



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Ballinlaw to Belview Pipeline

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1 Introduction

In this paper, the Commission for Energy Regulation (“the CER”) sets out its decision regarding BGÉ’s Section 32 (i.e. Acquisition Order) application and Section 39A (i.e. Construction of Pipeline) consent application for the construction of the proposed Ballinlaw to Belview pipeline (Gas to Glanbia, Belview Port).

The Section 32 and Section 39A applications were submitted to the CER by BGÉ in accordance with the 1976 Gas Act (as amended).

This decision paper is presented as follows:

- Section 2: Background to BGÉ’s Section 32 and Section 39A application;
- Section 3: CER’s review of BGÉ’s Section 32 application;
- Section 4: CER’s review of BGÉ’s Section 39A application; &
- Section 5: CER’s decision.

2 Background

BGÉ applied to the CER for a consent to construct the Ballinlaw to Belview Pipeline in Co. Kilkenny, in accordance with Section 39A of the 1976 Gas Act (as amended).

The route of the proposed pipeline will run from the Great Island pipeline at Ballinlaw to Belview Port in Co. Kilkenny. The proposed pipeline is approximately 5.3 km in length and has a nominal diameter of 200 millimeters. The proposed pipeline will be underground for its entire length and will be buried to a minimum depth of 1.2 meters.

The proposed development will provide gas to Glanbia Ingredients Ireland Ltd, who has requested a gas connection to a green field site at Belview Port, Co. Kilkenny. Glanbia are planning to construct a milk processing facility and have requested a 19bar supply for a peak hourly load of 45MWh. Additionally, BGE has submitted Section 32 Compulsory Acquisition Orders to the CER for lands along the Ballinlaw to Belview Pipeline.

3 CER's Review of BGÉ's Section 32 Application

3.1 Oral Hearing

The CER instructed BGÉ to advertise their Section 32 and 39A applications and invite the public to submit comments to the CER, in accordance with the 1976 Gas Act (as amended).

The deadline for response was the 14th February 2014, by which date the CER received 2 responses.

- i. Tom and Mary Butler;
- ii. Kilkenny County Council;

Subsequent to the close of the consultation window, the CER also received responses from the Department of Arts, Heritage, and the Gaeltacht.

Following a review of the responses received, the CER held an oral hearing in Waterford City (12th March 2014), as required under 1976 Gas Act (as amended), where interested parties were invited to present their views at the oral hearing.

The oral hearing was chaired by Maurice J O'Connell Consulting Engineers (hereafter referred to as "the Inspector"), who was appointed by the CER as an independent Inspector. The Inspector was required to produce a final report to the CER, outlining his findings from the meeting.

3.2 Inspector's Report

Following the completion of the oral hearing, the Inspector submitted a final report to the CER. The Inspector's findings are summarised as follows:

- i. The need for the gas pipeline was demonstrated by BGÉ and is therefore deemed acceptable and necessary.
- ii. There were no specific submissions in respect to safety. The project is deemed satisfactory in relation to this issue.
- iii. Planned approach to the permanent work deemed satisfactory.
- iv. The project is deemed satisfactory in terms of compliance with statutory procedures
- v. Having considered the objections and the subsequent clarifications the planned route is deemed reasonable.

- vi. It is recommended that the Commission request BGE to liaise with Mr. and Mrs. Butler in order to agree the most acceptable line for the running track and that site boundaries that need to be removed to facilitate this running track be reinstated using the most mature replacement trees possible.
- vii. The CER should grant consent to the construction of the Ballinlaw to Belview pipeline, and issue the relevant Compulsory Acquisition Orders.

4 CER's Review of BGÉ's Section 39A Application

4.1 Technical Review

In order to assess the impact of the Ballinlaw to Belview Pipeline has on the safety and security of the natural gas system, the CER appointed Advanced Engineering Solutions (AES) Ltd to assess the pipeline technical compliance with safety standards.

In order to assess the impact of the Ballinlaw to Belview Pipeline has on the safety and security of the natural gas system, the CER appointed Advanced Engineering Solutions (AES) Ltd to assess the pipeline technical compliance with IS 328: Code of Practice for Gas Transmission Pipelines and Pipeline Installations. Following a review of the Section 39A application, AES Ltd confirmed that the proposed pipeline satisfies the basic design requirements, as specified in IS 328. However, AES Ltd advised that the CER apply the following conditions when approving the Section 39A Consent Application:

1. BGÉ ensure appropriate measures will be in place to ensure the operability of the existing pipelines;
2. BGÉ ensure that the relevant approvals/agreements with the appropriate authorities are in place, or will be in place before construction starts;
3. BGÉ ensure that the works have no implications in relation to the long term inspection and maintenance of the existing assets; &
4. BGÉ ensure that the hazards associated with the construction works have been assessed.

4.2 Environmental Review

The CER appointed D Kelly & Associates to complete an evaluation of BGÉ's Environmental Report, who recommended that the development should be permitted to proceed, subject to the implementation of the mitigation measures set out in Ove Arup's Environmental Report "Bord Gais Networks Ballinlaw to Belview Pipeline" dated November 2013.

D Kelly & Associates also noted that the Appropriate Assessment Stage 1 screening, that was conducted on behalf of BGE, adequately demonstrates that no likely significant adverse effects on any formally protected habitats/areas of conservation. D Kelly & Associates noted that neither a Stage 2, (full Appropriate Assessment), or an associated EIA, could reasonably be required for the construction of the Ballinlaw to Belview pipeline.

5 CER's Decision

5.1 CER's Decision on Section 39A Application

Following the completion of a technical and environmental review of BGÉ's Section 39A Consents Application, the CER has decided to grant a Section 39A Consent for the construction of the Ballinlaw to Belview pipeline in Co. Kilkenny. This Section 39A consent is subject to the technical conditions (set out in Section 4.1) and the environmental conditions (set out in Section 4.2) being meet.

5.2 CER's Decision on Section 32 CAOs

Following a review of the Inspector's Report, and the objections received to BGÉ's Section 32 Compulsory Acquisition applications, the CER decided to grant Compulsory Acquisition Orders to BGÉ in order to facilitate the construction of the Ballinlaw to Belview pipeline in Co. Kilkenny.