

## Sonja Smith

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**From:** Marie Harris  
**Sent:** 07 April 2010 11:26  
**To:** Sonja Smith; Maire Buckley  
**Subject:** FW: submission  
**Attachments:** MM to EPA March 2010 SEPIL IPPC review application.pdf

**From:** Wexford Receptionist  
**Sent:** 07 April 2010 10:05  
**To:** Marie Harris  
**Subject:** FW: submission

Rec'd today

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**From:** Monika Muller [<mailto:monicamuller@eircom.net>]  
**Sent:** 05 April 2010 19:48  
**To:** Wexford Receptionist  
**Subject:** submission

Please find attached submission PO 738-02

Monica Muller  
 Rossport  
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 Co. Mayo

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Environmental Protection Agency  
Johnstown Estate  
Wexford  
Co. Wexford

03/04/2010

Re: Shell E & P Ireland, application for review of IPPC licence No. P0738 -  
**P0738-02**

Submission

Dear Sir/Madam,

The EPA has statutory and ethical duties to carry out its function to the best protection of the environment and people in the affected area of the facility. An applicant has to be a 'fit and proper person'. The EPA and the public have to have an expectation that that 'fit and proper person' will respect legal requirements, conditions imposed and the authority of statutory bodies and the courts, in cases of violation and outcome of court proceedings. I therefore submit the following:

**Applicant's compliance with legislative requirements and Irish Courts**

With all due courtesy to this applicant, the fact remains that SEPIL, have not operated responsibly in Ireland. The Irish Courts granted a court order in November 2007 prohibiting Shell E & P Ireland and their agents to enter certain lands. Subsequently the same court found Shell & P Ireland guilty of breach of court order and contempt of court, sentencing is outstanding. Shell E & P Ireland did not appeal the judgment, however, the parties agreed to have 'a case stated' in the High Court to seek clarification of a legal point, prior to sentencing.

A 'fit and proper person' would have not violated a court order, however this applicant did and I can see no logical reason that the EPA can express confidence that this applicant would respect and obey the contents and conditions of an IPPC Licence.

The Protection of Environment Act, 2003 makes the following provisions:

Section 83.-

*(6) The references in subsections (4) and (5) to a relevant person are references to a person whom the Agency determines to be relevant for the purposes of considering the application or review concerned having had regard to any criteria that the Minister by regulations provides it is to have regard to in determining such a matter*

I submit that the EPA if in doubt about the 'fitness' of an applicant has a duty to inform the Minister and seek direction in the determination of 'fit and proper person' in the event of the applicant having been found guilty of contempt of court and breach of court order in the context of the same project.

The EPA may have to consider Section 97 of the Protection of the Environment Act:

*Revocation or suspension of licence in certain circumstances. 97.—(1) The Agency may revoke, or suspend the operation of, a licence or revised licence if it appears to the Agency that—*  
*(a) the licence no longer satisfies the requirements specified in section 84(4) for his being regarded as a fit and proper person, and*  
*(b) the circumstances occasioning his no longer satisfying those requirements are, in the opinion of the Agency, of such seriousness as to warrant the revocation of the licence or the suspension of its operation.*

### **Environmental Impact Statement and EPA's Environmental Impact Assessment**

Protection of Environment Act, 2003 makes the following provisions:

*83.—(3) In considering an application for a licence or a revised licence, or the review of a licence or a revised licence under this Part, the Agency shall have regard to—*  
*(e) (i) the environmental impact statement (if any) submitted with the application*

This applicant has duly advertised the making of this application, the advertisement does not state if an Environmental Impact Statement has been submitted. No reasons have been given.

As the EPA cannot guarantee to the public that any conditions imposed will be complied with, it is my submission that the application must be refused.

I would like to remind the EPA that under the terms of the Meadows judgement, rather than THE O'Keefe judgement, the EPA must give due consideration to the points raised in submission.

Yours sincerely,

Yours sincerely,

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