

10th 3rd party appeal

PL16.207212

APPEAL BY
MAURA HARRINGTON

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FURTHER APPEAL FORM

SECTION 26

SECTION 37

Appeal No: PL 207212

Lodged: 26/5/04

Case Type: 03

O.H. Request Date: _____

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

Appellant: Maura Harrington

Address/Agent: Doo homa, Ballina, Co Mayo

M ☒ Cranwell

1. Acknowledge with: BPOI HM

Merge:

- | | |
|--------------------------------------|--------------------------------------|
| (1) psplit <input type="checkbox"/> | (4) omitdoc <input type="checkbox"/> |
| (2) msplit <input type="checkbox"/> | (5) overpay <input type="checkbox"/> |
| (3) revplan <input type="checkbox"/> | (6) xmas <input type="checkbox"/> |

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

EO: K Doherty

Date: 1/6/04

AA: Ron Cranwell

Date: 3/6/04

AN BORD PLEANÁLA
TIME _____ BY _____
26 MAY 2004
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PL _____

AN BORD PLEANÁLA
Received: 26/5/04
Fee: €290- Draft
Receipt No. BS2217

INDIGENOUS

STAKEHOLDER

APPEAL

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Appeal against Local Authority (Mayo Co. Council/MCC) grant of Planning Permission (with conditions!) to Planning Application ref. P03/3343 together with a Request for an Oral Hearing re

Planning Application for the development of a gas terminal (refinery) for the reception and separation of gas from the Corrib Field, and for a peat deposition site, respectively.

Appeal and Request for Oral Hearing in the name of:

Maura Harrington.
(Indigenous Stakeholder, Proposed Corrib Project)
Doohoma, Ballina, Co. Mayo.

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
LTR-DATED	FROM
PL	

MCC Planning Receipt No. PLAN/0/6532

Contact details: 097 86781(H) 087 9591474 (Mob.) maurah.ias@eircom.net

Grounds for Appeal and Request for Oral Hearing

In Defence of Place – as expressed in the Aims and Objectives and Key Issues of the Mayo County Development Plan (CDP) 2003-2009

Inimical to Proper Planning and Sustainable Development

NORM/TENORM not addressed

Abrogation of Planning Responsibility by Senior Planner (SP) MCC

in the context of

The uncertainties recently awoken regarding the incompatibility of Royal Dutch/Shell (RD/S) corporate culture with the requirements of Proper Planning and Sustainable Development

Maura Harrington.
25th. May 2004.

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Appeal Submission

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In the matter of the proposed Corrib Gas Project, all planning and consent-granting bodies to date - with the honourable exception of An Bord Pleanála - have displayed what I call a *credo in EIS* mentality, i.e. accepting as a given what local/indigenous people were driven perforce to question - and have successfully shown to be questionable in P00/2934 and P01/900. I believe this is also the case with P03/3343.

In a benighted attempt to enter this '*credo*' zone I consulted the EIS Glossary of Terms, Vol.1, (end Section 20) for a framework within which one might hope to address the all-encompassing issue of Place. The following is what I got:

Environmental Impact Assessment/Statement: *A systematic study which identifies and predicts the effects of a project on the bio-geophysical, social and economic environment of a project.*

Impact: *The degree of change in an environment resulting from a development.*

Landscape character: *A distinct pattern or combination of elements that occurs consistently in parts of the landscape.*

Landscape impacts: *Change in the fabric, character and quality of the landscape as a result of a development. These can be positive or negative.*

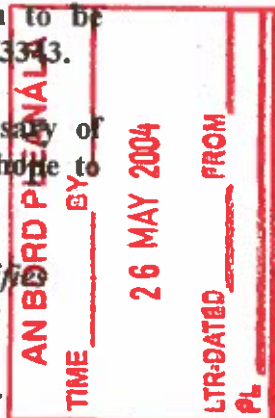
Receiving waters: *The marine waters accepting the discharge of treated wastewater from the Terminal.*

Visual amenity: *The value of a particular area or view in terms of what is seen.*

I also noted the glossary definition of terminal as: *The plant where the Corrib gas will be separated from any associated liquids to meet BGE export specifications'. On the other hand, Chambers English Dictionary, ISBN 1-85296-000-0, defines terminal as 'the storage base and distribution centre at the head of e.g. an oil pipe-line'; Chambers definition of refinery, 'a place for refining'; refine: to purify: to clarify: (usu. with out) to get rid of (impurities etc.) by a purifying process. For purposes of precise use of language, I submit that what is proposed for Ballinaboy as one part of a major project is, first of all, a refinery; subsequent to the refining process this proposed plant has storage and distribution capabilities. I will therefore refer to this proposed industrial plant as a gas refinery throughout my appeal submission.*

While charitably accepting that the 'bio-geophysical, (not in Chambers) social and economic environment of a project' may be an EIA/S attempt at a definition of Place, I submit to the Board that, as a construct, it is an entirely inadequate basis on which to advocate the imposition of a dirty industrial process into the Reality that is Braoadhaven Bay, Glengad/Dooncarton, Sruwaddacon, Rosspport, Gortacreagher, Ballinaboy, Glencullen, Carrowmore, Attawalla, Srahmore, Muinhin, Kiltane, Owenmore, Coolaba, Tullaghan Bay, Blacksod Bay. (Of course, in the absence of a charitable outlook, one could wonder whether the inclusion of 'geo' is to allow Paddy Purcell and his merry band of geotechnicians loose once more - even though they couldn't put Dooncarton Hill back together again. Sunday Times, May 4, 2003).

I would not presume to improve on the submission on Cultural Heritage presented at the ABP Oral Hearing, ref. PL 16.126073 by Micheál Ó Seighin and appended with this appeal for the *de novo* consideration of the Board - it remains, like Erris, impervious to



anything which can not, or will not acknowledge the Reality of Place. I would add just one sample of what perversity the imposition of this excrescence in the Place that is Erris would mean. Please compare and contrast the following recipes:

Mamó's Brown Bread

2 measures self raising flour, 1 measure wholemeal, salt, teaspoon baking powder, knob of butter, buttermilk.

Bake at home - and enjoy.

Filter Cake (Vol.1.Sect.2, 2.5.8, 2-18)

Lime slurry, TMT-15 dose, Ferric Chloride dose, polyelectrolyte dose, boron in season.

Discharge to sludge skip and treat/dispose off-site.

Generations have been sustained by versions of Mamó's brown bread; succeeding generations will not be sustained by Filter Cake.

The essential consideration before the Board is whether a gas refinery is to be or not to be at Ballinaboy. In the Board's current Damoclean position the following quote from Albert Einstein may be apposite.

*'Not everything that can be counted counts
and not everything that counts can be counted.'*

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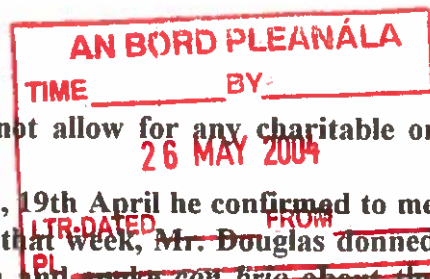
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The dIsdAIN for Place displayed by Mr. Douglas does not allow for any charitable or tolerant consideration.

In a telephone conversation with Mr. Douglas on Monday, 19th April he confirmed to me that he had begun to write his report on P03/3343. Later that week, Mr. Douglas donned the mantle of President of the Irish Planning Institution and spoke ~~con brio~~ about the planning agenda being driven by short-termism which was 'the complete antithesis of what planning should be about (I.T. 22 April '04). On 29th. April '04 Mr. Douglas signed off on his report on P03/3343; the replication of the ABP date of 2003 was rather crude.

I believe this report is an abrogation of the planning responsibility statutorily placed upon Mr. Douglas. The '*credo in EIS*' mentality is inescapable, as is the disconnexion with Erris. Two extracts,

'The area surrounding the site comprises a mixture of isolated residential properties, land in agricultural use and forestry.' (p.5)
and

'There are small pockets of ribbon development in remote locations, notably along the approaches to Sruwaddacon Bay and to the northeast of Carrowmore Lake.' (p.6)

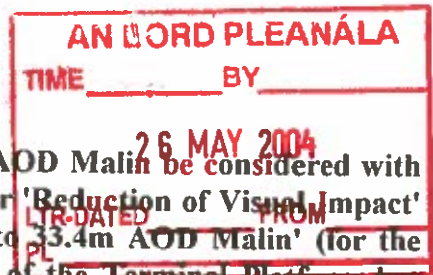
say a lot about MCC SP Mr. Douglas. His refusal to grant the courtesy of a name to places that predate him by millenia and will, *Deo favente*, outlive his signed-off planning depredations by a longer number of years is, I believe, reprehensible.

This report mirrors the EIS throughout by omitting the word 'proposed'. While 'consents' for the offshore components of this proposed project may have been gifted to the applicant up to, and including, the last day of Frank Fahey's tenure in ministerial office they remain in limbo until a planning decision is reached on the vital component not within the control of self-serving, sycophantic politicians. Reference to by the applicant, and acceptance of by the SP of the use of 'incoming gas pipeline' is disingenuous - makes it sound like a friendly neighbour coming to visit. The reality of what is properly called an upstream pipeline is, we now know, terrifyingly different. Similarly, 'export gas conditioning' is refining; Haku trailers are Haku System trailers.

I believe the contortionism employed by the SP in trying to justify an industrial aberration in Ballinaboy under the heading of the Mayo Co. Development Plan 2003-2009 is proof positive that Senior Planners within MCC belong to *genus Invertebrata*. When the SP cites 'in reality the scenic vies (*sic*) inland are often restricted by topography' and appears to preclude himself from commenting on the public realm (Policy 7) which includes inland views from Broadhaven Bay one can only conclude that the current President of the Irish Planning Institution is wearing the emperor's best new clothes.

The SP appears not to have given due regard to Sec. 256 of the Planning and Development Act in that he neglects to mention the OSPAR recommendation. It is now mid 2004. Even allowing for the stated minimum refinery life of 15 years (a nonsense), it is not possible for the applicant to meet the requirements set out by OSPAR. I believe the operators of the Corrib Field are now also in contravention of Special Condition 17, Schedule 3, POD 'consent'. Per OSPAR, P03/3343 is unacceptable having regard to the proper planning and sustainable development of the area.

One must agree with the SP that there are changes of significant character to make P03/3343 different to P01/900. Indeed one finds that a concept adjudged deficient by ABP has reconceptualised itself in a form of pure dementia! Only within the Twilight Zone that is



MCC could a 40m flare stack pile-driven into bog at 42mAOD Malin be considered with equanimity; only in MCC could the first bullet point under 'Reduction of Visual Impact' state 'changes in construction platform level from 32.0m to 33.4m AOD Malin' (for the record, *Vol.1, Tech. App.2, Sect. 2.4* states 'The elevation of the Terminal Platform has been selected at 33.4m AOD in order to optimise the material balance for the earthworks on the site' – my emphasis); only in MCC could one read the term 'architectural philosophy' applied to the design of a gas refinery in the middle of a bog.

The SP notes, without comment, 'The Board noted that alternatives are available for the development of the Corrib Gas Field'.

The proper consideration of alternatives remains an issue. Since the Board's decision, a viable alternative site was offered to the applicant. This was ignored. Details of this new alternative are absent from the EIS submitted with P03/3343. Further details regarding this elision will be made available to the Board at their request.

The SP's reference to 'The EIS (taken to be the EIS submitted 23/12/03) is puzzling. The hard copy of the EIS in support of P03/3343 was submitted to, and validated by, MCC Planning and Development on 17th. December 2003. To the best of my knowledge all that may have been submitted on 23rd. Dec. was a set of CD's which were completely haywire! Please refer to appended Mayo News article for further details on same.

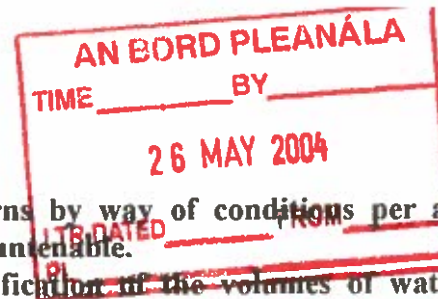
The much-vaunted 'additional report into the geotechnical aspects aspects of the development' commissioned by MCC from Fehily, Timoney & Co. (FTC) - delivered 8 days after MCC request for significant further information - was so unremittingly awful that it was impossible to treat of within any rational parameters. I found myself reduced to counting words! I counted the definite article (12%), various conjunctions, prepositions etc. (40%) and nearly ended up thinking I was Garrett Fitzgerald. I append a copy of the fruits of my foray into serious irrationality for no good reason other than the hours it took to do it. Following on from some lengthy telephone conversations with Dr. Michael J. Creed which included the judicious repetition of reference to Professional Indemnity Insurance, I was pleased to read in the 4-page FTC note on the FI that it is the opinion of FTC that the question of written confirmation from the relevant regulatory authority with regard to the structural stability of the pipelines in deep peat soil remains outstanding. For the record, the cost per word to MCC was €1.68 – which makes for a very expensive definite article.

As a *bona fide* stakeholder in the proposed Corrib Project I can not, and never will accept the *bona fides* of the Senior Executive Architect who could basely indicate that the architecture and design was sensitive to location and setting and that the proposals were acceptable. That such an indication was acceptable to the SP is a perversion of the principles of proper planning and sustainable development.

The 'no comment' (twice) by Michael J. Daly, is in marked contrast to the close attention paid to P01/900 by the Principle Officer, PAD – and makes one wonder...

Post MCC grant of permission (with conditions!) to P03/3343 full access to the HSA file is still not forthcoming. The fact that MCC is making access to the full report by the HSA (a body that is itself inappropriately constrained) difficult for those engaged in preparation of a legitimate appeal to ABP is unacceptable.

I will comment on third party submissions under response to App. 3 SP report.



Conditions! conditions!

The attempt to address outstanding DoEHLG concerns by way of conditions per an essentially useless 'agreed monitoring plan' is, I believe, untenable.

The use of 'It would appear'(2); 'There is no quantification of the volumes of water released from this peat but it is expected to be small. Humic acid....not anticipated....'(4). 'Having examined the letter...I do not consider a formal request...necessary'(6), I find truly shocking.

EPA Report '...EIS appears to comply...' is equally supine.

HSA

Even granting the inadequate capacity of the HSA in terms of HSE assessment how could they 'not advise against' the development when, in *Vol.1 App. 2.1 (2-33)* the issues of Structural, Equipment, Instrument and ESD & Blowdown Valves fire protection is deferred to a distant Fire Risk Assessment future? What about a pool fire, a fire supporting area, an alternative protection from blast for cables and tubing to critical valves??

The tacky complicity of those who would consign decent communities to potential perdition is abhorrent.

Under the heading 'Assessment' the SP should refer to the definite article specialists, FTC-THE/AN is the same thing in two languages.

One can only presume that, prior to writing this 'conclusion' the SP donned the emperor's best suit and wished upon a star.

It would be instructive to get specific details concerning those objections adjudged (subjectively?) by the SP to have no direct bearing on planning matters.

Project Splitting: How competent are many of the 'competent authorities' and how tenable is the current legislation?

Need for the Project: This is not an 'assessment' by MCC SP - it is a precis of the EIS advocacy cobbled together in an attempt to produce a pseudo-scientific spin to retrospectively justify the 'wrong project in the wrong place'. The need for the development, as proposed, is not clearly established. Stated Government policy ... to retain some security of gas supply etc. is not sufficient reason to materially and perpetually jeopardise the proper planning and sustainable development of the Erris region.

Alternatives: No section of the EIS 'deals comprehensively' with anything. SP concurrence with Sect. 4.4.2 is disquieting.

As noted by ABP, alternatives remain for the applicant. Were this project to go ahead as currently proposed, no alternative would remain for the swathe of Erris between Broadhaven and Blacksod Bays.

Adequacy of EIS: Appears as if SP refers to adequacy of hard copy EIS submitted 17:12:'03; if that is so, why do some conditions in Second Schedule refer only to 'Dec. 23rd.' EIS?

Material Contravention of Mayo CDP: *Credo in EIS.*

Waste: SP is not specific as to whether the waste generation per P03/3343 is currently under consideration by EPA or is deferred to some mythical future.

I question the SP rationale for grant of planning permission (with conditions!) to an industrial plant generating hazardous waste 160 miles from the nearest hazardous waste

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transfer station at Shannon (Article 16.5, Vol.1) (Unless, of course, the SP knows something about Glancré Teo. plans for Muingmore that the rest of us haven't been told about).

IPPC: Again, does current application before EPA include proposals for dumping of 'unsuitable' waste, generating 825 truck movements per month for an unspecified number of months? (FI. App.A, Sect.1, 5.3)

Roads and Traffic: The *credo* mindset of the SP is well exposed in his acceptance that 'two factors would minimise physical and human impact'. It is, I believe, seriously delusional to attest that two 'short sharp haul periods' – of up to 100,000 truck and heavy plant movements – would avoid prolonged inconvenience.

Designated haulage route: The SP appears to ignore the serious discrepancy which exists between the road quality requirements laid down by the applicant for roads within the proposed refinery complex at Ballinaboy and the paltry standards apparently acceptable to the SP with regard to the L-1204 and the L-12044. Sect. 10.2.3.1 Vol.1, Tech. App.2 stipulates that the proposed refinery main access road would be 15m wide to the Administration Buildings and 10m thereafter. Sect.11.4.8 states the road to the settlement pond would only be 8m wide. Road construction within the proposed complex would involve peat strengthening, sheet piles, geotextiles together with an assumed 1m depth of imported fill (5750m³). The vast bulk of the vast traffic movements for which the refinery road system is designed would have to travel along the L-1204 and L-12044 to get to Ballinaboy. The discrepancies between the two standards are appalling.

Minimising disturbance: This had to come from within the Twilight Zone. Mention of 800 traffic movements per day along the Glencullen road under the heading 'minimising disturbance' does not fit within any rational context.

The Traffic Management Plan (TMP) is unacceptable – please consider comments thereon made to MCC in my response to FI Response, appended.

HSA: The conclusions of the HSA are simply not good enough.

Peat Extraction: I believe this assessment by the SP to be grossly inadequate. Technical advice to MCC by FTC comes without PI indemnity acceptance of responsibility and is acknowledged as a 'geotechnical note' rather than a stand-alone independent assessment underpinned by substantial PI cover. I believe that this is a serious abrogation of SP planning responsibility.

Risk to Carrowmore Lake: Reference in parentheses by the SP to 'recent algal blooms in Carrowmore' is not cricket. Is this an attempt to imply degradation of the Regional Water Supply to such an extent that a gas refinery could only improve matters – within the MCC Twilight Zone that could possibly appear rational. For the information of the Board, the main agencies with responsibility for protection of watercourses - who profess satisfaction with 'mitigation measures' for P03/3343 - have yet to address the causes of last years algal bloom on the lake.

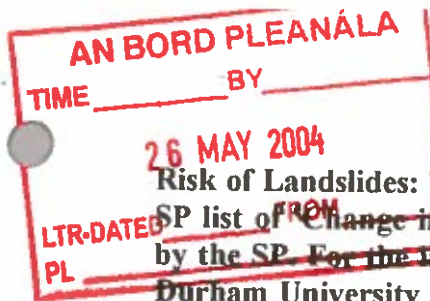
Habitats: *Credo in EIS.*

Air: SP/MCC/EPA consensus.

Visual impact: The SP treatment of visual impact is shameful; it makes for disquieting reading to see such abject posturing in an attempt to defend the indefensible.

Noise: As above.

Legal issues: Env.D2 letter of October 2002 still extant.



Risk of Landslides: This is a horrible treatment of such a vital issue. It is not listed in the SP list of 'Change in Planning Circumstances' and is not assessed/considered in any way by the SP. For the information of the Board, a group from the Geography Department of Durham University have visited the area materially and perpetually altered post Sept. 19, 2003. This group will issue their academic findings at a public meeting in the area within the coming year.

Pipeline Location and Safety: It is instructive to note that the SP quotes at will from FTC geotechnical note when it suits his apparent purpose. He ignores FTC note regarding applicant's response to Item 2 FI which states:

'The letters from the regulatory authorities relate primarily to environmental matters and make no reference to the structural stability of pipelines constructed in deep peat soil and, as such, do not provide the written confirmation requested under Item 2'.

Some comments to the Board on 'consents' gifted (my choice of word for which I take full responsibility) by Frank Fahey to the applicant:

Had no HSA input - confirmed by Mr. John Colreavy, HSA

Posford Haskoning confirm they were requested to consider environmental concerns only
ERM likewise did not consider pipeline stability and safety

The Andrew Johnson Report, on the basis of which Frank Fahey, Michael J. Daly and, more recently, Dermot Ahern would appear to consign the HSE status of the receiving communities and receiving environment to an unmitigated Risk Society is signed, simply, Andrew Johnson - no provenance, no details of professional competence and no details of the huge Professional Indemnity Insurance which signing off on an unprecedented upstream pipeline would warrant. The continued adherence to a document which is essentially useless for the purposes for which it was/is touted by DOMNR and DCMNR is a scandal. The risk to which the current and former ministers with responsibility for the protection of citizens' interests - locally in HSE context; nationally in exposure to potential Financial Loss - is breathtaking. I believe it is valid to question whether or not this amounts to negligence on the part of current Minister D. Ahern and former Minister, F. Fahey.

The Foreshore Licence - which permitted the despoilation of Glengad beach - was signed by Frank Fahey on his last day in ministerial office and while consideration of P01/900 was still before ABP.

While not being intemperate enough to lay the blame for the devastation wrought by the Dooncarton landslides solely at the door of Royal Dutch/Shell, I believe the following concerns are valid and they remain unaddressed -

(i) could the continuous thundering of heavily laden trucks drawing fill to the gifted Glengad landfill site (in the absence of a TMP as required per 'consents' and not available in MCC offices) have been a contributory *factor* to events of Sept. 19 '03?

(ii) could the combination of (i) with the trenching assault in Broadhaven Bay - at right angles to traffic route and creating vibrations into Dooncarton Hill - have been a contributory *factor* to 22 landslides on a mountain certified by Teagasc as not overgrazed when the neighbouring Knocknalower Hill, adjudged overgrazed, experienced the same rainfall event yet remained intact?

Post Sept. 19 2003, the following comments were made on the 'Tonight with Vincent Browne Show', RTE. Presenter on both nights was Shane Kenny. In a response to a

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phoned-in update. The consequences for area if upstream pipeline was *in situ* at that time, the Mayo Co. Sec. John Condon stated that the pipeline 'was at a different location' (23:09:'03) the following night Minister Eamon Ó Cúiv stated that 'there was no question of the pipeline crossing the land' (24:09:'03). Tape recording of comments available.

Nat. Policy on SD: It is at best untenable for the SP to cite SD policy in support of grant of permission (with conditions!) to P03/3343. It is a moot point whether or not Ireland should vigorously promote its *current* offshore oil/gas exploration policy given its genesis in Ray Burke. Laying that aside for the moment it is neither rational nor tenable to extrapolate that to mean it is vital that a gas refinery be sited in Ballinaboy. While it may be perceived as vital to some political and vested interest egos it is not only not vital, but actually inimical to, proper Sustainable Development in the Erris Region.

Above-ground structures: At ABP Oral Hearing ref. PL 16.126073 Ms. Jacintha Healy raised the spectre of coming to the attention of Osama bin Laden. There have been global developments since then, not contextualised by the SP in his consideration of P03/3343.

This issue was raised recently by Mr. Eamon Ryan, Green Party T.D., speaking in the Dáil on the Maritime Security Bill 2004 – please see appended Connaught Telegraph article, 19th May '04. In the changed global political climate since gifting of offshore consents there can no longer be any assumed certainty that upstream oil/gas infrastructure will not be considered for terrorist attack. When one considers the proposed location of the Corrib upstream pipeline at the bottom of Dooncarton Hill in conjunction with the domed radar station at the top of Dooncarton Hill, the opportunity of 'two birds' might prove irresistible. The extinction of People and Place would, as with all terrorist activity, be considered merely as collateral damage. Proper securing of the upstream pipeline from Glengad to Ballinaboy could only be *partly* addressed by a continuous heavy armed? security presence with attendant lighting, fencing, dogs, helicopters - and would also oblige patrolling inner Broadhaven Bay. That way lies madness.

TENORM: It shows a curiously skewed thought process to 'assess' that just because TENORM isn't mentioned in the EIS it therefore cannot possibly exist.

In a similar cavalier fashion reference in the EIS to *one* woodcock recorded Mar. '01 and *one* snipe in Nov. '01 is blithely accepted by the SP. The fact that the second largest flight pattern of woodcock in the world comes in over Ballinaboy is, because of its omission from the EIS, not considered by the SP. I acknowledge the expertise of Mr. John E. Coleman, Hill and Valley Private Gun and Sporting in this matter.

Lighting at night: Any possible comment I could make on this 'assessment' would perforce involve the overuse of asterisks.

Conclusions and Recommendations: There is no difficulty with MCC being statute bound to have *regard* to national policy. That said, if national policy becomes a synonym for the Ó Cúiv 'no other option' policy – please refer to appended MCC submission, 30th. Jan. – then a serious difficulty presents itself. On the broader issue of whether current national policy is synonymous with the National Interest and whether the National Interest is at all times best served by 'short-termist' politicians for the egalitarian benefit of all citizens, I submit - without comment - for the consideration of the Board the complete record of one of my attempts to ascertain the true benefit, if any, accruing to the State from the Licensing Terms for Offshore Oil and Gas Exploration and Development 1992 – as initiated by Ray Burke in September 1987.

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And so, having nodded his way through a spurious EIS, Mr. Douglas goes for some well-earned R&R – for a month.

P03/3343 First Schedule

It is sufficiently irritating to read through anything produced by Mr. Tom Phillips, TPA & Associates, without meeting a regurgitated version of same by the SP.

P03/3343 Second Schedule

In this 'great little country' of ours, there appears to be an insuperable problem with competent, committed adherence to conditions imposed by either the Local Authority (or, in the case of large projects, possible ABP conditions 'policed' by the Local Authority), in the first instance by the developers and, following such failure, the lack of ability and/or will on the part of the Local Authority to robustly pursue their statutory duties in this regard. This is demonstrably true in cases of both regulated and unregulated development. There appears to be a widespread perception, among developers and many Local Authority personnel, that conditions are a formulaic convention, put there for appearances but not really to be spoken about in polite society post grant of planning permission. The RTE Prime Time programme, 19th April '04 provided incontrovertible examples of Local Authority laxity in the execution of their statutory duties. Such laxity is not surprising given that (a) if a Local Authority permits something - with conditions! - then, essentially, by their reckoning, it's more or less acceptable. If the decision of the Local Authority is appealed to ABP and permission is dealt with by way of further conditions, the regulation/enforcement of such conditions reverts to the Local Authority. Human nature being just that, the Local Authority members who took flak over the initial decision and were subsequently subjected to the additional 'stress' of addressing the ABP process will not, I believe, be too well disposed in any future dealings with appellants. In the Erris area at present, there is clear corroboration of the above. Local people challenged the decision of MCC in the matter of the Glancré Teo. plant at Muingmore through a Section V Appeal to ABP. This appeal was upheld. Glancré Teo. then instigated High Court proceedings against eight named appellants to ABP; MCC was a Notice Party. At great temporal and monetary expense the local people met the challenge while MCC skulked in the background and did nothing. On 3rd May '04 Ms. Justice Laffoy found in favour of the local people; costs were awarded in their favour on May 10th and the Court Order issued on that date. Yet operations continue at the plant. In a stiffly worded statement to the local radio station the Glancré Teo. MD claimed the company was producing peat-based fuel. The Co. Sec. J. Condon stated that because MCC only became aware of the Court Order in the past couple of days, they now had to 'study' it - this despite being a Notice Party in the first instance! Meanwhile, local people have no idea of what's going on behind the locked Glancré Teo. gates, MCC appear not to want to know and the only 'fuel' produced in public by Glancré Teo. to date has been that which fuels fires of frustration, anxiety and anger.

That is the context in which I comment on P03/3343 Second Schedule.

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26 MAY 2004

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P03/3343 Condition	Indigenous Stakeholder Comment
1	Reference to <i>only</i> 23 rd Dec. plans and documentation is puzzling
2	Omission of ref. to hard copy EIS validated 17 th Dec.
3 (iv)	Legally binding agreements and covenants referred to are redundant since TMP as accepted by MCC includes acceptance of risk <i>by</i> MCC
4	Design and specification inferior to that for proposed refinery site roads
5	Will further reduce limited visual screening capacity
6	Impossible to implement
7	Was supposed to happen with P01/90; didn't
8	Impossible to implement
9	Window dressing
10 (i)	L-1204, L-12044 will never be capable of bearing such loads
(ii)	No details in EIS re 'materials transported from Belmullet' – if haulage of materials through Belmullet is coming from Ballyglass Pier then further swathe of Erris occupied by applicant
11	Unacceptable disruption to local people; unacceptable potential danger in case of emergencies
12	Impossible to implement
13	Not rationally connected to the reason stated
14	As 13
15	As 13, plus impossible to implement
16	This condition demonstrates, I believe, fundamental abrogation of planning responsibility. A Project Monitoring Committee (PMC), has no statutory relevance and, as such, is a means of relieving the members of the PMC of the statutory responsibilities for which they would be answerable if they remained within their relevant agencies. As such, I believe the PMC is a pernicious planning cop-out

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17	Window dressing
18	Reference to 23 rd Dec. EIS only
19	Impossible to implement
20	Not tenable
21	Admission of, rather than condition against oil pollution and impossible to implement
22	What if it isn't?
23,24	EIS states no blasting will occur; therefore, why condition it – unless EIS reference to 'chemical crack inducer' is euphemism for blasting, in which case EIS/SP being disingenuous
25,26	Not tenable, not implementable
27,28	As above
29	Not possible – interference with woodcock flight pattern not addressed
30	Didn't happen with P01/900, therefore no guarantee of implementation re P03/3343
33-36	Inadequate
37-45	Pro forma for location close to adequate and appropriate fire fighting facilities; remote location of proposed refinery not addressed by conditions therefore inimical to reasons stated
46-49	Inimical to principles of SD when predicated on presence of gas refinery. Condition 49 Reason insulting to Place
50	Superfluous – IAA agreement already on file P03/3343
51	Inimical to reason stated
52-63	Not rational per stated reason 'to ensure adequate protection of the environment during construction'. Condition 61 implementation not credible

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64	A nonsense
65	Inimical to reason stated
66	Irrelevant
67	Irrelevant
68	Irrational
69	Silly
70	Dec. 23 rd EIS reference only – entirely implausible and unimplementable
71-73	Irrelevant as has already been demonstrated through applicant's depredations at Glengad
74	Reference to 23 rd Dec. EIS only
75	A nonsense since no bond is sought for proposed <i>operational</i> period – is this condition born of Asahi experience?

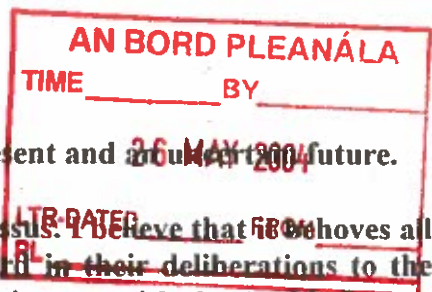
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Appendices	Comments
Appendix 1	Subjective tick list of SP – of no other particular relevance
Appendix 3	Please refer to appended copy App.3, with hand written comments
Appendix 4	Item 2 SP response at variance with opinion of FTC
Appendix 5	Third party submissions – 100% - returned by those with genuine concerns and fears; vested/self/sponsorship interest third parties not apparently capable of anything other than original 1-page effort



Royal Dutch/Shell (RD/S) have a dirty past, a crisis-ridden present and an uncertain future.

