

File With Section.

SECTION 131 FORM

Appeal NO: PL 16.207212.Defer Re O/H ☐

TO:SEO

Having considered the contents of the submission ~~and~~ received 12/07/04. fromEamon Ryan. I recommend that section 131 of the Planning and Development Act, 2000☒ not be invoked at this stage for the following reason(s): No new issues.E.O.: Kieron Smeyers.Date: 13/07/04.

To EO: _____

Section 131 not to be invoked at this stage. ☒Section 131 to be invoked – allow 2/4 weeks for reply. ☐S.E.O.: M. DulaDate: 13/7/04

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____

Allow 2/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File with Section

OBSERVER FORM

Appeal No: PL 16.207212.

S.37

Received: <u>12/07/04.</u>	Date Appeal Lodged: <u>19/05/04.</u>
	Date Last Appeal Lodged: <u>27/05/04.</u>
	Date of E.I.S. Publication: <u>14/06/04.</u>

Name: <u>Eamon Ryan</u>
Address/Agent: <u>Dail Eireann</u>
<u>Kildare Street, Dublin 2.</u>
Status: Invalid – (insert reason):

VALID	INVALID
M: <u>r Fagan</u>	
1. Acknowledge with BP <u>40.</u>	1. RETURN TO SENDER with BP _____
2. Keep copy of Board's letter <input type="checkbox"/>	2. Keep envelope <input type="checkbox"/>
3. Prepare refund form <input type="checkbox"/>	3. Keep copy of Board's letter <input type="checkbox"/>
	4. Prepare refund form <input type="checkbox"/>

Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) Mapping <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/> _____	RETURN TO EO <input checked="" type="checkbox"/>
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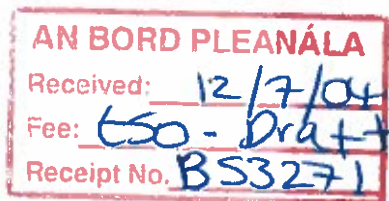
EO: <u>Kieron Somers</u>	AA: <u>James Fagan</u>
Date: <u>13/07/04.</u>	Date: <u>13/7/04</u>
Comments:	

**Eamon RYAN TD**

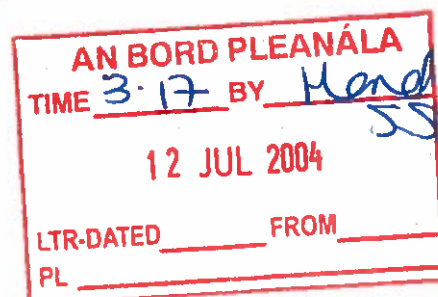
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PARTY**
Comhaontas Glas

DUBLIN SOUTH CONSTITUENCY

An Bord Pleanála
64 Marlborough Street
Dublin 19th July 2004

REF PL 16.207212



Dear Sirs

I am writing to you to submit an observation with regard to the Environmental Impact Statement for the new planning application for the construction of a gas terminal in Bellanaboy, County Mayo.

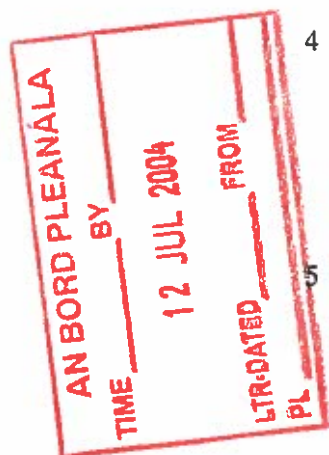
I intend to restrict my observation to the concerns I have regarding the safety of the upstream import pipeline, which brings the untreated gas directly from the Corrib Gas field to the terminal. I understand that the application primarily concerns the proposed terminal building but given that a section of the import pipeline lies within the designated landholding for the terminal, that the E.I.S. study area includes a wider review of the lands surrounding the terminal and that the work on the terminal site could also effect the surrounding lands and the proposed pipeline, I trust that you will consider my interest in this aspect of the development to be appropriate.

I availed of the opportunity to read the five folder sections of the EIS in the Bord Pleanála offices and my comments will relate in particular to the study conducted by Applied Ground Engineering Consultants Ltd into geo-technical aspects of the application.

I believe that the AGEC report confirms the arguments that have been publically raised regarding the vulnerability of the upstream pipeline due to the potential for ground instability in the area from bog slides or bog bursts. I believe that neither the Government authorities, the local council nor the developer have taken proper account of this significant risk with regard to the project.

