

File With Section

SECTION 131 FORM

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

TO:SEO

Having considered the contents of the submission ~~dated~~ received 12/07/04 fromEdward and Imelda Mason 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 SomersDate: 12/07/04.

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 DohertyDate: 11/07/04

S.A.O.: _____

Date: _____

M _____

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

to: _____

Allow 2/4 weeks – 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>16/06/04</u>

Name: <u>Edward and Imelda Moran</u>
Address/Agent: <u>Chapel Street,</u> <u>Belmullet, Co. Mayo.</u>
Status: Invalid – (insert reason):

VALID	INVALID
M: <u>Fegan</u>	
1. Acknowledge with BP <u>40</u>	1. RETURN TO SENDER with BP _____
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Attach to file	RETURN TO EO <input checked="" type="checkbox"/>
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(e) Inspectorate <input type="checkbox"/>	

EO: <u>Kieron Somers</u>	AA: <u>James Fegan</u>
Date: <u>12/07/04</u>	Date: <u>12/7/04</u>
Comments:	

Observation on EIS re : Appeal of Grant of Planning
Permission by Mayo CC to Shell E & P (Ireland) Ltd. for
the construction of a gas terminal at Ballinaboy Bridge
and Peat Deposition at Srahmore, Co. Mayo.

Ref No. P03/3343

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7. Copy of Receipt from MCC for Submission

AN BORD PLEANÁLA
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Edward & Imelda Moran,
Chapel Steet,
Belmullet,
Co. Mayo.

1

Observation on EIS re : Appeal of Grant of Planning Permission by Mayo CC to Shell E & P (Ireland) Ltd. for the construction of a gas terminal at Ballinaboy Bridge and Peat Deposition at Srahmore, Co. Mayo.
Ref No. P03/3343

Part 1

Background:

A half-page **Executive Summary** by RSK Environment Ltd, the consultants who prepared the EIS for the Applicant, states:

"In the case of consideration of alternatives, visual impact and safety, the assessment is that there is no material change to what has already been stated in the Environmental Impact Statement ... The main refinement relates to the need to use more stones within the drainage system."

The applicant's response has unquestionably failed to address the further information request posed by the Board. It was not a complicated request and in my view it was comprehensible ... The response given by Mr. David Taylor, one of the applicant's main expert witnesses on the issue of alternatives on the last day of the re-opened hearing is telling when he stated "we have not made any because in our opinion the consideration of alternatives in the EIS and as discussed at the oral hearing in February was perfectly adequate.. (ABP Report on previous Application)

This Executive Summary accompanied the applicant's **Response** to the ABP Section 10 request for Further Information re the previous Application and it displays the pervasive arrogance of the applicant to their statutory requirements under EIS and Planning legislation, and to the public at large. Only four areas were specified in respect to Further Information, yet for three of them there was no change while the fourth merely required "more stones". Nevertheless, 10 volumes of data were forwarded giving the impression of all-out compliance whereas the bottom-line reality was that "no material change" was needed.

Origin

The same arrogant attitude continues in regard to the current EIS so it is essential that its origin is recognised. The project arises out of government infrastructural strategy policy and its fundamental problems derive from that 'top-down' starting point. In the mid-1990's government initiatives, backed by extraordinary incentives, were employed

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to persuade the oil/gas industry to undertake 'new frontier' Porcupine/Corrib exploration which, though big in promise, was poor in infrastructure. Out of this grew the current consortium comprising Shell, Statoil and Marathon which now owns the Corrib gas field and for which Shell lodged the application underlying the current Appeal to An Bord Pleanála. The consortium subsequently, and Shell in particular, have shown themselves to be super-confident of government support, regardless of the well-documented defects, deficiencies and incongruities in their EIS submissions.

Intervention

The basis for this confidence was most evident when ABP refused the previous application by unanimously vote yet, within days, two government Ministers campaigned publicly for Shell to re-apply for the same project and on the same site. Most misleadingly they claimed that the refusal was based on a technicality. Within a month these Ministers had convened a meeting in Dublin of all elected representatives from the Connacht region to rally support for their campaign. Not only was it improper for government Ministers to interfere in this way in the Planning process but their action was tantamount to conspiracy to undermine an independent state agency whose primary function is to safeguard the public interest against precisely such interference.

Planning Climate

This high-handed behaviour is indicative of the current political / commercial climate which, if anything, has intensified in the interim with the emphasis being put on 'fast-tracking' Planning procedures. This pursuit of a narrow materialistic agenda shows little regard for broader considerations of social / cultural objectives which ultimately define who and what we are as a people and a country. Instead it assumes that all delays in the Planning process are caused by pejoratively-labelled 'objectors' and in turn that such people are little better than trouble-makers. All delays are placed at their door and the defects, deficiencies and defiance of the developers regarding their statutory obligations, especially as regards EIS legislation, are thereby transposed onto the so-called 'objectors'. Hopefully the current intense phase of such government assisted behaviour will pass but in the interim dangerous precedents may be set. Much depends on the ability of ABP to withstand such iniquitous pressures in the meantime, as recently publicised IFI concerns underscore.

EIS Pattern

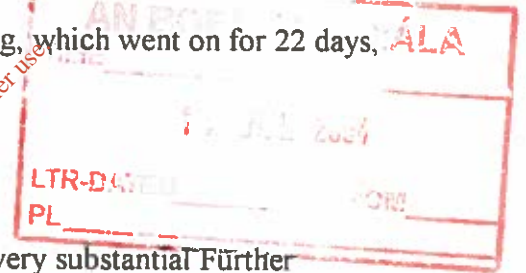
What all of this has to do with the EIS is that it puts in context why so many crucial issues are so poorly researched and /or elaborated in the EIS, despite specific statutory requirements of both EU and Irish legislation to do so. To comprehend the enormity of these failures it is necessary to contrast the EISs accompanying the several applications in respect of this project. The first lodged in Oct 2000 was perhaps the most revealing, though so defective in so very many respects that it was withdrawn by the applicant when it came under close scrutiny by residents of the locality. It was revealing in that it recorded facts and data which were absent from subsequent EISs though precisely the same circumstances pertained. The second EIS, in turn, was so defective that it resulted in a call for Further Information by ABP of such major proportions that it more than doubled the physical volume of the original data presented. Its defects and deficiencies are well documented in the transcripts of the Oral Hearing, which went on for 22 days, and in the 377 page ABP Report.

Restrictive Brief

The current EIS follows the same pattern with a call for very substantial Further Information, this time by the Planning Authority. It begs the question as to why such a large corporation with so many consultants employed to comply with the statutory requirements of Planning legislation should continue to be so remiss. Invariably the fault lies not with the consultants but with the narrowly restrictive brief given to the consultants by the applicant. (see peer review group evidence) It is in this context that it is not unreasonable to construe the root cause of failure as being due to arrogance arising from having almost unquestioning Ministerial backing. This in turn derives from the government's strategic infrastructural policy re development of oil and gas resources. With such powerful backing EIS legislation can apparently be ignored with impunity.

ABP Autonomy

The crunch point of this relationship is that the legislation underpinning ABP requires it to be attuned to government strategic policy. This responsibility is, in turn, portrayed by some Ministers as being an overriding obligation – which, if it were so, would contradict ABP's inherent autonomy and consequently its defining role. Within this



overall context of distortion lies the root of both the deficient and defective EIS and the astounding arrogance of non-compliance with statutory requirements. What is now certain is that there will be no Oral Hearing this time to tease out and reveal those deficiencies and that arrogance. Short of written submissions, the public has been excluded from the planning process in this instance. Consequently the credibility of the Planning system rests solely with 'in camera' deliberations of ABP without benefit of 'live' access to the many teams of consultants responsible for preparing the EIS and Application. In effect it is not so much that the public has been locked out as that ABP have been locked in and deprived of essential 'live' elaboration of the EIS.