Since 9th January, 2004, RD/S is no longer perceived as a colossus. I believe that it behooves all Planning Authorities and regulatory bodies to give due regard in their deliberations to the corporate health of the applicant since, as Co. Mayo learnt to its cost with the Asahi plant at Killala (not acceptable in Tito's Yugoslavia, hence Killala), the corporate entity which underpins the men and women in suits – towards whom so many forelocks are tugged - can prove as finite as the besuited men and women are; as indeed are the *sans culottes* and all humankind.

Since 9th. January, when RD/S was forced - per SEC requirements - to publish a 20% downgrade in its proven reserves (since upgraded to 24.5% - fourth downgrade announced 24th May '04), that corporate entity is convulsed. Internally, executives are primarily concerned with keeping their heads off the block; externally shareholders, including large pension-fund managers, are becoming increasingly 'bolshie'.

The proper development of the Corrib Reserves should, I believe be considered in this context and I consider the following comments relevant to the Board's deliberations.

Since there is no proof forthcoming from PAD, DCMNR of the *actual* reserves in Corrib/Dooish/Cong – that is, if they themselves actually know – it cannot be dismissed that, in this case, RD/S may be understating reserves and Philip Watts, by acquiring Enterprise Oil plc. at a price in excess of Markets expectation at the time *may* have been acting not unlike Nick Leeson of Barings Bank. Please note that the first email from Walter Van de Vijver stating 'group guidelines are no longer fully aligned with SEC rules' was sent to RD/S Committee of Managing Directors (CMD) on Feb. 11th, 2002. On April 3rd. 2002 it was announced that RD/S had agreed to buy Enterprise Oil plc. Until he was escorted by RD/S security from the Shell Building immediately after being sacked, Philip Watts was chairman of the CMD.

If the Corrib Reserves are the 870 bcf currently stated then the proposal for Ballinaboy is no longer tenable for the financial reasons previously adduced by the applicant because (a) they wasted shareholder capital on an *undo-able* concept with P01/900 and (b) the further cost entailed in the preparation of another spurious EIS, together with the extra cost of peat slurry transportation, road 'upgrades', sheet piling, 'soil' strengthening, importation of fill, cement etc. etc. is now a demented financial proposal for RD/S shareholders as well as being a demented sustainable development proposal for Erris. If, as is more credible, Ballinaboy is to be the new Bacton, that reality needs to be established now to enable a proper planning consideration to be undertaken.

RD/S, despite CSR rhetoric, cannot credibly lay claim to kudos either in the area of proper planning and sustainable development or in the area of stakeholder relations. As with the simple contrast of Mamó's Brown Bread v Filter Cake, I would like to provide one contrasting tale of 'stakeholders' to the Board. Shell E&P Ireland make effective use of photo opportunities when dispensing stakeholder? Sponsorship to Carne Golf Club (*aka* Erris Tourism). After Shell were finally obliged to publish the CMRC Report - Cetacean baseline study in Broadhaven Bay - I contacted Michael J. Daly, P.O. PAD requesting copy of same. he suggested I contact Shell and was informed by me that he was welcome to do so if he considered it appropriate. After much to-ing and fro-ing I eventually received a CD copy of the report on 24th. Feb. '04. Based on my stakeholder experience to date, I brought the unopened registered letter to the Shell office in Bangor; opened it in the presence of Shell

employee John Cronin and asked him to check it on the office computer - it didn't work. The accompanying letter from Ms. Steen informed me that a hard copy was available on payment of €50.00. I handed a cheque for €50.00 to John Cronin - there were no cameras there to record the event. The cheque went through my bank account on 12th. May '04.

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The Sunday Times May 4 2003 (extract)

Micheál Ó Seighin Submission ABP Oral Hearing PL 16.126073

Irish Times April 23 2004

Schedule 3, Special Conditions Plan of Development

Mayo News 21 January 2004 (extract)

‘Word Count’ FTC Geotechnical note

MCC letter re HSA Report

Connaught Telegraph 19 May 2004

FOI Correspondences

Appendix 3 Third Party Submissions – Comments

Carne Golf Club

Pro-Am Programme 2002

Pro Erris Gas Group (PEGG)

Plus ca change!

Power Engineers Inc.

Sundry RD/S Correspondences

Submission, MCC, 30 January 2004

The Changing Global Gas Market, Malcolm Brinded

Submission FI, MCC, 01 April 2004

Note

Ken Saro-Wiwa, RIP

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The Sunday Times, May 4 2003 (Extract)

Nonsense, some ministers snorted. More than 850 billion cubic feet of natural gas had just been found off the coast of Mayo, enough to supply the country for 20 years. Shell would be pumping it ashore by 2002. Why on earth did Ireland need another interconnector?

Luckily, O'Rourke prevailed. The interconnector was approved in February 2001. "If it hadn't been, we wouldn't have enough gas now," an official said last week.

The gas off Co Mayo, a deposit two-thirds the size of Kinsale, is still untouched. It was discovered in 1996, but not one atom has been moved from the 230m-year-old reservoir 11,500ft under the sea, located 45 miles off the Belmullet peninsula.

Following a decision by An Bord Pleanála last week, it will be at least two more years before Mayo sees any methane. The board overturned planning permission for a gas terminal that Shell was proposing to build on a bog five miles inland. The company is now considering its position.

There was consternation in political and business circles at the decision. Shell had been put through a strenuous series of planning hoops, including weeks of oral hearings, over the terminal. It had got planning permission, with onerous conditions, from Mayo county council. But, despite months of preparation and spending up to €100m, Shell is back to square one after the planning appeals board ruled against it on one relatively tiny point.

Really, though, the company fell victim to Ireland's "Banana" syndrome — Build Absolutely Nothing Anywhere Near Anyone. A small group of disgruntled locals, allied to an even smaller group of dedicated environmentalists, fought Shell through the planning process, the courts and in Europe. They only needed to get lucky once. Only one of their objections needed to be upheld. Eventually, just one was.

Many large engineering projects in Ireland over the last decade have suffered a similar fate. From the Spire in O'Connell Street to the redevelopment of Ballymun flats, the construction of roads, incinerators, marinas and golf courses; all have been harried by environmental groups and put through the lottery of the planning process. Delays and cost overruns are the result.

Some argue that last week's gas decision was worse. Finn Lyden, managing director of

Wiwa, a Nigerian writer executed in 1995 over his opposition to Royal Dutch Shell's activities in Ogoniland in the Niger Delta. Wiwa, who appeared at the hearings, compared Shell's policies in Ogoniland to what it was doing in north Mayo, or BOGoniland, as some wags took to calling it.

Wiwa argued that Ireland should not "negotiate away" its environment for the promise of a few jobs. "It is the same company," he said. "There is the same sort of promise of jobs in the initial phase, and the promise that there will be no impact on people's way of life."

"In the Niger Delta there were a few jobs initially in

which represents Irish-based oil rig workers, pointedly questioned Shell's intentions, noting that whatever the company was spending in capital costs could be entirely written off against tax in the early years of production.

The economic benefits to Mayo were questioned too. Shell was promising 500 jobs in the construction stage, and 50 or more full-time posts in the terminal, but that wasn't enough to satisfy critics who wondered how many of them would be local and how many towns in Mayo would be on the pipeline.

The complaints drowned out the voices in favour of the project, those who argued that Mayo and the west of Ireland

about two metres on an adjoining site of 94 acres with a two degree slope. There might be a landslide of peat, the board reckoned.

Some experts found the decision baffling. Was there no way to engineer a solution?

Paddy Purcell, director general of the Institution of Engineers of Ireland, said: "The site for the gas station was chosen by professional geotechnical engineering consultants working following an exhaustive study. All the technical evidence provided by [Shell's] advisers was that there is a negligible risk to the stability of the peat. The board considered, without expert advice, that all the specialist advisers were wrong. This is an astounding conclusion."

There is also concern at the message the decision sends to foreign companies considering investment in Ireland. There is no certainty that any project will get planning permission, even at the end of a two-year process such as the one which Shell endured. And this happened despite the supportive position adopted by the Irish government, which did everything in its power to help the project. It is not as if foreign investors are lining up to explore Irish waters for gas and oil. The exploration failure rate in Ireland is very high. The Corrib find was a strike against the head.

Fergus Cahill, chairman of the Irish Offshore Operators Association, described last week's planning decision as a serious blow. "I am concerned that companies who have remained committed to Ireland despite the low success rate, and who are investing €100m in offshore activity this season, may reconsider their involvement here," he said.

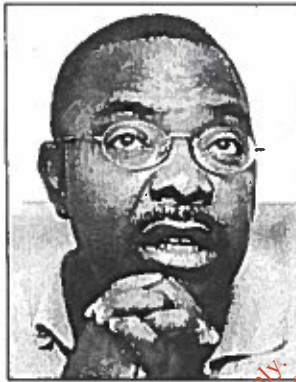
Apart from the company, the locals are the other real losers.

"I am absolutely disgusted and disheartened by what has happened," said Johnny Mee, a Labour councillor. "Those 50 jobs were very important. I am also appalled at some of the tactics used by the groups who opposed this, and who deprived people of their livelihood."

"I'm an arch enemy of An Taisce, Duchas and the rest. We have a beautiful country and they come up here for a fortnight, drive around, and disappear off again. They are not as conversant with the county as people who live here. And we cannot live on scenery."

A jubilant An Taisce regards the decision as one of its biggest successes, and proudly

There is no certainty any project will get planning permission, even at the end of a two-year process such as the one which Shell endured



Dr Owens Wiwa: objected

pipe-laying, but very quickly local people were being told that they weren't skilled enough."

To this emotive argument was added the usual complaints about the environmental havoc the terminal would supposedly wreak on locals, tourists and the scenery. More than 60 people were ready to "pack their suitcases if this development goes ahead", An Taisce said.

Actually, as other opponents admitted, only 16 houses were anywhere near the terminal. The closest to Shell's gas pipeline was 70 metres away.

The more technical argument, put forward by Greg Casey, a Cork-based lawyer acting for An Taisce, was that Shell was bringing the gas ashore in the wrong place, well away from centres of population that might benefit from the fuel and requiring Bord Gais to build a lengthy cross-country pipe in order to pump it into the national grid. Shell was putting profit first, critics argued, apparently ignoring the fact that €800m will be needed to bring the gas ashore.

The site of the terminal, on a

badly needed whatever economic fillip the gas would provide, especially the jobs.

The pro-gas lobby was led by Frank Leneghan, a Fianna Fail councillor in Belmullet who knows from personal experience how badly Mayo needs economic investment. Like many of his friends and school mates, he emigrated to London in the 1980s in search of work.

"The majority of people thought this [the project] was good for the area," he said last week. "Only a small number objected. If I thought the terminal was a danger, I wouldn't have supported it. I visited one in Holland recently and it made me more convinced than ever. This [the decision] is a financial disaster."

An Bord Pleanála eventually ruled against Shell on just one point. It decided that though its terminal would have an adverse visual impact in the area, that was not serious enough to refuse planning permission. It agreed that the development might not constitute the best development of the Corrib gas field in terms of serving Mayo, but that wasn't a good enough reason to turn the terminal down either.

note this in a spirit totally different to what exists now. following
Foye's diatribe yesterday. The culture is totally changed.

Cultural Heritage Context

In the EIS as prepared by RSK Ltd., and which had to form the basis of the planning decision of Mayo Co. Co. in respect of this gas project, cultural heritage matters are dealt with as is compulsory and indeed in that spirit. In reality, which is where we live, culture properly understood is all. Culture is not merely some stone remains, or even oaken posts or deer traps under or over the bog, though these kind of artifacts are indeed a part of culture, and we have traditionally given some of them semi-mythical status, for a time of years or maybe centuries.

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Culture, however, is how we live, what we do, how we mould our environment to cope with the struggle of living and rearing a family; how we and our sometimes harsh environment come to a compromise that enables both to thrive in a modified spatial and attitudinal context. Culture is not a suburban luxury: it is the "dlúth agus inneach" (waft and woof) of our existence, allowing for all the elements, good and bad, of our existence, presently, historically and even evolutionary elements. *yesterday showed the lack of a culture not over.* The rather gimmicky series of ads on TV for something or other catches, one cynically expects unintentionally, the reality of culture, a living organism - the ads that refer to building on the shoulders of giants. Culture is the public manifestation of how we live, in the sense that our culture is what we are seen to be, both by ourselves and from an external viewpoint. The view from the latest pair of shoulders in the evolution.

The concept of area has been slaughtered by this EIS, and even more so in the oral hearing - may I suggest by us all. The local area, a real identifying factor for a community, can and has become an Alice in Wonderland concept and means what I mean it to mean - sometimes any part of Ireland as a source for cladding, sometimes Béal Átha na Buí" sometimes...whatever suits. In our culture, local is real. It is not real for us to try to confine the consideration of this terminal to the some hundreds of acres that officially is intended to comprise the terminal. The entire Dún Chaocháin area - from the Glenamoy area north to the sea, and much of Dún Chiortáin, from Ceann Trá Chiortáin (now Barr na Trá) to Sruth Mhada Conn is the local area. From a cultural historical perspective, Glenamoy consists of the entire area between the two rivers, the Dearg (Béal Deirg) and the Buí (Béal Átha na Buí) - between the Red and the Yellow, the colouring of two different irons, and originally a marsh and barrier to communication.

→ which historically includes Glenamoy

Carrying on with cultural elements we note that the Celts, which is largely us, in our evolved enriched present, that the Celts wrote their novels on the landscape: The Dindseanchas is a highly imaginative early Irish verse glorification of the placenames of Ireland, personalising and deifying much of the landscape - herein the importance of the visual and not confined to Hellenistic concepts of balance and beauty. To illustrate: Sruth Mhada Conn is widely slaughtered - as massacred as Mozart bocht is reputed to be. It is "the stream of the dog of the hound", which is quite odd until one realises that it is merely an expression of the totemism that is an element of our basic Animism. Further the

we know yesterday that the continent he written often said lacking in planning

(1)

"Conn" part is the Conn, one of the children of Lir, and to go a step further, when the sw... lie in the stream, instead of overflying to the bog lakes, they are held to herald a death in the communities along the shore. Do we believe this? Probably no. Do we live as if we believe it? This is a different question.

Dún Chiortáin commemorates the steward of Domhnall Dualbhuí, who was killed in the process of Táin Bó Flithais, when Queen Maeve's army attacked Erris. On the way her warrior daughter, Calaire, was killed, and so we have Gleanncalry. Her army moved through Muing Engáin (badly slaughtered in this hearing) to Rath Morgain, where battle was joined, through Dún Domhnainn^{now} Glencastle, over the hill to Ceann Trá Ciortáin, where Domhnall Dualbhuí was killed. (Dún Domhnainn is the fort in the middle of the valley now surrounded by gravel pits, and past which some thousands of lorries of fill are intended to pass. The name Domhnann recalls also the people of Devon. To the south of that, and just over the quarried ridge, is the fort of Ferdia, of Táin Bó Cuailgne fame.) We do think the Greeks would now be more careful of their own Micenae than the guardians of our heritage are.

I have seen a man's thimble illegally recovered from a wreck off Brandy point, past which the gas pipe etc is intended to pass. Just off Rinn Rua is the wreck of a Dutch Man of War, apparently from the wars of navigation in second half of 17th century. (some divers have removed ballast lead from the site - it helps to pay for expenses etc.) When King Darby Cormack lost 8000 acres of the then Glenamoy to Cromwell on the basis of the Down Survey, he continued his profitable piracy in Cuan an Inbhir (a.k.a. Broadhaven Bay) until an English admiral was dispatched who stretched his neck on the yardarm. The piracy continued - An Caipín Máilleach, Padar Bán a Carmaic, ship raiding during the famine, etc. - *apparently, so today.*

Real cumulative change is evolutionary: 20 or 30 years is an Asahi-type aberration: *not long enough to increase sustainability but long enough to undermine traditional survivability.*

Many of the difficulties associated with this project are cultural even in a narrow sense of perceptions. In an interview ^{with me} on radio na Gaeltachta last week the interviewer said "But jobs are the most important thing?" I said "No! Health is the most important thing." I don't think the interviewer understood me either because she was on a different track to me, having interviewed Brian ÓCatháin earlier, and was hoping for some kind of conflict that reporters are told makes good broadcasting. There is a cultural blockage here: according to the stereotype we, the objectors, should be against the gas - nothing else fits in. But we're not. I hate coal, necessary in space and time but disastrous. Natural gas once separated from less savoury traces is as near to a perfect fuel in to-day's technological milieu as we have access to, apart from wind, which is feasible but not sufficient: and the fuels of the future based on hydrogen etc being researched mainly by the major oil companies, are just that - for the future. WE should be simple, and are, but we choose our own simplicity - possibly "a fool who loves his folly."

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Engain = herald of Domhnall Dualbhuí

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My problem with Brian and more so with the guardians of our democracy, elected or appointed or just doing a job, is a cultural one of incomprehension. The project is said to be good for the "area" - jobs. If the area doesn't gain much, it is good for the country. I do not at all accept that the gains are as suggested, but the starting point is that I and "others" (as we are so charmingly called by An Bord Pleanála) want the gas from this field and any other to be available so that it can replace dirty coal, but we want it to come in, in a way that is consistent with the most advanced technology and thinking within the hydrocarbon industry. We want the best - we do not believe that there is any justification for anything less: and the best is the cleanest, that will maximise the benefits and almost eliminate the dangers, in accordance with developed and working technology, that will be standard from now on in this new century, of different standards, born of the mistakes of the past. Surely, if the project is advanced in one of the sea-based ways, that are possible, (been there, done that) but not as immediately profitable as this version of the tie-back, the jobs will still be available, especially as the project is designed to minimise the staffing (in accordance with best managerial practice.) at the terminal? I don't understand the confusion. (Jobs not in Erris - but that's national/E.U. good. Ad infinitum.

I suppose we should be against the multinationals? Two of my family work for multinationals and haven't been eaten yet. Besides the Catholic Hennessy who fled from Anglican prosecution in Ireland to produce brandy in France, and the Protestant Martell who equally fled from Catholic persecution in France to produce brandy, both multinationals, have made substantial contributions to the mass of human happiness - mine included. Real change is slow and incremental:

some multinationals cannot relate to this reality.

Jobs/wages input are a major immediate cultural influence. I do not fear the social consequences of 500 libidinous construction workers descending on the area: Erris ladies are not Sabine nor supine, though some of the temporary newcomers could be like me lucky enough to be snared by an Erris woman. Anyhow, no one pays any attention! 'Tis not a cultural imperative, and would hardly require the quarantine measures necessitated on Shetland. The reality is however that construction work on major projects is and has to be almost entirely covered by permanent contract staff: 'tis perfectly normal: there is no mystery involved: there would be some local jobs, during the two years construction phase. We find the efforts to blow up this into a major spending bonanza inexplicable in the extreme, because no one, except - let's be charitable - thinks otherwise. Likewise accommodation, in our sense of B&B and ancillary comforts, (not in the architectural sense as applied to the terminal building) I am told that there has been a huge drop in registration of B&Bs with Bord Fáilte in the wider Erris area: but I would discourage the practice of counting chickens or to put it in Gacilge "furachas an tsionnaigh ar mhagairlf an tairbh," as Aesop said.

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Archaeological study on this project has been intense, but confined to consideration of that which is academically associated with this area, and so with desktop access. I have mentioned elsewhere the at least equal significance of, for example the hand-cut sod fences in Rosport(or Scanmhachaire-Léana Mhianaigh in the vernacular) that are a kind that will never be repeated. The drains, like so much of cultural expression, are of a time and equally like so much else, are a testament to the persistence of the human spirit, in its determination to succeed and carve out a viable place, even on the margins. Once damaged that is that. This series of holdings are also the visible remains of the open field system based on Rosport House, and long replaced elsewhere by the enclosures that became modern practice. This will not be repeated: "there is a tide in the affairs of man" etc. The cultural significance of this field system should be considered. (For the benefit of United Kingdom Royalists who may be present - I would, were I English, be more a Roundhead - Rosport House was built by the Great-great Grandfather of the lady who is married to Prince Edward Windsor: this man, An Máistir Mór, was a Quaker and a man of great humanity at a time when such was in short supply and looked on askance by the laissez faire establishment of 1846 England. Rosport House is 150 metres north of the proposed pipeline and 50 metres from the salmon pool that, draughtnetted, provided the main cash-income for Rosport House family. Samuel Burns, An Máistir Mór, spoke Irish mainly. The roof timbers are bog-deal from the surrounding bogs. He made his contribution to survivability. Two year's construction will not destroy spoken Irish/Gaeilge: social dynamics are more complex than that, and people more discerning. Enough hypocrisy has been applied to Irish by vested interests. We are all now very much affected or afflicted - whichever you choose - by the mass consumer culture for which we blame the Americans - that much we share, likely as the Northern England Celts shared the same cultural externals with the citizens of the capital, Rome. There are major differences in attitude however, throughout the sphere of influence of this American supermarket. This was illustrated very clearly by Mr. Tom Philips during his contributions, last week, which clearly showed the seeds of potential discord, were this project to go ahead. Mr. Tom Phillips is, I understand, advancing this project on a managerial front, in the name of RSK Ltd. His clear pride - no doubt richly entitled - in his facilitation of the aviation tower on Cnoc an Cháibín showed clearly his distance from the community or his indifference to the consequences of his success. To the community, this tower is a constant source of fear: its civil aviation remit as a secondary input point is dwarfed by its physical bulk and ugliness: it may indeed be safe but then again this hill is called Seán sa Cheo: from a visual impact point of view we call this pre-pubescent male-type protrusion "Leath-bhod Sheáin", which he is proud to see inflicted on a majestic female-type landscape. To add injury to insult, and so compound our liking for the works of Mr. Phillips, and sympathy for his pomps, is the fact that Mayo Co. Co. has not only allowed this perversion to be constructed, but seems to/ have

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*distinct from a language
 We do not intend to go that far
 our language deserves better.*

the more visually offensive building is built & strangely absent from Mr Dwyer's diatribe

and contributed to the sustainability of local community.

(H)

to bow to the wishes of this Aviation Authority in planning matters. Mr. Phillips will no doubt say "Don't blame me": I am reluctant to call the Tetrarch of Galilee as my witness. Most seriously and finally, from this glance at the cultural context of this project, Mr. Phillips comment - and I am commenting thus, because I am fully aware of the significance of his position within this process - When asked what would be the position of local workers who may have got employment before the proposed terminal ended its tour of duty, he answered that by that time they would have enough skills to move on. The whole point of community, Mr. Phillips, is not moving on: community is rooted and so builds up strategies and implementations for survival; fish spawn that is free-moving has a tiny survival rate. In the round, Mr. Phillips has made our case - there is no evident interface where these two attitudes can merge.

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Finally there is the ultimate hubris of the powerful-feeling operative, the cultural dead end, the upstairs message to the downstairs: the "let them eat cake" with which Marie Antoinette is so reviled. The Chief Planning Officer of Mayo County Council in her comments to an Bord Pleanála finds the terminal could be a positive attraction for the area, because of the curiosity factor. This cultural gap I cannot bridge.

Thank you.

Micheál Ó Seighin

I see any chance of a narrowing of the cultural gap between this civilised community and the flotsam and jetsam that wallow in the wake of the ship of Marathon, Statoil and Enterprise Oil.

(I apologise to the Inspector for this last paragraph.)

Thank you

(5)

HomeNews



Spatial plan becoming 'a devalued currency'

Conference is told that planning agenda is driven by short-termism

FRANK McDONALD,
ENVIRONMENT EDITOR

The National Spatial Strategy (NSS) is fast becoming "a devalued currency...sacrificed on the altar of political expediency", according to the president of the Irish Planning Institute.

Addressing the institute's annual conference in Mullingar yesterday, Mr Iain Douglas said the planning agenda was being driven by short-termism, which was "the complete antithesis of what planning should be about".

"The Government is clearly equivocating in its acceptance of the NSS through the overtly political gerrymandering of decentralisation...and through the [recently published] guidelines on rural housing.

"The lack of overall vision in planning is well exemplified by the ongoing investment in rural towns and villages of water and sewerage infrastructure, which is subsequently negated by the free-for-all for housing in the

countryside."

Mr Douglas said the abuse of Section 140 motions in Kerry to secure planning permission for one-off houses in rural areas suggested that the councillors involved did not recognise that "with power also comes responsibility".

What was happening in Kerry "would lead one to question whether those elected members have any cognisance of planning for the common good rather than simply vote-catching at the expense of the environment".

According to Mr Douglas, it was "quite obvious" the trust that should exist between councillors and planners had "completely broken down" in Kerry and, to a lesser extent, in other counties where rural planning was contentious.

He said "urgent measures" needed to be taken to restore good working relationships because planning was part of a political process aimed at balancing public and private inter-

ests and resolving conflicting demands for development.

"I would argue that it is at this very time and under these very conditions that planners and planning can prove their worth, and it is now that we should emphasise the importance of having a vision for the future," Mr Douglas said.

"The planner's role is becoming more demanding than at any time in the past. It now requires increased design, synthesis, and managerial and administrative skills in order to support and guide the public planning process during all its phases."

The institute's president told his colleagues that their mediation skills would become increasingly important in the future.

"Ultimately, good planning is about quality decision-making and effective working relationships.

"Through good planning, developments should and do enhance the environment in which they are located, improving quality of life - whether such improve-

ments are social, cultural, economic or environmental."

Mr Niall Cussen, a former president of the institute and leading planner involved in preparing the NSS and the new rural housing guidelines, agreed that planners should become "the mediators in this increasingly polarised debate".

He cited Cork County Council's rural housing design guide as an example for other local authorities to follow because it showed that a consensus could be reached on the issue between councillors, officials and the wider public.

However Mr Cussen said there was a need for more "evidence-based policy", particularly in identifying the key drivers behind the phenomenon of one-off rural housing and mapping the level of development activity.

Emphasising the need for an "upgrade" in the design of rural housing, he said it would be up to each local authority to adapt the new guidelines to its own area.

New Academy for Heritage aims to protect historical environment

FIONA TYRRELL

Countering the profit-driven approach to planning is the aim of a new organisation of historians and academics, which is due to be launched in the next two weeks.

The organisation plans to involve historians, archaeologists and other academics in trying to protect what "is left of our historical environment", the historian, Prof Roy Foster, a member of the new organisation, said before addressing the History Society of Trinity College, Dublin last night.

Academy for Heritage, which is being set up by 20 academics, historians and archaeologists in Ireland, aims to "speak up for heritage", according to Dr David Edwards, Department of History, University College of Cork. The organisation plans to make regular public comments on heritage conservation, he explained. "We insist on having a role in planning," he said.

The moment is ripe for such an organisation, according to Prof Foster, not only because of the number of threatened sites,



Historian Roy Foster: critical of "entirely profit-driven approach to planning"

but also because of "clear evidence from the tribunals and elsewhere how corrupt and careless the entire area of planning has been in the past".

Sites of historical importance which are currently under threat, according to Prof Foster, include No 16 Moore Street, where

leaders of the 1916 Easter Rising had their last headquarters before surrendering to British forces; Yeats's house in Rathfarnham; Trim Castle; the medieval pleasure grounds at Leap Castle in Co Offaly; and Tara.

He hopes that the organisation will "draw attention to these outrages and make An Bord Pleanála look very carefully at decisions that have been made by local authorities".

He also called for the establishment of a public body which can oppose planning decisions rather than just make recommendations. An Taisce and Dúchas, which has now become the Heritage Service, have done "a lot of good work" but a public body with "teeth" is needed, he stated.

Public attention needs to be alerted to this issue before it is "too late", according to Mr Foster, who said that our historical, rural and urban environment is being damaged by an "entirely profit-driven approach to planning".

The layers of historical wealth that were once protected by Ireland's poverty are now, ironically, being destroyed by our prosperity, he added.

SCHEDULE 3
SPECIAL CONDITIONS

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

1. Prior to the commencement of any works, an Environmental Management Plan ("EMP") shall be drawn up for the approval of the Minister (subject to such modifications, if any, as he or she may deem appropriate).

The EMP shall provide detailed construction methodology and shall further consider all potential and predicted impacts and how they shall be managed, the mitigation and control measures and how they shall be implemented as well as monitoring proposed.

The EMP shall also give details of the targets for discharges from the Discharge Pipeline and the measures to be undertaken to ensure that the targets are met in light of construction and operational requirements. The EMP shall address, separately, both construction aspects and operational aspects and should, as a minimum, include:

- (a) traffic management;
- (b) noise control procedures;
- (c) landfall restoration plan;
- (d) waste management plan;
- (e) oil spill control plan; and
- (f) environmental emergency procedures and contingency plans.

2. The EMP shall be formally reviewed and submitted for the approval of the Minister (subject to such modifications, if any, as he or she may deem appropriate):

- (a) annually until the commencement of production; and
- (b) thereafter as determined by the Minister.

3. The Licensees shall:

- (a) at all times comply with the EMP;
- (b) provide the Minister and/or the EMG with such information in relation to environmental management and monitoring pursuant to the EMP as is reasonably required from time to time; and
- (c) provide the Minister and/or the EMG with such information in relation to compliance with the EMP as is reasonably required from time to time in respect of works carried out on or in the Licensed Area.

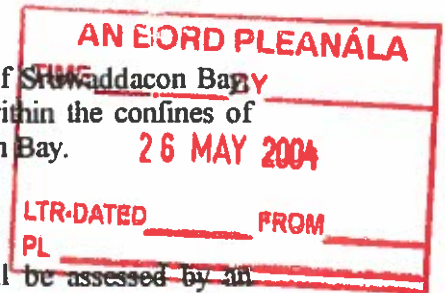
4. The Licensees shall prepare a detailed construction constraints schedule demonstrating compliance with the ecological sensitivities of the Licensed Area. This shall address the particular periods of sensitivity for birds, fish and wild mammals,

AN LIORD PLEANALA	
TIME _____	BY _____
26 MAY 2004	
LITERATURE DATED _____	
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and shall include details of the timing of construction works and protection measures for each of the protected species concerned. The construction methodology and timing shall be agreed with Dúchas and shall be included as part of the EMP.

5. The status of protected species at all construction sites shall be ascertained by survey. In the event that any such species are found, the Licensees shall notify Dúchas and shall comply with the requirements of Dúchas under relevant Law.
6. The timing and methodology of any additional survey work to be carried out shall be with the prior approval of Dúchas.
7. A benthic survey of the area adjacent to the seabed diffuser at the end of the Discharge Pipeline shall be carried out in consultation with the Marine Institute prior to the commencement of discharges.
8. The Licensees shall establish continuous lines of liaison with the Erris Inshore Fisherman's Association, the Killybegs Fishermen's Association and recreational users of the Licensed Area.
9. Prior to the commencement of construction work involving drilling and/or blasting in the Licensed Area, a detailed method statement, prepared in consultation with Dúchas and cetacean experts, to detail monitoring and mitigation measures for cetaceans shall be provided to the Minister.
10. Prior to commencement of any construction works in the Licensed Area, the Licensees shall:
 - (a) provide, to the satisfaction of the Minister, details of monitoring programmes to be undertaken. The proposed monitoring programmes shall be submitted prior to the commencement of each specific phase of construction. Detailed monitoring programmes shall be submitted for the approval of the Minister in respect of the following activities:
 - (i) impact of the Facilities on seabed conditions and benthos in the Licensed Area; and
 - (ii) impact of the discharge from the Discharge Pipeline on water chemistry sediments and biota, subject to any Pollution Control Licence;
 - (b) forward to Dúchas for assessment of the potential archaeological implications a map or maps showing:
 - (i) the proposed location of the Facilities within Broadhaven Bay;
 - (ii) dredge zones; and
 - (iii) areas of submerged peat; and
 - (c) appoint a project archaeologist, who will act on behalf of the Licensees as a focal point for liaison with Dúchas in relation to all matters pertaining to archaeology.

