

FURTHER APPEAL FORM

SECTION 26

SECTION 37

Appeal No: PL 207212

Lodged: 26/5/04

Case Type: 03

O.H. Request Date: 26/5/04

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

Appellant: FEASTA

Address/Agent: c/o Mark Garavan, School of Health & Sciences,
GMIT, Westport Road, Castlebar, Co Mayo

Mr Cranwell

1. Acknowledge with: BPOI HM

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:

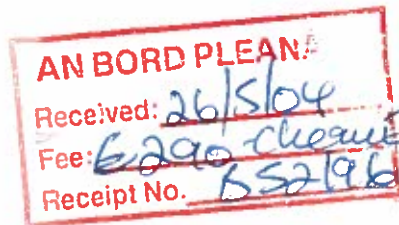
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EO: K Doherty

Date: 26/5/04

AA: Ron Cranwell

Date: 3/6/04



**Appeal of grant of planning permission by Mayo County Council to Shell E. & P,
for the construction of a gas terminal at Bellanaboy Bridge, Co. Mayo.**

Mayo County Council File No. P03/3343

Appellant: Feasta – The Foundation for the Economics of Sustainability.

Address: Feasta, 159 Lr. Rathmines Rd., Dublin 6.

**Address for correspondence: Mark Garavan, School of Health Sciences, GMIT,
Westport Road, Castlebar, Co. Mayo.**

1. Introduction

Feasta was founded in October 1998 to explore and promote the characteristics - economic, cultural and environmental - that a society must have in order to be truly sustainable. It aims to publish the results of its research as widely as possible so that people can begin to change the way they think and the way they live.

It is Feasta's view that if the application to construct a gas processing terminal at Bellanaboy Bridge is examined under strict planning criteria then it must undoubtedly be turned down. The rationale and assessment detailed in Mr. Kevin Moore's Report on the previous application remains relevant. Accordingly, An Bord Pleanála may be tempted to approve the project on the criterion of conformity with government policy. Feasta's submission in this regard is that while government policy may support the development of the Corrib Gas field this cannot be extended to obviate the need for a rigorous assessment of the specific methodologies proposed by the developer to exploit the field. To hold otherwise is to subscribe to planning by government dictate, surely an untenable position for a national planning appeals board.



2. Summary of Submission

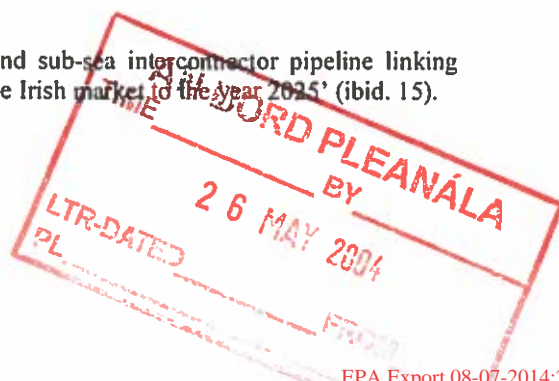
While there are many issues of concern regarding the application, Feasta's primary focus in this submission is on questions of sustainability, specifically that of energy. The applicant is asserting that there is a need for the project; that the project is consistent with national policy; and that the proposal amounts to 'sustainable' development. For the reasons briefly outlined below, Feasta submits that none of these assertions are valid and that, accordingly, you reject the planning application.

The proposal by Shell is to construct a gas processing plant in order to exploit in full reserves of natural gas off the Mayo coast. Feasta's submission is that there is no demonstrable national need to do this; that the proposal conflicts with stated government, European and international policy on fossil fuel use; and that the national need is not served by an immediate exploitation of the gas supply.

Importantly, the exploitation of the Corrib gas field and the construction of the Bellanaboy Bridge Terminal are not synonymous. These are two quite distinct endeavours. The attainment of the former cannot be held to inevitably warrant the latter. While the development of gas may be widely supported the fatal planning flaws contained in the Bellanaboy proposal cannot be ignored. The rejection of the specific Bellanaboy application definitively does not prevent the achievement of an indigenous Irish gas industry.

