

# FURTHER APPEAL FORM

SECTION 26

SECTION 37

Appeal No: PL 207212

Lodged: 27/5/04

Case Type: 05

O.H. Request Date: \_\_\_\_\_

P.A. Decision Date: 30/4/04

Appellant: An Taisce

Address/Agent: The Tailors' Hall, Back Lane,  
Dublin 8

Mr Cranwell

1. Acknowledge with: BPOIM

Merge:

(1) psplit ☐ (4) omitdoc ☐

(2) msplit ☐ (5) overpay ☐

(3) revplan ☐ (6) xmas ☐

2. Issue appeal to:

(a) P.A: \_\_\_\_\_

(b) Applicant: \_\_\_\_\_

(c) Other: \_\_\_\_\_

3. Return appeal with: \_\_\_\_\_

4. Return to prepare exp.ltr: \_\_\_\_\_

Comments:

Please insert date of cross circulation on control sheet

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EO: K Doherty

Date: 1/6/04

AA: Ross Cranwell

Date: 3/6/04

AN TAISCE – THE NATIONAL TRUST FOR IRELAND

Our ref: 20040527-16-3343

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

27 May 2004

Ref: 03/3343

For: Appeal against decision notification of 30 April 2004 by Mayo County Council to grant permission to Shell E & P Ireland for a gas refinery in Bellanaboy, County Mayo and ancillary and related development at Srahmore and other locations, CO MAYO.

Dear Sir,

We wish to appeal this decision notification. This application must be considered with regard to previous An Bord Pleanála refusal 01/900 (ABP PL 16.126073).

An Taisce supports a sustainable energy conservation and management strategy including the environmentally appropriate exploitation of the Corrib Gas Field. However, it is submitted that this proposal fails to achieve this.

GROUND OFS OF APPEAL

1. Council Directive 85/337/EEC as amended by 97/11/EC

There is a change of circumstances now applying. Ireland has been subjected to legal proceedings by the EU commission for breach of Council Directive 85/337/EEC as amended by 97/11/EC initiated in July 2003. The grounds include failure to provide for integrated assessment of projects subject to assessment by planning authorities and EPA.

Part of the development is subject to an EPA Waste Licence application 199-1 for deposition of peat at Srahmore. Other parts are or will be subject to other licence and consent procedures raising concern at lack of integrated assessment as required by Council Directive 85/337/EEC as amended by 97/11/EC.

However there is a change in legislation which must be addressed, namely the provisions of Sections 256 and 257 Planning and Development Act 2000, which allows environmental grounds relating to Waste Licence and IPC applications to be considered by planning authorities. The previous application was made under the Local Planning and Development Act 1963 as amended, the current application P03/3343 is made under the Planning and Development Act 2000 and did not provide for this.

The Environmental Impact Statement fails to adequately assess alternative sites and methods of gas processing and landfall. The required information relevant to environmental pollution is missing from the EIS. The EIS does not fully address the discharge from this development to the environment

The planning permission conditions do not address the provisions of Section 3.4.1 of the Reasoned Opinion from EU Commission of 25 July 2001 which states that:

"In the Commission's view, the system of EIA under the Impact Assessment Directive requires the information referred to in Article 5 to be provided before development consent is given. While this is not incompatible with post-development consent environmental monitoring (which may in itself be valuable), such post-development consent monitoring should not constitute a substitute for provision of full and adequate prior information as part of the EIA".

An excessive number of issues are left to post consent monitoring including provisions of Conditions 52 to 63 and 69.

## **2. Impact on SAC and SPA designated and shellfish areas.**

The proposal is part of a project which would require the discharge of toxic waste at the border of a marine SAC 000472 and designated grade A shellfish area contravenes the Habitats Directive and the Quality of Water for Shellfish Directive. The development of this gas refinery requires a pipeline, which materially affects an Annex I Priority Habitat (Machair) and a marine SAC. The requirement under the EIA and Habitats Directive to adequately assess viable alternatives has not been complied with. Condition 30 is an acceptance of the inadequacy of baseline data furnished in Environmental Impact Statement.

## **3. Realignment of Regional Road R314 and other works to roads and bridges**

The project requires major road and bridge works outside the application site. The proposal by the developer and the provisions of Conditions 4,5 and 7 are not based on adequate data in the application or in the Environmental Impact Statement which therefore contravenes the Directive and the public consultation requirement. The attempt to retrospectively regularise this through Condition 12 does not resolve compliance with the Directive.

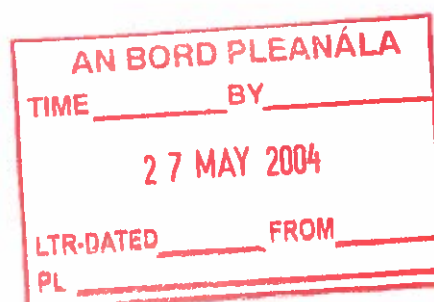
## **4. Traffic Management Plan**

The Traffic Management Plan of 11 March 2004 and approved in Condition 8 does not address all of the traffic issues posed by the project, including parts of the project which are proposed to be subject to foreshore licence and other consents from the Minister for Communications, Marine and Natural Resources.

The cumulative traffic implications have not been adequately assessed. The proposed peat removal will pose a traffic hazard and major disruption in this tourist orientated area during the tourist season clashing with the envisaged peak transportation of peat

## **5. Source of rock required**

The source of imported 78,000 m3 rock required for the development has not been identified, or the traffic implications assessed. It is not adequate to state that the rock would be sourced from licensed quarries when it has been clearly stated by the developer at the An Bord Pleanála Oral Hearing for the previous application that the 'local source' is Lennon's quarry, a development for which there is no valid planning permission and which has been subject to refusal for retention by An Bord Pleanála under PL16.130416 on 7 November 2003.