11. Immediately prior to and during construction of the crossings of Sruwaddacon Bay, monitoring of suspended sediment loads shall be undertaken within the confines of Sruwaddacon Bay and for a reasonable area outside Sruwaddacon Bay.
12. The Facilities should avoid areas of submerged peat.
13. The results of the geophysical surveys already completed shall be assessed by an archaeologist and a report on this assessment shall be forwarded by the Licensees to Dúchas for consideration.
14. For the duration of the construction phase of the project, the Licensees shall:
- (a) maintain contact with the Development Applications Unit of Dúchas and comply with all requirements of Dúchas made in the exercise of its statutory functions in relation to activities along the route of the development or otherwise in connection with this Licence;
 - (b) seek the advice of Dúchas on finding any material of an archaeological nature in or adjacent to the Licensed Area and shall cease all works in the relevant areas until Dúchas agree that works should be resumed and comply with any conditions specified by Dúchas in relation thereto;
 - (c) as Broadhaven Bay is an area of high archaeological potential, ensure that archaeological monitoring is carried out in respect of all dredging works. This should be carried out by a suitably qualified maritime archaeologist and licensed under the *National Monuments Acts 1930-1994*. If material of archaeological significance is discovered as a result of such monitoring, further archaeological mitigation may be required such as preservation in situ, avoidance or excavation. Dúchas shall advise on such issues and the Licensees shall comply with any conditions specified by Dúchas in relation thereto;
 - (d) ensure that guard vessels or other appropriate protection methods are used to prevent snagging of fish trawl nets on the ends of any Facilities prior to tie-in; and
 - (e) appoint a competent liaison officer, whose functions shall include informing fishing vessels, other shipping and recreational users of the construction taking place in the Licensed Area.
15. The Licensees shall:
- (a) on or before completion of construction of any Facilities in the Licensed Area, furnish to the Minister and the Marine Survey Office plans showing the exact location of such Facilities; and
 - (b) within two months of the completion of construction of any Facilities in the Licensed Area, give notice of such completion to the Minister and the Marine Survey Office.
16. Discharges from the Discharge Pipeline shall be treated to at least EQS as specified in the Licensees' Environmental Impact Statement using best available technology.



17. The Minister notes the OSPAR recommendation, signed at Sintra on 23 July 1998 (“OSPAR Recommendation”) that, by 2020 members should aim for zero emissions of certain hazardous substances into the marine environment. The Minister requires that discharges from the Discharge Pipeline should be treated in such a way as to minimise emissions of such hazardous substances to the greatest possible extent. The Minister also recommends that the Licensees meet the OSPAR Recommendation at the earliest possible date and in any case, prior to 2020.
18. Works or measures which would materially adversely impact upon protected species shall be avoided.

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26 MAY 2004	
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TIME _____ BY _____

26 MAY 2004

LTR-DATED _____ FROM _____

PL _____

Mayo News 21 January 2004 (Extract)

THE CORRIB GAS PROJECT

THERE is also more confusion on Mayo County Council's handling of the Shell Corrib Gas project. The following is the timetable of the availability of the CD version of the EIS to me, as a member of the public:

Dec 17th: Planning application and EIS submitted by Shell to Mayo County Council.

Dec 19th: CD copy of EIS requested from Mayo Co Co – not available.

Dec 22nd: Still not available, despite assurances on Dec 19th.

Dec 23rd: Contacted by Mayo Co Co to say EIS CD available. Offered one CD and informed that all information was contained thereon. Asked the official to check – on his return he said there was another CD, which was handed over. The fee of €20 was paid to Mayo Co Co. About ten minutes later I received a call from Mayo Co Co - there were another two CDs that also form part of the EIS. Returned to collect same.

Dec 30th: Informed by Mayo Co Co that they had been advised by Shell that the CDs did not contain all the relevant information. Another CD issued.

Jan 16th: Received a registered letter from Mayo Co Co with another CD and the details as follows.

"The applicant has brought to our attention that a number of files were inadvertently omitted from the digital version of the EIS given to Mayo County Council on CD and copied to you. The missing files, contained in the enclosed CD and labelled to match the folders contained in your earlier CDs are as follows:

There is a Chapter 5 contained on the CD however it is an old draft of this chapter. This new file which contains the most recent census data is the version of chapter 5 contained in the hard-copy of the EIS.

Additional Note: Waste licence application drawing WLA_300 series.pdf and WLA_series.pdf were sent to you on disk in error – these do not form part of the planning application or EIS. To ensure that any submission you may wish to make in relation to the missing files can be considered, you should make a submission based on the information contained in the original discs before 30th January 2004 in the normal way. Submissions on the missing files up and including (sic) 19th February 2004 will be considered by Mayo County Council as supplementary to your first submission. This is to ensure that the Council can give consideration to your full submission...

Confused? In short, the time for submissions on (some of) the EIS has been extended. Some people have been waiting since December 19th for CD copies of the EIS. Can any Mayo County Council official explain why? Can this disrespect for the rights of the public be classed 'Government Policy'?

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1 35.6

2 40.0 $\frac{1101}{2760} = 39.8\%$

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4 30.0 $\frac{39.8}{39.4} = 39.6\%$
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26 MAY 2004
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PL _____

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Words
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COMHAIRLE CONTAE MHAIGH EO

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

Your Ref.

Our Ref.

Maura Harrington,
Doohoma,
Ballina,
Co. Mayo

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

7th May 2004

Dear Ms. Harrington,

Enclosed is part of the report you required from the HSA from file no. P03/3343, not the full report. You are advised to call into the Planning office if you wish to get the full report. A fee of €25 is due on the documents enclosed. Please forward payment for same at your earliest convenience.

Yours sincerely,

FOR COUNTY SECRETARY


Joe Moran S.S.O

JM/JB

Terrorist fears threat to Mayo gas pipeline

Report by **Tom Kelly**

tkelly@con-telegraph.ie

26 MAY 2004

A LEADING Irish environmentalist has expressed fears that the proposed pipeline from the Corrib gas field in North Mayo could represent a target for a terrorist attack.

Dublin-based Green Party T.D., Deputy Eamon Ryan, revealed he was told by experts that there is no international precedent for such a lengthy pipeline from the shore to the processing point.

Speaking on the Maritime Security Bill 2004 in Dail Eireann, Deputy Ryan stated: "It is interesting that the convention to which we are signing up addresses the safety of platforms when it comes to possible terrorist attacks.

"One of the great risk I see here, if someone were sufficiently demented to try to take on such terrorist activities, is in the proposed development of the gas pipeline from the Corrib gas field, which hits the Irish mainland near Pullathomas, County Mayo, before travelling overland for some

9 km. to the proposed processing station.

"I am told by experts in the field that there is no international precedent for such a lengthy pipeline from the shore to the processing point. The very existence of that pipeline in itself poses quite a risk for the area given possible blockages or other damages that can be caused to it. However, in Iraq at the moment, some of the targets most difficult to protect against terrorist activity are those very pipelines.

"Yet in this country, for reasons

about which I am not very clear, we cannot put a processing plant at a landfall elsewhere or provide offshore processing facilities. I am genuinely concerned that, if someone were sufficiently demented and wished to target this country's offshore facilities, that person would not have to go offshore.

"He or she could look at those 9 km. of pipeline, which would be almost impossible to guard, and decide that a small device there would do incredible damage to this country."

Meanwhile, Sinn Fein T.D. Martin Ferrin asked the Minister for Communications, Marine and Natural Resources, **Dermot Ahern**, who will be responsible for accidents that occur along the route of the proposed Corrib gas pipeline, not covered by the terms of the planning permission granted by Mayo County Council.

Minister Ahern replied: "These issues fall within the responsibility of Shell E & P Ireland Limited, the developers of the Corrib project. In my consideration and appraisal of the pipeline pro-

posal, I commissioned a technical evaluation of the onshore pipeline. The evaluation, entitled Corrib Gas Pipeline Project, Report on Evaluation of the Onshore Pipeline, Design Code, was carried out by a pipeline technical expert, Mr. Andrew Johnson.

"Mr. Johnson's report stated that the onshore pipeline design code has been selected in accordance with best public safety considerations and is appropriate for the pipeline operating conditions. Subject to the developers undertaking to comply with a number of conditions laid down in approval and consents granted by my Department, the design is generally in accordance with best national and international industry practice and the pipeline is considered to meet public safety requirements."

Connaught Telegraph
Wednesday 19 May 2004

FRONT PAGE



An Roinn Airgeadais
Department of Finance

Sráid Mhuirfean Uacht, Upper Merrion Street, Telephone: 353-1-676 7571
Baile Átha Cliath 2, Dublin 2, Facsimile: 353-1-678 9936
Éire, Ireland, LoCall: 1890 66 10 10
VPN: 8109
<http://www.irlgov.ie/finance>

Ref. FOI 185/2003

27 May 2003

Ms Mary Harrington,
Doohoma,
Ballina,
Co. Mayo.

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
LTR-DATED	FROM
PL	

Dear Ms Harrington,

I refer to the request you made to this Department under the Freedom of Information Acts 1997 and 2003 for the following records held by this Department:

"All documentation relating to the provision of undertakings or guarantees having the effect of binding the fiscal regime pertaining to the offshore petroleum operations covered by the authorisations referred to in the Licensing Terms for Offshore Oil and Gas Exploration and Development 1992 for the term during which those authorisations are extant."

I wish to inform you that the Department holds no records covered by your request which were created after the commencement of the 1997 Freedom of Information Act which was 21 April 1998.

Rights of appeal

Under the Freedom of Information Act if you are not satisfied with this decision you may appeal. To appeal, you need only write to the DFOI Unit, Department of Finance, Upper Merrion Street, Dublin 2, referring to this decision. You must make your appeal within 4 weeks of receiving this letter. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department and the decision will be communicated to you within 3 weeks.

Yours sincerely


Liam Murphy.



Our Reference Number: FOI/2003/84

26 May, 2003

Maura Harrington
Doohoma
Ballina
Co. Mayo

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

Dear Harrington,

I refer to the following request which you have made under the Freedom of Information Acts, 1997 and 2003, for records held by this Department:

All documentation relating to the provision of undertakings or guarantees having the effect of binding the fiscal regime pertaining to the offshore petroleum operations covered by the authorisation referred to in the Licensing Terms for offshore oil and gas Exploration and Development 1992 for the term during which those authorisations are extant.

I have made a final decision to **refuse** your request today. I may be contacted by telephone on 016312317 and will seek to answer any questions you may have, and to assist you generally in this matter.

The outcome on your request is that I cannot locate any records and I must, therefore, refuse your request. As is explained below, this decision is made under section 10(1)(a) of the Act (a copy of section 10 is enclosed for your reference).

Section 10(1)(a) of the Act states that an FOI request may be refused if:

'the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.'

Listed below are the steps that I have taken to locate the records. Also listed is the outcome of each of these steps:

Search steps undertaken:

I wrote to the following persons/offices and asked them to undertake a thorough search for any record of the type sought by you:

1. Office of the Secretary General

2. Tánaiste's Office
3. Katharine Bulbulia, Programme Manager to the Tánaiste
4. Oliver O'Connor, Special Adviser to the Tánaiste
5. John O'Brien, Special Adviser to the Tánaiste
6. Dr. Maurice Roche, Special Adviser to the Tánaiste
7. Catherine Dardis, Personal Assistant to the Tánaiste

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
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All of these parties have reverted to me and confirmed that no records of the type you have sought are held by them. On this basis, in accordance with the requirements of section 10(1)(a), I feel I have identified and implemented the steps to locate the records that were reasonable to take in this case.

In choosing these steps, I have tried (as noted above) to maximise the chance that any records will be found, while not overly disrupting the operations of the Department. However, I have not found any records, or discovered any indication that they ever existed.

Rights of appeal

You may appeal this decision by writing to the Freedom of Information Unit, Department of Enterprise, Trade and Employment, Kildare Street, Dublin 2 or alternatively by sending an e-mail to foiunit@entemp.ie seeking internal review of matter. Please refer to this decision in your letter. You should make your appeal within 4 weeks from the date of this notification, however, the making of a late appeal may be permitted in appropriate circumstances. A week is defined in the act to mean 5 consecutive week days, excluding Saturdays and public holidays (Sundays are also excluded, as they are not week days). The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department and the decision will be communicated to you within 3 weeks.

Yours sincerely,


 Geraldine Fitzpatrick
 Higher Executive Officer.

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Doohoma,
Bailina,
Co. Mayo

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

DFOI Unit,
Department of Finance,
Upper Merrion Street,
Dublin 2.

A chara,

I wish to refer to the letter (ref. FOI/185/2003) sent to me on 27th May 2003 by Mr. Liam Murphy. This letter is an appeal against the decision outlined by him.

I take it that the third paragraph of Mr. Murphy's letter is intended to convey that information relating to decisions taken before 21st April 1998 can be denied under the Act. However, my request cannot be regarded as confined in this manner. My interest in this matter arises from the fact that in May 2001 a representative of the Irish Offshore Operators Association publicly stated that the fiscal regime could not be changed during the period covered by any licences issued under the 1992 terms. Furthermore, there are statements in the introduction (pages 1&2) of the 1992 terms which seem to support this claim. I am endeavouring to secure clarification on this issue. My request is, in substance, for information relating to undertakings and guarantees which were in existence around May 2001, are still in existence, and which may continue into the future.

May I also point out that I have received a letter dated 27th May 2003 (copy enclosed) from the Department of Communications, Marine and Natural Resources, in response to a similar FOI request addressed to them, stating that "All taxation matters, including legislation, are a matter for the Minister of Finance." From what I can see of the position in other countries, the expression "fiscal regime" encompasses royalties as well as taxation and the former are often dealt with in the Licensing Terms and not in statutory enactments relating to tax. I trust, therefore, that in dealing with my appeal you will cover both forms of revenue; if you feel that royalty matters come within the province of the Department of Communications, Marine and Natural Resources, perhaps you would arrange that they deal with my request under that heading.

Mise le meas,

Maura Harrington

12th June 2003



An Roinn Airgeadais
Department of Finance

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
LTR-DATED	FROM
PL	

Ref: FOI. 185/2003

26 June 2003

Ms Maura Harrington
Doohoma
Ballina
Co Mayo

73-79,
Sráid an Mhóta Íocht.,
Baile Átha Cliath 2,
Éire

73-79,
Lower Mount Street,
Dublin 2,
Ireland

Telephone: 353-1 676 7571
Facsimile: 353-1 604 5751
LoCall: 1890 66 10 10
VPN: 8109
<http://www.irlgov.ie/finance>

Dear Ms Harrington

I refer to your request for an internal review, under the Freedom of Information Acts, 1997 and 2003, of a decision by this Department, of 27 May 2003, in relation to your request of 28 April for all records about any guarantees given to offshore petroleum operators with regard to the fiscal regime.

A decision was made by me, a more senior officer, on 26 June 2003. My decision is based on a separate examination of your request.

Decision

I have consulted the relevant sections within the Department and I am satisfied that there are no relevant records in this Department. Your request has been sent to the Department of Communications, Marine and Natural Resources who will reply to you directly in relation to royalties as you requested in your letter.

Right of Appeal

You may appeal this decision by writing to the Information Commissioner, 18 Lower Leeson Street, Dublin 2. If you wish to appeal, you must usually do so not later than six months after receiving this letter. Please refer to this letter and quote the above FOI request reference number in any correspondence with the Information Commissioner in relation to this decision. If an appeal is made by you, the Information Commissioner will fully investigate and consider the matter and issue a fresh decision.

Yours sincerely

Ciarán Connolly
Assistant Secretary



Office of the Information Commissioner
Oifig an Choimisinéara Faisnéise

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

Our Reference : 030762

22 August 2003

Ms Maura Harrington
Doohoma
Ballina
Co. Mayo

Dear Ms Harrington

**FREEDOM OF INFORMATION ACT REVIEW
DEPARTMENT OF FINANCE**

I refer to previous correspondence between yourself and this Office in relation to your application for a review by the Information Commissioner of a decision of the Department of Finance ("the Department") in relation to your request for access to records under the Freedom of Information ("FOI") Act, 1997.

I am writing to advise that your case has now been assigned to me for investigation and recommendation. Following my initial consideration of the file and your own and the Department's comments in particular, I have found it necessary to write to the Department again to seek clarification on a number of issues.

I would also be grateful to receive your further comments on certain aspects of your request. It would appear to me that the Department's present position is that it does not hold any record relevant to your request, whether created prior to the coming into force of the FOI Act in 1998 or subsequently. The Department would therefore seem to be relying solely on section 10(1)(a) of the FOI Act to refuse your request namely that the record(s) concerned *"does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken"*. However, the fact that the decision maker initially stated that *"no records covered by your request which were created after the commencement of the 1997 Freedom of Information Act which was 21 April 1998"* gives rise to the question of whether any records exist and are held by the Department which pre-date the commencement of the FOI Act. The Department has been asked to clarify its position, however it would appear that it is claiming no records relevant to your request exist, whether these were created pre or post April 1998.

To explain its reliance upon section 10(1)(a) of the FOI Act, the Department has been asked to explain its search and retrieval procedures, both generally and as actually carried out in response to your request. It has also been asked to describe its usual filing and archiving methods.

26 MAY 2004

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In the event that any records covered by the scope of your request are in fact located but which pre-date the commencement of the FOI Act, these would usually be exempt under the provisions of section 6(5) of the FOI Act. You have stated that your interest in the records you seek relates to your interest in any effect that guarantees or undertakings made prior to 1998 had impact in May 2001 and beyond. My understanding of your arguments as put to the Department is that, in your view, the right of access to any existing pre-commencement records is due to the fact that their effect is (or may be) continuing. Subject to certain limited exceptions, the FOI Act only provides a right to access to records which were created after the Act came into force. The exceptions to that general rule are where access to pre-commencement records is necessary or expedient in order to understand records created after commencement (section 6(5)(a)) or where the records relate to personal information about the person seeking access to them (section 6(5)(b)).

For the purposes of the FOI Act, personal information is information about an "*identifiable individual*". From the nature of your request, it would not seem that the content of any records located would be likely to be information about yourself and it seems unlikely that the exception to the general rule contained in section 6(5)(b) would apply in this case.

The remaining issue would therefore be whether the records can be said to be "*necessary or expedient*" to understand post-commencement records. In *Mr. ABE and the Department of the Marine and Natural Resources*, (Case Number 98/117), then Information Commissioner Mr Kevin Murphy explained his approach to interpreting the phrase "*necessary or expedient in order to understand*". He stated that the section is directed not at the question of whether a record can be understood in a literal sense without reference to earlier records but at whether its substance (or gist or subject matter) can be understood. The fact that a document does not contain all the information that a reader might wish to have does not mean that the substance of a document cannot be understood. He also defined the word "expedient" as "fit, proper or suitable to the circumstances of the case". Release of a pre-commencement record is justified only to the extent that such access is a suitable means to achieving the end of understanding the substance of the post-commencement record.

Again, given the nature of your request it would not appear that any records - if any are indeed located - could be considered "*necessary or expedient*" to enable any other records to be understood, nor am I aware of any records created after the coming into force of the Act which you are not able to understand. It would therefore appear that section 6(5)(a) would not be likely to apply either.

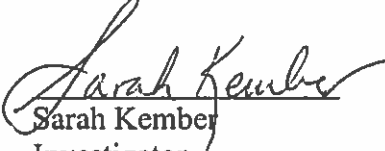
However, as this argument has not yet been put to you, I believe it is necessary to afford you an opportunity to provide any submissions relating to the application of section 6(5) of the FOI Act which you may wish the Commissioner to take into account in reaching a final decision in this case.

Should you wish to comment further, I would be grateful to receive your submissions within three weeks of the date of this letter, and no later than **Monday, 8 September 2003**.

If I do not hear from you by that time I shall assume that you do not intend to make any comments additional to those already contained in your correspondence to the Department and to this Office.

In the interim, please feel free to contact me directly either by email to sarah_kember@ombudsman.irlgov.ie or by telephone on (01) 639 5658 should you wish to discuss any aspect of this case.

Yours sincerely


Sarah Kember
Investigator

AN BORD PLEANALA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
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Doohoma,
Ballina,
Co. Mayo.

Dear Ms. Kember,

Thank you for your letter of 22 August 2003 and your subsequent phone call. I am glad to note that you have raised certain queries with the relevant Department about this matter.

I had received an earlier letter from Mr. Chris Cogan (dated 22 July 2003) before yours came to hand and was in the process of preparing a reply to the invitation contained in his second paragraph. What I am now putting before you is a combined response to the two letters.

My interest in this case arises from the fact that in May 2001 a representative of the Irish Offshore Operators Association (IOOA) publicly stated that the fiscal regime for offshore petroleum could not be changed during the period covered by any licences issued under the 1992 terms. A copy of the relevant press report is enclosed (Irish Times 07:05 2001). This claim appears to be supported by a number of statements in the Introduction to the publication outlining the 1992 terms - see in particular the paragraphs headed "The Incentive" (p.1) and "An Integrated Approach" (p.2). I am assuming that this document will be readily available to you. In a subsequent Prime Time programme (early July 2001), the relevant Minister, Mr. Fahey, was questioned about the matter by Mr. Peelo of RTE and he did not deny that assurances binding the fiscal regime, in the manner claimed by the IOOA, were given.

Any assurances, guarantees or commitments of this kind would be of profound importance financially, economically and politically. This is especially so in view of the very lengthy periods of time for which authorisations under the 1992 terms can endure - in the case of leases literally scores of years could be involved. If they were given in writing there would clearly be records in the Department of Finance and the Department of the Marine. If they were given orally (which would be extraordinary) one would expect that a note thereof would exist in those two departments or their antecedents. If neither written nor oral assurances were given, then the claim made by the IOOA is clearly unfounded and the Minister could have been clear and emphatic in his response to RTE. Furthermore, if the claim is unfounded, one would still be left wondering about the precise meaning and purpose of the two paragraphs from the 1992 document to which I have referred above.

You will note that in their first reply to me (dated 27:05:'03) the Dept. of the Marine stated that all taxation matters are for the Dept. of Finance. I dealt with this in the third paragraph of my letter of 12:06:'03 to the Dept. of Finance. The letter dated 09:07:'03 from the Dept. of Finance appears to accept the points I made in this connection and they asked the Dept. of the Marine to deal with the royalty question.

TIME	BY
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I have now received from the Dept. of the Marine a letter dated 23:07:'03 (copy enclosed) pointing out that royalties were abolished in 1987. This is a totally irrelevant point as any company or group seeking an assurance about the petroleum fiscal regime (which encompasses royalties as well as taxation) would be careful to ensure that the response to their request covered both forms of financial obligation. Furthermore, there is little point in telling me that licences issued under the 1992 terms did not contain references to assurances or undertakings as to royalties. If such assurances or undertakings were given, one would not expect to find them incorporated in the licences - it is far more likely that they would reside elsewhere.

The replies which I have received from that Department are disquieting and in my view do not measure up to the standards laid down by the Information Commissioner over the years, urging public bodies to treat with the fullest respect any requests made to them under the FOI Acts.

In this connection I am disappointed to read what you have said about Section 6(5) of the FOI Act. I would strongly contend, if the Act is to have real meaning, that if an undertaking has been given before or after the Act came into being, and is still in effect at the time a request for information is made, then that request must be dealt with in a realistic manner. It would surely be disingenuous for the Department to state that no record exists if the justification for so stating is that the undertaking in question was issued before any particular date. My inquiry essentially relates to undertakings which were in effect in May 2001 as claimed by the IOOA and I would submit that such undertakings ought to be regarded as being granted on each day that they continue to be binding regardless of the date on which they were first created. If the truth of the matter is that the undertakings claimed by the IOOA, and not denied by the Minister, were in effect in May 2001 but the Departments feel entitled to deny all knowledge of them because they were first issued before the FOI legislation was put on the Statute book then this, in my view, makes a mockery of the Act.

Finally, I look forward to hearing from the Information Commissioner whether any assurances of the kind covered by my request were given, in writing or orally, by whatever Department. If they were given in writing I would hope to receive copies. If they were given orally, and no note was made in regard to this very important matter, it is essential that this be revealed as such a procedure on such a vital matter could only be embarked upon with a view to circumventing the Freedom of Information legislation and obstructing the functions of the Commissioner.

Yours sincerely,


Maura Harrington

12th September 2003



AN BORD PLEANÁLA	
TIME _____	BY _____
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Our reference: FOI/107/2003

23 July 2003.

Ms. Maura Harrington,
Doohoma,
Ballina,
Co. Mayo

Dear Ms. Harrington,

I refer to your appeal under the Freedom of Information Act, 1997 in connection with the decision made on request number FOI/107/2003.

I wish to advise you that I have examined the decision on your request and have decided to affirm the original decision.

My reasons for refusing the appeal are set out below.

Your original request was for

"All documentation relating to the provision of undertakings or guarantees having the effect of binding the fiscal regime pertaining to the offshore petroleum operations covered by the authorizations referred to in the Licensing Terms for Offshore Oil and Gas Exploration and Development 1992 for the term during which those authorizations are extant."

I understand that you intended that the word "fiscal" in your request should cover matters such as royalties and therefore I have interpreted "fiscal" in this manner for the purpose of this review.

I wish to explain that royalties on oil and gas production were abolished in 1987. Consequently, licences issued under the 1992 Licensing Terms contain no references to guarantees or undertakings as to royalties. In these circumstances, you will appreciate that the Department holds no records of the type envisaged in your request or appeal.

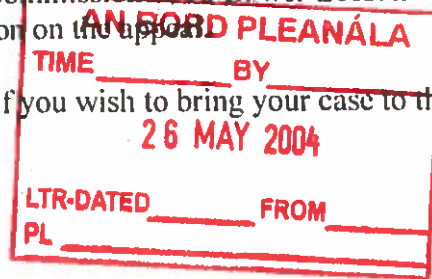
I trust this clarifies the position for you.

I should add that if you are unhappy with this decision you are entitled to apply for a further review by the Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2, within six months of this decision on the appeal.

Please note that the new FOI charges will apply if you wish to bring your case to the Office of the Information Commissioner.

Yours sincerely,

Deirdre de Brún
Deirdre de Brún



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Office of the Information Commissioner
Oifig an Chomisinéara Faisnéise

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
LTR-DATED	FROM
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Our Reference : 030762

23 September 2003

Ms Maura Harrington
Doohoma
Ballina
Co. Mayo

Dear Ms Harrington

FREEDOM OF INFORMATION ACT REVIEW DEPARTMENT OF FINANCE

I refer to your application to this Office under the Freedom of Information ("FOI") Act, 1997 for a review of the decision of the Department of Finance ("the Department") on your FOI request for access to records. I have been authorised by the Information Commissioner to conduct this review on her behalf.

Background

In April 2003 you wrote to the Department of Finance seeking access to "all documentation relating to the provision of undertakings or guarantees having the effect of binding the fiscal regime pertaining to the offshore petroleum operations covered by the authorisations referred to in the Licensing Terms for Offshore Oil and Gas Exploration and Development 1992 for the term during which those authorisations are extant". The Department issued a decision on 27 May 2003, refusing your request on the grounds that it holds no records covered by your request. You applied for an internal review of that decision on 12 June 2003 and the internal reviewer issued a decision on 26 June 2003, upholding the initial decision and advising that your request had also been sent to the Department of Communications, Marine and Natural Resources.

You applied to this Office on 2 July 2003 for a review of the Department's decision.

I have conducted this review in accordance with the provisions of the FOI Act, 1997 as amended by the Freedom of Information (Amendment) Act, 2003. In the course of this review, I have had regard to the following:

- to your own submissions to this Office as well as to comments contained in your letters to the Department;
- to the initial conclusions of the Department on this matter; and
- to the Department's response to queries raised by this Office.

Scope

The sole issue in this review is whether the Department holds records relevant to your request. In particular, the issue considered is whether the Department has taken all reasonable steps to locate any records covered by the scope of your request.

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Findings

The Department's position as outlined to this Office and in correspondence to you is that it does not hold any records covered by your request. Technically this amounts to a refusal of records. Accordingly, the relevant provision of the FOI Act to be considered for the purposes of this review is section 10(1)(a). This section provides that a head may refuse a request where *"the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken"*.

Some confusion as to the precise grounds for refusing your request arose from the wording of the Department's initial decision letter. In that letter Mr Liam Murphy explained that no records were held covered by the scope of your request but completed this statement saying *"which were created after the commencement of the 1997 Freedom of Information Act which was 21 April 1998"*. It was unclear whether the Department was in effect refusing records which were relevant to your request on the basis that those found were created prior to April 1998. Section 6(4) states that "records" for the purpose of the FOI Act are records which were created after the commencement of the Act (with the exception of records necessary to understand post-commencement records and records relating to personal information). Your argument was that access should be available to pre-commencement records concerning matters having an ongoing effect after that date.

Clarification of the Department's position was sought, in particular as to whether it sought to rely on section 10(1)(a) alone in refusing this request or whether pre-commencement records coming within the scope of your request existed but were refused in reliance upon section 6(4) of the FOI Act. In its response, the Department has confirmed that searches of both pre- and post-commencement records have been carried out and, as no relevant records were found, the decision to refuse your request is solely in reliance upon section 10(1)(a). The Department has not found any relevant pre-commencement records and accordingly is not relying on section 6(4) at all.

In carrying out a review of a decision to refuse a request in reliance upon section 10(1)(a) of the FOI Act, the Information Commissioner will take the following steps:

- ascertain what evidence was available to the decision maker;
- ascertain whether further particular evidence should have been sought; and
- decide whether, on the basis of the available evidence, the decision maker was justified in concluding that the records did not exist or could not be found after all reasonable steps had been taken to ascertain their whereabouts.

It is not normally the function of this Office to conduct its own search for records. The Commissioner's role is to assess the reasonableness of the decision taken by the public body on the basis of the evidence to hand at the time. In addition to particular information regarding action taken on receipt of a specific request, general details will be sought regarding normal practice regarding the filing and storage of records of the type sought in the request.



This Office put a number of specific queries to the Department regarding its record management practices and its search procedures in this particular case. According to the Department, it has conducted three separate searches through all of the records held on the main file where it seemed possible that any documents relevant to your request might be held. The Department also considered all records on an additional file which could possibly have held relevant material. Despite these searches, no records relevant to your request were found on either file. The Department states that there is no reference in any of the papers to any undertakings given to the petroleum industry which come within the scope of your request..

The Department also explained that the special tax regime which applies in the case of petroleum exploitation profits was introduced by way of the 1992 Finance Act and the Licensing Terms (referred to in your request) which were introduced in November 1992. The Department went on to state *"Therefore, as the fiscal and regulatory framework relevant to this request was not in place prior to 1992, records created prior to 1992 in relation to petroleum taxation are not relevant in this instance"*. Nevertheless the Department has informed me that a search was conducted through files containing pre-1992 records to *"completely rule out the existence of records covered by the request that could have been inadvertently filed among pre-1992 records. This search did not discover any such records"*.

In its submissions to this Office, the Department referred to certain records it had found during its searches which related to the legislation and to the licensing terms themselves but which it stated contained no references at all to any assurances, guarantees or commitments given under the 1992 Licensing terms binding the fiscal regime. Copies of those records were sought by this Office and carefully considered. I confirm that none of those records are covered by the scope of your request as they do not relate to any assurances/guarantees/undertakings or commitments as referred to in your FOI request.