There is no demonstrable national need to exploit the Corrib gas reserves at this time. On the contrary, the construction of a second natural gas Interconnector between Ireland and Britain has ensured a continuity and security of supply. This is stated clearly in Bord Gas Eireann's Annual Report for 2002.¹ No threats to supply exist at present or

¹ BGE Annual Report 2002: pp14-15; 38. 'The 238km second sub-sea interconnector pipeline linking Ireland and Scotland ensures security of natural gas supply to the Irish market to the year 2025' (ibid. 15).

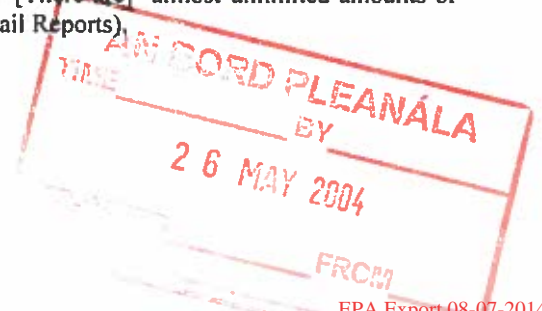


for the foreseeable future.² The applicant's styling of the Corrib Gas reserves as 'indigenous' is irrelevant due to this gas having to be purchased at full market price by any prospective local buyer. The consequence of the exploitation of the Corrib reserves is simply to over-supply an already replete Irish gas market. Corrib gas is simply not *needed* at this time.

The policy framework for any planning decision, including one on the exploitation of fossil fuels, is outlined in a number of documents. It includes international commitments entered into by Ireland and the European Union. These are comprised of, among others, the United Nations Framework Convention on Climate Change which includes the Kyoto Protocol and the Agenda 21 commitments made in Rio in 1992. Also relevant is the Gothenburg Protocol to the Convention on Long-Range Transboundary Air Pollution. Additionally, EU law and policy including the 6th Environmental Action Plan and the Gothenburg Process must be considered. At national level, the National Sustainable Development Strategy, the National Climate Change Strategy and the National Spatial Strategy give significant national policy guidance. We believe that the implementation of the principle of Sustainable Development, which underpins all of the laws and policies referred to above, means not extracting the gas now.

The critical policy context within which this application should be examined is that of climate change and future fossil fuel depletion. Both of these factors combine to impose upon us the obligation now to develop new, renewable forms of energy. Indeed, government policy as stated in the National Climate Change Strategy gives full support to this general approach. The immediate exploitation of natural gas supplies would merely continue the country's reliance on fossil fuels and further postpone our necessary transition to renewable energy sources. To this extent it is in conflict with the thrust of national and international energy policy. The argument of the applicant that natural gas is 'environmentally friendly' because it is a source of *less* carbon gases than coal or oil simply misses the point.

² Indeed, this point is further underlined with the formal conclusion of the EU – Russia trade agreement in May 2004. Note the Taoiseach's Dail comments of 19.11.03 – [There are] 'almost unlimited amounts of gas from Russia' and 'We could be exporting gas to the UK' (Dail Reports).



A transition to sustainable forms of energy use is a core national policy. Extracting the gas and feeding it into the current system will merely prop up that system. However, because of the extent of the changes needed to move to a different energy system, there would be a significant role for this gas to be invested in fuelling aspects of the transition to sustainable patterns of energy use. Accordingly, the national need and the agreed national policy goals would be better served by either of the following positions:

- 2.1 The Corrib gas supply should be retained by the State as a strategic reserve against a future, sudden loss of fossil fuel supplies.
- 2.2 The Corrib gas supply should be retained until it can be utilised as part of a transition process to construct and create new structures for the generation and dissemination of renewable energy and renewable energy systems. That is, it should only be invested in effecting a transition to wider energy sustainability.