Media Influence

Added to this complexity of elements is the fact that media hype has also played a major role in perceptions regarding the social / commercial implications of the EIS. When commercially viable finds were located in the relatively early stages of prospecting, visions of a 'North Sea' bonanza were conjured up through the media. Fears that supply would be diverted into the well-established Scottish distribution system caused urgent demands for an Irish landfall and, in turn, for a Mayo landfall. In that context of euphoria agreements in principle were struck which were clearly not well thought through. Loosely conceived government strategic aspirations were no match for the sharply-focussed, profit-driven expertise of the oil/gas industry: the infrastructural package obtained by the government was vague and ill-defined whereas the commercial package obtained by the consortium was exceptionally rich in terms of objectives achieved.

Reality

Altogether the deal that emerged was disjointed, lop-sided and mismatched. Publication of the first EIS ended most of the euphoric expectations regarding the prospects of a long-term bonanza. Not only would there be relatively very few long-term jobs (20 day-time, 50 including shiftwork etc.) but the expected commercial advantages of a gas supply for the Mayo region was a non-starter. Galway city, over 100 miles distant, was the closest certain area for commercial supply - this despite BGE investing 150m Euro in a pipeline through Mayo. Had the statutorily required EIS investigation of 'alternatives' been enforced it would have demonstrated clearly that access to Galway

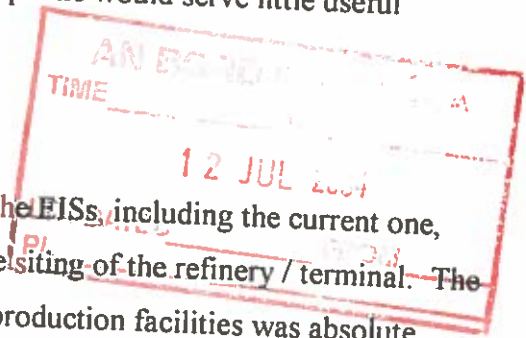
directly from the Corrib field was not only readily possible but that BGE's incongruous 150m Euro investment in a superfluous import pipeline would serve little useful purpose.

'Alternatives'

In this light the single greatest failure of each of the EISs, including the current one, relates to non-investigation of 'alternatives' to the siting of the refinery / terminal. The applicant's determination to obtain a land-based production facilities was absolute. Only island sites, remote from populated areas, have been available to the industry for such purposes worldwide, and then only after off-shore processing, as in the North Sea zone e.g. the Shetland and Troll (Norway) fields. However, as the transcripts of the Oral Hearing and the ABP Report repeatedly show, the applicant defiantly refused to comply with the statutory requirement to investigate 'alternatives'. Were this failure related to the current EIS alone it would be serious but the fact that it has been an on-going failure over several Applications makes it insidious. The fact that it was not insisted upon, nor included as a basis for refusal in regard to the previous Application, creates the expectation that such failure will pass on the nod this time. This must not happen as the consequences of such precedent are immense - not only in the Irish context but for peoples and the environment everywhere.

Precedent

Were the applicant were to get such a world-first, land-based tie-back for unprocessed, full pressure gas to be taken inland through populated areas, it would set a precedent for the international oil/gas industry. This 'Celtic Tiger' precedent would undoubtedly be cited elsewhere, especially in Third World countries where even as yet there is no such instance. Additionally, the applicants stand to gain two other objectives of extraordinary value and equally extraordinary danger to the public interest. That is to say, the chosen site is inland from the head of Srucwaddacon estuary which is situated within a well-protected bay and additionally it has an extensive freshwater source, Carramore Lake, only 2km further inland. Both would be invaluable in case of a catastrophic disaster: that is, Srucwaddacon would provide an extensive pollution containment bay within the recesses of Broadhaven Bay, and Carramore Lake would provide unlimited freshwater for fire-fighting etc. as well as additional containment.



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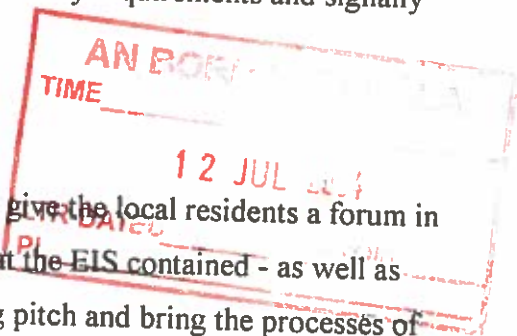
The fact that three SAC/SPA areas would be placed in dire jeopardy does not appear to enter the equation. This again sheds light on the continued failure to provide detailed investigation of alternative sites in defiance of EIS statutory requirements and signally warrants refusal of permission.

Oral Hearing

The Oral Hearing combined with the EIS was seen to give the local residents a forum in which to tease out such important implications of what the EIS contained - as well as what it did not contain. It was felt to level the playing pitch and bring the processes of the comparatively gigantic applicant into local focus. Rightfully the local residents, as well as the environment, have over-riding claims to priority consideration since they will bear the brunt of an industrial on-slaught of unprecedented magnitude. Their rural farming life-style would be overwhelmed by up to 500 workmen concentrated on a 40 acre site within constant earshot and awareness, as well as up to 800 heavy truck journeys passing their homes on a daily basis non-stop for at least a year, or longer if transportation of peat is done intermittently due to weather, as is far more likely. An Oral Hearing is in reality a necessary extension of the EIS in so complex and far-reaching a matter as this. Without it a far greater onus is placed on ABP to protect the interests and rights of the local residents, as well as the SAC/SPA environment, since they are the most vulnerable parties.

SACs / SPAs

In this regard the EIS fails to show how precious the environment is in its own right. Altogether there are seven SACs/SPAs clustered within a 10km radius of the proposed site. These were designated under the EU Natura 2000 millenium programme and so have only so recently begun to get the recognition which the N.W. Mayo region has long since enjoyed among a well-informed, well-connected few who have long valued and protected the anonymity which the region assured them. However with eco-tourism burgeoning everywhere, this region is poised to come truly into its own and take its place with Connemara, the Ring of Kerry, West Cork and Wicklow Mountains as a place apart with its own integrity and unique sense of place. What a fateful irony it is that, just as the area's inherent natural appeal is coming into national and international



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focus, it should be threatened by an utterly contrary development, having endured neglect and disregard for so long.

Second Chance

Bearing in mind then the various strands: the loosely-conceived infrastructural aspirations of government strategic policy; the narrowly focused commercial objectives of the applicant; the blindness of both to the unique culture and rare ecology of the target area and consider the sequence of the various EISs. The first application had to be abruptly withdrawn from consideration by the Planning Authority due largely to its inadequate and deficient EIS. The second application was effectively waved through by the Planning Authority, as the subsequent Appeal to ABP and Oral Hearing (1st session) established. However, just as the Inspector's and Consultant's reports were being finalized EEI Ltd. was taken over by Shell and ABP, instead of ruling on the completed appeals process, effectively gave the new owner, Shell, an extraordinary second chance to present a viable application.

Diplomacy

This was tantamount to a third application with built-in fast-tracking as ABP cut the requirements for success in this second chance down to just four key areas. The outcome, after further voluminous EIS submissions (as noted above) and a re-convened Oral Hearing, was a unanimous refusal by ABP. The significance of this is astounding since ABP was clearly leaning over backwards to accommodate the new owner by effectively affording it this second chance opportunity. However, the enormity of the Response document's arrogance : "there is no material change to what has already been stated" left little option other than a unanimous refusal. Despite that ABP displayed tact and diplomacy towards government strategic policy, as well as to 'Celtic Tiger' expectations of multi-nationals, by basing its unanimous decision on one ground alone. The ABP Report by contrast highlights several grounds on which refusals might have been based – and failure to investigate alternatives was not one of them.