I understand your concerns arise from a statement made by a representative of the Irish Offshore Operators Association ("IOOA") in which he said the fiscal regime for offshore petroleum could not be changed during the period covered by any licences issued under the 1992 terms. The relevant Minister confirmed this was the case and, you state *"did not deny that assurances binding the fiscal regime in the manner claimed by the IOOA were given"*. In your submissions to this Office you note that *"If neither written nor oral assurances were given then the claim made by the IOOA is clearly unfounded and the Minister could have been clear and emphatic in his response [when questioned by] RTE"*. Clearly this information gave rise to a reasonable expectation on your part that the fiscal regime must have been bound by such assurances. In responding to this Office the Department has commented that:

"It is appreciated that a resolution of Ms Harrington's request could be attained by either a confirmation or a denial of the existence of any undertakings or guarantees having the effect of binding the existing taxation treatment of profits from petroleum exploration to offshore operations covered by authorisations granted under the 1992 Licensing terms. However, it is felt that the Department has fulfilled its obligations to the requester under the FOI Act by taking all reasonable steps to locate the records requested and confirming to the requester that the records do not exist and therefore section 10(1)(a) of the Act applies"

TIME	BY
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It would appear that the Department was reluctant to state for a certainty that no such assurances were provided and accordingly, conducted a full and thorough search to eliminate the possibility that records covered by the scope of your request were held on its files.

The Department informs me that in carrying out a search for relevant records, it also consulted the Office of the Revenue Commissioners who report that no relevant records were held in their Offices. You are clearly entitled to make a separate FOI request to that Office should you so wish.

On the basis of the results of enquiries made by this Office, as summarised above, I am now satisfied that the Department has taken all the steps it could reasonably have taken to ascertain whether it holds any additional records relevant to your request. In these circumstances, I find that the Department's reliance upon section 10(1)(a) of the FOI Act is justified.

The Department provided a copy of the Licensing Terms themselves and together with guidance notes on those terms. I realise you must have access to a copy of the Licensing Terms already. Should these guidance notes be of interest to you, I am informed by the Department that these are accessible on the Revenue Commissioners website at http://www.revenue.ie/pdf/part24_03.pdf.

Decision

Having carried out a review under section 34(2) of the Freedom of Information Act, 1997, as amended by the Freedom of Information (Amendment) Act, 2003, I hereby affirm the decision of the Department that it holds no records relevant to your request additional to those already made available to you.

A party to a review, or any other person affected by a decision of the Information Commissioner following a review, may appeal to the High Court on a point of law arising from the decision. Such an appeal must be initiated not later than eight weeks from the date of this letter.

Yours sincerely



Liam Kelly
Senior Investigator

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
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APPENDIX 3

THIRD PARTY SUBMISSIONS.

Erris Tourism

aka Carne Golf Club - please see enclosures

- Vested Interest*
- The proposed development will bring the benefits of
 - Improved infrastructure
 - Employment in downstream industries
 - Help reduce population decline

Hill & Valley Private Gun and Sporting Club

Summary of Observation.

- EIS deficient in examination of birds

Monica Muller

Summary of Observation 1.

- Material Contravention of Mayo County Development Plan
- EIS inaccurate & flawed
- Waste not adequately addressed
- Traffic
- Alteration of IPPC Licence Srahmore Site
- No IPPC licence Bellanaboy Site

Summary of Observation 2.

- Application should be rejected:
 1. Conflict between draft Transport Plan & EIS
 2. Inaccuracies in EIS
 3. Haul road is prejudging EIS
 4. Invalid because full extent of BnM not outlined in blue

James & Kathleen Healy

Summary of Observation.

- General statement

David Dendy

Summary of Observation.

- Refers to previous objections
- Traffic movements resulting from peat removal

Thomas Philbin

Summary of Observation.

- General statement

Glenalt Fishing Syndicate
Summary of observation.

- Concerns on potential for pollution of Carrowmore Lake, Owenmore & Manhin rivers

Brian Coyle

Summary of observation.

- Health & safety risk
- Stability of landscape at risk from explosion
- Traffic safety
- Excavation of peat
- Traffic management
- Pipeline location
- Water quality

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Pro Erris Gas Group

Summary of observation.

- Improved infrastructure, employment

*Please note Committee Members per
Submission, MCC (+bet they can't count!)
Vested Interest*

Bangor Angling Club

Summary of observation.

- Want concerns from EIS addressed

Irish Offshore Operators Association

Summary of observation.

- Indigenous gas supply
- Improved employment
- Benefits to region
- Further exploration

Vested Interest

Gerard McDonnell

Summary of observation.

- Application does not show how developer will be partner in area
- How project will benefit wider social & economic environment of Erris

Bangor District Development Association

Summary of observation.

- General statement

*This is change! (I.T. 03:01:04)
Vested Interest*

Kennedy Motors

Summary of observation.

- Benefit development generally in the area

Vested Interest

Erris Players

Summary of observation.

- Area needs industry
- Emigration & opportunity to maintain population
- Need to protect landscape

Vested Interest

Council for the West

Summary of observation.

- Access to gas energy will reduce infrastructure deficit in the west will help to achieve balanced regional development

Please refer to MCC sub. 30 Jan '04

John & Ellen McAndrew

Summary of observation.

- Object generally
- Health & safety
- Water quality
- Fear of pollution
- Damage to infrastructure & environment

Anthony Irwin

Summary of observation.

- EIS deficient – no cetacean survey
- Outfall pipe
- Landfall pipe & route

Innealtóirí Cumhachta

Summary of observation.

- Gas power station will improve electricity infrastructure

Sean McDonnell & 8 others

Summary of observation.

- Visual impact
- Health & safety
- Air quality

Sizzlers Restaurant

Summary of observation.

- Will benefit economy of the area

Martin McManamon

Summary of observation.

- Traffic impact of peat removal

Ballinaboy/Leenamore Residents

Summary of observation.

- Peat removal
- Visual impact
- Noise / odour/air emissions

Brid & Teresa McGarry

Summary of observation.

- Effect on Carrowmore lake & Munhin river
- Noise
- Traffic
- Eutrophication & water quality issues

Micheal O'seighin & 5 others

Summary of observation.

- Damage to environment, fishing
- cSACs
- Road network
- Noise
- Visual impact
- Untried technologies
- Air emissions
- Water quality

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aka Power Engineers Inc.

*2 International offices only
outside USA - 1 in Haringmore*

Vested Interest

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- Health & safety.

NW Mayo Development Group

Summary of observation.

- Will benefit employment in the area

IBEC

Summary of observation.

- Indigenous gas supply
- Improved infrastructure, employment
- Help population decline
- Negligible visual impact

Roderic O'Connor Associates

Summary of observation.

- Legal issues
- Traffic
- EIS deficiencies (cumulative impacts, lack of data on alternative sites)
- Breach of EU law
- eSACs

Vincent Naughton

Summary of observation.

- Will benefit economy of the area

Cumman Trachtala Iorras

Summary of observation.

- Employment creation both construction & permanent
- Economic confidence in the area

Belcross Enterprises

Summary of observation.

- Will benefit economy of the area

Business Supplies

Summary of observation.

- Will benefit economy of the area

Lennon Quarries

Summary of observation.

- Will benefit economy of the area

Desmond Kane

Summary of observation.

- Will benefit economy of the area

Aesthetic services

Summary of observation.

- General statement

Frank Brogan

Summary of observation.

- General statement

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
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BnH Group

Vested Interest

Vested Interest

Lorris Chamber of Commerce (LCC) - please also refer LCC sub. 30 Jan. '04.

Vested Interest.

Chairman, LCC
Vested Interest

Vested Interest

PLGG
Vested Interest

aka OSS L

Vested Interest

Vested Interest

Appeared on promo Conn Project video (AGTEL - association with Pat Keating)

Ardnaree Tool & Plant
Summary of observation.

- Will benefit development/economy/infrastructure of the area

Vested Interest

Tom O'Connor

Summary of observation.

- Will benefit development/economy/infrastructure of the area

Vested Interest

FEASTA

Summary of observation.

- Contrary to national policy on sustainable development
- Need to safeguard gas reserve for future use
- Develop more renewable energy

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Jamal Developments

Summary of observation.

- Help skilled emigrants to return

Son-in-law of Frank Bugeja

Barrett's Quarry (pre 1963)

Summary of observation.

- General statement

Vested Interest

Mark Garavan

Summary of observation.

- Inadequacy of road network
- Peat removal only conceptual
- Development not sustainable
- Wrong site selection

Sean Barrett Haulage

Summary of observation.

- General statement

aka Barrett's Quarry

M&J Carrabine

Summary of observation.

- General statement

aka Jamal

OSSL

Summary of observation.

- General statement

aka Desmond Kane

Bernard Grimes

Summary of observation.

- Contrary to Mayo County Development Plan 2003

Bord Gais Eireann

Summary of observation.

- Reduce dependence on gas imports/security of supply

?

Ballina Chamber of Commerce

Summary of observation.

- Will benefit economy of the area

*Vested disinterest
in KKRIS*

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Westport Chamber of Commerce
Summary of observation.
• Reduction in industrial energy costs

Vested disinterested in Erris

Eamon Ryan TD.

Summary of observation.

- Safety of upstream pipeline water quality issues re transfer of peat
- Failure to consider alternative sites
- Discharge to marine SAC

Erris Inshore Fishermen's Association

Summary of observation.

- Detrimental effect on fishing grounds & environment
- Want off-shore pipeline extended

Glenamoy Community Anglers Association

Summary of observation.

- General statement

Carrowtigue/Rosspoint Development Association

Summary of observation.

- General statement

James Deane Transport

Summary of observation.

- Aid in economic development of the area

Maureen & Philip McGrath

Summary of observation.

- Traffic/health & safety/air quality

Brendan Philbin

Summary of observation.

- Traffic
- Health & safety
- Water quality

Glenmore Syndicate

Summary of observation.

- Water quality & effect on angling

Connacht Gold

Summary of observation.

- Reduction in industrial energy costs will help to achieve balanced regional development

Ontrac Engineering

Summary of observation.

- General statement subject to environmental protection

Teach Iorras

Summary of observation.

- General statement subject to environmental protection

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Healán, PKGG

Healán, PKGG

*Brother-in-law of John Cronin,
Shell employee on secondment
from Root & Brown*

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CFTW

Tom Goughan

Maire nic Carthaigh

Summary of observation.

- Detrimental effect on water supply from Carrowmore Lake
- EIS deficient as no emergency response plan included.

Bernard Moran

Summary of observation.

- Project splitting
- Safety of pipeline
- No independent evaluation of EIS

Mary Corduff

Summary of observation.

- Traffic safety
- Destruction of road
- Safety of pipeline
- Noise
- Visual impact
- Pollution of Carrowmore lake, pollution of Sruwaddcon Bay Broadhaven Bay
- Impact on birds

Edward Moran & Imelda Moran

Summary of observation.

- Gas of no benefit to County Mayo as no networks proposed
- Project splitting
- Pipeline safety & residences
- Pipeline stability in peat

Mayo Industries Group

Summary of observation.

- Access to gas energy will reduce infrastructure deficit in the west will help to achieve balanced regional development

IPPC

Summary of observation.

- Concerned with potential impact on Carrowmore Lake from traffic & pollution
- Potential effects on Owenmore river
- Technical problems with overlaying peat onto existing bog

Martin Harrington

Summary of observation.

- Adequacy/inaccuracy/wrong assumptions of EIS
- Potential negative impact on environment & economy of the area.

Maura Harrington

Summary of observation.

- Adequacy / accuracy of EIS

Councillor Gerry Coyle

Summary of observation.

- Will benefit development of the area

Kiltane GAA

Summary of observation.

- Will benefit development / economy / infrastructure of the area

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

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Auctioneer/Vaher G. Councillor (at time of writing, prior to Jun. 11th), owner, Station Garage

Chairperson, Rickard Cosgrave PEGG. Lessor of Shell Office, Bangor

IBEC West

= ZBEC

Summary of observation.

- Access to gas energy will reduce infrastructure deficit in the west will help to achieve balanced regional development.

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

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W.P. May 9th 2001

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	



notes

ERRIS FOCUS

Sponsored
by

BROGA

In-Store China Tableware Promotio



▲ The Chariman of Erris Tourism, Mr. Michael McGarry, greeting Mr. Brian O'Cathain, Managing Director, Enterprise Energy, at Carne Golf Club Links, Belmullet. Enterprise Energy are major sponsors of this year's Pro. Am at Carne Golf Links on the 12th and 13th May.

Photo: Mary Ruane Brogan.

W.P. May 30th. 2001

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
LTR-DATED	FROM
PL	

ERRIS NOTES/COMMENT



sponsored by

notes

ERRIS FOCUS . . . BROGAN'S

HomeValue Hardware

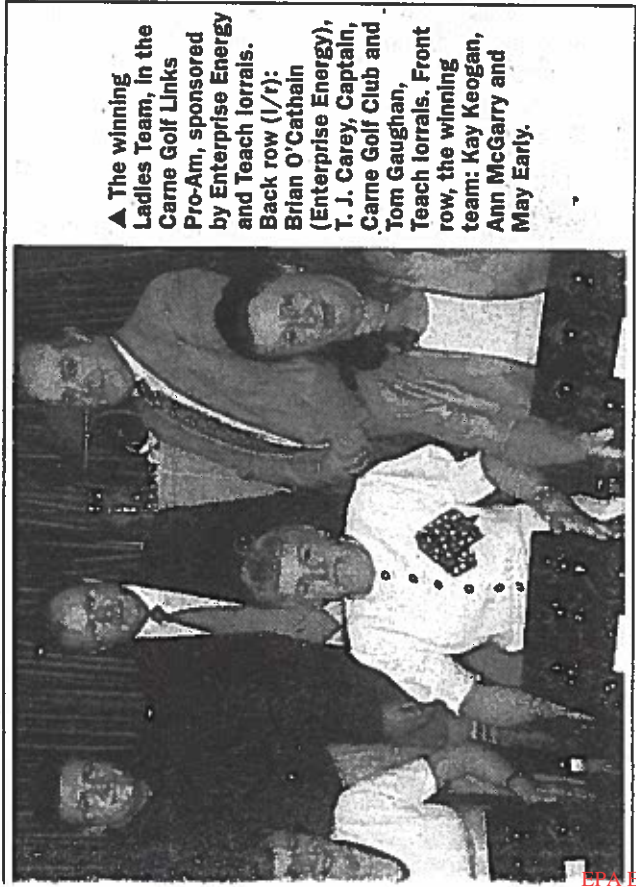
EUROSPAR

Belmullet - Telephone: (097) 82349

in-Store China Tableware Promotion no stamps required



ERRIS FOCUS . . .



▲ The winning Ladies Team, in the Carne Golf Links Pro-Am, sponsored by Enterprise Energy and Teach Iorrais. Back row (l/r): Brian O'Cathain (Enterprise Energy), T. J. Carey, Captain, Carne Golf Club and Tom Gaughan, Teach Iorrais. Front row, the winning team: Kay Keogan, Ann McGarry and May Early.



▲ The organising committee of the Carne Golf Links Pro-Am, sponsored by Enterprise Energy and Teach Iorrais were (l/r): standing, Frank Healy, Eamonn Mangan, P. J. Carey (Captain), Seamus Caferkey, Paddy Lavelle, Micheal McGarry. Sitting: Brian O'Chathin, Micheal McComiskey, PGA; Tom Gaughan.

AN BORD PLEANÁLA
 TIME _____ BY _____
26 MAY 2004
 LTR-DATED _____ FROM _____
 PL _____

ENTERPRISE ENERGY CARNE PRO-AM
 CARNE GOLF LINKS Start Date 11-05-02
 START TIMES FOR ROUNDS 1 and 2

ROUND 1			ROUND 2			Name of Professional	Pro-Am Team Name
Match	Time	Tee	Match	Time	Tee		
✓ (1)	8.00	1 st	(28)	12.50	10 th	Leslie Walker:	E. Mangan/S. Cafferkey/ S. Warde ✓
✓ (2)	8.00	10 th	(27)	12.50	1 st	John P. Dolan:	P.Mangan/J. Mangan/J.Mngan ✓
✓ (3)	8.10	1 st	(30)	13.00	10 th	Paul Grey:	B. Padden/ J/Higgins/ G.Hannon ✓
✓ (4)	8.10	10 th	(29)	13.00	1 st	Justin Parsons:	P. Boland/ M.Reilly/ D. Larrigan ✓
✓ (5)	8.20	1 st	(32)	13.10	10 th	Hughie O'Neill:	B. Edwards/ B.J.Phelan/ T.Earley ✓
✓ (6)	8.20	10 th	(31)	13.10	1 st	Cathal Barry:	J. Long/ S. Murphy/ M. Murphy ✓
✓ (7)	8.30	1 st	(34)	13.20	10 th	Glen Robinson:	B. Foley/ A. O'Hara/ P. Mangan ✓
✓ (8)	8.30	10 th	(33)	13.20	1 st	David Ryan	G.Clark/M.Mangan.B.Scully ✓
✓ (9)	8.40	1 st	(36)	13.30	10 th	Ted Higgins:	R. McIntyre/D.McIntyre/ K.Rabbette ✓
✓ (10)	8.40	10 th	(35)	13.30	1 st	Bobby Kinsella:	R. McDonnell/ N. Reilly/ F.Farrell ✓
✓ (11)	8.50	1 st	(38)	13.40	10 th	Mark Callan:	R. O'Connor/ N. Quinlan/ J.Lynch ✓
✓ (12)	8.50	10 th	(37)	13.40	1 st	Tony Judd	M.Fox/T.Judd snr./A.Geoghagan ✓
✓ (13)	9.00	1 st	(40)	13.50	10 th	David Keating	T.Dunne/K.Conlon/T.Pierce ✓
✓ (14)	9.10	10 th	(39)	13.50	1 st	Paddy O'Boyle	P.J.McAndrews/M.Clark/J.Enright ✓
✓ (15)	9.20	1 st	(42)	14.00	10 th	Neil Manchip:	T. Keane/ E. Murphy/ L.Byrne ✓
✓ (16)	9.20	10 th	(41)	14.00	1 st	Ian Kerr:	P. Flynn/ S.Mangan/ P.Dillon ✓
✓ (17)	9.30	1 st	(44)	14.10	10 th	Jimmy Heggarty:	S. Finlay/ J. Muldowney/ C.Byrne ✓
✓ (18)	9.30	10 th	(43)	14.10	1 st	Geoff Bleakly	P.Turrington/J.Lennon/C.Giles ✓
✓ (19)	9.40	1 st	(46)	14.20	10 th	Philip Walton:	I. Griffin/ H. Carey/ J. Carey ✓
✓ (20)	9.40	10 th	(45)	14.20	1 st	Francis Howley	P.J.Carey/f.Hiney/ S. Henry ✓
✓ (21)	9.50	1 st	(48)	14.30	10 th	David Kearney	J.McLoughlin/C.McLoughlin/T.Gleeson ✓
✓ (22)	10.00	10 th	(47)	14.30	1 st	Alexander Mealia:	F. Henry/ K. Hoey/ A. Brennan ✓
✓ (23)	10.10	1 st	(50)	14.40	10 th	Jim Robinson	J. Healy/ T. Nallen/ P. Cafferkey ✓
✓ (24)	10.10	10 th	(49)	14.40	1 st	John Langan;	D. Shine/K. Donnelly/ J.Hanley ✓

(17) Muldowney/Byrne - Rk1 ; S. Finlay - TKS?

AN BORD PLEANÁLA

TIME _____ BY _____

26 MAY 2004

LTR-DATED _____ FROM _____

TEACH IORRAIS /ENTERPRISE ENERGY PRO-AM

PL	ROUND 1			ROUND 2			Professional	Pro Am Team
	Match	Time	Tee	Match	Time	Tee		
✓	(25)	12.40	1 st	(2)	8.00	10 th	Wayne O'Callaghan	S.O'Coisdealdha/CO'Finneadha/ D.O'Finneadha ✓
✓	(26)	12.40	10 th	(1)	8.00	1 st	Finian Dwyer	R.VanGelderen/R.Geus/ W.Zudemeeer ✓
✓	(27)	12.50	1 st	(4)	8.10	10 th	Philip Collins	M.Gaughan/R. Gaughan/L. Mitchell ✓
✓	(28)	12.50	10 th	(3)	8.10	1 st	Peter Hanna	D.Glacken/T.Pomphrett/P.Lawlor ✓
✓	(29)	13.00	1 st	(6)	8.20	10 th	Raymond Burns	M. Mylotte/A.Mylotte/P.Mulroy ✓
✓	(30)	13.00	10 th	(5)	8.20	1 st	Eddie Doyle	T.Fogarty/M.O'Neill/B.Harris ✓
✓	(31)	13.10	1 st	(8)	8.30	10 th	Geoff Loughrey	J.Brown/ J.Brown/ E.Brown ✓
✓	(32)	13.10	10 th	(7)	8.30	1 st	Martin Sludds	C. Faherty/J. Power/ G/ Lavelle ✓
✓	(33)	13.20	1 st	(10)	8.40	10 th	Paul Russell	P. Rutherford/K. Traynor/ D.Lavelle ✓
✓	(34)	13.20	10 th	(9)	8.40	1 st	Liam McCool	Mick Byrne/J/O'Sullivan/D.Molloy ✓
✓	(35)	13.30	1 st	(12)	8.50	10 th	Kevin Morris	D.Bates/L.Finnegan/A.N.Other ✓
✓	(36)	13.30	10 th	(11)	8.50	1 st	Damian Mooney	S.McColiam/C.McKee/V.Bannon ✓
✓	(37)	13.40	1 st	(14)	9.00	10 th	Gerry Burke	B.BarryDuke/P. Gallagher/M.Flegg ✓
✓	(38)	13.40	10 th	(13)	9.00	1 st	Karl O'Donnell	G.McGuire/M.O'Connell/M.McGarry ✓
✓	(39)	13.50	1 st	(16)	9.10	10 th	Stephen Hamill	K.Keogan/M.Earley/A.McGarry ✓
✓	(40)	13.50	10 th	(15)	9.10	1 st	John Dignam	F.Dignam/J.McCann/P.Ennis ✓
✓	(41)	14.00	1 st	(18)	9.20	10 th	Michael Allan	M.Deane/J. Wilson/J.McGuire ✓
✓	(42)	14.00	10 th	(17)	9.20	1 st	Leslie Robinson	V.Fahy/V.Keane/B.Keane ✓
✓	(43)	14.10	1 st	(20)	9.30	10 th	Paddy McGuirk	T.Boylan/T.Black./F.Sharkey ✓
✓	(44)	14.10	10 th	(19)	9.30	1 st	Richard O'Dell	C. Campbell, P. McFadden, P. McFadden ✓
✓	(45)	14.20	1 st	(22)	9.40	10 th	Gary Madden	M.Lavelle/P.Lynskey/G.Stanley ✓
✓	(46)	14.20	10 th	(21)	9.40	1 st	John Dwyer	S.Keane/M.Brennan/A.N.Other ✓
✓	(47)	14.30	1 st	(24)	9.50	10 th	Brendan McGovern	J.Duffy/R.Davies/A.N.Other ✓
✓	(48)	14.30	10 th	(23)	9.50	1 st	Zak Rouiller	F.Healy/G.Reilly/E.McAndrew ✓
✓	(49)	14.40	1 st	(24)	10.00	10 th	Liam Bowler	M.Scallan/D.Lehane/M.Donohue ✓
✓	(50)	14.40	10 th	(25)	10.00	1 st	Eamon Logue	J.O'Connor/P.McGovern/P.Earley ✓

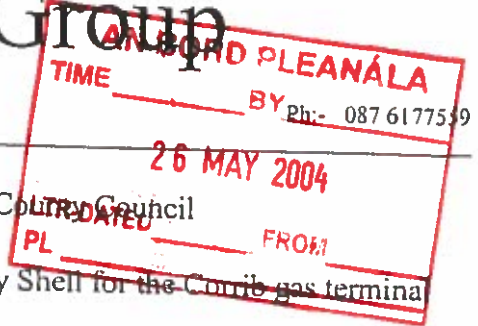
(35) Bates / Finnegan - KK1

(37) Barry Duke / Gallagher - KK1

Pro Erris Gas Group

Correspondence To:- 33 Sion Hill, Castlebar, Co Mayo

To :- The Planning Department Mayo County Council
Reference :- Planning application submitted by Shell for the Corrib gas terminal
Reference No :- P03 / 3343
Submission Date :- 23 January 2004
From :- Pro Erris Gas Group (PEGG)



To Whom it Concerns,

The Pro Erris Gas Group was formed as a result of a large public meeting held in Bangor Erris on the 8th July 2002. Our committee of 7 people were selected to represent the local community who have an interest in gas being brought ashore within the Erris region.

Our aims are improved infrastructure for the area and in turn creation of jobs.

We consider this project as one of the largest and the most significant developments since the inception of Bord na Mona and the ESB, and also as the most significant development within the Irish Energy sector over the last twenty years.

It is our duty to ensure that we use this development as a significant engine for growth in our area as it will play an integral part in the future development of the West and North West regions.

We have followed this planning application meticulously over the last 2 years and do acknowledge the shortcomings of shell's initial planning proposal as rejected by An Bord Pleanála. However, we are very satisfied that this new application devised in conjunction with Bord Na Mona will fully address all shortcomings of the initial Plan.

We therefore urge you to consider the Application from shell in the most positive light permissible within the planning guidelines laid down by the Authority.

Kind Regards

John Rowland
For and on Behalf of PEGG

26 MAY 2004

TRANSLATED FROM
PL _____

Rural areas lobbied strongly to get nuclear power stations

ALISON HEALY

Far from being fearful of a nuclear power plant, many local communities actually lobbied to have one sited in their area, State Papers from 30 years ago show.

Plans to build a nuclear power station in this State attracted an intensive lobbying campaign to the Taoiseach, Jack Lynch, in 1971. But letter-writers were not complaining about nuclear energy - rather they were urging the nuclear station, be located in their areas.

Plans to build the station at Carnsore Point, Co Wexford, were eventually abandoned following large anti-nuclear protests, yet in 1971, Mr Hugh Gibbons, a Fianna Fáil Roscommon-Leitrim TD, wrote to the Taoiseach asking that "adequate considerations" be given to locating the station in the north-west.

Ballina Comhairle Ceanntair Fianna Fáil suggested it be located in Erris, noting a project of that size "would help stabilise the existing population and encourage many of those people who had to emigrate to return home". Bangor Erris in Mayo also lobbied strongly for the nuclear station, saying it would "save" the area. Father Gilvarry, chairman of

Inside: pages 9-11

PAGE 9

Cruise O'Brien's 'middle way' media policy; State funds kept bailiffs from Berry's door.

PAGE 10

Much verbal sparring before leaders met; When Mhá na hÉireann censured contraception.

PAGE 11

Cardinal urged action against Catholic killings; RUC faced challenging questions over partiality.

Bangor Erris Development Association, wrote: "It is now or never for the Erris area. A few years more and all will be lost."

Kerry man Mr Denis O'Dwyer urged that Iveragh peninsula be considered. "The disused slate quarry on Valentia Island would be an ideal site, fully camouflaged against possible aerial attack during war."

Sligo County Development Team also lobbied for the power station, saying it would give "a tremendous boost" to local employment.

In November 1973, the new Fine Gael/Labour coalition approved a proposal that the ESB "should pro-

ceed with a nuclear project at once".

It came from the Minister for Transport and Power, Mr Peter Barry, after consulting with the Ministers for Health, Finance, Industry and Commerce, Local Government and Foreign Affairs. Of all the Ministers consulted, only the Minister for Health, Mr Brendan Corish, had no observations on the matter.

Environmental considerations were raised by the Minister for Local Government, Mr James Tully, but Mr Barry said he was "confident that it should be possible to protect the environment fully".

The ESB's case for a nuclear power station is outlined in memos to the Government from Mr Barry's department. One memo warned that the ESB's dependence on imported oil was "critically high", especially in light of troubles in the Middle East.

In what turned out to be an excessively optimistic view, the memo said the ESB "expect there will be some opposition to a nuclear station, but experience elsewhere suggests that the first nuclear station in a country is not seriously opposed . . . the ESB feel they will be able to counteract any agitation which may arise against the project."

Editorial comment: page 17

K.T. 03:01:2004

plus ça change!

60-8 Industrial Way
Longview, WA 98632
Phone: (360) 425-3885
Fax: (360) 425-4159
www.ci.longview.wa.us

Wisconsin

1820 Post Road
Suite 2
Plover, WI 54467
Phone: (715) 342-1160
Fax: (715) 342-4960
www.eplover.com

AN DORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

INTERNATIONAL OFFICES

Argentina

Alicia M. de Justo 740 Suite 315
Buenos Aires, CP C1107AAP
Argentina
Phone: 54-11-4342-7972
Fax 54-11-4342-8023

Ireland

Muingmore
Bunnahowen
Ballina
Co. Mayo Ireland
Phone: 011-353-97-86933
Fax: 011-353-97-86932

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[▲ BACK TO TOP](#)

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Last Modified 4/14/2004

SIR PHILIP WATTS KCMG

SHELL CENTRE
LONDON
SE1 7NA

24th December 2003

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

TEL: +44 (0)20 7934 5556
FAX: +44 (0)20 7934 5557

Ms Maura Harrington
Doohoma
Ballina
Co. Mayo
Ireland

Dear Ms Harrington,

I received your letter of 15th December 2003 yesterday and read it with interest. I have asked the people in our Exploration and Production business to follow up the matter as soon as possible.

Thank you for your interest in this project which I hope will enjoy the support of all stakeholders in due course.

My letter probably will not arrive in time for Christmas but comes with my best wishes for 2004.

Yours sincerely,

P. Watts.



Shell Exploration & Production

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

Shell E&P Ireland Limited
Corrib House
52 Lower Leeson Street
Dublin 2
Ireland
Tel +353 1 669 4100
Fax +353 1 669 4101

Ms Maura Harrington,
Doohoma
Ballina
Co. Mayo

Our ref: KH/MC

16th January 2003

Dear Ms Harrington

Subject: Environmental Impact Statement

Further to your recent letter to Sir Philip Watts, I would like to advise you that as stated in Mark Carrigy's letter to you dated the 4th of December, under the new Planning and Development Act 2000, Shell is obliged to make copies of the EIS for the Corrib development available to the Council at their request. The Council in turn will make them available to members of the public at a reasonable cost. I understand this process is ongoing.

I also understand that Mayo County Council have made a copy of the EIS available in the local council office in Belmullet as well as the office in Castlebar and that this material is also fully available online at www.mayococo.ie. However as a goodwill gesture I enclose a copy of the EIS on CD, which I trust will assist you.

Yours sincerely

Andy Pyle
Managing Director
Shell E&P Ireland



Shell Exploration & Production

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

Shell E&P Ireland Limited
Corrib House
52 Lower Leeson Street
Dublin 2
Ireland
Tel +353 1 669 4100
Fax +353 1 669 4101

Ms. Maura Harrington
Tallaghanbawn
Doohoma
Ballina
Co Mayo

Our ref: RS/SM

23 February 2004

Dear Ms Harrington,

Further to our telephone conversation last Friday please find enclosed a free CD copy of the report entitled *Marine Mammal Monitoring in the Waters of Broadhaven Bay and Northwest Mayo* as requested. Printed copies of this document are available at a charge of 50 euros to cover printing and postage. If you require this please forward me a cheque payable to Shell E&P Ireland Limited.

Kind regards,

Rosemary Steen
External Affairs Manager

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Shell Exploration & Production

AN BORD PLEANÁLA

TIME _____ BY _____

26 MAY 2004

LTR-DATED _____ FROM _____

PL _____

Shell E&P Ireland Limited
Corrib Gas Information Centre

Bangor Erris

Co. Mayo

Ireland

Tel +353 97 83955

Fax +353 97 83958

NAME:

Rene O'Riordan

ADDRESS:

*Droghda
Ballina C. Mayo*

DATE:

24th Feb. 2004

CONTACT TELEPHONE NO.:

ENQUIRY TYPE:

Complaint

DETAILS:

Called to Shell office with unopened registered letter from Shell - opened it - presence of John Cronin - contained CIRC CD (Catastrophe Belling Blaw-Bell) - requested that John Cronin test CD - Shell office computer. Didn't work - further evidence (if needed at this stage) that dealing with Shell & its associates, it is imperative to have access to hard copy of whatever information may be made available.