I was particularly concerned about some of the following details that were included in the AGECC report:

- 1 The authors state that the study area was not covered by moving ice sheets in the last glacial period. That it experienced much longer periods of weathering under peri-glacial and temperate climatic conditions. Such weathering has resulted in a loss of both strength and intactness of the rock. I have concerns about the possible implications for this on the stability of foundations of the terminal and for the route of the proposed pipeline.
- 2 The report acknowledges that engineering site development can also initiate instability and that once initiated this may extend off site to affect surrounding areas. I have concerns that such instability could affect the import pipeline.
- 3 The report states that the phenomenon of large-scale downslope movement of peat bogs is peculiar to Ireland and lists and reviews 40 historical bog failures. The lands included in the study area and through which the import pipelines run have several of the high risk characteristics which are indicators of such instability. Namely bog depths of 3.5 meters, slopes between three and six degrees and a history of previous land instability.
- 4 Bog flow failures have also occurred in areas with slopes as shallow as 2 degrees as a result of interference from man. The incidence of bog slides is expected to increase as most climate change models are showing that the conditions of intense rainfall following dry periods, which often result in such slides are expected to increase.
- 5 The report states that the slopes generally within the area are judged to be stable provided they are not disturbed or otherwise interfered with. I believe that the construction of the terminal building and the digging of the pipeline trench constitute such a disturbance.
- 6 Most significantly the report sets out in Figure 22 certain areas where it is believed that there is the potential for future ground instability. One of these areas indicated in a marked red line is in the area to the south west of the point where the Glenamoy river enters Sruwaddacon Bay. This area is on the proposed route of the proposed import pipeline. It should also be noted that the slides that occurred in the summer of 2003 occurred within 500 meters of this location. The land between the terminal building and this point is characterised as having 3.5 meters of peat covering and there are slopes greater than 3 degrees in the areas close to the river bank.



My concerns on this key issue of the safety of the pipeline leading to the terminal are increased by the fact there appears to have been no independent analysis of the potential risk to the pipeline from peat movements in the area.

The company appears to have made no response to the request for further information asked by the local authority with regard to the structural stability of pipelines constructed in deep peat soil, other than to cite the Minister's consent letter of the 15th of April 2002 which did not address the issue.

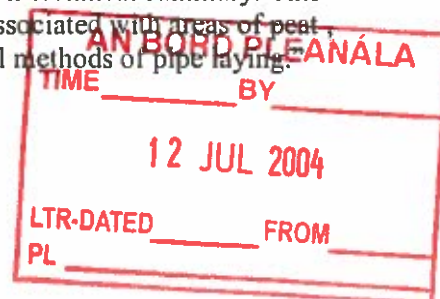
The Ministers letter of April 15th did set out some conditions that were recommended in an independent report carried out by Mr Andrew Johnston on the 28th of March 2002 on behalf of the Department of Communications Marine and Natural Resources. However Mr Johnston never addressed the possibility of such movements, possibly because the incidence of such bog slides are unique to Ireland and therefore not included in the design codes which that report was asked to examine.

Mr Johnston did raise concerns about the unusual operating conditions of the proposed inshore pipeline, namely that it is well above the normal design pressure for onshore gas pipelines, and it is rare for onshore pipelines to transport unprocessed well fluid in the vicinity of inhabited buildings and that it will be unusual that the pipeline will be left full of water for approximately one year after the post installation hydrostatic test.

The report went on to state "It is understood that the terminal Quantified Risk Assessment (QRA) will assess the risks to the terminal workers, and will consider the risks associated with all facilities within the terminal site, including the pipeline facilities." As you will see from the attached written response that I have received from the Minister of Enterprise Trade and employment on the matter the Health and Safety Authority has taken no role in assessing the import pipeline for the facility.

The Department of Communications Marine and Natural Resources also seems to have omitted any assessment of the risks of ground instability to the pipeline. Submissions were raised with the Marine Licence Vetting committee of the Department about the stability of the bog, but these concerns were simply noted in the report and it was recommended that a "method statement" be produced for the minister prior to the pipeline being constructed. The Licence Vetting Committee also deferred any consideration on the effect of peat repositories to An Bord Pleanála who were carried out a review of the original terminal application at the time.

The only reference I can find in the original E.I.S., undertaken by the company, as part of the licence application for the onshore pipeline, to the risk of laying a pipe in such unstable conditions is contained in page 23 in the non-technical summary. This simply states that "the difficult construction conditions associated with areas of peat mean that some modifications will be made to the normal methods of pipe laying."



In the second attached note I have enclosed the response I received to written questions to the Minister of Communications Marine and Natural Resources on the 7th of July last on the issue of the safety of constructing a pipeline in deep peat bog. Again it appears that no further analysis has been carried out on the issue.

In the circumstances outlined above, it appears to me that the only scientific information available regarding the risk to the proposed import pipeline from ground instability is contained in the new E.I.S. that is the subject of this observation. I contend that the analysis contained in the AGECC report shows that there is a substantial risk to the import pipeline both on the grounds within the landholding of the terminal building and on the other parts of the pipeline route considered as part of the study area in this EIS.