Shell

Given such an extraordinarily generous 'second chance', why did newcomer, Shell, respond so arrogantly? This incongruity begs explanation for the light it casts upon the

current EIS. It would appear to confirm that there was to be no relenting on the government's role as suitor encouraging, cultivating and smoothing the way, nor on that of the oil/gas consortium as the reluctant bride unwilling to settle for less than had had been so enthusiastically conceded. Their key objectives must be delivered upon. Only an interpretation along such lines can explain why there has been such self-defeating intransigence on the part of the Applicant.

Part 2

Further Information

We have selected just two key aspects of the current EIS to exemplify our overall outrage at the manner in which this essentially fourth attempt has been submitted, and approved. Since an Oral Hearing is being denied in this instance we must rely on the following teasing out of implications to express what rightly requires an open forum. However we believe that the facts are so stark regarding the defectiveness and deficiency of the EIS in respect to statutory requirements that any one of these two instances is sufficient to warrant refusal.

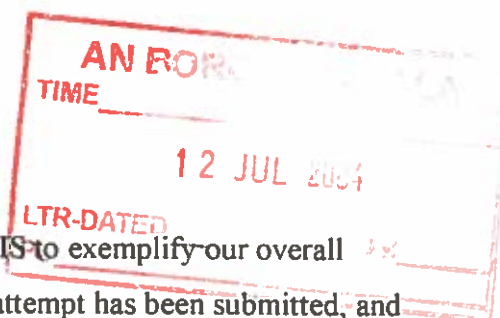
1. The failure of the Applicant to provide answers to fundamental Further Information questions raised by the Planning Authority and the failure by the Planning Officer in his report to address or even recognise such failures.

In his formal demand for Further Information the Planner states:

"...I am to inform you that you must submit the following:

Vol I, 1. A detailed traffic management plan"

By far the biggest single element of such plan relates to the transportation of 450,000 cu. meters of waste material from the proposed Ballinaboy terminal site to the Srahmore cutaway-bog deposition site 11km distant. This would involve at least 45,000 truckloads (90,000 truck trips) at the rate of 400 truckloads (800 trips) per day along sections of the R314, the R313 and the strategically important L1204 (see footnote) which is 8km long, and less than 5.5m wide for most of its length. The implications of this are nowhere explained in the EIS, despite my submission to the Planning Authority highlighting its absolute unviability (see Appendix).



In brief: how can 2.5m wide HGV's averaging 40mph safely pass in opposite directions on a 5.5m wide road at the rate of 400 encounters per hour over an 8km stretch, including four unalterable bottlenecks? It allows for only 0.5m clearance on either margin of this bog-based road which has chronically unsupportable margins, as acknowledged in the TMP. Likewise, the 0.5m clearance in the centre combined with a projected average speed of 40 mph, cannot but raise the gravest doubts in respect to safety of drivers and other persons. Finally, damage to vehicles (crashes), impracticalities of road maintenance and potential disturbance of the sensitive SAC/SPA environment through which it runs for most of its course, are inevitable prospects

The Applicant has endeavored to brush past these insurmountable obstacles by referring to the Traffic Management Plan as a "living document". A similar subterfuge was employed in the previous application under the guise of the Observation Method. However it was thoroughly discredited on several occasions by the close questioning of ABP Consultant, David Ball, and then appeared to be the antithesis of planning. It is incomprehensible how such a deficient submission is accepted by the Planning Authority as fulfilling the statutory requirements of EIS legislation. The viability of this traffic plan is vital to the overall project and it absolutely cannot be deemed to be workable. It patently warrants refusal of permission.

[See our full submission to Mayo Planning Authority in Appendix]

2.

Vol I, 2. Written confirmation from the relevant regulatory authority that the design of the proposed gas pipelines from the terminal compound to the site boundary is suitable to ensure the structural stability of the pipelines constructed in deep peat soil.

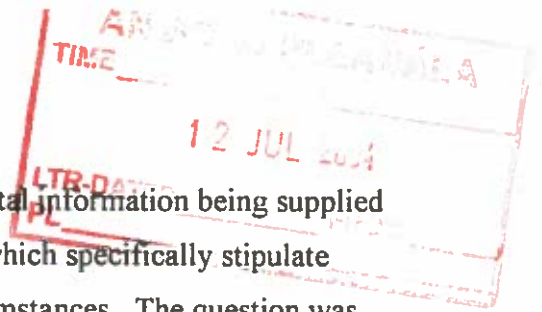
Here again, the Applicant simply did not answer the question asked and again Mayo Planning Authority acquiesced in the face of this failure regarding a statutory requirement. Had the question related to a lesser matter such failure by Mayo Planning Authority would have been significant but considering the fundamental implications of this question, the failure is outrageous.

The most crucial aspect of this question is that there are two pipelines concerned: the *import* (upstream) pipeline and the *export* (downstream) pipeline. They are as different in the dangers they pose as are two powerful rivers, one in normal flow, the other in full flood. Both pose major danger threats but the latter is infinitely more dangerous than the former. The *export* pipeline transports cleaned, stabilized gas at 70 bar (c. 1,000 psi) over its 150 km length, much of it through unstable blanket bog. The instability of the bog poses the greatest risk and fracture would result in catastrophic consequences (as well documented in the Brian Coyle submission). The *import* pipeline, however, would be dramatically more dangerous as it would carry gas at 150 bar (c. 2,000 psi) rising possibly to 344 bar (c. 5,000 psi), on occasion. Not only that but it would carry raw, 'dirty' gas with substantial quantities of methanol (flashpoint 11⁰C.) added to prevent sludging and, most problematically, large slugs of condensate and water which build up to hugely obstructive proportions over the 70km distance from the gasfield.

In their response to the Planning Authority's request for Further Information, the applicant not only failed to distinguish between the different levels of danger inherent in the two pipelines but evaded giving a direct answer to any of the question's several parts. The applicant merely forwarded copies of correspondence and reports and left the Planning authority to sort it out for themselves. Only one item, however, was submitted in regard to the crucial *import* pipeline and that was a letter (dated 15th April, 2002) issued by Minister Frank Fahey which merely sets parameters for the pipeline's construction. This is indefensible behaviour and well illustrates the extraordinary arrogance of the applicant, as highlighted above.

The report of the consultants engaged by Mayo Planning Authority to evaluate the geotechnical aspects of the EIS, and subsequently the response to Further Information, 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 Two. The response refers to design details submitted to the relevant authorities but does not include these details."



Yet Mayo Planning Authority failed to insist on this vital information being supplied despite EIS legislation and P & D Regulations, 2001 which specifically stipulate automatic termination of the Application in such circumstances. The question was precise in that it required *“written confirmation from the relevant regulatory authority”*. This part was clearly intended to establish ultimate responsibility lies for what might well prove to be the weakest and most potentially catastrophic link in the project overall. Not only was this information not supplied but the impression was created that the Minister takes full such responsibility. Likewise, regarding *“confirmation that the design of the proposed gas pipelines...is...suitable to ensure (their) structural stability...”* no direct response is given and the same subterfuge of appearing to comply with the request without actually doing so is employed. Finally, *“the structural stability of the pipelines in deep peat soil”* is ignored entirely. Shell did not answer the question asked, yet the Planning Authority ignored this fact and granted permission despite the Planning & Development Regulations 2001 Sec. 33 (4) which requires that the application lapse in the event of Further Information requested not being supplied. Were the question of minor significance such failure might be excusable but in this instance it is an issue of foremost significance with unquantifiable potential implications in that it passes through a farming community, and in close proximity to many homes in that community, prior to entering the refinery site.

Given the political/commercial climate which currently prevails it is clear that ABP is itself under pressure of unprecedented intensity. Ironically, this is precisely the kind of pressure which ABP was establishment to preclude yet now it is faced with dismemberment for adhering to its statutory brief. Clearly fundamental standards are at stake and much depends upon the integrity and autonomy of ABP not just in regard to Planning but the overall values of our society.