FORM RECEIVED BY:

(Shell E&P)

REFERRED TO:

John Cronin

FURTHER DETAILS:

Registered Office

Corrib House,

52 Lower Leeson Street,

Dublin 2, Ireland

Registered in Ireland

Number: 316588

VAT Number: IE 6336583 P

A member of The Royal Dutch Shell Group of Companies



Shell Exploration & Production

Shell E&P Ireland Limited

Corrib House
52 Lower Leeson Street
Dublin 2
Ireland

Tel +353 1 669 4100

Fax +353 1 669 4101

Ms Maura Harrington
Doohoma
Ballina
Co Mayo

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
LTR-DATED	FROM
PL	

5th May 2004

Our Ref: AP/SM

Dear Ms Harrington,

Subject: Corrib Natural Gas Project

I refer to your recent fax to Ingrid de Wit, PA to Malcolm Brinded. This fax has been passed to the Dublin office for attention.

I refer to our letter of 31 March 2004, which I believe answers in full your previous fax. As you will no doubt be aware, all correspondence in relation to the Corrib Natural Gas project is answered through the Dublin office of Shell. Therefore, our written reply of 31 March 2004 represents the company's response.

Best regards,


Andy Pyle
Managing Director



Shell Exploration & Production

Shell E&P Ireland Limited
Corrib House
52 Leeson Street Lower
Dublin 2
Republic of Ireland
Tel +353 1 603 4100
Internet <http://www.shell.com>

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

31 March 2004

Ms Maura Harrington
Doohoma
Ballina
Co Mayo

Dear Ms Harrington

RE: Corrib Natural Gas Project

Further to your recent fax to Mr Binto da Costa in regard to the Corrib project dated the 25th of March, this has been passed to me for response. As you are aware, the Corrib project is currently before the local planning authority for decision. As you will also be aware, due to your ongoing contact with this office and our local office in Mayo, we have engaged in a lengthy public consultation process in the local area and we believe our current proposals, which have continued support from many members of the local community, represent the best technical, environment and economic solution for the development of the field.

In regard to statements (ii), (iii), (iv) and (v) in your letter, we have made detailed technical submissions to the planning authority on the issues surrounding the development, including peat as mentioned in your letter. In forming these we have consulted with the relevant Irish experts in this area and with Bord na Móna, who, as you know, have considerable local and national experience in the management of peat. The relevant authorities have also examined and licensed our planned pipeline route from the landfall to the terminal. Detailed technical assessments have also been undertaken by these authorities in regard to our planned activities, which do not support your statements. I do not accept that the project will impact negatively on local water supplies.

In regard to your comments in statement (vi), I remain in ongoing contact with my colleagues in our offices in London and The Hague and I can assure you that we have been fully supported in regard to the proposals as currently before Mayo County Council for the development of the project.

Best regards


Andy Pyle
Managing Director

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____
PL _____	

FAO

Mr. Binto da Costa

Subject: CORRIB PROJECT

Pages: 7, incl. cover

Sent by: Maura Harrington,
Dookoma,
Ballina,
Co. Mayo.
Ireland.

Faxed & ext. 7321 09:03:04

Connect fax? ext 7371 12:03:04

[Signature]

Further to our telephone conversation this evening, I enclose copy of Local Planning Authority request for significant information to which I referred. Please consider this in the context set out below.

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
DATE	FROM

- (i) This is the third planning application for the same plant on the same site (Atlantic peat bog) - Nov. 2000 application by Enterprise Oil plc was abandoned; April 2001 application (Entoil) was continued by Royal/Dutch Shell but was refused permission by the Planning Appeals Board
- (ii) Atlantic peat bogs have a higher water content than milk
- (iii) Earthworks methodologies can never be applied to peat bogs
- (iv) The immediate area of the proposed landfill suffered the worst bogslide in Irish history on Sept. 19th. 2003 (please refer to Durham University) - proposed pipeline approach necessitates blasting
- (v) The current planning application, Dec. 2003, cannot mitigate against the inevitable degradation of two pristine bays (Broadhaven & Blacksod), Carrowmore Lake - source of our regional water supply - and all our riparian systems, prime European fishing areas enjoyed by international media personnel
- (vi) The Corrib Project as proposed has enjoyed the uncritical, sycophantic support of local and National Government, including the Civil Service together with business and vested interest groups yet it remains mired in the peat. It is opposed - on grounds of common sense - by those who fully support the proper development of the Corrib and associated fields.

Is it not time for London and/or The Hague to properly assess this proposed development thereby serving Royal/Dutch Shell shareholders and stakeholders well?

Thank you for your courteous attention.

Hanna Harrington.

PLANNING & DEVELOPMENT
MAYO COUNTY COUNCIL
ARAS AN CHIONNAIN
CASTLEBAR
CO. MAYO
094-74444

30-MAY-2004 10:50:04

Receipt No. 17 SRAHMORE

MAURA HARRINGTON
DOOHOMA
BALLINA

MISC RECEIPTS PLANNING 2001
SUF MISCELLANEOUS

Total 200.00

Tendered
Cash 200.00

Received By: Maura Harrington
Date: 30 JAN 2004

AN BORD PLEANÁLA	
TIME	BY
26 MAY 2004	
LTR-DATED	FROM
PL	

SUBMISSION

IN RESPECT OF

ABOY BRIDGE GAS TERMINAL,

TH, CO. MAYO & ASSOCIATED

ON SITE AT SRAHMORE AND

Y, BANGOR, CO. MAYO.

ING REF. P03/3343

*Submission - 8 pages
Appendices - 18 pages
€20.00 cash
6532*

MAYO COUNTY COUNCIL RECEIVED 30 JAN 2004 PLANNING & DEVELOPMENT
--

*Maura Harrington
30th Jan 2004*

MAURA HARRINGTON,
DOOHOMA,
BALLINA,
CO. MAYO.

Verbal, inhouse, unrecorded assessments.
B. Gannon ABP Ref. PL 16.126073

AN BORD PLEANÁLA	
TIME _____	BY _____
26 MAY 2004	
LTR-DATED _____	FROM _____

Mayo County Council announced grant of planning permission (with conditions!) for P01/900 at 4.55 p.m. on Friday, 3rd. August 2001 – the start of the Bank Holiday weekend and, traditionally, the time of year when most people go on holiday.

At the Oral Hearing granted by An Bord Pleanála subsequent to the appeal of this decision Ms. B. Gannon, then Senior Planner with MCC stated that permission for P01/900 was granted on the basis of 'verbal, inhouse, unrecorded assessments'. This permission was signed off on by the then, and now, Co. Manager, Mr. Mahon.

I wish to request that the current Senior Planner and *in situ* Co. Manager properly and verifiably assess P03/3343. That this proper assessment will, by necessity warrant intense investigation is, in the light of this Project's planning history (and in the continuing context of Flood/Mahon and Moriarty) a matter of national importance. Following the EU letter of October 2002 to the Irish Authorities a full and accessible verification of this planning process is also a matter of national importance. I am sure the omission of this component from Mr. Phillips' list of national imperatives was merely an oversight due to time constraints to meet deadlines.

As an indigenous stakeholder in the Corrib Project I wish to advise the Planning Authority on my personal experience of how Shell's much vaunted CSR rhetoric is inversely proportional to Shell reality.

- Shell is a sponsor of the Humbert School, inherited on Shell's acquisition of Enterprise Oil plc. On July 2nd 2003 the element of the school's programme designed to enhance Shell PR was held in an establishment which operates a selective admission policy towards myself – see appended copy of 'barring' letter and please be advised that the 'outrageous conduct and behaviour' referred to therein involved sitting on the hotel staircase until I established that the inaugural meeting of the EMG was by invitation only and was not open to indigenous stakeholders. On the evening of July 2nd I was refused entry to the Humbert School beano even though I was attending a course in the same place for all of that week, 1-5 July '03.
- This establishment was also the venue of choice by Shell for their 'public consultation' process in respect of P03/3343. I was again refused access and remained outside from 10.30a.m. to 6.30p.m. on Saturday 29th November 2003.
- On 19th November '03 I received an unsolicited telephone call to my home from Mr. Pyle – the tenor of the call, while polite, was nonetheless unsolicited.

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- A public meeting was held in Belmullet in July 2003 – while ostensibly an outpouring of support for a failed concept it was, I believe, convened either at the behest of, or at the very least with the foreknowledge of Shell. In a carbon copy of the then Minister (DOMNR) Fahey's public meeting in Geesala, July 2001, the July '03 meeting was videotaped without seeking the permission of those present. I have been refused a copy of this video by the luminaries of the local Chamber of Commerce who commissioned it and I remain to be convinced that the same discourtesy has been shown to Shell. Mr. Fahey's DOMNR confirmed that the July '01 video was provided to the oil companies within days – it took 6 months to provide copies of the same video to local people. The refusal of Belmullet Chamber of Commerce to provide a copy of 'their' video continues to be a matter of personal concern with regard to both privacy and safety.

In the matter of the July '03 meeting referred to above I wish to advise the Planning Authority of the following. The meeting was attended by a Government Minister, Mr. Ó Cúiv and a Government Minister of State, Mr. Fahey; the two sitting government representatives for Mayo, Mr. Carty and Ms. Cooper-Flynn were not present. For the information of your good selves I wish to put on record that, in the context of considering the proper development of the Corrib Project Minister Ó Cúiv stated that other options were not viable, going on to say – and I quote that it had 'gone beyond the point of any other option'. One *has* to ask – 'gone beyond the point of any other option' for whom? Local communities? Broadhaven Bay, Sruth Fada Conn, Glengad, Rossport, Gortacreaghar, Ballinaboy, Carrowmore Lake and, now Muinhin, Owenmore and Tullaghan Bay? Was Mr. Ó Cúiv intimating that the Corrib Project had 'gone beyond the point of any other option' for MCC Planning Authority? for ABP? – or was he just thinking of Ray Burke, Frank Fahey and Bertie Ahern???

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I wish to put the following comments/questions/observations and ask that they be considered in your professional verifiable assessment of P08/3543. This is a representative sample only and is by no means exhaustive.

Volume 1

p.1 a critical analysis of the appended Brinded document should add to an informed consideration of the strategic importance of the Corrib reserves – from Shell's perspective.

p.3 'no technical difficulties or lack of know-how encountered' – other than the not inconsiderable difficulty of not understanding ones bog!

1.3 why are the non technical summaries available *only* from Shell's Dublin office?

1.4 Fahey signed the Foreshore Licence on his last day in office, 17:05:2002 thereby gifting to Shell the opportunity for despoliation of Glengad Beach and inner Broadhaven Bay before ABP had completed their consideration of Appeal PL 16.126073

2.1 'There are many areas designated as SAC's, SPA's and NHA's. None will be affected by the proposed development'.

This is a statement of incredible corporate arrogance coupled with breathtaking corporate stupidity.

2.3 'equipment layout has been designed such that prevailing winds will blow any escaping hydrocarbon gases away from safe areas of the facility'

WHITHER??? Are the indigenous villagers downwind of this obnoxious considered lesser beings within a cosy State/Corporate nexus?

2.3.1 'building finishes have been selected to merge with the landscape and refer to the traditional forms of agricultural and industrial vernacular buildings in the region' – STUPID, INSULTING AND INSUPPORTABLE

2.5.4 Mechanical Refrigeration System – quantify/verifiably assess dimensions/visual impact

2.5.8 Additional Ion Exchange Unit – quantify/verifiably assess; ditto Additional Chemical Injection

2.6 'Emergency shutdown can also be initiated manually' Details and HSA implications

2.9 Will the video-conferencing to the Dublin ERC office be based on the 'put your head between your legs' philosophy?

2.2 (App. 2.1) UPS – verifiably assess history of such systems in comparable plants, if any such comparable plants can be sourced; if not, what 'authority' will take ultimate responsibility in the event of possible/probable future carnage?

3.2.5 When and by whom was the Glencullen Road designated a 'haul route? (Vol.2 16.4.8 – Were Tobin Engineering Ltd. and MCC commissioned by Shell to survey Glencullen Road? How many other roads in Erris have been surveyed by this team on behalf of the *people* of Erris?)

3.5.6 'A Bord na Móna representative will monitor loading operations to ensure the suitability of the peat leaving the site' – Just one? Using OM one presumes!

Fig. 3.7 Bog gone!!

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3.5.8 What is a 'chemical crack inducer'? Nothing to do with quarrying on site?

3.5.9 If movement of peat is detected – what then???

The presentation of what is supposed to pass as a consideration of 'Alternatives' is ludicrous.

5.3.4 Per Mr. Phillips I learn that Baroosky has experienced a slight increase in the level of deprivation since 1991. Oh dear!

6.3.4 Survey Constraints – appears site would have to be first cleared in order to find anything; at which stage it would be entirely academic!

6.7.2 Protection of birds? – deter them from nesting; protection of frogs? – fill in their ponds!

Aquatic Ecology section is quite useless since it makes no mention/admission of baseline cetacean study commissioned by Shell; received by them one year ago and still suppressed by them.

8.4.2 'precautions will be incorporated into the construction procedures to mitigate the effect of man's intervention'.

Post Dooncarton and Derrybrien I believe the foregoing is a hanging statement. Section 9. The continued use of Belmullet Met. Station data is this EIS is reprehensible. Are the compilers of this section – for and on behalf of Shell – so obtuse and/or obdurate that they think they can persist in using inappropriate data for a vital component of this proposed project? Following the unanimous refusal of PL 16.126073 by ABP which specifically referred to 'the amount and pattern of rainfall in the area' and post September 19th 2003 such pussyfooting is no longer an option. Since all modelling based on inappropriate data is, by definition, useless I submit that on the basis of this major flaw planning permission should, and must, be refused.

Table 11.4 TBC not listed in Glossary.

12.9 'No residual noise impact is predicted following decommissioning and reinstatement'. Quite!

The less said the better about any Brady, Shipman, Martin contribution to Landscape and Visual Impact with regard to the Corrib Project.

14.5 Verifiably assess the net 'potential benefit' for control of GHG's in Ireland per Corrib.

18.9 note ref. To Corrib as 'project'.

Sections 19 and 20 are silly and wearisome.

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Volume 2

3.3 What are HSA Guidelines for prevention of Repetitive Strain Injury in flagmen?

3.4 Where on site will excavated peat from peat reception area be stored?

4.3.3 Treatment of peat '...have yet to be proven for foundation purposes, for buildings and equipment' – admission of untried nature of lunacy proposed for Ballinaboy/Srahmore?

Note to 4.3.10 – 4.3.13

Some time ago (date recorded), I attended a Council For The West Energy Committee meeting chaired by Ms. Marian Harkin. You might find the following account of its deliberations re the proposed Corrib Project somewhat instructive. The Chair asked the committee's resident 'oil and gas expert', one Mr. Bill Jones for his report on the CFTW-organised meeting in Glenamoy, May 2001. Mr. Jones reported, and I quote 'They were very stupid people at the meeting in Glenamoy; I had to explain things to them.' (end quote). Mr. Jones went on to opine that it would be hard to find a more unsuitable site than that at Ballinaboy adding that it was obviously chosen from a helicopter. Mr. Jones' solution to the 'peat problem' was to liquefy it and dump it in Broadhaven Bay!

4.5.3 This nonsense should carry a Health Warning – seriously damages rationality.

5.2 'Qualitative research was informed through discussions with local representatives from Bord na Móna'. Quite.

5.3.8 Mr. Phillips becomes further embogged with the following gem:

'There is a general shortage of accommodation in Mayo, which is partly due to the suitability of the land for building as it is mountainous, boggy, sandy or liable to flood.'

I note that while Arhom and Vowth have been deleted, Glencad and Inbher (sic) are misspelt.

6.4.4.1 Where is Fig. 6.1?

6.6.1 Is a long term temporary impact an oxymoron?

6.10 How in the name of God would dozing/excavating operations keep moving peat in place?

6.11.2 'There are no negative residual impacts foreseen at this stage' - might this horribly offensive sentence have been copied and pasted from the Derrybrien Wind Farm EIS?

7.2.1.2 Why no sampling of Muinhin in October 2003?

7.5.2.1 'should be' – not acceptable

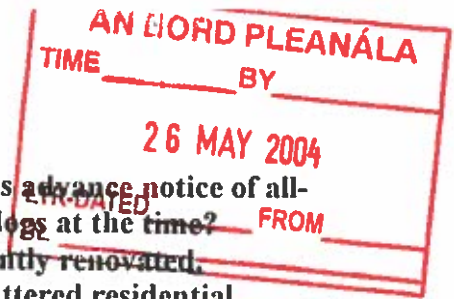
7.5.2.2 'should', 'could' – not acceptable

7.5.2.3 Where has it been demonstrated that 450,000 cubic metres of dumped peat on cutaway bog has revegetated within 5 years?

8.3.7 'Carrowmore Lake is a major public drinking water supply' – disingenuous – Carrowmore Lake (spring fed) is the source of the Regional Water Supply for Erris and, as such, is much more than a back-up firepond for a gas refinery.

Table 9.3 Belmullet Met. Station data *again*.

11.5.1 Air sampling data at Ballinaboy since 2001 – why no comparable site rainfall data?



12.5.1 How can local residents be given at least one week's advance notice of all-night haulage due to fine weather if it's raining cats and dogs at the time?

13.5 last para. – Marian Shrine is recently built not recently renovated.

13.8 'very limited sources of light, primarily from the scattered residential properties' – THAT IS A BLATANT LIE. The primary source of offensive light pollution in this area is not from what Brady, Shipman, Martin would disdain as 'one-off housing' but comes from the legally questionable GLANCRÉ TEO. plant at Muingmore.

14.3 third bullet – incorporation of peat etc. etc. Why not leave it where it is in Ballinaboy?

14.4 Why can't the effect of these releases be specifically quantified?

16.2.6 'It should be noted, however, that if the development did not proceed there would still be the issue of disposal of 450,000m³ of peat from the Bellanaboy Bridge Gas Terminal foot print.'

In a litany of lunacies that is one of my favourites! However, putting mirth aside, one must ask – is the omission of the word 'proposed' from the above based on the Ó Cúiv premise of 'gone beyond any other option'?

17.2.5 How will peat slurry create a carbon sink?

18.2 I believe this could best be described as an Unholy Alliance!

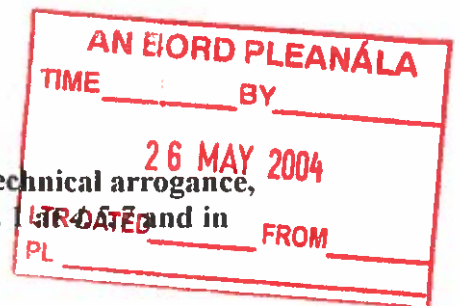
18.3 If both interconnector supplies from the UK should be interrupted then endemic (*sic*) gas would probably be academic!

(Chambers - endemic adj. prevalent or regularly found in a people or a district: confined to a particular area (biol).)

19.2 What is the point of a pro-forma draft EMS?

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Within the entire EIS, a demented concept masked in geotechnical arrogance, there is one coherent sub para (copied and pasted) - in Vol. 1 and in Vol. 2 at 4.3.7 which reads;



'The excavated peat would not be suitable as an engineering fill material. It cannot be laid down and compacted to meet engineering criteria. The characteristics of the mineral soils are quite variable.'

Compare and contrast the following statements from Mr. Phillips, Town Planning Consultant, on behalf of the applicant (my italics in both).

'The proposed construction methodology, sequencing and programme (including an examination of traffic generation) were subjected to detailed scrutiny at the Hearing (to a degree not previously experienced by the Project Team members who have contributed to such Hearings). *Notwithstanding this, the Project Team, comprising individual experts and firms of international experience in dealing with peat wish to reconfirm their collective endorsement of the proposed methodology for the extraction and placement of peat.*'

Review of issues arising at the reconvened Oral Hearing and concluding comments. Phillips. 10 December 2002

'.....the proposed development, an on-shore Terminal, represents the best option for the processing of natural gas and the site at Bellanaboy *in association with the Srahmore peat deposition site represents the best technical solution and location for such a development.*'

Planning Report. Phillips. December 2003

Consider the following 10 DAY timetable for reducing a noble, long-lived entity with its inherent integrity to a state of disaggregated muck:

(i)excavate *in situ* peat in Ballinaboy; (ii) place – oh so gently - into dumper truck; (iii) trundle to windrow site; (iv) dump at windrow site; (v) stew for 8 days; (vi) get observation methoded by Bord na Móna representative; (vii) dump 11 tonnes onto 4axle lorry; (viii) drive – oh so carefully – for 10 miles along Glencullen Road; (ix) dump onto concrete at Area 5; (x) load onto Haku system trailer; (xi) trundle to high field; (xii) dump on high field; (xiii) bulldoze onto low field; (xiv) camber gently to create (inappropriate data) rainfall runoff.

I challenge anybody with any modicum of rationality to call the above anything other than demented.

TIME _____ BY _____

26 MAY 2004

The refusal by the applicant - assisted, if not very ably, by incompetent acolytes - to accept the reasoned, unanimous judgement of An Bord Pleanála in PL 16.126073 and the continued unhealthy attachment to Ballinaboy means, I believe, that the Corrib Gas Project has moved beyond being 'just' a planning issue to having long-term implications for judging the current status of the democratic health of this State.

There are many, many citizens - of all ages - whose attention spans haven't been eroded by rampant consumerism and whose integrity isn't pegged to the dollar or the euro to ensure that the machinations surrounding this project (all of them well documented) will, in time, be aired in appropriate fora.

P00/2934 is defunct

P01/900 was deficient

P03/3343 is demented

To date, neither political patronage nor planning pusillanimity has 'built a gas terminal in a bog'. Nor will they, *Deo favente*.

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APPENDICES

EU Letter, 01:10:2002

Guardian Article, Jan. 21, 2004, Christian Aid CSR Report

Humbert School Programme, Jul. 02, 2003

Solicitor Letter, Jul. 09, 2002

The Changing Global gas Market, Brinded

Aides Memoires, P01/900

Western People Article, Jan. 28, 2004

Ken Saro-Wiwa, R.I.P. (at end)

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(Omitted - Relevant to HCC)

The world has changed since you woke this morning

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Social responsibility is just a PR tool for businesses, says report

Terry Macalister
Wednesday January 21, 2004
The Guardian

Businesses are using corporate social responsibility as a shield behind which to campaign against environmental and human rights regulations, warns a report published today.

Christian Aid claims CSR is in some cases counter-productive, worsening relations between business and local communities.

Shell's chairman, Sir Philip Watts, is one of the executives attacked for playing a leading role in CSR while lobbying against tougher international laws. His company is held up as an example of a group that is implementing CSR initiatives in Nigeria, some of which are backfiring.

Christian Aid's report, *Behind The Mask: The Real Face Of Corporate Social Responsibility*, calls for new international guidelines to govern company behaviour.

It wants UK legislation to:

- Make corporate social and environmental reporting and disclosure mandatory;
- Give directors a duty of care for communities and the environment, making them legally responsible for the actions of their companies overseas;
- Enable people harmed by UK companies' operations overseas to seek redress in British courts and provide resources to allow them to do so.

Christian Aid also argues the OECD should adopt a convention on the same issues similar to the one that covers bribery.

It says CSR is being used as a public relations tool and believes it is no coincidence that companies in areas such as oil, mining and tobacco are its biggest public champions.

The charity highlights attempts by the United Nations to introduce a set of principles governing corporate responsibilities on human rights that were opposed by business groups, on the grounds they were already dealing with such issues with their own voluntary CSR initiatives.

It also notes that attempts to use the US Alien Tort Claims Act by those claiming to be victims of corporate human rights and environmental abuses overseas have been resisted by companies.

The UK branch of the International Chamber of Commerce - chaired by Sir Philip - has been lobbying against ATCA, but a Shell spokesman last night insisted the oil company recognised the right of governments to introduce mandatory codes. "Our point is that such measures must be clear, well formulated and produce a level playing field for everyone across all jurisdictions," he explained.

Shell is in the firing line over its activities in the Niger delta, where relations with the community have been tense

<http://www.guardian.co.uk/print/0,3858,4840606-103676,00.html>

25/05/2004

since the deaths of poet activist Ken Saro-Wiwa and eight others who protested about oil activities in the region.

The executions - and the ensuing world outcry - led to the Anglo-Dutch group adopting a CSR policy.

Christian Aid says that despite Shell's claims about "honesty, integrity and respect for people", the oil company has failed to bring about change in the delta.

"Christian Aid has found evidence that Shell's clean-up of oil spills and repair of pipelines in Nigeria is scandalously inadequate and would never be tolerated in Europe and North America."

The failure of CSR schemes has only added to the bad feeling between the local community and Shell, argues Andrew Pendleton, author of the report.

But the oil company argued that outside auditors had assessed its programmes in Nigeria and concluded that 93% were functional and 75% successful. Shell was working hard to improve the 25% that were not as good as they could be, a company spokesman said.

Christian Aid also highlights British American Tobacco and Coca-Cola as firms that - it alleges - preach CSR but fail to deliver on the ground.

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Coach leaves Ballina 6.30pm

SESSION FOUR

8:00p.m.

Teach Iorrais Hotel, Geesagh

Welcome

Frank Chambers,
Cathaoirleach, Mayo County.

John Healy Address:

Martin Cullen,
Minister for the Environment and Local Government.

Response:

Andy Pyle,
Managing Director Enterprise Energy Ireland.

Chair:

Tony McGarry
Chairman IHS

Coach returns to Ballina
approx 11pm

Thursday, July 3rd:

SESSION FIVE:

11a.m.

Moyne College, Ballina.
Sean Boyne,
Political Editor, *Sunday World.*
Sean O'Rourke,

Response:

RTE Reporter
John Doughty,
Political Editor, *The Star.*

Chair:

Linda Gasparello,
King Communications Group, Washington DC.

SESSION SIX:

1:30p.m.
'God Save America'

Bartra House Hotel
Conor Brady,
Former Editor, *The Irish Times.*

Chair

Llewellyn King,
Publisher, *White House Weekly*, Washington D.C.
Matt Farrell,
Vice President, Ballina Chamber Commerce.

SESSION SEVEN:

8 p.m.

Humbert Dinner, Dowhill Hotel, Ballina.

Guest Speaker:

Michael Martin,
Minister for Health and Children.

Chair:

John Cooney
Director, International Humbert School

Response:

Martin O'Rourke
Managing Director, BUPA Ireland



<http://www.humbertschool.com/program.html>

DENIS M. MOLLOY

- Solicitors -

Bridge Street, Ballina, Co. Mayo.

B.C.L. Dip. Eur. Law

AN FHOID PLEANÁLA

TIME _____ BY _____

26 MAY 2004

LTR-DATED _____ FROM _____

PL _____

Telephone (096) 21061,

70660,

21304.

Fax No. (096) 70636.

DX 14002

Our Ref:

Your Ref:

Date:

DMM/BC

8th July 2003

Ms Maura Harrington,
Tullaghan Baun,
Geesala,
BALLINA

Our Client: Teach Iorrais, Geesala, Ballina.

Dear Madam,

We are instructed by our above named client to advise you that due to your outrageous conduct and behaviour on our clients premises, you are **HEREBY BARRED** from our clients premises and for the avoidance of doubt this also means that you are barred from entering onto any part of the curtilage of the premises including the car park.

This barring notice takes effect immediately on receipt by you of this letter and accordingly should you attempt to set foot again on any part of our clients premises, you will be committing an offence and dealt with accordingly.

Yours faithfully,

DENIS M MOLLOY, SOLICITORS

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EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate D - Implementation and enforcement
ENV.D2 - Legal implementation and enforcement

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PL 01.10.2002
ENV.D2/11.11/525098

Brussels
D(2002) ENV.D2/11.11/525098

PRIORITY
AERPHOST
Banna,
County Mayo,
IRELAND



I refer to your complaint P2001/4619, concerning development of the Corrib gas field off the Mayo Coast.

Firstly, I wish to apologise for the delay in investigating the issues raised in this complaint. This is due to the volume of complaints received by the Commission over the past twelve months.

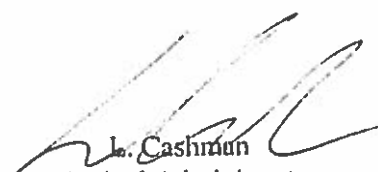
The Commission has recently written to the Irish authorities seeking the following information, in order to investigate the issues raised in your complaint:

1. any general comments they consider appropriate on the claims made ;
2. comments on the report presented by An Taisce to the Department of the Marine and Natural Resources in March 2000 concerning claims of deficiencies in the Irish regulatory framework for offshore oil and gas exploration;
3. details of how wastes generated from offshore oil and gas exploration are regulated by Ireland in accordance with Directive 75/442/EEC on waste, together with details of how they were regulated for the Corrib development;
4. comments on claims that seismic surveys and exploratory appraisal well drilling were conducted by Enterprise Energy Ireland Limited since 1996 without environmental survey or regulation;
5. comments on the steps taken or to be taken to ensure respect for Article 12 of Directive 92/43/EC on the conservation of natural habitats and of wild flora and fauna with specific reference to the disturbance of cetaceans and effects on their breeding and resting areas as a result of this proposed development, including the exploratory work (seismic surveys and exploratory drilling) already undertaken in Broadhaven Bay and also the proposed Summer 2002 commencement of blasting works in preparation for pipe-laying;
6. details of any derogations granted pursuant to Article 16 of Directive 92/43/EC;

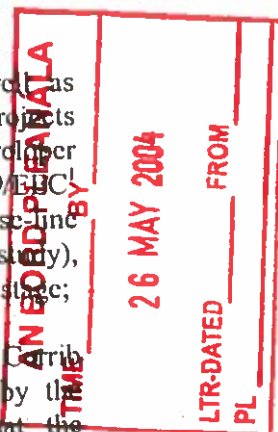
7. in the light of the requirements of Article 6(3) of Directive 92/43/EEC as well as Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, comments on the claims that the information provided by the developer by way of EIS was deficient with regard to interests protected under Directives 79/409/EEC on the conservation of wild birds and 92/43/EEC, that there has been a lack of base-line survey work and other adequate prior investigations (e.g. 1 day tidal and 1 day bird study), and that further investigations have been inappropriately deferred to the post-approval stage;
8. having regard to the links between the different project components making up the Corrib development, comments on how "in combination" effects have been addressed by the different decision-making authorities, together with comments on the fact that the Environmental Protection Agency Act 1992 appears to inappropriately constrain the role of planning authorities with regard to decision-making on impacts affecting Natura 2000 sites;
9. clarification on the decision-making authorities with responsibilities for ensuring respect for Articles 6(3) and (4) of Directive 92/43/EEC with regard to each project making up the Corrib development;
10. details of the ascertainties, including the bases for same, of decision-making bodies that the Corrib development would not affect the integrity of Special Protection Areas (SPAs) and proposed Special Areas of Conservation (SACs) with regard to the following: pipe-line construction, with particular reference to conditions for Harbour Porpoise and Bottlenose Dolphin and wild birds hosted by SPAs; approved discharge location and future pipe-line discharges from the proposed terminal; treatment and discharges of waste-water arising during the construction phase of the proposed terminal; the risk of groundwater and other water pollution arising from the terminal;
11. having regard to evidence of significant risks to Natura 2000 sites arising from the choice of terminal location, details of the consideration given by decision-making authorities to alternative terminal sites.

The response of the Irish authorities is currently awaited and I will keep you informed of developments.

