

**Form of Application for a first/amended/renewal of or transfer of a licence for a Distribution and Commercial Supply Store.**

**Dangerous Substances (Flammable Liquids and Fuels Distribution & Commercial Stores) Regulations, 2019**

**SCHEDULE 2**



**COMHAIRLE CONTAE MHUINEACHÁIN**

**1. Applicant/Licensee/Owner or Operator:**

|  |  |                      |  |
|--|--|----------------------|--|
| <b>Name of company, firm or person</b>                       |  |                      |  |
| <b>Address/ registered office of company, firm or person</b> |  |                      |  |
|  |  |                      |  |
| <b>Telephone</b>   |  | <b>Email address</b> |  |

**2. Location of the proposed retail store or current kerbside retail store:**

|                                      |  |
|--------------------------------------|--|
| <b>Address</b>                       |  |
| <b>Place or Townland</b>             |  |
| <b>County</b>                        |  |
| <b>Ordnance survey map reference</b> |  |
| <b>Eircode</b>                       |  |

**3. Name of licensee (if application is for transfer of a licence):**

|             |  |
|-------------|--|
| <b>Name</b> |  |
|             |  |

**4. Particulars of plans accompanying this application:**

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|  |

**5. Maximum quantity of Category or Categories of flammable liquids and fuels stored or to be stored at the store:**

|                   |  |                              |
|-------------------|--|------------------------------|
| <b>Category 1</b> |  | litres in container stores   |
|                   |  | litres in underground tanks  |
|                   |  | litres in above-ground tanks |
| <b>Category 2</b> |  | litres in container stores   |
|                   |  | litres in underground tanks  |
|                   |  | litres in above-ground tanks |
| <b>Category 3</b> |  | litres in container stores   |
|                   |  | litres in underground tanks  |
|                   |  | litres in above-ground tanks |

**Other Fuels (State units of measurement):**

|             |  |                                |
|-------------|--|--------------------------------|
| <b>Name</b> |  | quantity in container stores   |
|             |  | quantity in underground tanks  |
|             |  | quantity in above-ground tanks |
| <b>Name</b> |  | quantity in container stores   |
|             |  | quantity in underground tanks  |
|             |  | quantity in above-ground tanks |
| <b>Name</b> |  | quantity in container stores   |
|             |  | quantity in underground tanks  |
|             |  | quantity in above-ground tanks |

This licence application must be accompanied by a risk assessment and drawings as laid out in Regulation 12 and Schedule 5 of the Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations, 2019.

**6. Remarks:**

|  |
|--|
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|  |

I hereby certify that the information supplied above is true to the best of my knowledge and belief.

|                                    |  |
|------------------------------------|--|
| <b>Signature of applicant</b>      |  |
| <b>Postal address of applicant</b> |  |
| <b>Date of application</b>         |  |

**Fees to be submitted with the application** (Licence fee schedule below)

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**Note:** Please note that any application for the renewal of a licence shall be made not less than 3 months before the date on which the licence expires.

## **Data Protection Acts 1988 -2018 (as amended) and the General Data Protection Regulations (GDPR)**

### **Dangerous Substance Licence Data Subject Notification**

#### **Background**

The purpose of this notification is to set out some information regarding the collection and processing of your information by Monaghan County Council. During the course of our activities we will collect, store and process personal data about our customers. Monaghan County Council is the data controller in respect of this data.

Monaghan County Council creates, collects and processes a significant amount of 'personal data' and 'sensitive personal data' in various multiple formats daily. Our commitment is to ensure that the personal data supplied is:

Obtained lawfully, fairly and in a transparent manner  
Collected for only specified, explicit and legitimate purposes,  
Adequate, relevant and limited to what is necessary for the purpose for which it was obtained,  
Recorded, stored accurately and where necessary kept up to date,  
Kept for no longer that is necessary, and, in a form, which permits identification of the data subject,  
Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing of the data.

**For full details of the collection, processing and sharing of your personal data by us and your rights in this regard, please see our full [Privacy Notice](#) on the website.**

#### **What data we collect and process:**

The types of personal data that we will collect, and process includes Name & Address of Applicant/Licensee/Owner/Operator, Telephone Number, Email Address & Business Address.

**We do not collect any Special Category Personal Data.**

#### **Why do we collect this personal data?**

We collect and process this information in order to manage and administer the relationship between you and us for the purpose of assessing your application for a dangerous substance licence.