Footnote

[R314 referred to locally as the North Coast Road is the only road serving the north of the county between Belmullet and Ballycastle/Ballina while the R313 is the only road serving the middle of the county between Belmullet and Bellacorick/Ballina or Castlebar. They are separated by Carramore Lake, the Slieve Fyagh/Maumkeogh ridge and the extensive bogs of Mayo with no linking road possible over the 30km stretch of the R313 from Bangor (Srahmore) to Crossmolina nor along a similar length of the R314 from Ballinaboy to Ballycastle].

Part 3

Concerns in response to the various other Sections of the EIS are as follows:
(italics are added for emphasis)

1.8

*“An EIS requires the assimilation, co-ordination and presentation of a wide range of relevant information **in order to allow for the overall assessment of a proposed development.**”*

- The Ballinaboy Bridge Terminal EIS does not fulfill the above criteria as the selection of comments below seek to show.

1.4

“The environmental aspects of the pipeline from the landfall at Glengad to the terminal and the landfall itself are discussed in the Offshore Field to Terminal EIS”

- However, part of this Upstream Pipeline falls within this planning application from within the refinery footprint to the site boundary and Shell have ignored this. Where in the EIS are the safety aspects of this high-risk, high-pressure pipeline with all of its associated dangerous ‘baggage’ discussed? **IT IS NOT THERE.** This constitutes a most serious breach of the EIA Directive. More worrying is the fact that NAOSH have ignored this. NAOSH **must** evaluate the safety of this section of the Upstream Pipeline.
- Because an Upstream Pipeline is defined in law as an “Offshore Pipeline” (according to Kieran McNamara, Commission for Energy Regulation.) this pipeline **SHOULD NOT BE ON LAND AT ALL.** Especially in an area of faultlines, and of exceptionally heavy rainfall, in deep peat where landslides and bogbursts are common and where there will be exceptionally heavy movements of HGV’s with rock blasting and pile driving of 2,000 piles on site. There are signs of bogslides on site – as Mr. David Ball, Hydrogeologist, said in his ABP consultant’s report (p.47) *“My previous concerns that this blanket bog has experienced a slide in the past...”*. Furthermore, this high-risk, high-pressure pipeline will be in forestry and bog which could be set alight in prolonged periods of dry weather.
- Since the terminal will impact on the waters off-shore through effluent, reference to the recent survey of whales and dolphins should have been included in the Terminal EIS.

1.11 “Use of Best Available Techniques”

The Best Available Technique (BAT) phrase has been used throughout all three applications for this project. One must read the Peter Rossington Report to know just how outdated and dirty the process is. As the ABP Inspector’s Report (p.350) stated:

"From the details provided by the applicant on existing subsea tie-backs around the world that are regarded as similar in principle to Corrib, all are tied back to offshore processing platforms, not land-based terminals. This is notwithstanding varying available reserves."

- No where in the world is there a refinery such as this in a bogland forest, 9km inland with villages downwind in grave danger. No where in the world is there a high-risk, high-pressure raw gas pipeline with umbilical control containing methanol and power cables on-shore. However, to site all of this in unstable deep peat soil, in unusually high rainfall conditions, where there is a history of bogbursts and landslides, and documented faultlines is madness indeed. No Health and Safety regulations exist to cover it. Where is the responsibility going to lie should there be a catastrophe? What Insurance cover is provided for? Will the Government be ultimately responsible as Shell seem to have off-loaded most of the risk? (Assessment Matrix presented by TES)

SECTION 2

Towns and villages nearest to the proposed refinery are listed in the EIS. However, THREE villages, Bunowna, Gortacrager and Rosspart have been omitted: how could any body, firm or agency, given a copy of the EIS for assessment, assess the risks to the closest villages downwind of this refinery IF THEY ARE NOT EVEN LISTED IN THE EIS?

- **Bunowna** – the first village downwind of the proposed refinery, is separated only by trees. Trees would act as regions of congestion for any escaped vapour cloud. The village has nine houses and a spark from any one of the chimneys would be the ignition source for any such vapour cloud. Equally, any person simply cycling or walking the roads downwind of this refinery with a lighted cigarette or pipe could, unknowingly, be the source of such ignition.

"A full-bore or partial rupture of a pipe or storage vessel involving natural gas, if not immediately ignited, will lead to the formation of a flammable gas cloud which will drift downwind, being diluted as it goes. If this cloud meets a source of ignition in an uncongested area a Flash Fire may result. IT IS ASSUMED THAT ANYONE INSIDE THE CLOUD WILL SUFFER FATALITY...If the gas cloud encounters an ignition source in an area of congestion, a Vapour Cloud explosion may occur". NAOSH QRA –

"Vapour cloud explosions have created some of the largest man made explosions with the exception of nuclear explosions. A vapour cloud explosion, depending upon the ignition source, creates an implosion and an explosion in succession over a large area". Mr. David Ball, Hydrogeologist ABP Report p.72

- **Gortacrager** – where the high-risk, high-pressure pipeline and accompanying 'baggage' takes three ninety degree angles, the last one just before crossing the tidal Sruwaddacon Bay (peat bottomed) for the second time.
- **Rosspart** – where the high-risk, high-pressure pipeline and accompanying 'baggage' passes homes WITHIN the mandatory 70m separation distance. This is in direct contravention of the conditions laid down by previous Minister for consent for the upstream pipeline.

- Shell personnel have been reminded on numerous occasions of the omissions and we were assured that our concerns would be addressed in the future – **THEY WERE NOT**. If this refinery is allowed to proceed, the villages of Bunowna, Gortacragher and Rosspart will become high-risk villages **where no such risk existed before**. NAOSH did not assess the risk to the families in the village of Bunowna though the issue of trees acting as regions of congestion was discussed at length at the Oral Hearing – but then how could they if they did not know that this village exists!
- By contrast, Castlebar is mentioned in this section as the location of the CC offices, EPA offices and the regional hospital and fire service. They **OMITTED** the fact that it is 75km away! Bunowna village is less than 2km downwind of the refinery.

2.2. Proposed Development:- The description in this EIS of the control umbilical is bland indeed. Compare this to the description in the first EIS 4.9.2.:

electrical power supply levels of approximately 4kVA;
data transmission;
low pressure hydraulic fluid supply of 210 bar g to the subsea wells;
high pressure hydraulic fluid supply of 610 bar g to the subsea wells;
methanol injections supply of up to 150 bbl/d (1 m³/hr) for well start-up/shutdown;
and
methanol injection supply of up to 450 – 550 bbl/d (3 – 3.5 m³/hr) for continuous injection at either the satellite wells or the subsea manifold as required.

- This further demonstrates that although the proposed project has not changed, the ill effects of it have been downplayed to such an extent that it is not providing accurate information for proper assessment. This is yet another violation of EIA Directive.

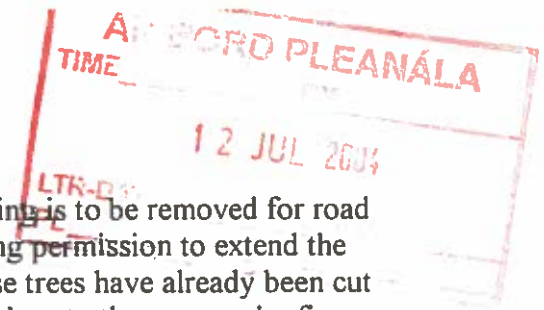
“A recent analysis of failures in European gas pipelines (Bolt R) indicates that the major causes of pipe rupture are external interference and GROUND MOVEMENT....However, they go on to discuss these dangers in a most questionable way: “Further, as the pipeline is totally within the control of the terminal, third party activity will not occur. So far as ground movement is concerned, as the pipe is to be laid on a rock bed within the terminal, THIS MODE OF FAILURE HAS ALSO BEEN DISMISSED” Det Norske Veritas Report, September 2,002 Report

- As all risk analyses carried out was based on information supplied by Shell, one would have to question the information supplied by Shell.

2.3. Site Layout and Design

Since ABP did not recommend refusal of this development on Visual Aspect grounds, Shell appear to have decided that this is no longer an issue to be addressed and have increased the height of buildings and installations within the refinery footprint. This is a new application and visual impact remains a major issue.