Yours sincerely,


Principal Administrator

¹ Including Sand Martins



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TCM Archives > Western People > 2004/01/28 > What we can learn from Indian chief's wise reply

Wednesday, January 28, 2004 :

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What we can learn from Indian chief's wise reply

Chief Seattle, a Suquamish Indian who lived on the Puget Sound outside the city that bears his name, was a skilled diplomat and a great orator. In 1854, the 'Great White Chief' in Washington made an offer for a large area of Indian land and promised a reservation for the Indian people. Chief Seattle's reply has been described as the most beautiful and profound statement on the environment ever made.

But over the past three decades, controversy has raged in literary and historical circles about the authenticity of the speech. Many scholars now believe that the words were actually penned by Ted Perry, a screen-writer, inspired by some writings attributed to the Chief, for a 1972 ABC film about ecology. It was delivered at a Southern Baptist Convention that year.

While the statement may be a suitable combination of the thoughts of both the Indian chief and Ted Perry, it is, nevertheless, a superb statement on matters relating to the environment.

In an age where the environment is being vandalised by greed and that most misused word 'development', this article should be cut out and used as a reference for years to come.

How can you buy or sell the sky, the warmth of the land? The idea is strange to us. If we do not own the freshness of the air and the sparkle of the water, how can you buy them?

Every part of this earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people.

The sap that which courses through the trees carries the memories of the red man.

The white man's dead forget the country of their birth when they go to walk among the stars. Our dead never forget this beautiful earth, for it is the mother of the red man.

We are part of the earth and it is part of us. The perfumed flowers are our sisters; the deer, the horse, the great eagle, these are our brothers. The rocky crests, the juices in the meadows, the body heat of the pony, and man - all belong to the same family.

So when the Great Chief in Washington sends word that he wishes to buy our land, he asks much of us. The Great Chief sends word he will reserve us a place so that we can live comfortably to ourselves. He will be our father and we his children.

So we will consider your offer to buy our land. But it will not be easy. For this land is sacred to us. This shining water that moves in the streams and rivers is not just water but the blood of our ancestors.

If we sell you land, you must remember that it is sacred and you must teach your

TIME _____ BY _____

26 MAY 2004

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children that it is sacred and that each ghostly reflection in the clear water of the lake tells of events and memories in the life of my people. The water's murmur is the voice of my father's father.

The rivers are our brothers, they quench our thirst. The rivers carry our canoes and feed our children. If we sell you our land, you must remember and teach your children that the rivers are our brothers, and yours, and you must henceforth give the rivers the kindness you would give any brother.

We know that the white man does not understand our ways. One portion of land is the same to him as the next, for he is a stranger who comes in the night and takes from the land whatever he needs. The earth is not his brother, but his enemy, and when he has conquered it, he moves on.

He leaves his father's grave behind, and he does not care. He kidnaps the earth from his children, and he does not care. His father's grave and his children's birthright, are forgotten. He treats his mother, the earth, and his brother, the sky, as things to be bought, plundered, sold like sheep or bright beads. His appetite will devour the earth and leave behind only a desert.

I do not know. Our ways are different from your ways. The sight of your cities pains the eyes of the red man. But perhaps it is because the red man is a savage and does not understand. There is no quiet place in the white man's cities. No place to hear the unfurling of leaves in spring, or the rustle of an insect's wings.

But perhaps it is because I am a savage and do not understand.

The clatter only seems to insult the ears. And what is there to life if a man cannot hear the lonely cry of the whippoorwill or the arguments of the frogs around a pond at night?

I am a red man and no dot understand.

The Indian prefers the soft sound of the wind darting over the face of a pond and the smell of the wind itself, cleaned by a midday rain, or scented with the pinon pine. The air is precious to the red man, for all things share the same breath - the beast, the tree, the man, they all share the same breath.

The white man does not seem to notice the air he breathes. But if we sell you our land, you must remember that the air is precious to us, that the air shares its spirit with all the life it supports. The wind that gave our grandfather his first breath also receives his last sigh. And if we sell you our land you must keep it apart and sacred, as a place where even the white man can go to taste the wind that is sweetened by the meadow's flowers.

So we will consider your offer to buy our land. If we decide to accept, I will make one condition: The white man must treat the beast of this land as his brothers.

I am a savage and I do not understand any other way.

I have seen a thousand rotting buffaloes on the prairie, left by the white man who shot them from a passing train.

I am a savage and I do not understand how the smoking iron horse can be more important than the buffalo that we kill only to stay alive.

What is man without the beasts? If all the beasts were gone, man would die from a great loneliness of spirit. For whatever happens to the beasts, soon happens to man. All things are connected.

You must teach your children that the ground beneath their feet is the ashes of your grandfathers. So that they will respect the land, tell your children that the earth is rich with the lives of our kin. Teach your children what we have taught our children, that the earth is our mother. Whatever befalls the earth befalls the sons of the earth, if men spit upon the ground, they spit upon themselves.

This we know; the earth does not belong to man; man belongs to the earth. All things are connected. Whatever befalls the earth befalls the sons of the earth. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself.

Even the white man, whose God walks and talks with him as friend to friend, cannot be

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exempt from the common destiny. We may be brothers after all. We shall see. One thing we know, which the white man may one day discover - our God is the same God. You may think now that you own Him as you wish to own our land; but you cannot.

He is the God of man, and His compassion is equal for the red man and the white. This earth is precious to Him and to harm the earth is to heap contempt on its Creator. The whites too shall pass; perhaps sooner than all the other tribes. Contaminate your bed and you will one night suffocate in your own waste. But in your perishing you will shine brightly, fired by the strength of the God who brought you to this land and for some special purpose gave you dominion over this land and over the red man. That destiny is a mystery to us, for we do not understand when the buffalo are all slaughtered, the wild horses are tamed, the secret corners of the forest heavy with scent of many men, and the view of the ripe hills blotted by talking wires. Where is the thicket? Gone. Where is the eagle? Gone. The end of living and the beginning of survival."

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The changing global gas market

Malcolm Brinded

Group Managing Director, Royal Dutch/Shell Group
CEO, Shell Gas & Power

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Oil & Money Conference, London
5 November 2003



Malcolm Brinded has been a Managing Director of Royal Dutch Petroleum Company and a Group Managing Director of the Royal Dutch/Shell Group of Companies since July 2002. He is the Chief Executive Officer of Shell Gas and Power and is also responsible for Trading, Information Technology, and East Asia and Australasia.

He was born in the UK in 1953 and joined Shell after graduating in Engineering from Cambridge University. He has worked for Shell companies in Brunei, the Netherlands, Oman and the UK.

In 1998 he became Managing Director of Shell UK Exploration and Production – responsible for a fifth of the country's offshore oil and gas business – and in 2001 the Director for Strategic Planning, Sustainable Development and External Affairs in Shell International. From 1999 until 2002 he was Shell Country Chairman in the United Kingdom. He is a Fellow of the Institution of Civil Engineers and of the Royal Academy of Engineering and became an honorary fellow of the Institution of Mechanical Engineers in 2003. Malcolm was appointed CBE in the New Year Honours List of 2002 for services to the UK oil and gas industry.

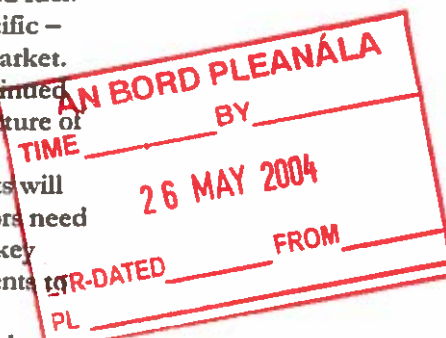
He is a member of the China Council for International Co-operation on Environment and Development (CCICED) and also of the Shanghai Mayoral International Business Advisory Council.

Malcolm is married to Sarah and has three sons. His personal interests include cycling, sailing and music.

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As global demand for energy increases, gas is playing an increasingly significant and strategic role in meeting that demand. The gas sector is poised for tremendous growth over the next two decades – and between 2020 and 2030 could potentially overtake oil as the world's preferred fuel. Regional markets such as – North America, Europe, and Asia Pacific – are becoming increasingly interconnected creating a global gas market. A critical factor in shaping this new global market will be the continued rapid growth of Liquefied Natural Gas (LNG). However, the structure of the LNG market will be different to that for oil because of high liquefaction, storage and transportation costs. Long-term contracts will tend to prevail as customers require security of supply and investors need confidence in markets before taking investment decisions. Other key factors will be political and technological. The desire of governments to find secure and diverse energy supplies will be crucial, as will environmental considerations. Technological advances will be vital, allowing the industry to tackle large-scale projects and extend the lives of existing facilities. Resource holders with large remote gas reserves also have a major new option to monetise their gas – Gas-to-Liquids, which is a game changer for the whole gas industry.



As my title states, gas markets are indeed changing – and more changes are ahead, but maybe not the changes that some here expect.

I want to sketch what we can expect, why it's happening, and the crucial role of LNG in all of this. As my fellow speakers this morning are concentrating on the North America gas market, I feel it's useful to establish the global context in which the major developments in North American gas are playing out.

There are four things that I want to stress. First, gas markets which have traditionally been almost entirely regional – North America, Europe, Asia Pacific – are becoming increasingly interconnected and so to some extent global. Second, LNG will play the critical role in determining the nature and structure of those global markets. Third, gas markets will not develop in the same way as the oil markets with which we are all so familiar. Finally, we need to recognise that government priorities and technology are two key factors shaping developments to come. (Figure 1)

Gas markets are becoming global

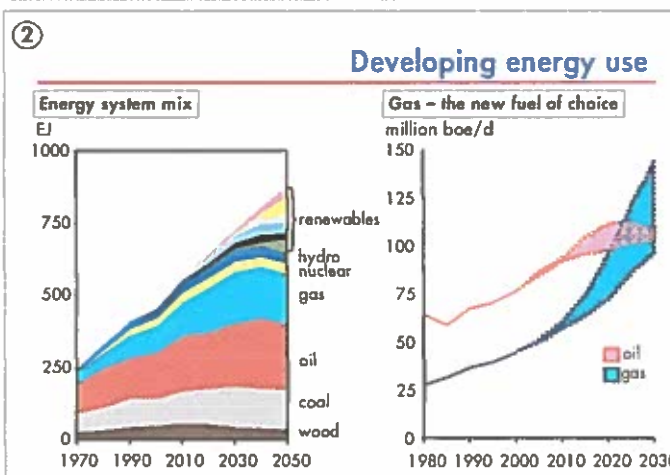
Why are gas markets slowly globalising? Let's remind ourselves of the changing shape of the energy basket. Shell energy scenarios indicate that oil and gas will

remain dominant, but decreasingly so, to the middle of the century. (Figure 2)

①

Changing gas markets

- gas markets are slowly globalising
- LNG will play a critical role
- evolution will differ from oil
- politics/society & technology will be key factors



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But the relative split between oil and gas is changing, as you can see here the right. It's possible that gas will overtake oil as the fuel of choice between 2020 and 2030, driven by economics, environmental factors and consumer choice.

So gas will be in greater demand – how will that demand be met?

This is where we start to see clearly why gas is becoming more global. Falling indigenous supply from maturing fields in the US and the EU will not be enough to meet steadily rising demand. The US won't be able to rely *only* on Canada, nor Europe *only* on Russia, to meet the shortfall. More imports will be needed – and LNG will have some 15 to 20% of those markets by 2020 or so. (Figure 3)

The issues are different in China and India, where very rapid economic development requires significant gas-fired power generation and industry, and indigenous reserves are, in comparison, quite limited. Hence gas demand growth will need to be supported by imports to keep up the pace. Here as well, LNG will play a key role.

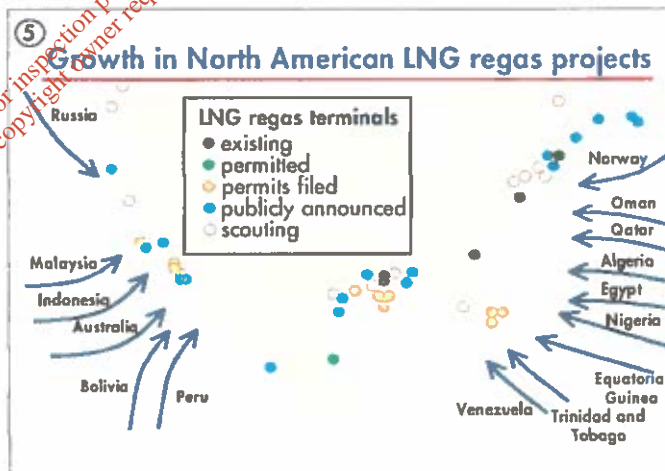
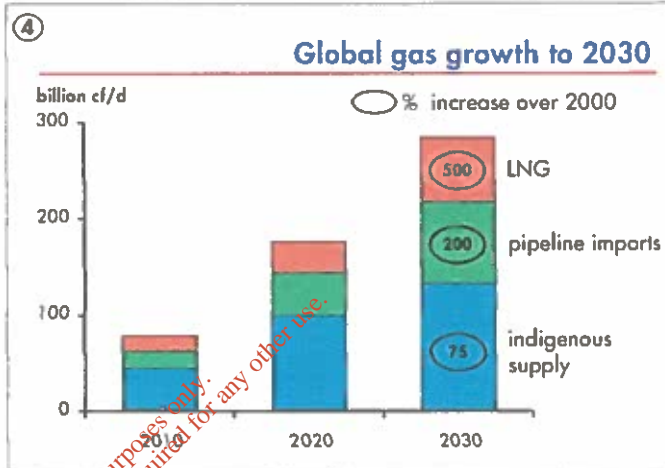
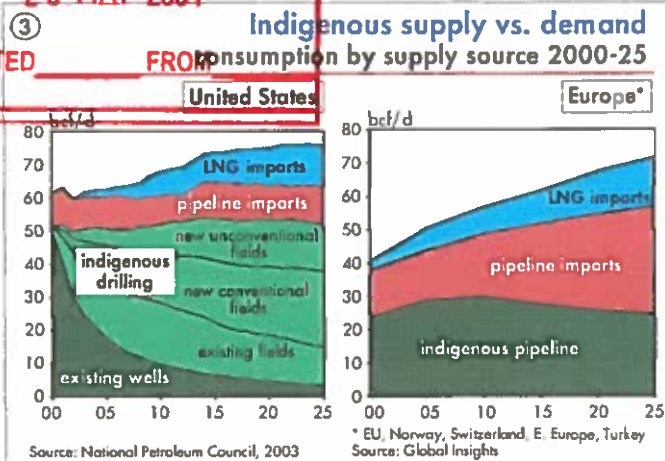
So for many reasons, global gas growth between now and 2030 will be substantial. And we can see LNG growing especially fast – by a factor of 5 by 2030. (Figure 4)

We also know that LNG will be travelling over greater distances. The major gas reserves are far from the major markets. So LNG trade will connect gas markets that were previously regional 'islands'.

By 2010 we can expect much more trade and much more diversity – with respect to who's taking imports, and where those imports are coming from.

Furthermore, US markets will exert a major pull in the LNG market. Not all the potential regasification projects in North America will come to fruition, of course. But market analysis suggests 40 to 80 mtpa of open demand in the next 10 years. This is a race, which the front-runners will win – and I believe Shell is well positioned. (Figure 5)

Development on this scale will take massive investment. Perhaps up to \$80



billion dollars over the next 10 years alone to support LNG growth in just the Atlantic Basin; and about two-thirds of that is likely to relate to North America.

LNG will determine market structure

Overall, LNG will be one key

determinant in the changing structure of global gas markets.

First, through the growing market interconnectedness that we've just seen.

Second, because it expands the choices open to gas producers, regarding where and to whom they sell their product.

Third, the potential speed and scale of growth of US LNG demand, accompanied by firm demand in North East Asia and Europe, will also lead to competition between markets to secure supply.

Regional price differences will still predominantly reflect the fundamental supply and demand balance and number of customers in each region, as well as LNG shipping and storage costs and rigidities. However, those differences cannot get too large. Indeed, regional prices *will* become somewhat connected, but with mushy and delayed action transmission, quite different from the direct drive of the oil market. (Figure 6)

Gas markets are different

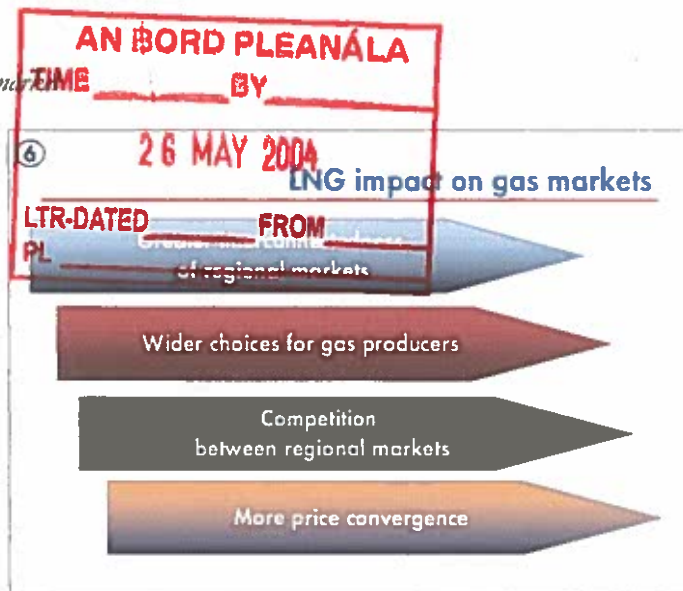
Why this difference from oil?

For one thing, the **cost structures** in oil and gas are quite different. The industries are at different stages of maturity; in gas, there are fewer assets and much is being built, using very large amounts of capital, particularly in LNG.

Moreover, the basic costs of liquefying, transporting and regasifying LNG are much higher than the equivalent oil chain. Transportation and distribution is a far higher proportion of the delivered cost of gas: a typical LNG tanker is about four times the cost of a crude carrier of the same capacity.

Also, during transport and storage LNG cannot be perfectly insulated and some 0.15% per day is typically lost through boil off – unlike crude oil, the product deteriorates with time. Equally, gas is much more expensive to store than oil.

International gas contracts tend to be long term, rather than short term. Suppliers need them before they will feel confident enough of their future income streams, as well as arrange the necessary



finance associated with their long-term investment decisions. Customers also like long-term contracts, because they will have invested heavily in the power stations or industries that use the gas, and often value greatly having price steadiness and predictability, as well as security of supply. These factors are not going away, which is why long-term contracts will prevail across much of the industry.

The value chains in oil and gas are different. For example, the LNG industry today operates almost entirely with producers contracting directly with gas utilities as buyers, on either an FOB or ex-ship basis. It's very doubtful that we will see large scale trading of LNG – à la crude oil, with an extensive paper as well as physical market – even in the medium-term future. However, companies with a global LNG portfolio, and a long history of trading in oil markets, will have an advantage, whatever the pace and nature of the changes to come.

New players are coming in to link and strengthen the gas value chain. We can see a trend: with downstream companies moving upstream – for instance Semptra, GDF, Union Fenosa; and customers getting into supply projects to safeguard the security of their supply – for example, CNOOC, Kogas, and some Japanese customers. But the number of players in the LNG business will remain significantly smaller than the range of oil players. And many of these new arrangements actually reinforce long-term supply deals. So this is not a major

"New players are coming in to link and strengthen the gas value chain."

driver of market structure change.

Indeed, LNG will continue to be a unique market, but we nonetheless are seeing some gradual shifts in this market. (Figure 7)

A greater mix of contract types, for one thing. Investors may not be happy to see less long-term commitment before they approve funding for projects; but customer needs must be served.

However, a significant volume of base load on long-term contracts is, and will still be, required because of the amount of money invested in LNG projects. Also, increased focus on security of supply plus potential shortfalls in the context of the USA market pull are also again driving customers to look for long-term deals.

Where in the past there was virtually no spot market in LNG, greater liquidity due to a greater number of projects and destinations will help to foster the emergence of such a market – but on a limited scale, mainly based around the small amount of uncontracted cargoes in an LNG project build-phase, or that arise due to capacity debottlenecking.

However, we won't see the oil spot market being recreated: for reasons of transportation costs, quality restrictions, receiving terminal constraints, shipping availability, and – most importantly – the huge amount of investment at both ends of the chain.

Project approval requirements are changing as demand for gas grows rapidly, as new countries enter the game and as players gain experience and understanding of the markets. All these factors increase confidence to accelerate project go-ahead. So we see some projects accepting a gap of uncontracted supplies at FID. However, there is still a strong push for a significant base load of "take or pay" contracts from equity sponsors and – where applicable – financial institutions as a condition for project finance.

I've already mentioned a reduction in global price differences in LNG. High LNG demand and prices from the US will surely have an impact on price in Europe and on contract renegotiations in

Asia Pacific as well. Don't expect to see a global price for LNG, but different regions will impact each other's prices.

Finally, market signals show that customers are willing to experiment with pricing mechanisms. It's not certain where this might lead, but we will see more variety – for example, with the price linked to Henry Hub; the EU price linked to pipeline gas that is linked to oil, spot gas price and sometimes electricity and coal; and Far East prices linked to oil.

In all of this the direction is apparent, but the pace, and the end point, are uncertain.

Key shaping factors

What will determine how quickly, and effectively, change takes place in global gas markets? I believe two key shaping factors are political and societal considerations and technology.

One of the key concerns of governments, and the consumers and businesses they govern, is security of energy supply. And security of supply depends largely on diversity of supply. Let's not forget: gas demand in Japan and Korea was originally driven by security of supply, after the oil shocks of the 1970s.

Closely linked to security of supply are concerns about import dependence. As the European Commission pointed out in its green paper last year, diversification is the key response to growing import dependence – diversification of energy sources, supply countries and supply routes.

In terms of LNG, diversity is clearly

"Don't expect to see a global price for LNG, but different regions will impact each other's prices."

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TIME BY

26 MAY 2004

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Evolving LNG markets

long-term Take or Pay contracts	→	mainly long-term ToP; some mid- and short-term
no spot market	→	limited spot market – around 10%
projects approved when gas is sold	→	projects approved when confident of markets
major regional price differences	→	towards global price interconnectedness
prices change very slowly	→	increased diversity of pricing mechanisms

"The direction is apparent, but the pace and end point uncertain..."

on an upswing. Today we have 12 countries with 14 plants and 110 mtpa annual sales.

In 10 years' time there will be more than twice as many plants in twice as many countries, supplying twice as much LNG to a larger base of customers – which will be good for everyone. (Figure 8)

For this supply diversity to really deliver security, the infrastructure needs to be in place – interconnected pipelines and sufficient LNG regas terminals.

Major infrastructure developments are under way or proposed in Europe. Similar developments are taking place in North America and Asia Pacific, as you know. (Figure 9)

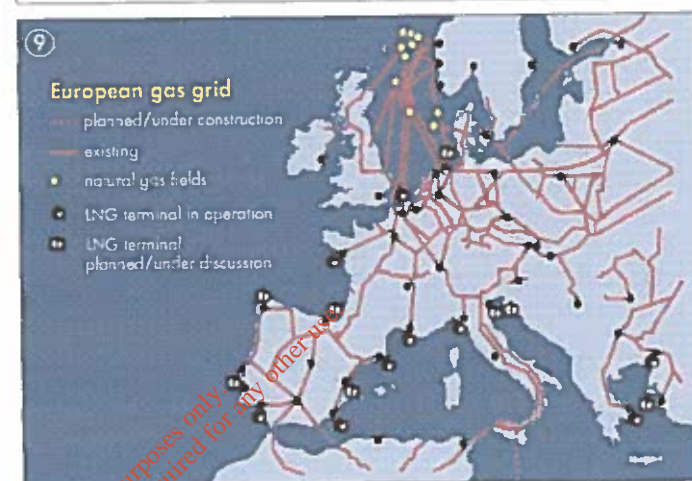
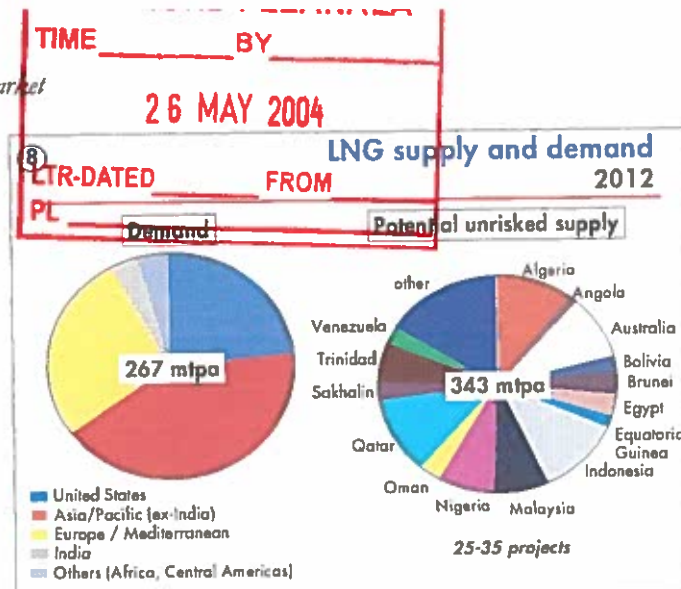
These developments mean no region will be beholden to any one supplier for pipeline gas or LNG, which will help to reduce security of supply risks in an energy-hungry future. This is a key message to get across to decision makers in government, who worry about becoming dependent on imported gas.

A second consideration for governments is the environment. Different countries are dealing with it in different ways – but most are moving, at a greater or lesser pace, towards reduced energy intensity and pollution which encourages the growth of gas.

In Europe, adherence to Kyoto will increase gas demand appreciably by 2012. On the other side of the world, China has introduced new penalties on SOx and NOx emissions which will improve the competitive position of combined cycle gas turbine plants.

Finally, I would like to mention the drive to establish bilateral gas trade agreements between countries looking to forge closer overall partnerships – for example, China and Australia have one \$18 billion deal in the bag from North West Shelf and last week announced another potential multibillion deal – from the Gorgon field – with both Heads of State watching gladly from the wings.

Now, if these are the political considerations shaping the market changes that will take place ahead, what are the key technology factors I referred to?



First – leveraging scale and overcoming a hostile environment. The projects that the gas industry can now undertake are virtually unbounded. A good example is Shell's \$10 billion Sakhalin II project, with its ice-bound offshore platforms, and 600 km pipelines to the ice-free LNG plant, which will process 9.6 million tonnes per year for nearby markets. (Figure 10)

Technology is enabling us not only to do bigger new projects, but also to make the most of what we have. In Brunei, technology improvements have doubled the life of the plant, to 60 years, and increased its capacity by 40%.

A major game changer in LNG is the relentless drive to reduce costs – enabled, largely, by technology. Hand in hand, we have seen plant capacity increase, enhancing LNG's competitive position within the gas mix and the overall energy mix.

"These developments mean no region will be beholden to any one supplier for pipeline gas or LNG, which will help to reduce security of supply risks in an energy-hungry future."

Technology, in the shape of Gas-to-Liquids (GTL), is also now giving gas resource holders a new choice about what to do with their reserves, offering a most attractive route to monetise gas in remote locations.

The world market for the ultra-clean, emission-free liquids produced in GTL is virtually unlimited. With 350 bcm of gas reserves, you could produce enough GTL to fill only 0.5% of the relevant world market. If you produced the gas as LNG instead, you would have enough to supply 10% of the world LNG market today.

GTL is already economically robust below \$20 per barrel. And advances in technology are making GTL more cost effective all the time. I recently returned from Qatar, where Shell signed an agreement build a new GTL plant, on stream in 2009 and producing 140,000 barrels of ultra clean products at a unit operating cost of less than US\$4/barrel. But GTL is only at the beginning of the cost reduction creaming curve which LNG has already gone through, so the netbacks to host governments can be expected to increase with time.

GTL is central to Qatar's gas strategy. Indeed, Qatar has declared its aim to be the GTL capital of the world. This project is therefore a major milestone for both Qatar and GTL. With investment of some \$5 billion, it's the first world-scale plant in an exciting new industry delivering new products with excellent properties. (Figure 11)

This technology gives Qatar and others a new choice. So it changes the game for LNG. And *that* will have repercussions for the whole global gas industry.

Conclusion

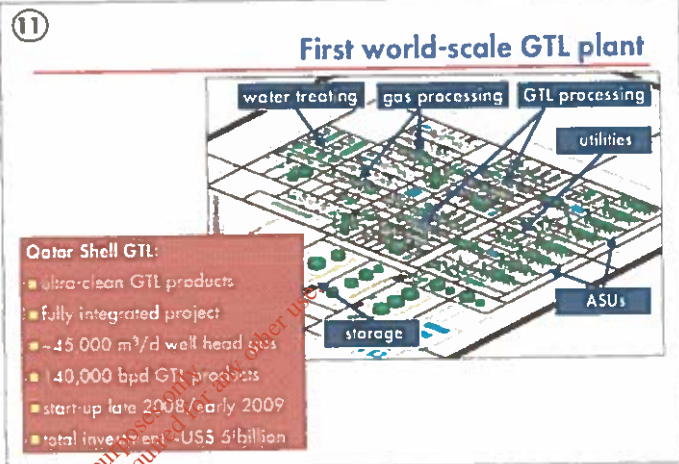
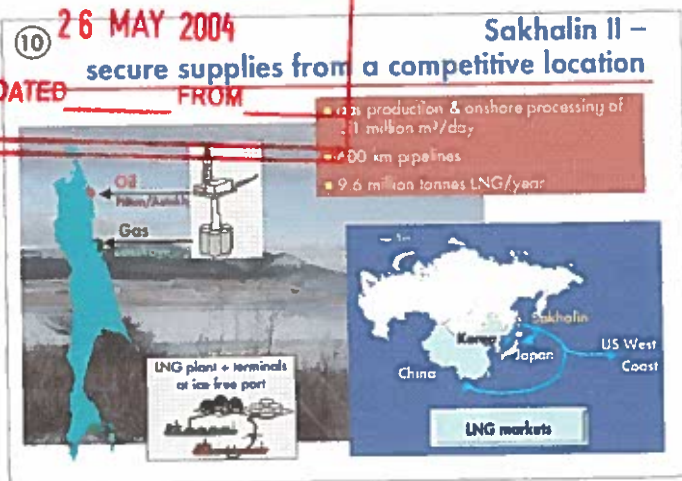
Let me conclude by recapping on my four main points: gas markets are becoming globally connected; LNG is a critical determinant in how that unfolds; we cannot hope that the lessons we learned in oil are all we need to survive; and we

have to recognise the impact political and technological developments will have on market changes going forward.

When we look back, in 20 years' time, I believe three things will have done more than most to change the rules of the game in gas markets as we know them. Those things are: North America's huge demand for LNG imports; the greater competitiveness of LNG due to falling costs; and the impact of GTL as an alternative for monetising reserves, especially in remote locations.

The challenges ahead in gas are considerable. But there is no reason to think that our industry cannot overcome them. And we in Shell intend to be doing just that.

"... three things will have done more than most to change the rules of the game ... North America's huge demand for LNG, the greater competitiveness of LNG due to falling costs, and the impact of GTL as an alternative for monetising reserves."



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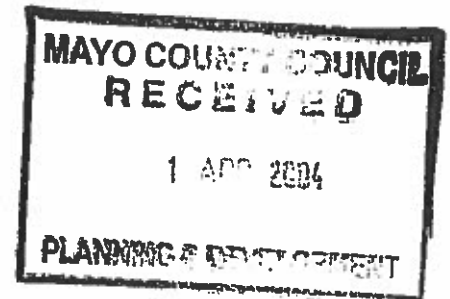
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by identifying the specific company or companies.