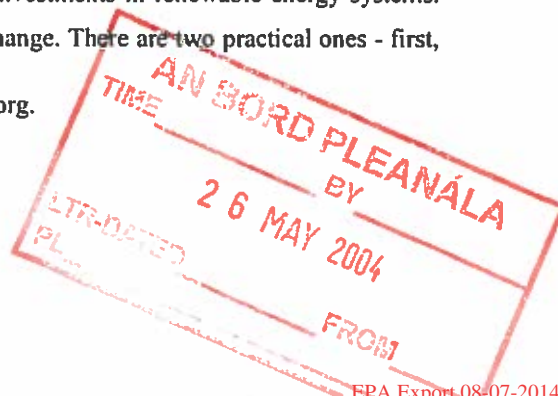
3. Outline of Energy and Economic Context

For the guidance of the Board, and to avoid an unnecessarily lengthy submission, Feasta wishes to cite its recent publication 'When the Wells Run Dry'.³ This book contains numerous papers on the issue of energy – remaining fossil fuel reserves, the viability of renewable energy sources, the dynamics of the transition to sustainable energy. These papers represent some of the most recent and informed views of various experts on the global and national energy context.

The thrust of the research available clearly points to the need for an immediate development of non-fossil fuel sources of energy. In the book's conclusion its editor, Richard Douthwaite, argues:

There are five reasons for calling for massive, immediate investments in renewable energy systems. There is the environmental one - we need to limit climate change. There are two practical ones - first,

³ This publication can be viewed in its entirety on www.feasta.org.



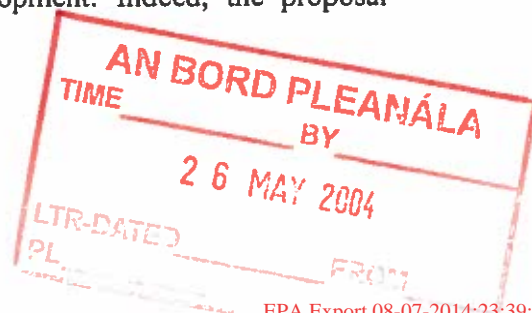
that oil and gas are running short and we won't have the fossil energy so readily available to invest in the transition ever again, and secondly, that renewables - wind and biomass - give out more energy for each unit of energy invested than either nuclear power or coal. There is the economic reason - we need new products, or new ways of producing old ones, like electricity, if we are to get the economy out of the looming depression. And finally, there is the moral one - we need to free up resources for use by poorer countries and succeeding generations.

A return to a renewables-only powered economy would put the world back on the sustainable path it so mistakenly abandoned when the British began to burn coal four hundred years ago. If a determined start is made on restructuring the energy economy now, while oil and gas are still relatively abundant, renewables have the potential to take us to a sophisticated, sustainable world with a high degree of equality and complexity. If we delay the change, however, even by just a few years, it will remove most of our choices and make life for the majority of people in future terribly simple. And nasty, brutish and short. Taking the right path now is therefore vitally important.

4. Further Specific National Policy Considerations

4.1 As suggested above, in determining the application of national policy it is necessary to separate the question of securing natural gas supplies generally and the specific application to construct a terminal at Bellanaboy Bridge. The one does not imply the other. Stated government commitments to the exploitation of the Corrib Gas reserves does not inevitably lead to the conclusion that the Bellanaboy Bridge Terminal must be constructed. As An Bord Pleanála has itself stated there are alternative methods for exploiting the gas reserves. This is a very important consideration. Otherwise statements by government of their general policy interests would override the requirement to make any planning determination of specific proposals. This would render local planning authorities and the Board redundant. Bellanaboy requires a close examination and determination on specific planning criteria.

4.2 The existing terminal proposal does not meet local and regional development criteria. In bald terms it does not bring development. Indeed, the proposal



involves the transport of gas from the region to the national market – a market already sufficiently supplied as noted above. In consequence, Mayo CC is failing to discharge its development objectives under its own County Development Plan. The gas is being exported from the county with no context in place to ensure local or regional development.