- **Screening** - Shell sought to justify putting this massive industrial complex in this rural location on the grounds that trees would screen it. Considerable time was spent at the re-convened Oral Hearing discussing the video and photomontage evidence presented on the effectiveness of the roadside Rhododendron and the trees



behind it as screening. However, most of this screening is to be removed for road widening. Furthermore, Shell has applied for planning permission to extend the road widening on the opposite side of the road. Those trees have already been cut down. Due to safety considerations, any other trees close to the proposed refinery will have to be limited in height to 5m. IT WILL NOT BE POSSIBLE TO SCREEN THIS REFINERY.

- **Location** – The proposed refinery is but 1.5km from Sruwaddacon Estuary SPA and a similar distance from Carrowmore Lake SPA – area of high amenity and of special scenic importance. This will mean that, seen from Sruwaddacon Estuary (sea level), the height of the flare stack will be 75.05m (c.250 ft.) The Warehouse, Maintenance and Administration buildings will be 48 m. (160 ft.)

2.5.4

“Further depletion of reservoir pressure will require installation of a gas chiller between the gas/gas heat exchanger and the J-T valve. The gas chiller will be cooled by a mechanical refrigeration system.” EIS

- The **Peter Rossington Report** states that this refrigeration unit will be VERY LARGE – almost equal in size to the refinery itself. This will require planning permission, it will necessitate the further removal and deposition of massive amounts of peat. Huge quantities of propane gas will have to be stored on site. The Seveso Directive requires that “substances **LIKELY** to be present” must be included in any inventory. Shell have violated the Seveso Directive by not including propane. Again, more worryingly, NAOSH has ignored it. It is also a violation of the EIA Directive as the information provided does not allow for full assessment of the project.

2.5.5

Condensate is to be incinerated on site for heating. This is disposal of waste by stealth. Condensate is usually tankered away to a refinery. Again, people living downwind of this refinery have grave health and safety concerns in relation to the incinerating of condensate. There is an abundance of free natural gas available to the Applicant which should be used instead of condensate.

3.12 Slugcatcher: -

How many people know what a slugcatcher is and does.

“There are a number of slugcatchers in operation worldwide, but the number of years operation without a failure is insufficient to derive a statistically valid failure frequency” – (Det Norske Veritas, September 2002).

- NAOSH did consider it to be the most dangerous installation within the establishment and consequently marked their consultation distance from the slugcatcher. There is NOT sufficient information about slugcatchers in the EIS for proper assessment – yet again another violation of EIA Directive.

Section 4 – Alternatives

- Again, it's the omissions from this section of the EIS that is important. No appellant has stated that Corrib Gas should not be developed. They merely want Shell to take a tiny fraction less of the huge profit they will make and develop Corrib Gas in a safe and environmentally friendly manner. In the last application, SHELL DID NOT COMPLY WITH THE ABP SPECIFIC REQUEST FOR FURTHER INFORMATION IN RELATION TO ALTERNATIVES as is well documented in the ABP Inspector's Report and also in his Conclusions and Recommendation p.350.
- Likewise, in regard to technology no reference is made in the EIS to the revolutionary new gas-cleaning technology which uses the gasfield pressure to generate hypersonic speeds, thus enormously simplifying the cleaning process. This is Shell's own technology and is regarded as a 'step-up' breakthrough within the industry. Development work was done mainly in the Netherlands and it has been successfully used in W. Africa and in Asian gas fields. This is yet another violation of EIA Directive, failing to evaluate different technologies.
- The question of alternatives comes down to one thing only with Shell – COST.

Section 6, Flora & Fauna

- Specific reference to Tullaghan Bay was OMITTED. Yet it is into this bay that the 450,000 cu.m.of wet peat deposited on the Srahmore site will drain.

Tullaghan Bay is internationally important for Brent Geese (**Annex 1**) and is visited by Greenland White-fronted Geese (**Annex 1**). It is also widely used by several other waterfowl, including Wigeon, Teal, Ringed Plover, Golden Plover, Oystercatcher, Curlew, Bar-tailed Godwit, Redshank, Dunlin and Sanderling." (Site Synopsis).

Likewise,

"In the blanket bog areas, there will be very little construction activity from November to March thus avoiding disturbance of over-wintering waterfowl"
[See the Shell Response to Mayo Planning Authority request for Further Information Vol I Sect.2 – 'Mayo to Galway Gas Pipeline EIS', List of Mitigation Measures – 4.0 Construction General.]

- HOWEVER, for the present application, Shell intends to use this "Ecologically Sensitive Area at Glencullin" as their 'haul route' and run up to 800 HGV's per day through this "Sensitive Area" COINCIDING EXACTLY WITH THE ARRIVAL OF THE GREENLAND WHITE-FRONTED GEESE (**Annex 1**). This is in contravention of Condition No. 17 (running to five paragraphs) of Minister Frank Fahey's conditions for the consent of the gas pipeline through 'this sensitive area' between Carramore Lake SAC and Sliabh Fyagh SAC. Sliabh Fyagh has in the recent past experienced landslides and is a very vulnerable mountain covered by blanket bog.
- We have had three EIS's to date for this project. All three EIS's list the same NPWS (formerly Duchas) ecological consultees from Dr. Alan Craig (Principal

Officer) to the local Conservation Ranger Mr. Tony Murray. One would imagine, therefore, that there would be consistency throughout all three EIS's. However, the three EIS's throw up interesting contrasts.

- In the First EIS, Section 14 – the environmental impact is considered 'potentially high' for "sensitive habitats/birds, sand dune, beach, **little tern** (Annex I), **corncrake** (Annex I) and other birds". .. the proximity of **Little Tern nest sites to the landfall** needs to be considered"
- Disturbance – "it is considered that the greatest potential for impact is that of disturbance to the bird species which frequent the habitats bordering on the landfall site"
- Brent Geese – "Over Wintering Brent Geese feed on the algal beds (behind the dunes at Western side of the bay) just south of the bay mouth close to where the proposed pipeline route crosses the Estuary".
- **Little Terns** – "The likely presence of this species is significant in terms of possible disturbance during construction of the landfalls" ... this species has been nesting on the shingle/sand bars at Pullatomish (opposite Ross Port) intermittently for fifteen years". Have the Little Terns all gone away? Why is there no mention of them in the current EIS?

Second EIS, April, 2001 Section 7

Birds – (Apparently a bird survey of the site was conducted on ONE DAY IN JUNE.)

"Species of particular interest included sighting of a male hen harrier (Annex 1 species EU Birds Directive) and call of crossbill... The hen harrier is a frequent winter migrant in the area... The crossbill is known to occur in nearby mature spruce plantations, and is relatively common in this habitat in N.Mayo generally"

- Reference has not been made in this EIS to **Little Terns (Annex 1)**.
- "**Raptors** that may occur on occasion include sparrowhawk, kestrel and merlin" (**Annex I**)
- "**Corncrake (Annex I)**.. The nearest nest sites to the proposed Terminal site were recorded from Aghoos and near Pullathomish Village"
- **Sruwaddacon Bay SPA** "is of special importance for its wintering wildfowl populations, which feed on the intertidal sand/mud flats. It forms an integral part of the Glenamoy River salmonid fishery"
- Other Species –
 "no signs of pine marten
 "no signs were noted of otter...
 "no survey of bats was undertaken due to seasonal constraints"

Yet in the current EIS, Section 6 - yes, there is pine marten; yes, there are otter spraints all over the proposed refinery site and yes, there is pipistrelle bat.

There is no reference to the Little Tern (Annex 1) in this EIS either.