Submission



Re

Applicant's Response to MCC Request

for

Significant Further Information

Planning Ref. P03/3343

Planning receipt No. PLAN/0/6532

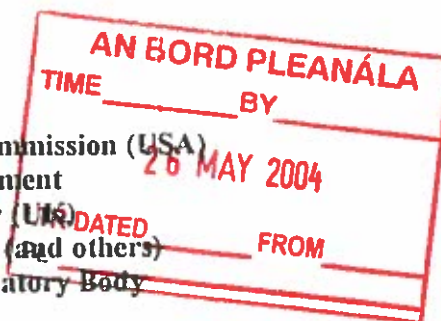
**Submitted by: Maura Harrington,
Doohoma, Ballina, Co. Mayo.**

*Submission 8 pages
Appendices 15 pages
Mail on Sunday Mon. 7 2004*

Glossary

SEC	Securities and Exchange Commission (USA)
USJD	United States Justice Department
FSA	Financial Services Authority (UK)
Euronext	Amsterdam Stock Exchange (and others)
AFM	Netherlands Financial Regulatory Body

KPMG
PwC Price Waterhouse Cooper



I wish to record my thanks to the Senior Planner, MCC, for the verifiable professionalism of his assessment of P03/3343 to date – a trait notably absent at Local Authority level heretofore.

I believe the tenor and content of the MCC Planning request for significant further information re P03/3343 has not been matched by the applicant's response. This is not surprising. It shows that, in one aspect, there is a dire consistency displayed throughout the planning history of the proposed Corrib Project – could be summarised by the acronym SOS – Same Old Shell, Same Old Story, Same Old S**** (in the all-encompassing context of peat, SODS – Same Old Dirty Shell etc. is equally apposite).

A person of high integrity has called P03/3343 an 'affliction' – he's right. It is an affliction for stakeholders and proper planners to once more have to wade through the assumptions, omissions and twittering waddle that best describes the content of Volume 1 and Appendix A most recently visited upon us all by the same Mr. Tom Phillips, TPA & Associates. On a more serious note, the imposition of an affliction has human and civil rights implications and P03/3343 lies indisputably within this area.

So it's once more unto the mire with the following observations. Before doing so, I wish to record the fact that the Co. Secretary, Mr. Condon eventually managed to clarify the closing date for receipt of submissions/observations re P03/3343. This is in contrast to P01/900 when many people, myself included, were given to understand that submissions in respect of this application would be accepted up to 12th September 2001 – by which time, of course, it was already a County Manager/Senior Planner/Frank Fahey *fait accompli*.

Volume 1

Item 1

Is the presentation of 7 grotty-looking photocopied pages gratuitously insulting or just plain stupid? Appended copy of Legal Notice, 31 July 2002 states conditions attached are 'mainly related to the protection of the environment'. Can 'written confirmation' from Frank Fahey and/or PAD PO Michael J. Daly really supercede Seveso II (even with Ó Cúiv 'no other option' rally-call)? While such claptrap was acceptable to the Co. Manager last time round (P01/900), and may or may not be acceptable to him this time round (P03/3343), can it be acceptable – in any verifiable professional manner – to the current Senior Planner?

Item 3

How many tankers? Are they factored into Traffic Management 'Plan'?

Items 4,5

If Mr. Phillips would wish (his wishes having been entertained in P01/900) to treat this planning application as a rather large 'one-off' bungalow in a bog why weren't trial holes dug at the proposed location of the puraflo unit?

(agrément- n. approval by state of diplomatic representatives sent to it-n.pl. amenities, courtesies, charms, blandishments: embellishments, as grace notes and trills (mus)).

Item 10

Is the glorious ecological diversity nurtured between Broadhaven and Tullaghan over millennia really reducable to the badger, otter, hen harrier, corncrake and frog (and frogs don't count)?

Please see appended article 'Warning sounded on decline of species', Guardian download, 26:03:04. Taking into consideration the RSK ENSR high profile per their website www.rskenr.com can they quantify what their 'contribution' – be it small or large - has been to this decline?

Given the apparent disdain/dismissal/contempt/arrogance inherent in all the applicant's forest-loads of paper to date, can P03/3343 be viewed as a sustainable planning option by anyone other than Minister Ó Cúiv, Frank Fahey, Bertie 'Swans and Snails' Ahern and the rest of the Fast Track Brigade?

Item 11

p.3,2nd para 'The areas proposed for stabilisation....as shown on?????

1.4.2 This variation.....such as those being undertaken... SOS/SODS

Is there an example anywhere worldwide of 'stabilised' peat or pile-driven peat supporting a flare stack?

2.2.2 Work not done; still conceptual – SOS etc.

3.3 Hexavalent Chromium? – to use the standard art analogy, I know nothing about hexavalent chromium but I don't like the sound of it!

Please professionally and verifiably assess.

4.3.1 In what way was the chemical composition of the test water different to that of drinking water?

4.3.2 States the 'bleedin' obvious' – any fool knows that a massive industrial assault on a pristine environment will smother, kill or otherwise annihilate species. Is this section to be read as an intention to slaughter and is it thrown down under the aegis of Ó Cúiv & Co.?

Item 12

An incredibly arrogant admission that what reads as a pro forma 'small catchment' computer-modelling system was the only model used for Ballinaboy when the 'other methods' alluded to in passing would, presumably, have yielded more accurate and per standard rationality, a more damaging hydrological/ hydrogeological scenario?

It's all very well to state that Bord na Móna 'design methodology' has been licensed by the EPA – the point at issue is whether complete compliance with all conditions attached to such licences can be demonstrably proven?

Item 13

From its incompetent conception, the proposed refinery at Ballinaboy has displayed distinctly irrational behaviour – couldn't stay still in one place and tried to play peek-a-boo with ABP Senior Planning Inspector. It is direly consistent that the proposed refinery should now be joined by dingbat drains!

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Item 15

First admission in print that site specific rainfall data was collected at Ballinaboy – where is it? how comprehensive is it? how does it compare day on day/month on month/year on year with Belmullet Met Station data? was Ballinaboy rainfall used in pro forma computer-modelling referred to in Item 12?

Where is data for September 2003?

Table 2 would appear to raise more questions than it purports to address. March 2003 is over a year ago – where is the measured monthly data since then – or did it cease in anticipation of the ‘right’ ABP decision?

Item 16

Where will the rainfall run-off from the nice waterpwoof (*sic*) sheeting go to? Is it included in pro forma computer-modelling?

Item 17

What is TPS or CPI sludge?

Where is the location of the ‘Other Permitted Reclamation Site’? What process/procedure was followed to identify and properly, professionally and verifiably assess this site?

Is there a valid waste licence in respect of this ‘permitted reclamation site’? (If there is, is it comparable to the Third Secret of Fatima?).

Item 20

This response produces a nasty sense of déjà vu – one knew the dingy photomontages in P01/900 were ‘wrong’ but didn’t have the technical expertise to say why; at the ABP Oral Hearing it was acknowledged by the applicant that the plates lacked a chromatographic layer. Plates 13.1 and 13.2 do not look as if they were taken from exactly the same location. Plate 13.2 was obviously taken on a fine dry night – why are there no computer-generated images showing the night light diffusion in all wet weather conditions, ranging from fine mist/drizzle to storm driven rain?

I would again point out that the only real model for a proper assessment of the night light pollution from P03/3343 is a comparative study using the GLANCRÉ Teo. plant at Muingmore as a base. The night sky pollution from this particular excrescence is panoramic. Please see appended articles, Irish Times, August 16, 2001; Fintan O’Toole 16:03:2004.

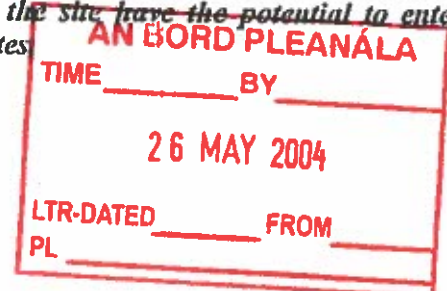
Volume 2

Item 1

The admissions inherent in this response actually strengthen the contentions of those who are genuinely concerned about the effects of deposition of 450,000 m³ of disaggregated peat onto this site. The lower readings produced in times of no Bord na Móna activity at the site is a clear indication that, post cessation of all BnaM activity at the site, the riparian and marine environments heretofore affected by such activities would begin the process of self regeneration. Any proposal which would defer this process, not to mention actually impede it, is inimical to all principles of sustainability in planning.

I submit the following *verbatim* quote from Mr. James Moore, Deputy Regional Director of Dúchas (before it was subsumed) to the ABP Oral Hearing ref. PL 16.126073

‘A hydraulic continuity and vertical leakage between surface, peat and groundwater in clearly identified in these extracts and any liquids entering the site have the potential to enter the groundwater and subsequently the nearby European sites



....I acknowledge the mitigation measures specified in the EIS but in my experience, such measures are never totally effective.

To conclude, I will refer again to your responsibility under SI/94/97:

a Local Authority or the Board, as the case may be, shall...

decide to grant permission... only after having ascertained that it will not adversely affect the integrity of the European site involved

I believe that the Board will be unable to make such an assertion!'

The above statement was made re Ballinaboy – it is equally valid re Srahmore/Attawalla. A copy of James Moore submission is appended for your consideration.

Item 2

Would prefer not to have to translate American dates. Again refer to Item 1, above.

Item 3

3rd para 'The initial process of depositingpeat harvesting process.'

This belongs in the litany of lunacies – anybody who would believe such drivel must live in perpetual fear of flying pigs!

There has already, over the lifetime of BnaM activities, been significant adverse change to Tullaghan Bay. Anybody living in the area, as I have done all my life, or talking to the local communities of Coolaba, Tullaghanduff or Tullaghanban would be only too well aware of that change – which is also illustrated by EPA Reports.

Item 5

A Habitats Map showing the Corrib Project area i.e. from Broadhaven to Tullaghan would be much more interesting to all concerned with the obvious exception of the applicant!

Item 7

Intro. Please specify and professionally, verifiably assess the 'comparable activities undertaken by BnaM in the past'.

4.2 Who attended the Oveenny 'Qualitative Tests' on 27 November '03? Was it, as with so many Royal Dutch/Shell activities, by invitation only? If so, was MCC Senior Planner invited to attend? The prescribed bodies? Stakeholders? If not, why not?

(Purely out of curiosity, what is the location of the 3-mile rough and bumpy pot-holed road upon which the peat was 'driven hard'?)

It comes as no surprise that BH and PF use only initials – if I'd produced such turdsh stuff I'd stick with MH too!

Cumulative Impact 'Response'

'...same nature as those undertaken routinely by MCC' – I doubt it.

4.1.1 Who in MCC 'will adopt suitable traffic management measures'?

4.1.2 Noise is one consideration – post Dooncarton and Derrybrien, what about cumulative vibration impacts? What is the inevitable fate of Glencullen N.S., a fine sample of vernacular architecture? My mother taught in that school as Miss Sweeney (1945/46). The building is now the property of Dr. T.K. Whitaker.

4.1.3 Where is the empirical comparative analysis to support the statement that air quality will still be good in comparison to that of roads through nearby villages and towns?

4.2 Again refer to quote. Item 1.



- 4.3 Does the agreement of the NPWS and MCC with regard to Carrowmore Lake Complex fall under the Third Secret rule – or FOI 10(1)(a) – or can the rest of us see it?
- 4.4 I note the badger, otter, hen harrier, corncrake and frog-who-doesn't-count have been joined by the Greenland white-fronted 'goose. Nothing else remotely interesting between Broadhaven and Tullaghan??
- 4.5 Synergistic/synergistically are not impressive terms
- 4.6 Should we thank the kind 'Sorr's' for acquiring unto themselves the Glencullen road, renaming it a haul road?
- 4.7 Where is/are the waste disposal site/s to facilitate dumping of 41/33,000m³ of waste from Ballinaboy? Who are the 'site managers'? Has the 'pre-emptive' forward planning taken place or is it, like so much else, of the 'wing and a prayer' variety?
- 5 True, cumulative monitoring would occur post a Seveso type catastrophe; TOO LATE.

'Hindsight may make for lofty regret but it is ultimately pointless'

Eileen Battersby, Irish Times, May 2001.

Appendix A

Section 1

p.2 para 2 BnaM 'satisfaction' and proper, verifiable, professional 'satisfaction' with regard to the sustainable incorporated stability of disaggregated peat are not necessarily synonymous – and won't be, I hope.

"living document" is not confidence inspiring.

1.2 The Ballinaboy Bridge site 'designation' was obviously acceptable to Frank Fahey – up to, and including his last day in office; to Mr Mahon/Ms. Gannon (Aug. '01) and to Ó Cúiv and his cronies at the Belmullet Rally, July '03. Such 'designation' has not been acceptable to local stakeholders, to a wide spectrum of non-vested interest groups and to ABP. The current arbiter of 'designation' is the MCC Senior Planner.

p.3 last full para – strains too many faculties to read 'coherent' here; should be deleted.

p.5(i) waste from Ballinaboy to be hauled along L1204 nearly a year after putative start – where would it be stored at Ballinaboy and where is it then going to?

p.6 As an 'artery', the L1204 is not in great shape and, to those with a titter of wit, not even a Maurice Nelligan of the Motorway would be able to do much with it!

3.1 Glencullen road also 'caters' for whole area covering Ballinaboy, Glenamoy, Pullathomas, Rosspoint, Ceathrú Thaidhg and all points NE. BnaM don't use that section of road.

p.9 Interesting to note reference to US Army Engineering Corps PCI methodology – lends credence to the Mad Max logistics which have absolutely no concept of rationality within the reality of Erris.

4.1 p.9,10 points 1-4 give lie to claim of 'routine nature' of proposed road works.

4.5 2 'in so far as is possible' – specify; 3 'would ensure' – how? 4 how? 7 specify.

p.17(b) 'unsuitable materials stockpiling and export' – details and verifiable professional assessment.

p.18 'empty trucks to carry stone in reverse direction' – what stone? where?? in what direction???

5.1.3 Would the demanded upgrade take 10 weeks, 11 weeks, 3 months?

5.2 'various loads which are unavoidably scheduled on top of the average daily peat payload' 'Certified weighbridge' apart, this type of elision must be addressed – what type of loads? what size are they? where are they coming from?

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5.3 60,000 tonnes of unsuitable material is waste, for which a valid waste permit is necessary – throwing it ‘opportunisticly’ into the back of trucks may seem acceptable to those involved in (used to?) such shenanigans but is hardly consistent with good planning practice; the question remains – where are 825 HGV’s per month (for how many months) going to and on whose say-so are they going there?

5.4 On reading, seems as if this is timed for post grant of planning – no other option??

5.4.1 Lunatic Logistics

5.4.2 Can barcode be read through peat/mud coating or are there further employment opportunities for barcode cleaners – and should the indigenous population be forelock-touchingly grateful?

5.4.3 The admission of will to load trucks over self-imposed limit of 10 cu.m can be read as a certainty that this would happen – with what consequences?

5.4.4 Does Garda writ run on ‘haul roads’?

5.4.5 Nothing therein adequately addresses Mr. Francis Murphy.

5.4.6 TES should recommend strewing some brightly-coloured beads and bangles about – *should* adequately prevent theft of cones and barriers by nefarious natives.

5.4.7 Lighting requirements quite necessary to facilitate bead-gathering by natives.

5.4.8 Drivers giving way to laden trucks could be productively occupied in further strewage of beads etc.

5.4.9 Is pacing vehicle included in master plan?

5.4.10 Should the kind ‘Sorrs’ be thanked for allowing the natives out in a minibus occasionally?

5.4.11-5.4.17 Outside the parameters of any rational/facetious/ironic/cynical or polemic comment.

5.5 Found the pacing vehicle!

5.6.1 Post Dooncarton, I don’t believe ‘the Mayo Co. Council’ will indicate a preference for the Inver route to Glengad – particularly if the funds granted to them specifically for the repair of roads and bridges has been expended as specified, which is the least the people of that area are entitled to.

(I wish to record, in the above context, that the Co. Manager appears quite vehement with regard to peoples’ entitlements – his reply to me at 4.50p.m. 17 Feb.’04, when I requested that he sanction the price of a stamp to post copy of any additional information request to all those who had made submissions re P03/3343 was, *verbatim*, ‘They’ll get what they’re entitled to get’.

Considering the further demented volumes of traffic proposed for the landfall assault on Glengad, Sruwaddacon, Rosspart, Gortacreagher, why is no ‘up-grade deemed necessary for the poor old L5244, L1202, L5245 and R313 section?

5.7 There is nothing remotely feasible, achievable or in any way connected to reality in this reckless, demented paragraph.

5.8 Prefer to read ‘centre’ – if proper catering facilities are to be provided at each centre/center of activity, what effect will this have on the much vaunted increase in sales of sandwiches in local shops/pubs which appeared to be the *raison d’etre* for acceptance of this proposed excrescence in the first place?

6 What Safety File? HSA input?? (don’t like the sound of ‘any experience and lessons gained in the initial period will be studied and drawn upon to correct any deficiencies’).

Would you buy a used TMP from this outfit?

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Section 2

In previous and current EIS's it was possible to chuckle gently over the contents of the Leopold Matrix, in essence, a thing of little value and less worth. There is no chuckling over the truly horrifying Risk Assessment Matrix presented here by TES. The allocation of risk ownership in respect of the peat haulage route is the stuff of nightmare. One must, to a degree, acknowledge the brazenness of S/hell legal advice but *why* do they think they can get away with it?

HIGH IMPACT RISK ACCEPTANCE

	MCC	Contractor	BnaM	Shell	MCC/Shell	Con/Shell	BnaM/Shell	Con/BnaM
A	4	2	0	0	1	0	0	0
B	2	0	0	1	0	0	0	0
C	0	4	0	0	0	0	1	1
D	0	0	0	0	0	1	0	0
Total	6	6	0	1	1	1	1	1

The basis for the assumptions on which the likelihood of risk was formulated would be informative. In other words, who carried out a QRA and who evaluated it? That said, of only 4 High-rated likelihoods presented by TES, the proposed ownership appropriation is as follows:

Contractor 1;

BnaM 1;

MCC/Shell 1;

Contractor/BnaM 1.

In this horrendous proposal, it can be seen that S/hell is trying to get away with full risk ownership of ONE High Impact/High Liability item out of a total of TWENTY ONE – not a bad coup, but the success of this is premised on dealing with cretins.

This proposed project guarantees billions to the applicant, millions to the contractor, an ego boost to the management of BnaM and sweet damn all to MCC. An acceptance of such hellish risk ownership could only be construed as either cretinous or criminally craven.

For the record, the ONE Shell appropriated risk (B8, Transitional) states the 'risk' as:

'School bus drivers and pupils are unaware of the scale of the transport operation and fail to commence their own safety measures in the first weeks.'

Is this item born of S/hell experience in Ogoniland and other unfortunate S/hell-smashed places? How many children, if any, have been killed in S/hell operations worldwide? If none, are S/hell implying that Erris bus drivers are stupid/negligent? That Erris children are unused to traffic and that Erris parents would be too busy picking up bloody beads or stealing bloody cones to look after their children?

If S/hell are willing to try to shift the blame for the RD/S 20% downgrade on to the SEC – see appended FT.com download – then what odds would TES offer that S/hell would ever admit any liability in respect of anything that befell the People of Erris or the Place that is Erris. Please also refer to appended Financial Mail on Sunday articles, March 7 2004 – *Raw greed in the African oilfields* and *TAINTED BY POLLUTION AND HUMAN RIGHTS CLAIMS*. ('Erris' Players and 'Erris' Tourism take note).



Only those whose time is consumed by dodging flying pigs would be unaware of the current corporate upheaval within Royal Dutch/Shell. At time of writing, and for some time to come, RD/S shareholders are, and will remain, extremely perturbed. The publication of RD/S Financial Statement is delayed pending issue of joint Auditors Report by KPMG and PwC; the AGM has been postponed from April 23rd to June 28th. Former Shell Chairman Philip Watts is possibly facing criminal charges in the US; he will also be giving a deposition to US lawyers in the class action Ogoni case currently being heard in the US. RD/S is under scrutiny by the SEC, the FSA, AFM and Euronext. The newly appointed Chairman of Managing Directors, Jeroen Van der Veer and the *in situ* Financial Controller, Judith Boynton are 'driven hard' to answer multiple outstanding questions. Please refer to appended Times On Line download and Mayo News De Facto article, 31 March 2004.

Shortly after I downloaded Malcolm Brinded's address to the Oil and Money Conference in November '03 (appended to submission receipt no. PLAN/0/5532) I spoke with a Mr. Binto da Costa who represented himself to me as 'Mr. Brinded's right hand man'. At that time, 14 Nov. '03, I accepted Mr. Binto da Costa's assurance that he knew nothing about the proposed Corrib Project but I did ask that he consider familiarising himself with it. On 19 Nov. '03 Mr. Pyle made an unsolicited phone call to me at my home. Following Mr. Brinded's promotion in RD/S, I again made contact with Mr. Binto da Costa. This time I pointed to the much changed corporate circumstances at RD/S; the fact that a bad stakeholder story was the last thing either shareholders or management wanted at the moment; my belief that the Corrib Project as proposed would lead to the inevitable degradation of a First Class European environment and stressed the fact that Shell E&P Ireland Ltd. had abused and subsequently forfeited the trust of indigenous stakeholders. I requested that Mr. Binto da Costa appraise Mr. Brinded of these comments and further asked that a group from either Shell or Royal Dutch Head Office properly assess this proposed project for the first time. Mr. Binto da Costa refused my reasonable request and referred the matter back to Mr. Pyle. I do not consider this a failure on my part; I view it instead as one more example of typical RD/S duplicity. The reaction by Shell Centre, London to my stakeholder request is a mirror image of the elephantine corporate structure which has left its shareholders howling. In the timeframe within which P03/3343 must be professionally and verifiably assessed, the corporate beast that is Royal Dutch/Shell can most accurately be described as a rogue bull elephant.

In that global context, since Mr. Phillips *et al* have provided little by way of relevance in the local context, I submit that it behoves the Senior Planner to refuse planning permission to P03/3343 on the grounds of rationality, common sense and sound, sustainable planning principles. As stated to the MLVC – and blithely ignored by them – the continued integrity of the Erris region depends on the integrity of those whose duty it is to sustain Erris for future generations.

Maura Harrington.

April 1st 2004 (Fools' Day? Knaves' Day? ~~NOT BODAY PLEASE~~)

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26 MAY 2004

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THE NOTAB SONG.

Enterprise Oil has come calling to make landfall at Ballinaboy,
It's handy for them to save millions; for us it's a cynical ploy.
There's been farming and fishing in Erris for five thousand years or more,
Are we now to allow the free market to dirty and damage our shores?

Chorus

Oh! here's to the people *of Erris*
We've clean water clean air and clean soil.
We've known hard times and forced emigration,
We'll get by without Enterprise Oil.

(And Royal Dutch Shell as well!)

We've been here on the north coast of Mayo forgotten for many's the year
A large blank space in the budgets of Tourism, Trade and Marine.
Now all of a sudden it's changing, but not for the good of our own -
A dirty great Terminal Building they thought we'd accept lying down.

Chorus

We've never been bought by outsiders and we aren't for sale to them now;
We've been here in this corner for ages and we've got things that money
can't own.
Our forebears marched down to Killala to fight against tyranny then -
Do you think that we're now going to lie down, sell our children's future
from them.

Chorus

Our oil and our gas rights are ceded for a fraction of what they are worth,
While the old lie on hospital trolleys and the poor are forgotten or mocked.
The wealth which is ours is extracted and sold back at the full market rate -
Are we still a proud sovereign nation or a sordid brown envelope state?

Chorus

AIR: FIR AN IARTHAIR MEN OF THE WEST.

NOTAB - NO TERMINAL AT BALLINABOY!

MH-2001

Appendices

1. Legal Notice, DCMNR, pub. 31 July 2002, Western People
2. Warning sounded on decline of species
3. Irish Times article, 16 August 2001
4. Fintan O'Toole article I.T. 16 March 2004
5. James Moore submission
6. Ft.com download
7. Mayo News, De Facto, 31 March 2004
8. Financial Mail on Sunday articles, 7 March 2004 *(not included - on P03/3343)*
9. Times On Line download
10. NOTAB Song

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LEGAL NOTICE

DEPARTMENT OF COMMUNICATIONS, MARINE AND NATURAL RESOURCES

1. The Minister for Communications, Marine and Natural Resources hereby announces that the Minister for the Marine and Natural Resources (whose title has now been changed to that of Minister for Communications, Marine and Natural Resources) (hereinafter called "the Minister") has taken decisions as set forth in this notice.

2. The Minister has taken a decision to approve, subject to conditions, the working by Enterprise Energy Ireland Limited and its Co-Venturers of petroleum on an application for such approval for the working of petroleum in respect of which an Environmental Impact Statement was submitted in accordance with the requirements of Section 13A of the Petroleum and Other Minerals Development Act, 1960, as amended. Furthermore, the Minister also made a decision to grant a consent, subject to conditions, to construct a pipeline; the decision to grant that consent was made on foot of an application by Enterprise Energy Ireland Ltd and its Co-Venturers pursuant to Section 40A of the Gas Act, 1976, as amended. An Environmental Impact Statement was submitted with that application. Notice of these decisions is now given pursuant to Section 13A(8) of the Petroleum and Other Mineral Development Act 1960, as amended, and to Section 40A(8) of the Gas Act 1976, as amended, respectively. The above decisions relate to the plan of development for the Corrib Gas Field submitted by Enterprise Energy Ireland Limited and its Co-Venturers and for the construction of a gas export pipeline. The conditions attached are mainly related to the protection of the environment.

3. The Minister has made a decision to grant a Foreshore Licence, subject to conditions, to construct a gas pipeline over the foreshore. The decision to grant that consent was made on foot of an application by Enterprise Energy Ireland Limited and its Co-Venturers pursuant to the Foreshore Act, 1933, as amended. An Environmental Impact Statement was submitted with that application. Notice of the making of the Minister's decision is now given pursuant to Section 21A of the Foreshore Act 1933, as amended.

4. The Minister has also made a decision to grant a consent under Section 5 of the Continental Shelf Act, 1968, as amended to construct, alter or improve any structure or works in or remove any object or material from a designated area of the Continental Shelf.

5. All of the above decisions are made in connection with the Corrib Gas Field off the coast of County Mayo. The decisions by the Minister and information thereon have been placed, and are available, on the website (www.dcmnr.gov.ie <<http://www.dcmnr.gov.ie/>>) of the Department of Communications, Marine and Natural Resources. This decision and information thereon together with The Environmental Impact Statement have been made available and will remain available, until 31st August, 2002 for inspection by members of the public at the Department's offices at Leeson Lane (Coastal Zone Division), Dublin 2 and Beggar's Bush (Petroleum Affairs Division), Dublin 4, at Ballina Garda Station, Ballina, Co. Mayo, Belmullet Garda Station, Belmullet, Co. Mayo, Glenamoy Garda Station, Glenamoy, Co. Mayo and at Bangor Erris Garda Station, Bangor Erris, Co. Mayo.

Department of Communications, Marine and Natural Resources, Leeson Lane, Dublin 2.
July 2002

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The world has changed since you woke this morning

Warning sounded on decline of species

Tim Radford, science editor
Friday March 19, 2004
The Guardian

Scientists have produced the first comprehensive evidence that the diversity of butterflies, birds and plants is in decline in the UK. They say their research supports the argument that mass extinction threatens life on Earth.

In the past 20 years, according to a study in the US journal *Science* today, about 70% of all butterfly species in Britain have shown signs of decline. About 28% of plant species and 54% of bird species also declined in areas studied over long periods. The finding comes from government-funded scientists using data painstakingly amassed over the past 40 years by 20,000 skilled naturalists.

Sandra Knapp, a botanist at the Natural History Museum, said the UK survey gave a crucial message for the world: "The lesson and the warning are there for all to see. Britain, by virtue of its well-known and well-studied biodiversity, is the canary for the rest of the globe.

"This adds enormous strength to the hypothesis that the world is approaching its sixth major extinction event," said Jeremy Thomas of the Natural Environment Research Council, who led the study of butterfly populations. "The others appear to have been cosmic events, either from outer space coming in or some major perturbation - volcanos, whatever - within the Earth. So they are believed to be physical events.

"You could say this latest one is an organic event: that one form of life has become so dominant on Earth that through its over-exploitation and its wastes, it eats, destroys, or poisons the others."

The 600m-year fossil record shows a pattern of continuous evolution and extinction. But naturalists now think that extinction rates are at least 100 times greater than the natural "background" rate because of pollution, habitat destruction, hunting, agriculture, global warming and population growth.

Hard evidence, however, has been based only on research into a small number of species, mainly birds. But birds make up less than 1% of all species, while insects make up more than 50% of life on Earth.

Dr Thomas and his colleagues analysed six surveys recording the presence of almost all of Britain's native plant, bird and butterfly populations in the past 40 years in 10km grid squares.

One third of plant, bird and butterfly species have disappeared from one of the squares they occupied 20 or 40 years ago. About 70% of butterflies show some decline and two species have become extinct.

"We are going to lose a lot of species, there is no doubt about that. It is accelerating, this decline, for a lot of species and we are going to lose more than we have lost in the last 20 years. And it is just going to go on and on. But it is not all bad news, because the conservation bodies have done wonders," Dr Thomas said.

A second study in *Science* showed that pollution by nitrogen compounds, from industry and agriculture, could be linked to the loss of species from native grasslands.

Carly Stevens, a PhD student from the Open University and the NERC centre for ecology and hydrology in Huntingdon, examined 68 sites and found that rising levels of pollution by oxides of nitrogen and ammonia threatened 40% of selected native grass and plants.

Where nitrogen levels were low, plant variety increased. Where they were high, the number of species in any patch of grass was reduced. Although nitrogen is a fertiliser, many plants flourish best in poor nutrient conditions, and these were most threatened by increasing nitrogen levels from car exhausts and intensive livestock farming.

file://C:\WINDOWS\Desktop\ownworkplus\Guardian%20%20Warning%20sounded%2... 26/03/04

AN BORD PLEANALA

26 MAY 2004

PL

TODAY



Contact Science Today by
emailing Dick Ahlstrom,
Science Editor, at
dahlstrom@irish-times.ie

Bright light pollution is depriving Europe of dark sky

The sky at night is progressively getting brighter as light pollution spreads over Europe, writes Peter Foote

ONLY one in a hundred people in western Europe can expect to see a truly dark sky when they look upwards at night, even on a clear night. The picture is the same in the USA. Many of us are being deprived of the spectacle of the Milky Way and some of nature's other night-time shows.

This is the result of light pollution. It spills from our towns and motorways and is revealed in the *First World Atlas of Artificial Night Sky Brightness* by Dr Pierantonio Cinzano of the University of Padua in Italy. The atlas will be published in the *Monthly Notices of the Royal Astronomical Society*.

"Large numbers of people in many countries have had their vision of the night sky severely degraded. Our atlas refers to the situation in 1996-7. It is undoubtedly worse today," said Dr Cinzano.

Over 99 per cent of EU US populations and two-thirds of the world's population suffer light pollution. In the regions of highest population in the affected countries, the sky is always brighter when there is a half moon. For some, the sky never grows darker than a "nautical" twilight — on a clear evening when the sun slipped below the horizon but night has yet to darken, a period of between 40 and 80 minutes.

To produce their atlas of sky brightness, Dr Cinzano and Dr Chris Elvidge of the National Geophysical Data Centre in Boulder Colorado used satellite images to show artificial lights on night-time Earth, combined with computer modelling.

"We take the satellite data and

then use an atmospheric model to calculate the downward scatter of light back to the ground," Dr Elvidge said. The team are working on further improvements which take into account other factors such as terrain and air-moisture. They claim the adverse effects of light pollution have not been fully studied because, until now, the comprehensive data has been lacking.