#### **Lawfulness of processing**

We process this personal data

Under Article 6 (1)(e) GDPR and in the performance of a task carried out in the public interest and in the exercise of official authority vested in us as the controller under Dangerous Substances (Retail and Private Petroleum Stores) Regulations 1979 to 2004, Schedule 2, Regulation 6(l).

#### **Sharing of Personal Data**

We may share your Personal Data with selected third parties, including for example Department of Housing, Planning & Local Government and other government agencies, where required to do so by law. We may also share your data with other Local Authorities, suppliers and other third parties who assist us in fulfilling our functions. Further information regarding the sharing of your personal data can be found in our Privacy Notice which is available at: [Privacy Notice](#).

If you have any questions regarding our processing of your Personal Data, our Data Protection Officer can be contacted:

by email: [dataprotectionofficer@monaghancoco.ie](mailto:dataprotectionofficer@monaghancoco.ie)

by phone: (047)30507

Postal Address: Monaghan County Council, County Offices, The Glen, Monaghan

### **Dangerous Substance (Licensing Fees Regulations 1979)**

Licence fees will remain under the Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 1979 (S.I. No. 311 of 1979) until further instruction.

On the grant of the licence, the amount of the fee for each year or part of a year for which the licence is to be valid shall be:

| <b>Fee</b> | <b>Storage capacity</b>   |
|------------|---------------------------|
| €3.81      | Up to 500 litres          |
| €7.62      | 501 to 2,500 litres       |
| €11.43     | 2,501 to 5,000 litres     |
| €15.24     | 5,001 to 25,000 litres    |
| €30.47     | 25,001 to 50,000 litres   |
| €45.71     | 50,001 to 100,000 litres  |
| €63.49     | 100,001 to 250,000 litres |
| €126.97    | Excess of 250,000 litres  |

On the transfer or replacement of the licence a fee of €3.81 applies.

## CHECKLIST FOR LICENCE APPLICATION

SCHEDULE 1 of the Regulations provides a list of publications that each application must take into consideration.

- a) Application Form (SCHEDULE 2)
- b) Appropriate Fee
- c) Risk Assessment (SCHEDULE 4)
- d) Maps & Drawings (SCHEDULE 5)
- e) Model Electric Certificate

### SCHEDULE 1

*Publications for good practice for distribution and commercial supply flammable liquids and fuels stores*

As per Regulation 4(3), updated or revised versions of these guidance documents will be published periodically on the relevant websites of Local Authorities, the Appeals Authority, and the Minister.

#### **Part 1 – Publications which all stores must adhere to as far as is reasonably practicable**

- Energy Institute Design, construction, modification, maintenance and decommissioning of filling stations (known as the Blue Book)
- PELG Petrol filling stations – Guidance on managing the risks of fire and explosion (The Red Guide)

#### **Part 2 – Publications which must be adhered to as far as is reasonably practicable if they apply to the store**

- Explosive Atmospheres at Places of Work (HSA, 2007)
- IS EN 60079-32-1 Explosive atmospheres: electrostatic hazards guidance
- IS EN 1127: 2011 Explosive atmospheres – Explosion prevention and protection – Part 1: Basic concepts and methodology
- IS EN 60079 Part 10.1 (Classification of areas – Explosive Atmospheres)
- IS EN 62305 2011 Protection against lightning. IS CEN/TR 15281:2006 Guidance on inerting for the prevention of explosions
- A Guide to Risk Assessments and Safety Statements (HSA, 2016)
- IEC 31010:2009 Risk management — Risk assessment techniques
- IS EN 14015: specification for the design and manufacture of site built, vertical, cylindrical, flat-bottomed, above ground, welded, steel tanks for the storage of liquids at ambient temperature and above
- Code of Practice for Working in Confined Spaces (HSA, 2017)
- Safety Signs at Places of Work (HSA, 2016)
- EN 61511 2017: Functional safety - Safety instrumented systems for the process industry sector
- Guidance Note to Industry on Fire Water Retention Facilities (EPA 2019)