Given the unique nature of this pipeline and the dire consequences that would come from any rupture in the pipeline, and the real risk of such an accident occurring due to the possibility of bog slides or instability along its route. I believe that the Bord has no option but to refuse permission for the application and to advise the company to consider the other landing site options set out in the EIS, which would not carry the same safety risks.

Yours sincerely



Eamon Ryan TD

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AN BORD PLEANÁLA	
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12 JUL 2004	
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DAIL QUESTION

NO.159

To ask the Tánaiste and Minister for Enterprise, Trade and Employment the role the Health and Safety Authority has with regard to the assessment of the import onshore gas pipeline in the area between the proposed Bellanaboy refinery and the boundary of the lands in the control of the developers of this project; and the analysis that has been undertaken with regard to the safety of such pipelines which will carry wet gas containing several impurities at pressures of up to 340 bar in areas prone to bog movement.

- Eamon Ryan.

* For WRITTEN answer on Wednesday, 7th July, 2004.

Ref No: 20732/04

REPLY

Minister of State at the Department of Enterprise, Trade and Employment (Mr Fahey)

The Health and Safety Authority is required to give advice to planning authorities in relation to the provision of "establishments" that come within the scope of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 (S.I. No. 476 of 2000) which transposes Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances.

For purposes of the Directive and the S.I. an establishment is considered to be the site within the overall landholding of an undertaking where dangerous substances are present in one or more installations.

The "establishment" in the case of the proposed gas terminal is considered to be the terminal footprint (the area within the security fence where the hazardous substances are processed and stored). Pipelines outside the establishment are outside the scope of the Directive and S.I. and are therefore outside the remit of the Health and Safety Authority for the provision of advice pursuant to these Regulations.

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Pipelines to and from the proposed gas terminal were subject to a permissioning system under the aegis of the Department of Communications, Marine and Natural Resources. The Health and Safety Authority has not had any role in the assessment of these pipelines outside the establishment.

I understand that An Bord Pleanála is currently considering an appeal relating to a planning application for this proposed gas terminal. The application relates to the terminal and the land between it and the boundary of the landholding within which the proposed terminal is situated.

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PARLIAMENTARY QUESTION Nos. 210 & 211

Dail Eireann

To ask the Minister for Communications, Marine and Natural Resources the analysis that has been presented by the Developers of the Corrib Gas Field with regard to the conditions set out by Minister Frank Fahy in a letter of 15 April 2004 requiring further analysis to be carried out before consent could be given for the onshore pipeline.

- Eamon Ryan.

* For WRITTEN answer on Wednesday, 7th July, 2004.

Ref No: 20730/04

To ask the Minister for Communications, Marine and Natural Resources the way in which the Petroleum Affairs division in his Department intends to address concerns that have been raised regarding the safety of the construction of the Corrib Gas field onshore pipeline in deep peat soil.

- Eamon Ryan.

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* For WRITTEN answer on Wednesday, 7th July, 2004.

Ref No: 20731/04

REPLY

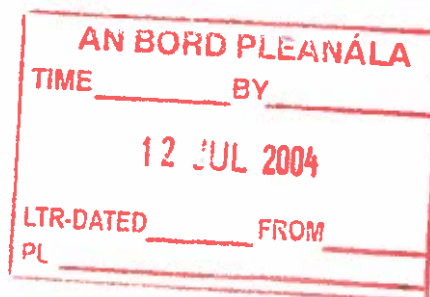
Minister for Communications, Marine and Natural Resources (Mr. D. Ahern)

I propose to take Question Nos. 210 and 211 together.

I understand that Mayo County Council has raised the issue of the construction of the Corrib Gas Field onshore pipeline in deep peat soil with the developers in the context of their planning application for the onshore terminal at Bellanaboy Bridge.

I can inform the Deputy that up to now only a very small element of the proposed pipeline work has been commenced. No work has been completed, with the exception of some pipeline route exploration work, in relation to the onshore pipeline.

To date, approval to undertake pipeline works in relation to the Corrib Gas field development specifically for Phase 1 nearshore trench construction, Phase 2 landfall and part of Phase 3 onshore pipeline construction has been issued to the developers. When the final application to install the onshore pipeline for Phase 3 is received, the issue of deep peat soil will be examined along with all other matters such as design, trench depth and compliance with conditions attaching to pipeline consent of 15 April 2002.



The Deputy will no doubt be aware that my Department commissioned an Evaluation of the Onshore Pipeline Design Code. The report indicated that the design code has been selected in accordance with best public safety considerations, and is appropriate for the pipeline operating conditions and subject to the developers undertaking to comply with a number of conditions incorporated in the consent to construct. The pipeline the design is generally in accordance with best national and international industry practice and the pipeline is considered to meet public safety requirements.

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