The provision of Condition 10 (i) and 10 (ii) with regard to haul routes for construction materials makes reference to transportation via both Bangor and Belmullet. This does not address the potential requirement for materials from longer distances particularly for the sourcing of hardcore and aggregate material from quarries with required legal and planning permission status.

## **6. Peat removal and relocation**

The implications of removing 450,000 m3 of wet peat will cause suspended solids to be released into the Owenmore River which will then be released into Tullaghan Bay, SPA Site Code 037. This is not been assessed in the EIS. There is a conflict between the EIS for the terminal site and the Srahmore deposition site. The Srahmore EIS requires that there shall be a significant moisture reduction in the peat for deposition. The terminal site EIS states that this will be done by creating a three metre high windrow, and leaving it for eight days. It is evident from the previous Oral Hearing that the moisture reduction in this windrow, will be negligible. We submit that the applicants have not demonstrated feasibility of drying peat from the construction site to a level which would allow transport for more of the material in vehicles other than slurry or other tankers.

Condition 19 is inadequate in addressing the environmental impact of using any lime cement or other binding materials for stabilisation of relocated peat at the Srahmore site. This does not adequately address the drainage and run-off impacts and the potential of the site to accommodate attenuation, and treatment of any contaminated attenuation ponds.

## **7. Impact on Haul Route**

The section of the haul route between the R314 and Srahmore via the L 1204 directly affects Carrowmore Lake Complex SAC 000476. The Carrowmore Lake Complex includes the road to be upgraded in agreement with Mayo County Council under Condition 6 as the proposed route for transport of 450,000 m3 of wet peat to the peat depository in Srahmore. A significant length of this road is included in the SAC and any works to this road requires full environmental impact assessment under the Habitats Directive and Regulations.

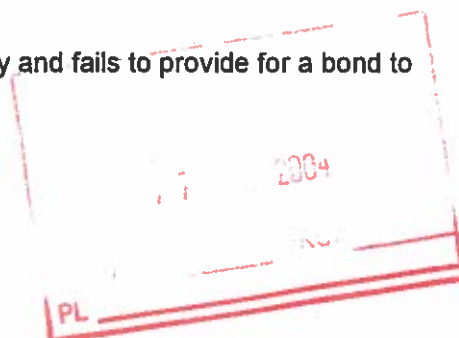
Any works on this road will have a direct significant affect on the SAC and are likely to cause significant deterioration on the water quality of Carrowmore Lake. Leakage from the lorries will be substantial with a high suspended solid content and will drain directly into Carrowmore Lake causing further deterioration of the quality of the only source of potable water for the whole Erris area and damage to the SAC.

## **8. Inadequate Plan Specification and Construction Data**

The applicants have failed to provide adequate boring information and foundation of construction work specifications with the result that the nature and extent of any blasting required is unknown and unspecified. Conditions 23 and 24 fail to address the nature and extent of blasting which may be required at the terminal site in order to achieve an appropriate construction base and the impact of blasting on adjacent peat cover.

## **9. Financial Bond**

Condition 75 relates to reinstatement on cessation only and fails to provide for a bond to cover any environmental damage.



#### 10. Material Contravention of Mayo County Development Plan 2003

The application site and proposed structures would affect scenic views designated in the " Scenic Routes and Protected Views Map in the Mayo County Development Plan 2003., namely the views from the west side of Carrowmore lake to the north and north west. These views were also designated under the previous 1992 plan. The inspectors report on the previous refusal stated that the previous proposal would accordingly be a Material Contravention of Mayo County Development Plan 1992. The same applies to the current plan.

#### RECOMMENDATIONS

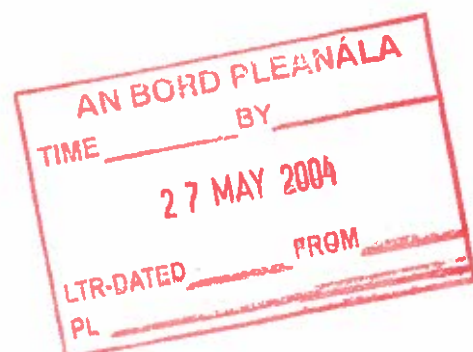
The proposed development should be refused planning permission because the site is unsuitable, the proposal would be hazardous to implement and would have significant negative effect on the environment and European site SAC and SPA designations. The cumulative impacts of the entire development have not been stated or assessed in the EIS. We do not consider that these issues can be satisfactorily resolved by further mitigation measures. We submit that any landfalling of gas from the Corrib Field should be subject to assessment on both alternative production and processing methods and alternative landfall locations.

Yours sincerely,

  
Ian Lumley  
Heritage Officer

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Encl: Copy of acknowledgement from Mayo County Council





## COMHAIRLE CONTAE MHAIGH EO

Aras an Chontae, Caislean a 'Bharraigh, Contae Mhaigh Eo.  
Teileafóin (094) 90 24444 Fax (094) 90 23937  
www.mayococo.ie

Your Ref.

Our Ref.

27<sup>th</sup> May, 2004,

An Taisce,  
The National Trust for Ireland,  
Tailors Hall,  
Back Lane,  
Dublin 2.

RE: P 03-3343- Construct gas terminal for the receipt and separation of  
gas from the Corrib Gas Field and for a peat deposition site at Bellagelly  
South, Srahmore, Attavally, Bangor Erris.

A Chara,

I wish to acknowledge receipt of your report / submission on the above file.

Mise, le meas,

*J. Moran (d.p.)*  
for County Secretary

AN BORD PLEANÁLA  
TIME \_\_\_\_\_ BY \_\_\_\_\_

MAYO COUNTY COUNCIL, Aras an Chontae, Castlebar, Co. Mayo. Tel: (094) 90 24444

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