- IS EN 13565: 2009 Fixed Firefighting Systems – Foam Systems – Part 2: Design, Construction and Maintenance
- Energy Institute – Fire precautions at petroleum refineries and bulk storage installations
- Energy Institute – Guidelines on environmental risk assessment for major installations handling hazardous substances
- Energy Institute – Model code of safe practice Part 1: The selection, installation, inspection, and maintenance of electrical and non-electrical apparatus in hazardous areas
- Energy Institute – Model code of safe practice Part 12: Pressure vessel examination
- Energy Institute – Model code of safe practice Part 13: Pressure piping systems examination
- Energy Institute – Model code of safe practice Part 14: Inspection and testing of protective instrumentation systems
- Energy Institute – Model code of safe practice Part 15: Area classification code for installations handling flammable fluids
- Energy Institute – Model code of safe practice Part 16: Tank cleaning safety code
- Energy Institute – Model code of safe practice Part 18: Occupational health
- Energy Institute – Model code of safe practice Part 19: Fire precautions at petroleum refineries and bulk storage installations
- Energy Institute – Model code of safe practice Part 2: Design, construction and operation of petroleum distribution installations
- Energy Institute – Model code of safe practice Part 20: Code of practice for the design and operation of on-board truck computer systems for road tankers
- Energy Institute – Model code of safe practice Part 21: Guidelines for the control of hazards arising from static electricity
- Energy Institute – Model code of safe practice Part 3: Refining safety code
- Energy Institute – Model code of safe practice Part 9: Liquefied petroleum gas, Volume 1: Large Bulk Pressure Storage & Refrigerated LPG
- Energy Institute – A risk-based approach to hazardous area classification
- Health and Safety Executive (HSE) (UK) - HSG 51 – Storage of flammable liquids in containers
- HSE (UK) - HSG 140 – Safe use and handling of flammable liquids
- HSE (UK) - HSG 176 – Storage of flammable liquids in tanks
- HSE (UK) – L133 – Unloading petrol from road tankers
- Department for Environment, Food & Rural Affairs (UK) Process Guidance Note 1/13(13) Statutory guidance for storage, unloading and loading petrol at terminals
- Department for Environment, Food & Rural Affairs (UK) Process Guidance Note 1/14(13) Statutory guidance for unloading of petrol into storage, and motor vehicle refuelling, at service stations

## **SCHEDULE 5 – RISK ASSESSMENT (see Regulation 12)**

### *Matters to be included in Risk Assessment of a Flammable Liquids and Fuels Store*

The following list is not exhaustive but sets out the minimum aspects, all of which must be addressed in any risk assessment to be undertaken by a competent person and submitted to the appropriate licensing authority relating to an application for a first, amended, renewal or transfer of a licence under the Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Stores) Regulations, 2019.

#### 1. General operation of site:

- a. Boundary security
- b. Fuel delivery frequency and time
- c. Delivery area assessment
- d. Loading Rack construction
- e. Loading and unloading areas
- f. Separation distances from boundaries and stationary ignition sources
- g. Paved area/drainage run-off/spill receptor and interceptor provisions
- h. Truck turning movement
- i. Truck parking stands (overnight)
- j. Sensitive receptors in the vicinity of the store
- k. Wet-stock control
- l. Management and staff/authorised person training
- m. Historical incidents at this site

#### 2. Fuels/Tanks/Pipes:

- a. Nature and volumes of fuels to be stored
- b. Storage tanks assessment (this is not an exhaustive list):
  - i. Age and condition of the underground fuel tanks
  - ii. Gantry
  - iii. Overfill prevention
  - iv. Prevention of spills when filling underground tanks

- v. Tank construction and installation specifications
  - vi. Tank in-take fill rates/out-loading withdrawal rates/vent-in breathing and out-breathing rates
  - vii. Separation distance between tanks
  - viii. Size of bund(s) provided and maintenance of bund(s)
  - ix. Bund integrity
  - x. Extent of over-topping
  - xi. Details of tertiary containment, if any
- c. Pipework assessment

3. Emergency response:

- a. Firefighting plan
- b. Evacuation plan

4. Certificates and other mandatory documents:

- a. Petrol Vapour Recovery Certificate
- b. Explosion Protection Document
- c. Electrical Safety Certificate
- d. Fire Safety Certificate

Additional Certificates required along with application

- a. Interceptor cleaning certificate
- b. Fire Extinguisher servicing certificate

A risk assessment is also expected to include gap analysis with current good practice and a programme to close the gap.



## SCHEDULE 5 – MAPS & DRAWINGS

### *Matters to be Included in the Maps and Drawings Accompanying the Risk Assessment of a Flammable Liquids and Fuels Store*

(1) Subject to Regulation 12(3), every risk assessment for a first licence (or for the renewal of a licence where major works have taken place) shall:

- a. be accompanied by a plan (either in electronic format or hard copy), drawn to a scale in metric units of measurement of not less than 1:2500, consisting of an extract from the Ordnance Survey map,
- b. marked and coloured so as to identify clearly
  - i. the site or proposed site (including the boundaries which shall be marked in red) of the store,
  - ii. the surrounding district or area for not less than a distance of 1 kilometre in all directions, and
  - iii. the north point on the plan.