- **Otter:** "April 2003 survey, considerable otter activity was identified at the east of the site" "The survey in spring 2003 revealed an extent of otter activity not expected from the results of the late winter survey of 2001. Relatively fresh sprats were found during the April 2003 survey"
- **Bats:** - "Bat activity in the area was low with only a single species being recorded, the common Pipistrelle. The few tall lines of scrub and edges of plantation do offer community and foraging area for bats and it is anticipated that several of Ireland's bat species could occur in the area" (O'Sullivan 1994 & Richardson 2000)"
- **Pine Marten:-** "No signs of pine Marten were noted in the early survey (March 2001)" "Subsequently, the presence of a pine marten has been confirmed... during a bird survey in 2001 and in 2003 when one was observed apparently feeding on frogs" "During the October survey a marten footprint and a scat were observed" "From these observations, it is clear that one or more individual pine martens are present on site"

Birds:-

- "Specialist ornithological surveys were carried out in June and November 2001 and January 2002"
- "Crossbills were recorded feeding on site in one location in November"
- "The most notable species observed during some of the bird surveys was the Hen Harrier which was seen flying over and adjacent to the site. The Hen Harrier is a frequent winter migrant to the area but rarely breeds locally (D. Strong, pers.comm.)"

However, the NPWS Report re Bellagelly South site states:-

"Hen harriers, a species listed on Annex 1 of the EU Birds Directive, were recorded over the site in March, June and November 2001. THIS SUGGESTS BREEDING IN THE LOCALITY. A survey should be carried out at the appropriate time of year, prior to the commencement of any works, to establish if hen harriers are breeding in the area, with a view to devising mitigation measures to minimise disturbance during the breeding season, if breeding is recorded."

- The above illustrates what the appellants have been saying all along – **that necessary surveys were not carried out.** When forced to carry out proper surveys a clearer picture emerges.
- Obviously, the Applicant knew the significance of the presence of the hen harrier since 2001. It is not surprising that Shell have appealed the condition by MCC to conduct a survey of hen harriers given its importance internationally.
- In an article in The Irish Times of 30th January, 2004 entitled 'EU chides Ireland over wild birds', Tom King says "Ireland ranks second from bottom in the European

Union at protecting the habitats of wild birds, the European Commission announced yesterday. The corncrake, the chough and the hen harrier are among the species the Commission judges to be “poorly protected”. The Commission announced yesterday that it was taking Ireland to the European Court of Justice for its continuing failure to protect the habitats of wild birds”...

Autumn Migration Survey 2003 – Methodology

“Three recording periods were used to survey the development site study area made at fortnightly intervals between 15th September and 13th October 2003. Each recording period consisted of two visits...Surveys were carried out either in the early morning or late afternoon”.

- How many fortnightly visits are possible between 15 september & 13 october?!
- Omitted from the EIS is the fact that Birdwatch Ireland on their website have recorded the presence on 4th December 2003 of the Little Egre (Annex I) at Sruwaddacon by Lucy Arnold, James Kilroy, Tony Murray and James Southerly. The Little Egre was associated with one of two heronries at Sruwaddacon and it is significant that the trees where the herons were nesting have recently (June) been cut down. The heron breeding season is protracted with the first eggs being laid in mid.February and the last young fledgling in early September. It is, therefore, significant that the trees were cut down in JUNE. Whooper Swans (Annex I) and several Red and Amber list birds not recorded in the EIS are present at Sruwaddacon SPA.

“If the proposed development was to proceed any significant ecological value of this 165 hectare site would be more than diminished. It would be virtually eradicated. The changes and impacts would extend beyond the site boundaries.” Mr. Kevin Moore ABP’s Inspector’s Report p.113

- Mayo CC did not allow access to the NPWS Reports until after they made their decision thus denying appellants and the press right of comment.

Section 18 – Cumulative impacts identified of other developments in the area:-

- OMITTED from this section is the fact that ABP has granted planning permission for the biggest windfarm in Europe on 12,000 acres of bog – the effects of which will impact on the same watercourses as this project.

Section 19 Sustainable Development:-

- Once the gas from the Corrib field has been depleted (and this could happen in as little as 15 years the foreshore, landing and the upstream pipeline will be defunct and left to rust in our foreshore, farmland and in the great bogs of Erris.

SUBMISSION to Mayo Planning Authority: Reg. PO3/3343

Background

Interest

For over 25 years we have owned a residential property c.2km downwind from the proposed Ballinaboy gas terminal-cum-refinery. Our immediate concern arises from the c. 45,000 tonnes of emissions into the air which will be borne by the prevailing winds directly over the village where our property lies. Alarming,ly, this cluster of 9 residences is not shown on the ordinance survey-based map accompanying the Planning Application, despite repeated efforts on our part over several years to have this omission rectified by the Applicant. Effectively it has been air-brushed from the record.

Pro-gas

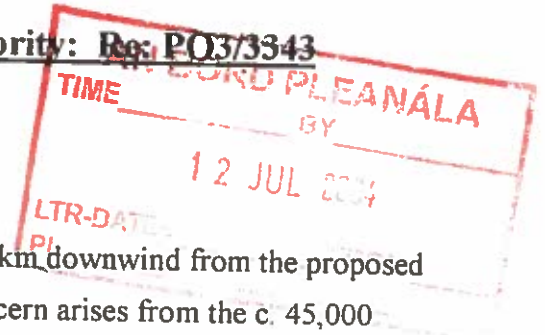
We are unequivocally *pro*-gas, *pro*-Erris prosperity, and *pro*-sustainable development. We have witnessed Erris grow and develop over the past 30 years to an extent almost unimaginable at the outset, and we have consistently, if indirectly, supported this development.. However, regarding sustainability we are aware that set-backs have been part of the Erris scene quite as much as its undeniable progress. While optimism regarding major developments is therefore warranted, open and fair acknowledgement of the facts and their implications is essential for all concerned.

Promises

It would, for instance, be horribly ironic if Corrib gas were to be piped through Erris to fuel prosperity at the far ends of Ireland leaving little benefit in Erris once the short-term (and potentially disruptive) construction phase is finished. Yet, to date, that is the only certain prospect on offer to Erris. None of the parties involved, neither Shell, Bord Gais nor the Government deny this, though each is willing to intimate that others will deliver the vaguely-promised, longer-term prosperity. The truth is that Shell's interest and commitment ends totally once the gas has been cleaned and re-pressurised for delivery at Bellanaboy.

Stark Reality

No supply is possible except through a Bord Gais supply network. No supply networks are planned along the proposed pipeline route from Bellanaboy which is designed as a trunk-line straight through to Craughwell, with no spurs guaranteed whatsoever. Additionally, Bord



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Gais is statutorily and specifically prohibited from developing inherently uneconomic supply networks and so, only larger centres of population with substantial industrial bases, would qualify for supply networks. That is why, in the west, Galway city alone is guaranteed to benefit - while Cork and Dublin will be the main beneficiaries - over the 15 year life of Corrib gas.

Root Problem

This need not be the case but it is the only one which the Applicant is willing to consider, largely because it is the cheapest, most convenient option for them. They have been reinforced in this option by Government policy which envisages infra-structural development following on from such an installation. While this is a most attractive prospect there is reason to believe that it is largely wishful thinking of the kind which wins votes at election time but fails the test of closer scrutiny.

Precedents

Bantry Bay, for instance, did not benefit infra-structurally from the oil terminal based there 30 or so years ago but it did suffer the catastrophic dock-side explosion of the Betelguese oil tanker with the loss of 50 lives, followed by 15 years of clean-up and stagnation. Likewise, the Silvermines development at Tynagh brought little infra-structural development, but it has left a pollution problem which affects the whole locality and for which the development company is unwilling to take responsibility. The list goes on and on....

