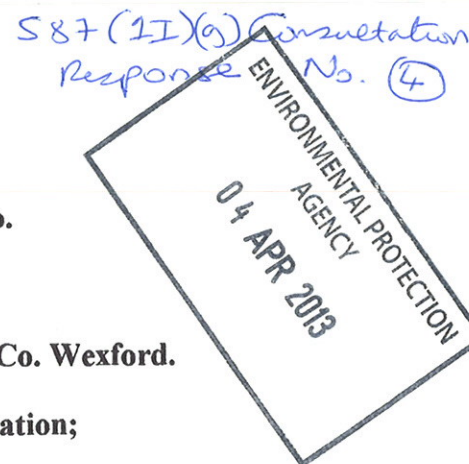




Maura Harrington, Doohoma, Ballina, Co. Mayo.

EPA Headquarters, PO Box 3000, Johnstown Castle Estate, Co. Wexford.

Ref: P0738-02 Reg, No: P0738-02 IPPC licence application;
Review of IPPC licence, Reg No P0738-1
Corrib Gas Project



Applicant: Shell E&P Ireland Ltd, being a wholly owned subsidiary of Royal Dutch Shell plc

I submit this observation to the Proposed Determination in respect of P0738-02 and state the following for the consideration of the entity that is the EPA:

The Aarhus Convention has finally been transposed into Irish law and it is my intention to rely on the Convention to its maximum benefit.

The parent company, Royal Dutch Shell plc of which Shell E&P Ireland Ltd is a wholly owned subsidiary carries an appalling global record in terms of environmental, health & safety and humans rights abuses and is not, as far as I am concerned a fit and proper entity to be allowed operate in the near pristine, greenfield area of Erris – in fact its activities, elisions, omissions, commissions etc to date more than uphold that supposition. I do not accept the *bona fides* of Shell E&P Ireland Ltd/Royal Dutch Shell plc in the matter of the sustainable future of Erris; in fact the opposite applies – their continued presence in Erris is anathema to any concept of sustainability.

This Proposed Determination is a travesty. Following the ECJ C-50/09 case there is at the very least a serious question mark over the soundness of the 'original' IPPC P0738-01 of which P0738-02 purports to be a 'review'. The DCENR letter of 05 April 2012 signed by line Minister Rabbitte states that his colleague DECLG Minister Hogan is 'currently progressing amending legislation ...' presumably in an attempt to address the deficiencies of transposition into Irish law of 85/337/EEC. If Minister Hogan's attempts are successful to the point of satisfying the ECJ judgement there can be no retrospectivity in that 'amending' legislation. Therefore P0738-02, which calls itself a 'review' of the 'original' P0738-01, cannot be considered in line with the ECJ judgement since the premise upon which it is based – P0738-01 – is flawed in law.

The Plan of Development for the proposed Corrib Project was submitted for consideration on 21 November 2001 and 'consented to' by way of a 'Dear Brian' letter by Frank Fahey on 15 April 2002. Given the planning and consent history of the proposed project to date (and not forgetting the absence of any functioning regulatory, monitoring or enforcement regime in respect of this proposed project since its inception

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to present date), any reliance on this PoD – be it amended or otherwise – is an affront under any criteria governing consultation and transparency. The changes which have occurred over the past 12/13 years to the as-built structure at Ballinaboy *vis a vis* the original grant of ABP permission, the LVI at Glengad, the mess of a tunnel at Aughooose etc etc make it impossible for this layperson, whose *raison d'être* for continued opposition to this ill-conceived proposed project is premised on defence of Place, to believe that this process is reasonable, impartial or in the interest of the common good.

It is this observer's understanding (as a layperson not versed in law but with a sufficiency of common sense) that the 1992 legislation which gave the EPA its statutory basis grants impunity from responsibility for the consequences of any of the decisions arrived at by that body which would appear to make it impossible for myself or any other person to seek redress for such decisions. As a citizen of this country I cannot accept that such impunity serves the common good and I reserve my rights in that matter for now other than to state that I feel a great responsibility to the Place that is Erris and to those generations that will inhabit that Place into the future.

The time frame which governs the IPPC licensing process is unnaturally skewed to the advantage of the applicant and, by implication, unreasonably biased against those who have a right to express valid concerns and impugn, I believe, the concept of the common good.

I have read the submissions of Monica Muller and Peter Sweetman available on the EPA website at

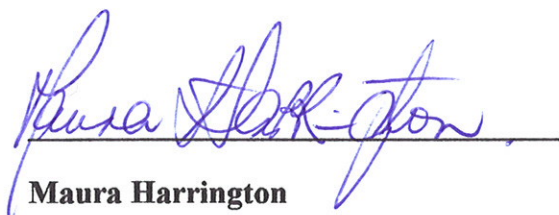
http://www.epa.ie/licences/lic_eDMS/090151b280482fa8.pdf

http://www.epa.ie/licences/lic_eDMS/090151b280482fa9.pdf

I note and acknowledge same.

Where stands the Precautionary Principle and OSPAR?

It is my belief that this Proposed Decision possesses neither logic nor common sense and this means it can have no legal certainty which will inevitably lead to the citizens of this country being subjected to punitive fines into the future.



Maura Harrington

03 April 2013

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