(2) Every plan submitted in accordance with paragraph (1) of this Schedule shall be accompanied by—

- a. one ground plan (in paper or electronic format) drawn to a scale in metric units of measurement of not less than 1:500 or 1:100 (whichever is acceptable to the appropriate authority) and so marked as to identify clearly the existing location or proposed location of each—
  - i. above-ground or underground storage tank,
  - ii. retaining enclosure,
  - iii. opening store or opening compound,
  - iv. loading or unloading location,
  - v. filling or fuelling location, ventilating pipe opening,
  - vi. pipeline, surface water drainage system including piped water and open drain,
  - vii. building or similar structure (including cellars or basements) within 16 metres of any hazardous area,
  - ix. fire main (if any),
  - x. security fence, entrance or exit gate,
  - xi. the distances from each other and from any protected work;
  - xii. hazardous zone.
- b. one plan and specification or appropriate particulars (either in electronic format or hard copy), including suitable drawings or plans, elevations and sections to a scale in metric units

of measurement of not less than 1:50 and so marked as to give adequate details of the construction or proposed construction and dimensions and the manner of installation or proposed installation of each—

- i. above-ground storage tank and its foundation,
- ii. underground storage tank and its surround and foundation,
- iii. container store or container compound,
- iv. loading or unloading location,
- v. filling or fuelling location,
- vi. security fence, entrance or exit gate,
- vii. pipeline, surface water piped drainage system, open drain, line of rails or rail track,
- viii. retaining enclosure and retaining walls,
- ix. building or similar structure,
- x. hazardous zones.

c. one plan and specification or appropriate particulars (in paper or electronic format) so marked as to show all electrical apparatus installed or to be installed or used.

(3) Every risk assessment under paragraph (1) of this Schedule shall be accompanied by particulars of—

- a. each building or place at a store in or at which any articles, materials or substances (other than flammable liquids and other fuels), liable to spontaneous combustion or ignition or otherwise flammable or dangerous, are kept or are to be kept and their amounts or quantities,
- b. the amount or quantity of flammable liquids and other fuels kept or to be kept in each above-ground or underground storage tank, container store or container compound, filling location or (where appropriate) auxiliary tank at a loading location,
- c. the fire-fighting installation, appliances or substances to extinguish or combat the spread of fire,
- d. the lighting arrangements,
- e. the total maximum aggregate quantity of flammable liquids and other fuels to be kept in the fuel tanks of vehicles located in the parking facilities at the store,
- f. the total maximum number of road tank-vehicles or, where applicable, rail tank wagons to be accommodated at any one time within the boundary of a store,
- g. the nature of the processes or operations carried on or to be carried on at the store and in each building or part thereof,
- h. the hours of operation of the store,
- i. the approximate maximum number of persons employed or likely to be employed at the store and, where applicable, in each building thereat, and

j. any further particulars, plans, maps or drawings which the proper authority requires by a notice in writing,

(4) Every risk assessment for an amended licence under Regulation 12 (2) shall be accompanied by—

a. one plan in metric units of measurement, and specification or appropriate particulars (either in electronic format or hard copy) giving details of the proposed installation, alteration, enlargement, addition or reconstruction, and

b. any further appropriate particulars, plans, maps or drawings which the proper authority requires by notice in writing or electronically.

For the purpose of paragraph (2)(a) of this Schedule,

“protected work” means:

(a) any public road or footpath, promenade or open place of resort for the public or for persons engaged in any trade or business and any canal, navigable water, dock, river-wall, sea-wall, pier, oil jetty or reservoir;

(b) any premises or building or any part thereof used by any person for any purpose whatsoever (whether temporarily or otherwise), any railway or store licensed under the Act for the storage of petroleum or other dangerous substance:

(c) any premises or building (or a part thereof)—

a. in the occupation of a Minister of the Government,

b. in the occupation of a proper local or harbour authority,

c. in the care of the Commissioners of Public Works in Ireland,

d. in which persons assemble for public worship or educational purposes,

e. used as a hospital or like institution,

f. used or occupied for the purposes of a factory, office, theatre or cinema, covered market, warehouse or store, other than a store licensed under the Act for the storage of petroleum or other dangerous substance, or

g. in which persons are accustomed to assemble for any purpose whatsoever,

(d) and not located within the boundaries of a store.

“pipeline” means a pipeline connected or intended to be connected to:

(a) a storage tank,

(b) an oil jetty, or

(c) an oil refinery,

and used or intended to be used for the conveying of petroleum to or from a storage tank.