It is not just stargazers who may suffer from the lack of nocturnal blackness. Invasive lighting spilling from uncaring neighbours is a cause of stress. Add to this, environmental damage is caused by excessive demand placed on electricity to keep lights burning.

Darkness is a stimulant for some of the body's natural defences. Melatonin is a powerful agent in fighting disease such as breast and prostate cancer, and the body produces it in the absence of light.

Outdoor light pollution could be a factor but Dr Elvidge said: "Probably most people would be more affected by indoor lighting which is much stronger."

These islands fare better than most of Europe in terms of light pollution, according to the atlas.

Most of England and Wales suffer light pollution up to nine times the natural levels, the west of Ireland and north-west Scotland have large tracts that are virtually unaffected.

Image credit: P Cinzano, F Falchi (University of Padova), CD Elvidge (NOAA National Geophysical Data Centre, Boulder, Colorado). Copyright Royal Astronomical Society, reproduced from the *Monthly Notices of the RAS* by permission of Blackwell Science

Europe's light pollution hot spots in an artificial night sky atlas by Dr Pierantonio Cinzano of the University of Padua in Italy

AN BORD PLEANÁLA
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Opinion & Analysis



Fintan O'Toole

Bulldozing history and landscape

A hundred years before the birth of Christ, the Greek writer Diodorus Siculus wrote of an island far to the north of the Mediterranean world. Drawing on now-lost accounts which were hundreds of years older still, he described this island with a "mild climate" which lay "beyond the domain of the Celts".

Here, he claimed, was the birthplace of Leto, mother of the sun god Apollo. For this reason, he wrote, the sun god was venerated there in a "splendid enclosure" which contained a round temple. His account hints at a cult of rebirth involving the sun, the sky and the wind in a mythic ritual of impregnation and regeneration.

Diodorus's account may have nothing whatsoever to do with Ireland and Newgrange. But it just might be a translation into the terms of Greek myth of what were even then ancient rumours of the great round temple that is penetrated by the sun during the winter solstice, giving birth to a new year and renewed life. Since the sacred complex in the Boyne Valley was as ancient in Greek times as the ancient Greeks are to us, it is not at all fanciful to think that some knowledge of its cults and power had made its way into the classical cultures of the Mediterranean.

Move forward 2,000 years and there is another extraordinary testimony to the radiant potency of the culture whose holy places stretched between the Boyne Valley and Tara. Everyone now knows about the sun's entrance into the Newgrange tomb.

But when the site was being excavated in the 1950s and early 1960s, there was no reason to suspect such a thing. The occurrence is unique to the place, and the aperture which allows the light to enter had been hidden for at least a thousand years. Yet the archaeologists who were conducting the excavation were told by locals that some such phenomenon was connected with the mound. A vague but truthful memory had lingered over generations.

Does any of this matter? Not in the straightforward, simple sense that getting to work and earning a living and coping with the stress of contemporary life matters. It doesn't put food on the table or money in the bank.

But in a broader sense, it is important. Some kind of respect for the wonder and fragility of human survival has become almost as necessary to us as food and shelter. We can no longer take our species for granted and we need to be reminded of that fact or else risk extinction.

And it matters in a more local way, too. A society that has changed as rapidly as ours and that has such an awkward and unresolved relationship to its history needs to be reminded that the past is both long and deep and that nothing ever really goes away. Adopting the way archaeologists view the world – as a set of layers, some closer to the surface than others – is the only healthy solution to our society's neurotic swings between obsession and amnesia.

All of this is a way of saying that the plans to drive a big motorway through this sacred landscape are the epitome of the crass, vulgar values that now holds sway here. The M3 will not go through the Boyne Valley, but it will bisect the spiritual centre of the world of those who built and used the Boyne Valley

A huge 34-acre floodlit junction a kilometre from the Hill of Tara

monuments. It will include a huge 34-acre floodlit intersection a kilometre from the Hill of Tara which has been, as Dáithí Ó hÓgáin puts it, "a sacred centre from time immemorial".

As a stellar array of national and international scholars wrote in a recent letter to *The Irish Times*, the Tara/Skryne valley which will be cut in two by the toll road, is "one of the most culturally and archaeologically significant places in the world... it holds a special key to understanding the continuous progression of European civilisation".

The motorway will be of dubious value, and a number of perfectly sensible alternatives has been put forward. But it will be a nice little earner for private investors. The taxpayer will put up at least half of the €680 million cost, but whoever puts up the other half will get a 30-year licence to charge two separate tolls along its 47-kilometre length. The profits will be vast – probably double the size of the investment.

The decision to press ahead with this monstrosity is in itself an eloquent statement of contemporary Irish values. A few decades ago, there was a living memory in Co Meath of things that stretched all the way to prehistoric times.

Now, memory itself – the sense that there are layers of meaning both literally and metaphorically beneath our feet – is a bloody nuisance. There is money to be made and the prospect of cutting a few minutes off a journey. Anything else is an irrelevance. People, history, cultures, landscapes, the delicate web of connections that binds us to one another and to the earth, are so much debris to be bulldozed aside.

When the Taoiseach loftily dismisses all infidels to the great god of motorways as "swans, snails, and people hanging out of trees" he gives voice to a deep contempt for anything that can't be measured in tonnes of concrete and loads of money.

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Dúchas The Heritage Service

An Roinn Ealaíon, Oidhreachta, Gaeltachta agus Oileán
Department of Arts, Heritage, Gaeltacht and the Islands

National Parks & Wildlife
Lagduff More
Ballycroy
Westport
Co. Mayo.

Phone: 098-49996
Fax: 098-49997

An Bord Pleanála

18.02.2002.

Re: **Planning Application** Reg. Ref. 01/900 by Enterprise Energy Ireland Limited to Mayo County Council for permission for gas reception and treatment facilities and associated works at Bellagelly South, Bellanaboy Bridge, Belmullet.

Submission of James Moore, Deputy Regional Manager, National Parks and Wildlife Service, Dúchas The Heritage Service.

INTRODUCTION

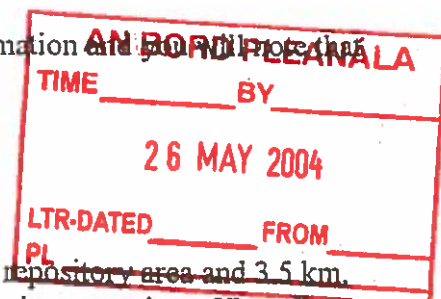
I am concerned that this proposed development, may, during the construction phase, have a significant adverse affect on three "European sites" namely: Glenamoy Bog Complex (Sruwaddacon Bay), Carrowmore Lake and Broadhaven Bay. The map attached indicates sites designated as Special Area of Conservation in Mayo, Galway and Clare. The site codes are as follows: Glenamoy Bog Complex, 0500; Carrowmore Lake Complex, 0476; Broadhaven Bay, 0472.

These three sites are designated candidate Special Area of Conservation and Special Protection Area. These designations are made under COUNCIL DIRECTIVE 92/43/EEC and COUNCIL DIRECTIVE 92/42/EEC otherwise known as the Habitats Directive and Birds Directive. In the context of the Habitats Directive such sites are referred to as "European sites". These directives were transposed into Irish law on 26 February 1997 by the EUROPEAN COMMUNITIES (NATURAL HABITATS) REGULATIONS, 1997; STATUTORY INSTRUMENT 94 of 1997.

Information on RAMSAR sites is attached for your information and you will note that RAMSAR sites have no legal protection in Ireland.

CONCERNS

Carrowmore Lake is 4 km. distant from the northern peat repository area and 3.5 km. distant from the main site. Sruwaddacon Bay, which is the inner portion of Broadhaven Bay, is 1.5 km. distant from northern peat repository area and 2 km. distant from the main site.



The National Parks and Wildlife section of Dúchas The Heritage Service, is the statutory body with responsibility for nature conservation and is obliged to protect such sites. Sole responsibility does not rest with the National Parks and Wildlife Service however, under Part 4 of S.I. 94 of 1997 specified Government bodies also have certain obligations. Section 27(3) specifically relates to local authorities and An Bord Pleanála and states:

'a local authority or the Board, as the case may be, shall, having regard to the conclusions of the assessment to which paragraph (1) relates, decide to grant permission for the proposed development only after having ascertained that it will not adversely affect the integrity of the European site concerned'.

Included in further information received by Mayo County Council and passed to us was a Hydrology and Geohydrogeology Report. That report identifies permeable deposits such as sand, gravel and sandy clay from 1.5 – 5m deep. These lie beneath peat, much of which is also permeable, (Appendix L).

Section 5.2 refers to new peat repository site and states:

'Presently the site is underlain by peat and sandy gravelly clay over weathered bedrock (occasionally weathered to a sand) which in turn overlies unweathered bedrock. Shallow groundwater is likely to flow principally through a thin shallow peat horizon probably towards the nearest drain. Deeper groundwater is likely to flow through the sand (completely weathered bedrock) where present and through weathered bedrock towards the northwest, northeast and southeast (the lowest parts of the site) where it probably emerges as baseflow in the Connamoy river and Sruwaddacon Bay'.

Other water discharge features include a layer of weathered rock, which according to section 9.9.3 of the EIS:

'It is considered that this layer may act as a preferential horizontal pathway for groundwater beneath the site'

A "hydraulic continuity" is also described in section 5.1 of the Geohydrology report, which states:

'The presence of a significant thickness (~5m) of saturated peat will at least partly replenish of deeper groundwater as a result of vertical leakage'.

This information, provided by the applicant, does not alter my concerns, indeed these extracts would appear to confirm them.

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CONCLUSION

A hydraulic continuity and vertical leakage between surface, peat and groundwater is clearly identified in these extracts and any liquids entering the site, has the potential to enter the groundwater and subsequently the nearby European sites.

I believe that surface water and groundwater from the site will discharge from the site via drains, streams and rivers and especially via permeable deposits. Any liquid pollutants occurring within the site would therefore constitute a threat to the European sites.

These pollutants may typically include diesel, oil, lubricants, hydraulic fluid, detergents, chemicals, phosphates and nitrates. The source of such pollutants could realistically be an accident, a burst pipe, poor maintenance of machinery, phosphate mobility, inadequate number of chemical toilets, poorly maintained chemical toilets, negligence and human error. I acknowledge the mitigation measures specified in the EIS but in my experience, such measures are never totally effective.

To conclude, I will refer again to your responsibility under SI/94/97:

'a local authority or the Board, as the case may be, shall, having regard to the conclusions of the assessment to which paragraph (1) relates, decide to grant permission for the proposed development only after having ascertained that it will not adversely affect the integrity of the European site concerned'.

I believe that the Board will be unable to make such an assertion!

END

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Shell plans to deflect blame over reserves

By Carola Hoyos in London and Adrian Michaels in New York

Published: March 28 2004 21:49 | Last Updated: March 28 2004 21:49

Royal Dutch/Shell, the global energy group, is preparing to insist the company was not at fault when it wrongly booked 3.9bn barrels of oil and natural gas. It will claim instead that it was the victim of ambiguous US regulations.

The defence strategy is expected to focus on the Securities and Exchange Commission's rules governing the accounting of proven reserves. The rules date to 1978 and have become more challenging to interpret in light of new technologies and a more active futures market. The SEC has updated the industry on interpreting its regulations at least four times since 2000, and has discussed the issue with companies in private.

Shell would insist it took appropriate measures when the SEC's guidance made it aware of possible problems, people close to the company's defence said.

People following the controversy say the regulations on reserves leave room for manoeuvre and that Shell may have some success in shifting blame.

But they added that Shell's proposed strategy would be difficult to maintain if deeper executive wrongdoing was uncovered or large-scale reserve miscalculations were found to have been reported for a significant period.

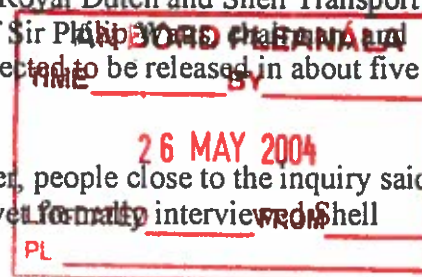
The report of an internal audit committee will be central to Shell's ability to shift part of the blame to regulators. If the panel finds evidence that the company was aware of problems long before it made them public to investors on January 9, lawyers may have to change the approach.

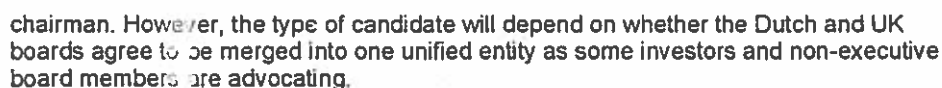
That report - whose preliminary findings prompted the boards of Royal Dutch and Shell Transport and Trading, the parent companies, to demand the resignations of Sir Philip Barlow and Walter van de Vijver, head of exploration and production - is expected to be released in about five weeks, according to company officials.

The SEC does not comment on individual investigations. However, people close to the inquiry said the US regulator was still at an early stage in its work. It has not yet formally interviewed Shell officials.

Shell is being investigated by the SEC, the US Department of Justice and UK and Dutch regulators. It also faces private lawsuits after it reduced its booked proven reserves by 20 per cent in January, explaining that they had been prematurely booked with the SEC as proved and ready to develop.

Jeroen van der Veer, Shell's new chairman, has denied knowing the extent of the reserves problem, but said he was aware of some exposures on reserves bookings. Mr van der Veer, who was head of <http://financialtimes.printthis.clickability.com/pt/cpt?action=cpt&title=Shell+plans+to+d...> 29/03/04





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Shell's reserves and reservations

SHELL RESERVES

SHELL is battling on a few fronts this weather. The Corrib project is ongoing but one has to ask, for how much longer? Will the new men at the helm of Shell make changes? Will Corrib be deemed too costly for the future of Shell? They reclassified their reserves at the start of the year after they discovered they had overestimated by 20%. That amounted to just under 4 billion barrels of oil. In typical Shell style the mess did not end there. They have now reclassified almost a further 500 barrels of oil, wiping them off their reserves. Their auditors have refused to sign off on the accounts. Investigations have been mounted by state agencies in three countries and they have lost their chairman, Sir Philip Watts, and Walter van de Vijver, their head of exploration and production. Both have walked the plank in the past two months.

LOCAL POLITICS

SHELL has a huge local interest with the Corrib gas project. Their latest (third) planning application for a gas refinery at Bellanaboy in north Mayo is currently being considered by Mayo County Council. The council requested further information in February on the application submitted last December. That further information was furnished in two x A4 folders dealing with the questions raised by Mayo County Council. One of the folders is devoted to a Traffic Management Plan for the project, which, incidentally, involved moving around 100,000 traffic turning movements as ~50,000 cubic metres of peat is removed from Bellanaboy to Shramore on the outskirts of Bangor. The Castlebar office of the Galway firm, Tobin Consulting Engineers prepared the Traffic Management Plan. Traffic Management Plans are not new to this project—at least on paper. One was to have been prepared for the last planning application but attempts by several people to view the document have failed—nothing to do with eyesight, less to do with hindsight but more to do with insight. Perhaps the powers that be in Mayo County Council and Shell would oblige with a copy—if it exists at all.

For those with the stomach for same, the further information supplied is best ingested along with a helping of a report submitted as an objection to the Bellanaboy refinery project by a local firm man, Brian Coyle, who runs his own engineering company in Galway. He has produced a report that deserves a widespread readership, especially in Mayo. Too many people are accepting, without question, the words of those promoting the project. Brian Coyle raises a series of questions about the whole project—why is an onshore terminal being proposed for this development? There is no precedent for such a development. Why is Shell now proposing to remove up to 450,000 cubic metres of peat from the site? Their earlier applications rule this task out! This type of work was never carried out before. Even with the involvement of Bord na Móna in this part of the project there is no precedent for this because it has never been done before. Why is Bord na Móna getting so involved? Who will be responsible if pollution results from removing this peat and it runs into the waters surrounding Shramore and the salmon spawning grounds. Is there a history of Bord na Móna 'carelessness' with peat depositions causing silting in various areas? Has the area near Shramore already been affected by silting? If there is a pollution problem and the blame lies at the door of Bord na Móna, does that mean that the taxpayer is ultimately responsible? It was bad enough to have allowed Ray Burke and his ilk to sign over national assets to foreign based multi-national companies for nothing. It would be preposterous to have to end up bankrolling another multi-national for mistakes carried out by a state sponsored company. Will we ever learn?

INTERNATIONAL POLITICS

WITHOUT even getting into the history of Shell and the Ogoni people in Nigeria and the subsequent deaths of several people, the next

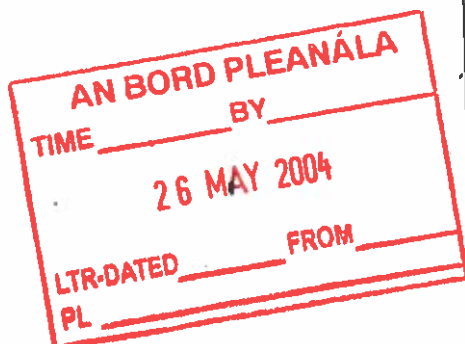


round of responsibility falls to various state agencies after auditors KPMG refused to sign off on the Royal Dutch Shell accounts. KPMG is worried about "the quality of information" it had received. KPMG also has responsibilities as an auditing company. The Securities and Exchange Commission (USA) is investigating Shell's conduct in the 'reserves' affair. Three countries—Britain, Holland and America—are now carrying out formal investigations into the way Shell carries out its business. The American Justice Department is also carrying out an investigation. There is talk of class actions by shareholders in America. One source claimed that the actions for damages could be "billions of dollars." The Dutch investigation centres on charges of insider trading. It has also emerged that the Dutch royal family has lost a few bob since Shell's share price came tumbling down—over €370 million at the last count. It has plummeted from 640p in 2001 to 320p this year. The worst may not be over yet. The source of the problem is understood to be Nigeria although Shell claims it is a field in Norway where oil stocks were over-estimated. Nigeria offers a generous tax concession to exploration companies based on the amount of their stated reserves in the country. The higher your reserves the better your tax concession. Someone in Shell overstated the Nigerian reserves. Now all the authorities are looking for a slice of the action to ensure that (another) multi-national scandal is cleaned up in the wake of Enron and Parmalat.

SHELL RESERVATIONS

THERE are a few significant dates lighting up the Shell calendar for the next few months. The one shareholders fear is that any day there could be an announcement of further reclassifications of reserves. The accounts, due on March 19th with the annual report, have been deferred until the end of May. The annual general meeting of the group is due to take place next month but that too has been delayed. It is now expected on June 28th. The new chairman, Mr. Jeroen van der Veer, will earn his keep over the next few months if he wants to keep this company on the straight and narrow.

There are other dates of note to the company also. April 1st—April Fools' Day—is the final date for submissions by the public on the further information in relation to the Corrib project. The due date for a decision on the project from Mayo County Council is May 8th. The *Guardian* newspaper recently reported that according to Mr. Fadel Gheit, oil analyst with Fahnestock and Co brokerage in New York, "It's become another day, another crisis with Shell. There are only so many surprises that investors will take and yet management (of the company) still seem in denial." A complete study of all Shell's reserves is being undertaken by Ryder Scott, an American consultant. This study is to be carried out with the guidelines of the Securities and Exchange Commission's guidelines in mind. He has not completed his task as of yet. The end of April is the date set for the completion of the reserves update. One wonders will we get an accurate picture of the reserves of gas in the Corrib field. Shell appears to have taken the 'reserves' details relating to the Corrib off its website. Shell has also announced the sale of its gas network in Mexico. If Shell off-loads Corrib, which is a possibility, here's hoping that the new buyer will develop the Corrib gas field offshore.





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March 21, 2004

Why we still can't be sure of Shell

A shake-up has been launched after the oil giant downgraded its reserves for a second time. Lucinda Kemeny reports ▶

MALCOLM BRINDED certainly knows how to keep calm in a crisis. As the recently crowned head of Exploration & Production (E&P) at Royal Dutch/Shell, the British engineer clearly has faith in his ability to handle an audience.

Even with the constraints of working for a company that verges on the paranoid in its dealings with the outside world, last Thursday's gathering on the 23rd floor of Shell Centre let Brinded show off in the way that he obviously loves.

Forty journalists and analysts packed the meeting room and another 350 listened in on a conference call as Shell called a meeting to elaborate on yet another bombshell.

Yet despite the fact that Brinded and his new boss Jeroen van der Veer are involved in a huge crisis, they both managed to crack a joke or two. "I hope that we don't lose a third head of E&P in short order," said Brinded.

Brinded's two predecessors in E&P have just lost their jobs. Sir Philip Watts and Walter van de Vijver were sacked two weeks ago after they lost the confidence of their boardroom colleagues. Watts had become chairman but he was damaged by his past responsibility for finding new reserves.

And that is not the only reason why the background to the meeting was anything but funny. A press release sent out just after midday confirmed that 470m barrels of oil would be wiped off Shell's proved oil reserves, on top of the 3.9 billion barrels that were recategorised from proved in January.

Not only that, but the 2003 results, which were due to be released last Friday, have been put back until the end of April while the annual meeting, scheduled for April, is now expected to be held on June 28.

One analyst said: "This is a company with good assets but a management team that does not know what it is doing."

The timing could hardly have been worse. Having sacked Watts and Van de Vijver, now should have been a time for rebuilding Shell's reputation:

Van der Veer and Brinded tried to stop people dwelling on the bad

**SPRING IS
IN THE AIR**

news with fighting talk. Van der Veer said: "We will be very sure that we will never drop this bomb again."

Both painted visions of a future Shell untainted by problems in replenishing its oil production and where a string of corporate-governance changes would make all the difference.

All would become clearer within weeks when Ryder Scott, a group of consultants that is reviewing Shell's entire oil portfolio, will complete its work, they assured.

Some analysts even left feeling upbeat. But Shell's share price told the real story. It ended the day down in both Britain and America, where an estimated \$2.5 billion (£1.4 billion) was wiped off the company's market value.

With the Securities and Exchange Commission (SEC) and Justice Department in America, not to mention the Financial Services Authority in Britain and the Dutch regulator also raking over the coals, anything could happen.

One thing is almost certain, however. There will be more bad news, and when it comes, the question must surely be how long the Shell board can survive the shocks.

SHELL used to be known as the most conservative of oil companies. Inward-facing and consensus-driven, a plethora of management committees grew up — and they made sure everything was done by the book.

But in the mid-1990s something went wrong. Shell stopped being as successful at finding oil and gas. It was exploring too many sites, many of which were too small to be meaningful to the balance sheet.

This scattergun approach had got BP into trouble a few years earlier, but instead of a strong leader like Lord Browne arriving and scrapping the loss leaders, Shell carried on, wasting time while its rivals took the lead.

According to internal documents leaked to the media, Shell executives studied the problem and came up with a simple answer — relax the rules used to assess energy finds. This way it could overstate or prematurely book reserves as "proven", which the SEC defines as reserves that can be recovered with "reasonable certainty" through existing wells.

The structure of the business meant the change would have gone unnoticed by most staff unless they were directly involved. There was no standardisation of reserve bookings across the company, no regional challenging of reserves figures through the reporting system and limited use of external auditors specialising in the oil sector to support the numbers being produced.

Shell's management structure appeared to be so decentralised that business units seemed able to be run as mini-fiefdoms. This was particularly true of Exploration & Production.

January's reclassification of 20% of its oil and gas reserves was blamed in large part on overbooking in developments such as Nigeria and Ormen Lange, a gas field off the Norwegian coast.



But it has since been revealed that management either tried to conceal the problem or failed to recognise that it was breaking SEC guidelines.

Documents uncovered by American newspapers allege that an internal study late last year revealed that 1.5 billion barrels or 60% of its Nigerian reserves did not meet SEC accounting standards as "proven". But these papers recommended that the details be kept secret for fear of damaging the company's relationship with the Nigerian government. It was decided that any reclassification should not be publicly identified with the country.

Shell may have had reasons other than politeness for keeping the details quiet.

The Nigerian government offered oil companies tax breaks from 1991 to 1999 for oil-reserve additions — or any oil reserves added over and above what they expected to find. Since Shell was one of the biggest explorers in the region, it accumulated about \$385m in so-called "bonus payments". Shell is now in talks with the government over the money.

This is not only highly embarrassing but comes at a time when Nigeria wants to increase production, and this could severely strain Shell's relationship with a country that has been largely untapped in oil terms.

Ormen Lange is no less worrying. Having already contributed to the downgrade in January, Thursday's announcement was driven by yet more problems being uncovered there.

Brinded explained that a review of compliance with SEC rules by Ryder Scott had revealed that Shell had used technology, including 3-D seismic mapping, to determine the volumes of reserves in some areas, most notably in Norway.

"While useful, this is not in accordance with SEC guidance and it should not have happened given the attention that this field had received," he said.

While the impact on earnings is minimal — at about \$20m, Ryder Scott has analysed only 40% of the company's reserves and more bad news could be on the way. Fadel Gheit, an oil analyst with Oppenheimer in New York, said: "It will be like a slow haemorrhaging."

THE question is, did management knowingly cover up the scandal? Internal papers suggest that at least Van der Veer and Judy Boynton, the finance director, knew of the depth of the problem.

But Van der Veer was adamant that he did not. "I knew we were low on reserve replacement. That is not the point. The underlying question is did I know about incorrect bookings in SEC returns? The answer is that I did not," he said.

He insisted that the matter of reserves, which can be booked under many categories, is not a precise science and that the company was in regular contact with the SEC over what he termed "exposures", which was left to the Exploration & Production people.

"You know as a director that there are reserve figures and there are



processes going on around that. But (although) we have a committee of directors, that does not mean that every director is doing everything. Reserves are seen as something for E&P to manage," he said.

One analyst responded that it was "staggering" that Van der Veer, in his role as head of the chemicals business and therefore a key member of the executive team, appeared to say he had no idea about how the reserves were being booked.

But whether he knows or not, the regulators and American lawyers preparing class-action lawsuits intend to find out.

The SEC started its own inquiry weeks ago and the Justice Department has also begun a probe of whether Shell misled the market. This could expose Shell to criminal charges.

The Financial Services Authority and Euronext, which has the Amsterdam Stock Exchange as a member, are also in correspondence with the company.

Van der Veer denied any knowledge of a criminal probe on Thursday, but the company has admitted that the AFM, the financial regulatory body in the Netherlands, has opened an investigation about potential insider trading. One oil specialist said: "The non-executive directors are freaking out."

FOR NOW, investors and shareholders are still prepared to offer the company some benefit of the doubt. They understand that last week's announcement was coupled with a raft of corporate-governance improvements, including clearer reporting lines direct to Boynton and that the committee of managing directors, the highest executive group within the company, is to sign off reserves each year.

They are also aware that Ryder Scott and the company's own staff are labouring round the clock to make sure that there are no more skeletons in the cupboard.

Tim Rees of Insight, one of Shell's biggest shareholders, said: "Analysts and investors were completely wrong-footed on Thursday, and there is even less love for the company as a result. But this is unsurprising. Shell needs to be ultra-conservative and publicly transparent about what it finds."

But shareholders want more. They are meeting Lord Oxburgh, Shell's non-executive chairman, tomorrow to demand headhunters be appointed to find an outsider to run the company.

Van der Veer may have done some tinkering, but they want more, and while Shell has said publicly that no wholesale changes will be decided before next year, that may be too late.

Only one thing is certain. Shell's top executives will need all the sophistication and humour they can find to keep the audience happy.



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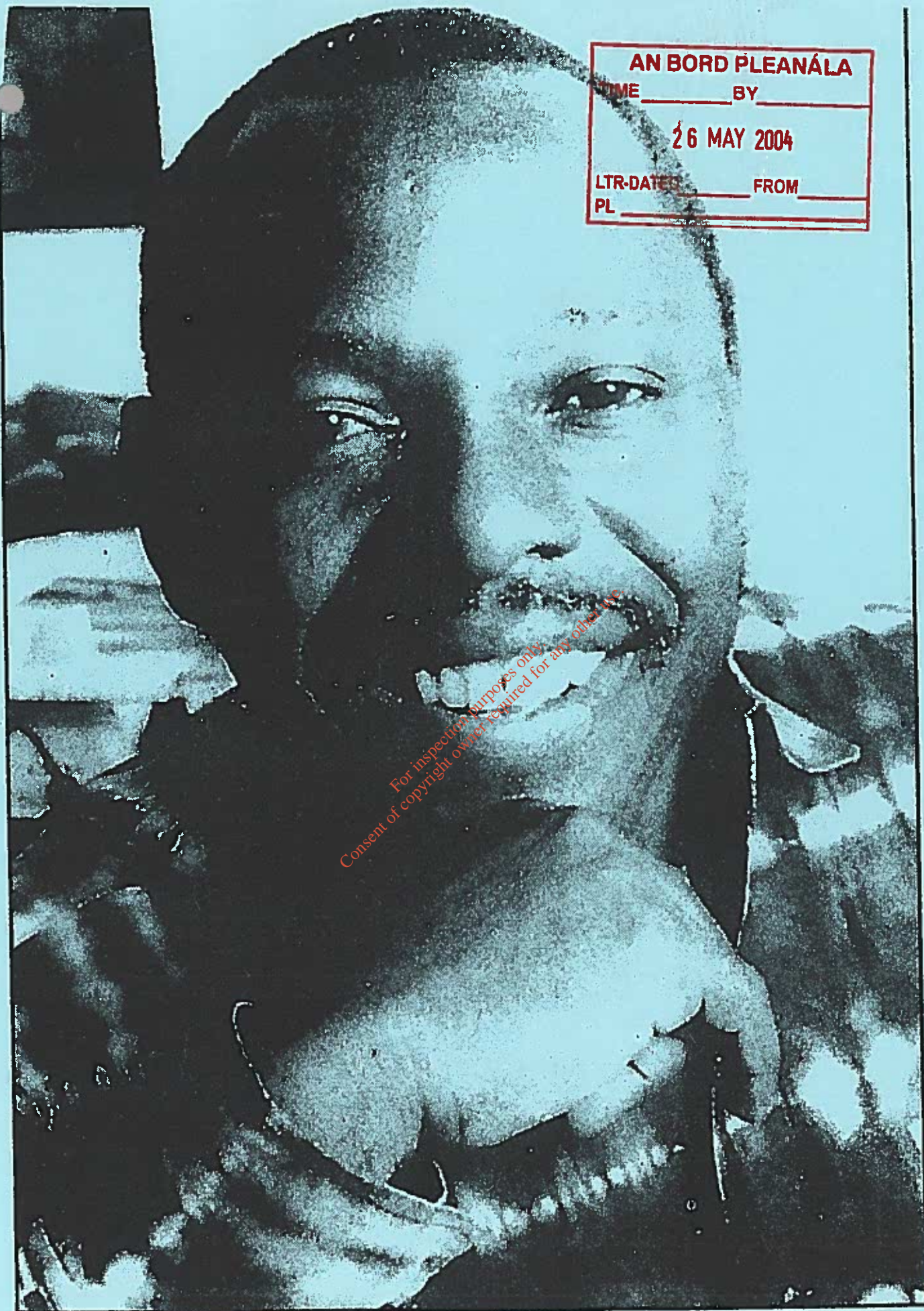
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of this Appeal or in the tedious
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Thank you.

Please understand that I believe
this is a grievance inflicted upon
us by a State / Corporate nexus.

Thank you for your forbearance.

Paula Harrington.

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KEN SARO-WIWA (1941 — 1995)

FIRE

*There is a fire in me
Burns all night and day
Flares at injustice
Leaps at oppression
Glow warmly in beauty.*

THE LONE PROTESTOR

*The lone protestor is a voice
inconvenient to the gilded ears
of policy makers in the rarified air
Of marble rooms in London and Rotterdam
To be muzzled with money, guns or both
Or shut in prison where silence locks doors
And windows day and night and throws
Away the key into history's incinerator.*

Ken Saro-Wiwa