draining, farming, cultivating, letting on building lease or agreement and by advancing money to and entering into contracts and arrangements of any kind with builders, tenants and others.
- (g) To enter into partnership or into any arrangement for sharing profits, union of interests, joint adventure, co-operation, amalgamation, reciprocal concessions or for any other purpose with any corporation, firm or person carrying on or about to carry on any business which this Company is authorised to carry on.
- (h) To give credit to customers of the Company and others, to lend money with or without security and to guarantee the contracts or obligations of or the capital or principal of and the dividends or interest on any stock, shares or securities of any corporation, firm or person.

- (i) To invest moneys of the Company not immediately required in such manner as may from time to time be determined and to hold, sell, or otherwise deal with such investments.
- (j) To borrow or raise or secure the payment of money in such manner and on such terms as the Directors may deem expedient and in particular by the issue of bonds, debentures or debenture stock perpetual or redeemable or by mortgage, charge or lien upon the whole or any part of the property of the Company, present or future, including uncalled capital.
- (k) To make, draw, accept, endorse, negotiate, discount, buy, sell, and deal in bills of exchange, promissory notes and other negotiable or transferable instruments.
- (l) To promote or assist in promoting or contract with any person or company for the promotion of any other company or business whatsoever.
- (m) To underwrite, subscribe for, conditionally or unconditionally, purchase or otherwise acquire and to hold, dispose of and deal in the stocks, shares and securities of any other company.
- (n) To distribute any property of the Company amongst the members of the Company in specie.
- (o) To establish and maintain or procure the establishment and maintenance of any pension or superannuation fund (whether contributory or otherwise) for the benefit of and to give or procure the giving of donations, gratuities, pensions, allowances or emoluments to any persons who are or were at any time in the employment or service of the Company, or any of its predecessors in business, or of any company which is a subsidiary of the Company or who may be or have been Directors or officers of the Company, or of any such other company as aforesaid, or any persons in whose welfare the Company or any such other company as aforesaid may be interested, and the wives, widows, families and dependants of any such persons.
- (p) To apply for, promote and obtain any Act of The Oireachtas and any order or sanction of any authority, national, local, municipal or otherwise for enabling the Company to carry any



of its objects into effect or for effecting any modification of the Company's constitution or any extension of its powers or for any other purpose which may seem expedient and to oppose any proceedings or application which may seem calculated directly or indirectly to prejudice the Company or its objects.

- (q) To remunerate any person or company for services rendered or to be rendered in placing or assisting to place or guaranteeing the placing of any of the shares in the Company's capital or any debentures, debenture stock or other securities of the Company or in or about the formation or promotion of the Company or the conduct of its business.
- (r) To undertake and execute any trusts the undertaking of which may seem desirable, whether gratuitously or otherwise.
- (s) To do whatever may be necessary or expedient to enable the affairs and operations of the Company to be effectively carried on in any part of the world and in particular to procure the Company to be registered or recognised in any country or place.
- (t) To carry out all or any of the foregoing objects in any part of the world and either as principals, agents, contractors, trustees or otherwise.
- (u) To do all such other things as may be considered conducive to the foregoing objects or any of them.

And it is hereby declared that the word "company" in this clause except where used in reference to this Company shall be deemed to include any partnership or other body of persons whether incorporated or not incorporated and whether domiciled in Ireland or elsewhere and that the objects of the Company as specified in each of the foregoing paragraphs of this clause (except only if and so far as otherwise expressly provided in any such paragraph) shall be separate and distinct objects and shall not be in anywise limited or restricted by reference to or inference from the terms of any other paragraph or the name of the Company.

3. The liability of the members is limited.

4. The share capital of the Company is £100,000 divided  
into 100,000 Shares of £1 each.

We, the several persons whose names, addresses and descriptions are subscribed, wish to be formed into a company in pursuance of this Memorandum of Association, and we agree to take the number of shares in the capital of the company set opposite our respective names.

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Names, Addresses and Descriptions  
of Subscribers

---

Number of shares  
taken by each  
Subscriber

---

Robert Niall Mooney  
7 Old Rectory Park  
Taney Road  
Dundrum, Dublin 14  
Chartered Secretary

One

Katherine Mooney  
7 Old Rectory Park  
Taney Road  
Dundrum, Dublin 14  
Secretary

One

---

Total shares taken

---

Two

Dated this 18th day of May 1992

Witness to the above signatures:

Sonya Mooney  
7 Old Rectory Park  
Taney Road, Dundrum  
Dublin 14

COMPANIES ACTS, 1963 TO 1986

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COMPANY LIMITED BY SHARES

---

ARTICLES OF ASSOCIATION

OF

INDEPENDENT PIPELINE COMPANY LIMITED

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PRELIMINARY

1. Subject as hereinafter provided, the Regulations contained in Part II of Table A in the First Schedule to the Companies Act, 1963 shall apply to the Company save in so far as they are excluded or varied hereby and shall bind the Company and the Shareholders.
2. Regulations 40 to 43 (inclusive) and 79 of Part I of Table A shall not apply to the Company.

CAPITAL

3. The capital of the Company is £100,000 divided into  
100,000 Ordinary Shares of £1 each.

DIRECTORS

4. The Directors shall not retire by rotation and Regulations 92 to 100 (inclusive) of Part I of Table A shall be modified accordingly.



### BORROWING POWERS

5. The Directors may exercise all the powers of the Company to borrow money and to mortgage or charge its undertaking, property and uncalled capital or any part thereof, and to issue debentures, debenture stock and other securities whether outright or as security for any debt, liability or obligation of the Company or of any third party.

### ALLOTMENT OF SHARES

6. The Directors shall have authority to issue shares from time to time as they shall deem fit so, however, that the total number of shares issued by them in accordance with this provision shall not exceed the unissued shares in the Company's capital, and Regulation 5 of Part I of Table A shall be modified accordingly. This authority shall expire on the last day of the fifth year after the date of incorporation, but may be revoked, modified or extended from time to time by Ordinary Resolution.

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#### Names, Addresses and Descriptions of Subscribers

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Robert Niall Mooney  
7 Old Rectory Park  
Taney Road  
Dundrum, Dublin 14  
Chartered Secretary

Katherine Mooney  
7 Old Rectory Park  
Taney Road  
Dundrum, Dublin 14  
Secretary

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Dated this 18th day of May 1992

Witness to the above signatures:

Sonya Mooney  
7 Old Rectory Park  
Dundrum, Dublin 14