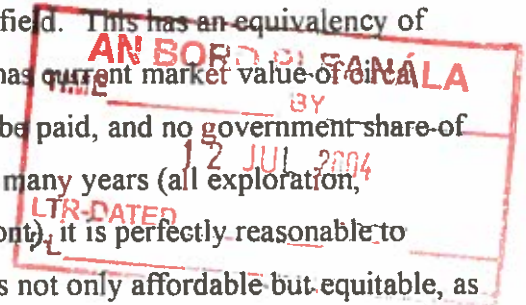
Long Term Planning

The central fact is that the planning stage is *a once-off opportunity* to get things right for all vested interests. The most certain benefit for Erris lies in servicing an off-shore platform, as at Kinsale, through the development of sea and heliport facilities from Blacksod and/or Broadhaven. This option was highlighted by An Bord Pleanála in its Section 10 referral. It would guarantee on-going commercial activity and local employment *over the whole life of the gasfield* by ensuring a flow-through of workers and supplies, as well as the spin-offs on sea and land which that would entail.

Costs

The Applicant has consistently refused to countenance this option on the basis of extra costs but has failed to provide figures to substantiate this position at any stage, despite having a

legal responsibility to do so. An Bord Pleanála's Section 10 referral noted specifically this responsibility to provide detailed assessment of alternatives. What is certain is that there is circa 1,000,000,000,000 cu.ft (one trillion) of gas in the field. This has an equivalency of 150,000,000 (150 million) barrels of oil which, in turn, has current market value of circa \$4,500,000,000 (\$4.5 billion). Since no royalties are to be paid, and no government share-of-ownership was reserved, nor is any profits tax likely for many years (all exploration, development and running expenses are deductible up-front), it is perfectly reasonable to expect that a solution with on-going benefit to the area is not only affordable but equitable, as was done in The Shetlands, Norway, East Timor etc, etc.



Bottom Line

It must be remembered in this regard that the \$4.5 billion of gas actually belonged to the Irish nation (as does all mineral wealth) until it was signed over by our government on payment of circa £5,000 shortly before the Shell takeover of Enterprise. Also, cleaned gas processed off-shore is capable of being readily piped to the national grid without the problem of slug build-ups which otherwise impose many limitations. And the £150,000,000 (150 million Euro) which government-owned Bord Gais is committed to invest for the pipeline to Craughwell could be far better spent in developing off-shore servicing facilities in Erris.

Repeat

In this light, it must again be emphasised that a facility in Erris servicing an off-shore shallow-water platform would give on-going employment and prosperity *over the full life of the field* whereas a terminal-refinery on-shore would merely allow the gas *to pass through Erris* to service the cities of Galway, Limerick, Cork and Dublin. Government Ministers and Bord Gais Managing Director have repeatedly acknowledged that there would be relatively little commercial benefit from Corrib gas north of Galway city and it is against this perspective that we wish our submission to be viewed.

Planning Context:

Interpretation

The current Application is an entirely new, independent, 'from-scratch' request for Planning Permission, despite widespread attempts in the media by senior political figures and spokespersons for the Applicant to portray it as having to do with the peat issue only. This

latter interpretation is very misleading as it chooses to ignore the interim judgement of An Bord Pleanala in June, 2003 and the *four key issues* which the 'second chance' Section 10 request for fundamental reviews provided.

Section 10 & Final Decision

Both the Section 10 request and ABP's final decision very clearly showed exceptional concern to accommodate government strategic policy in line with its statutory responsibility. In doing so it had to disregard the whole thrust of the 377 page ABP Report which collated the findings arising from the very extensive Appeals process, including the EIS and lengthy Oral Hearings. The conclusions of that report were forthright and unequivocal on each of the four issues raised in the Section 10 request. In opting to discount three of these very substantial issues, ABP showed enormous regard for government strategic policy, yet retained its integrity by a unanimous refusal based on the fourth issue, the peat problem. This issue significantly embodied what was most fundamentally wrong with the Application overall.

Political Intervention

Political intervention effectively undermined the potency of this unanimous ABP refusal in its immediate aftermath. It was characterised as being based on a mere technical shortcoming. This opened the way for a new application – *effectively its fourth*. The first Application was found to be so seriously flawed that it was withdrawn before consideration by the Planning Authority. The second Application was granted Permission by the Mayo Planning Authority, despite many submissions highlighting fundamental omissions, inadequacies and defects. A third opportunity was, most unusually, provided to the Applicant by An Bord Pleanala issuing a Section 10 request to fundamentally revise four crucial issues. This was done after the Appeals process, including report on submissions and oral hearing, had effectively been completed. It was a case of 'leaning-over-backwards' to be accommodating.

Section 10 Referral

This referral came in the immediate wake of Shell's takeover of Enterprise. Essentially it amounted to a fast-track option for the new owner to make a fresh application, and it reduced the criteria for a successful outcome to just 4 key issues. This was a most generous gesture but the response was blatantly arrogant. What emerged was an enormous volume of

consultants' reports in which assumptions, assertions and assurances predominated, and little or nothing of substance was altered. This was put bluntly in the Executive Summary of the formal Response: "In the case of consideration of alternatives, visual impact and safety, the assessment is that there is no material change to what has already been stated in the Environmental Impact Statement... The main refinement relates to the need to use more stone within the drainage system."

Agreement

The enormity of this disregard by the Applicant for the role and status of ABP was breathtaking. Likewise, the responses and reactions of several ministers in the immediate aftermath of the ABP refusal suggest that the Applicant's confidence was well founded. Obviously nothing less than what was agreed in principle during initial negotiations was acceptable: the government wanted infra-structural development in Mayo and the developer wanted an on-shore gas refining facility. The fuller implications of this bargain were not teased out by the government, but the developer was clearly aware of the advantages of its end of the bargain and was unwilling to settle for less. This attitude permeates proceedings to date.

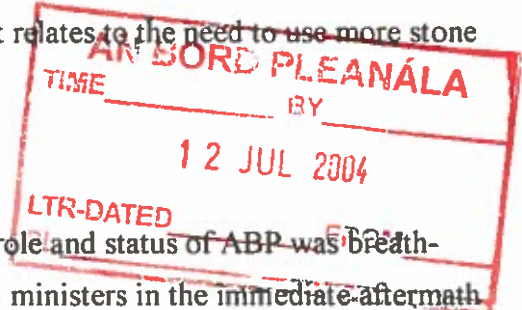
Crucial Issues

Project Splitting

Our central objection is to the way in which clearcut critique of the Application has been frustrated by '**Project Splitting**'. This insidious practice has been pinpointed by a '**Reasoned Opinion**' (2001) from the EU Commission, which is a preliminary stage in bringing Ireland before the European Court of Justice. 'Project Splitting' is unacceptable because it is about leverage: that is, using permission granted for one part of a project to powerfully influence the granting of another less certain permission. When such insidious loopholes are given precedence over the clear intention of the law, the integrity of the system is undermined. Since the Applicant professes to uphold the 'Donovan Principles' (see: www.Shell.com) a reasonable test of their good faith would be for them to accept and permit overall project evaluation.

Gasfield Pressure

In this regard the safety issue arising from the on-shore section of the import pipeline is extremely pertinent. The enormity of a pipeline conveying gas at full gasfield pressure (150



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BAR/c. 1 ton per sq. in.) in close proximity to homes along a distance of 9 km, is one of the worst safety aspects of this project. It has been publicly acknowledged by an expert, Mr. Taylor, that world wide "*it is the only one of a kind that he is aware of*" (ABP Report p.76). Yet it comes under the scrutiny of no Competent Authority, neither Planning nor Health & Safety nor any other: in short, no responsibility is acknowledged by any government agency.

Landslides

This scandal is given dramatic significance by the fact that had the original intention of running the pipeline along the Pollatomish route been in place at the time of the recent landslides, it would in all probability have been ruptured with potentially catastrophic consequences. Its intended route was immediately above the graveyard which was severely breached and excavated by that section of the landslides. As the Det Norske Veritas report (p. 3.4) states: "the major causes of pipe rupture are external interference and ground movement." When major accidents happen, such as the recent gas explosions in China and Algeria, great concern is expressed. But too often, at the Planning stage major issues of safety, as instanced above, are not given specific consideration because of 'project-splitting'.