4.3 In terms of models for how the Corrib Gas reserves might be developed this application constitutes the least optimum in development terms. Other methodologies for the exploitation of the gas which involve off-shore platforms support land-based infrastructure and services which would demonstrably offer far greater local and regional benefits.

4.4 In order to render this badly conceived application viable, the applicant is obliged to sequester almost 600 acres of land in both Ballanaboy and Shrahmore. The applicant is obliged to remove half a million tonnes of saturated peat slurry, render it into 'waste', dry it out sufficiently for safe removal, fill in the resulting hole with thousands of tonnes of imported material, and dump the resulting 'waste' eleven kilometers away. All of this is to be done in order to facilitate the construction of an enormous industrial facility in a rural area surrounded by three SACs. No significant benefits to the local community arising from the project are outlined and no natural gas will be made available to them. By no stretch of the concept could this be regarded as 'sustainable development'.

5. Additional Final Considerations

Finally, Feasta wishes to note a number of additional concerns. These include:

- Road and traffic issues
- No scientifically adequate peat drying methodology or standards are provided



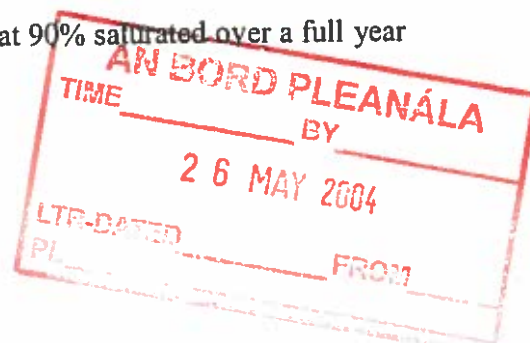
- No formal approval of pipeline standards are provided
- No comprehensive health and safety audit conducted.

There has been no integration into the proposal of new data arising from investigations into the recent Derrybrien and Glengad bog slides. It is clear that conventional engineering understanding of the behaviour of West of Ireland bogs is limited and that, in undertaking so extraordinary an excavation of peat, the precautionary principle should apply.

There are no precedents cited in the Bord na Mona application for a removal of 450,000 cubic metres of saturated peat. That is because it has never been done before.

In light of the novel character of the proposal no adequate testing has been done to determine the viability and safety of the proposal. The peat to be removed, transported and dumped has a moisture content of 85% to 90% (Srahmore EIS: 195). There is no evidence presented that the proposed methodologies to be employed by Bord na Mona have been rigorously tested over a sufficiently lengthy period. This proposal has been put together over the period of a few months only.

The most immediate flaw centers on the proposed peat drying methodologies. Bord na Mona concede that the excavated peat from Bellanaboy requires drying (cf. EIS: 11; 28; 52.) "The objective of the peat deposition is to store it in a relatively dry condition" (EIS 86). However, it is not outlined how this is to be accomplished. No moisture content criteria are outlined for what constitutes 'drying'. What is the target or optimum moisture content? It is not outlined. Is the moisture content after eight days of windrowing to be measured? It is not outlined. If it is to be measured, how, with what methods, and by whom? It is not outlined. What would the effect of rainfall on this procedure be? It is not outlined other than extraordinarily vague references, e.g. "In heavy rain work must stop" (EIS: 86). What is meant by 'heavy rain' and who decides – Bord na Mona, Shell or the haulage contractor? It is not outlined. Has the utility of the windrow methodology been tested on West of Ireland peat 90% saturated over a full year



cycle? It is not outlined. Have tests been conducted on the behavior of deposited liquid peat on this scale following numerous agitations of it in removal, transportation and deposition? It is not outlined. Is deposition affected by prevailing weather conditions and how? It is not outlined but, once again, astonishingly vague references, e.g. "... all works associated with peat deposition will be limited to optimal weather conditions" (EIS: 129). What is 'optimal' and who decides? It is not outlined.

It is clear that the proposal is conceptual only and that no adequate testing has been conducted in support of it. Consequently, the proposal in its present form contains an unacceptable level of risk due to the wide margin of uncertainty contained in the proposal's methodologies.

6. Conclusion

In this submission, Feasta argues that, not only proper planning and development, but sustainable regional development, national policy and wider national needs are best served by a rejection of Shell's application. The Corrib gas supplies are a precious resource that should be used wisely and sustainably in the interests of all the people of Ireland rather than being squandered in a poorly conceived proposal for the short-term interests of a global oil and gas corporation.

Feasta formally requests the holding of an oral hearing into the application in order to assist the Board in arriving at its decision. Feasta accordingly encloses 290 euro with this submission.

Yours sincerely,



Mark Garavan.



**Mayo County Council
Aras An Chontae
Castlebar**

Ref No.: P03/3343

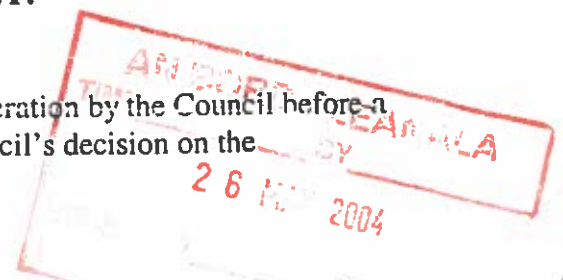
30/01/2004

**Mark Garavan & Other
Feasta
159 Lower Rathmines Road
Dublin 6**

A Chara

I wish to acknowledge receipt of submission received from you on 29/01/2004 in connection with planning application by **SHELL E & P IRELAND LIMITED** for **CONSTRUCT GAS TERMINAL FOR THE RECEPTION AND SERAPATION OF GAS FROM THE CORRIB GAS FIELD, AND FOR A PEAT DEPOSITION SITE, RESPECTIVELY. THE DEVELOPMENT WILL CONSIST OF THE CONCURRENT DEVELOPMENT OF TWO SITES LOCATED 11 KILOMETRES APART, APPROXIMATELY, AND IDENTIFIED AS THE SITE OF THE GAS TERMINAL FOR THE RECEPTION AND SEPARATION OF GAS FROM THE CORRIB GAS FIELD IN THE TOWNLAND OF BELLAGELLY SOUTH AND THE SITE OF THE PEAT DEPOSITION SITE IN THE TOWNLANDS OF SRAHMORE AND ATTAVALLY, BANGOR ERRIS. THE DEVELOPMENT AT THE BELLAGELLY SOUTH SITE WILL CONSIST OF: A GAS TERMINAL FOR THE RECEPTION AND SEPARATION OF GAS INCLUDING PLANT AND EQUIPMENT; PROVISION OF 4,935 SQ M (GROSS FLOOR AREA), APPROXIMATELY, OF BUILDINGS; ACCESS ROADS; 40 NO. CAR PARKING SPACES; AND ANCILLARY DEVELOPMENTS, OF WHICH 13 HA, APPROX, WILL BE DEVELOPED INRESPECT OF THE GAS TERMINAL'S FOOTPRINT. THE PROPOSED DEV. WILL OF THE BELLAGELLY SOUTH SITE WILL ALSO CONSIST OF; THE EXCAVATION AND REMOVAL OF 450,000 CUBIC M at BELLAGELLY SOUTH SRAHMORE ATTAVALLY.**

The matters referred to by you will be taken into consideration by the Council before a decision is made on the application. Notice of the Council's decision on the



application will be given in accordance with the requirements of the Planning and Development Regulations, 2001. This may be in the form of:

- (a) posting the notice directly to you; or
- (b) publishing the notice in a newspaper circulating in the area where the proposed development is situated.

Please note that in the event of an appeal being lodged by you, An Bord Pleanála will require a copy of this letter of acknowledgement.

Mise, le meas


RUNAI CHONDAE

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