Independent Evaluation

In view of all of the above obstacles to having vital aspects of the project as a whole brought under scrutiny, I requested assurances from the Planning Office that an independent, expert evaluation of the Application would be commissioned in respect to its diverse implications as reflected in the wide-ranging EIS. I made this request in the light of an official record of the Planning Section acknowledging in regard to a similar complex application that it did not have the necessary range of technical expertise within its own staff to evaluate such full implications. It nevertheless proceeded to adjudicate on the project and gave Planning Permission. This became a matter of serious concern when admitted publicly at an Oral Hearing. We appear to be heading down the same road again.

Edward & Imelda Moran
Chapel Street,
Belmullet.

SUBMISSION to Mayo Planning Authority

Re: **P03/3343 - Further information requested**

Item 1, Vol. 1. – Traffic Management Plan

Minister's Consent

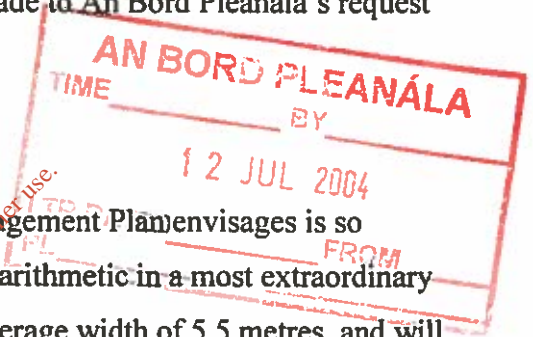
The first thing to note about the Transport Management Plan is that it was specifically required as one of the conditions of consent by the Minister of the Marine in his communication¹ of 15th April, 2002. It is consequently extraordinary that it had to be requested as further information as recently as 17th Feb. 2004 by the Planning Authority. It should have been included in the EIS. The fact that it wasn't adds to Shell's credibility gap, which dates back to the arrogantly inadequate responses made to An Bord Pleanála's request for further information, previously.

5.5 metre road width

However to deal with the present, what the Transport Management Plan envisages is so incredible that it defies ordinary commonsense and simple arithmetic in a most extraordinary way. For instance the revamped haul route will have an average width of 5.5 metres, and will include at least four 'single-lane-only' bottlenecks, yet we are asked to believe that up to 800, 2.5 metre-wide truck trips per day (averaging 80 per hour) can be expected to travel in opposite directions at up to 40 miles per hour on this 5.5m route while maintaining a very tight schedule on absolutely depends on free-flowing conditions for viability.

6" traffic clearance

Taken in more detail, it means that trucks will be passing one another at a rate of once every 90 seconds with a space of only 0.5m total clearance. This in turn allows only 0.16m (6") clearance at the road margins on either side and 0.16m (6") between the vehicles themselves. However, the full picture is even more implausible in that the margins are admittedly very prone to subsidence so that a 6" (0.16m) clearance cannot be considered safe even for ordinary rates of HGV traffic, say 10 per day. Eighty times that amount (i.e. 8,000%) places it beyond all belief.



Independent Expert Evaluation

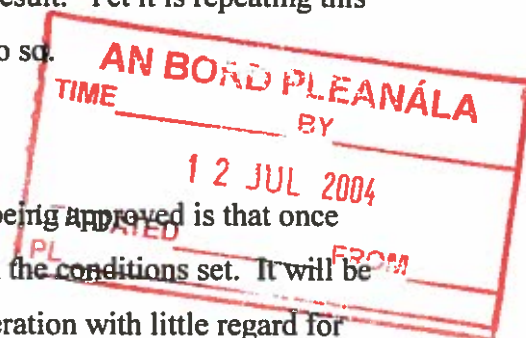
Shell is effectively presenting 'desk-studies' as workable solutions when, in fact, they fail to stand up to even preliminary scrutiny. It is outrageous, consequently, that these proposals are not being subjected to independent expert evaluation such as the ERM Report, DNV Report, Posford Haskoning Report and Peer Review Group Report which were commissioned in respect of the previous application. Those reports provided a credible basis for identifying and addressing vital issues. The Planning Authority failed to commission such expert evaluation last time around and drew severe criticism as a result. Yet it is repeating this failure again despite several requests, oral and written, to do so.

Extreme Liberties

What seems likely in the event of this impractical scheme being approved is that once permission is achieved, extreme liberties will be taken with the conditions set. It will be forced through by hook-or-by-crook - like a battle field operation with little regard for consequences. Who can honestly envisage up to 800 trucks a day passing each other in opposite directions at up to 40 mph at 90 second intervals with no more than 6" clearance between the trucks themselves and between trucks and road margins? There will be extraordinary pressure on Shell E & P Ireland Ltd from Shell Ltd. to meet deadlines. E & P stands for Exploration and Development which represents the darker side of Shell, as the Ogoni people in Nigeria, and others world-wide have good reason to know. The international head office creates the pressure, local management must deliver – weather etc. is irrelevant.

Bottlenecks

Going further into the matter, consider what might happen in practice at each of the recognised bottlenecks and, especially, at the crossing of the main Belmullet to Ballina/Castlebar Road (R313) Consider the R313 where up to 80 trucks must cross every hour. This means a truck every 45 seconds. Unless they queue into groups of 5, or so, there is no way in which they can be accommodated. However such queuing is not possible as the various stages of unloading, wheel-washing recording etc. would be over-loaded by such crowding. Worse still, the crossings of the R313 are to be staggered so that the returning trucks cross in two stages, first into the west-bound lane and then, 1km on, they must cross the east-bound lane. This results in non-Shell traffic on the R313 being subjected to unmanageable levels of interruptions - one every 45 seconds and further complicated by involving two separate junctions 1km apart. As non-Shell traffic on that stretch runs at up to



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2,000 per day (i.e. up to 200 per hour - 1 every 20 or so seconds) the schedule set by Shell of 400, 45-52 minute round trips cannot be remotely realistic.

Grid-lock

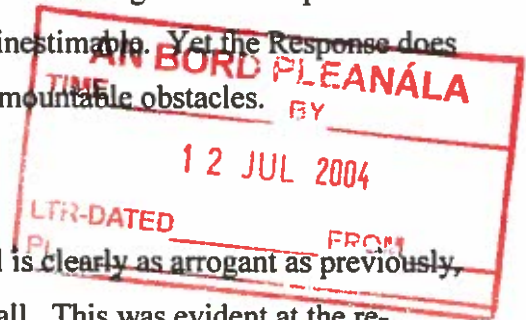
This is still only the tip of the iceberg. Each of the acknowledged single-lane bottlenecks would add to the potential grid-lock, especially those where the bottleneck is compounded by an extended curve and consequent poor vision. Equally, the impact on queues at loading, weighing, recording, wheel-wash and unloading apron, as well as egress from deposition site back into the traffic-flow on the public roads, is literally inestimable. Yet the Response does little more than gloss over such real and potentially insurmountable obstacles.

Credibility Gap

The credibility gap is unbridgeable. The attitude of Shell is clearly as arrogant as previously, being dismissive of the consequences for the public overall. This was evident at the re-convened Oral Hearing in that the constraints set by Shell in commissioning their plans invariably turned out to be the root cause of the fundamental defects, which only became apparent as the Hearing unfolded. 'Time constraints' and 'cost constraints' were the main culprits, as indeed they are in the current proposed Transport Management Plan. Setting a schedule for 400 round-trips per day, for example, is so tight and inflexible that it shows little comprehension of the consequences of the multiple clogging-points en route. In this regard, the target of 120 working days to transport the waste peat appears to have forced all other considerations out of the picture.

Weather

When the uncertainty of weather is added to the above picture, and it is recalled that work on Srahmore bog has always been seriously hindered by the unpredictability of the weather, all assurances re targets ring hollow. With milled peat Bord na Mona were working at all times with a comparatively dry material which was capable of being stockpiled for many months to enable targets to be met in the event of extended bad weather. In the current instance, Bord na Mona are faced with an essentially slurry-like² material, as raw peat is up to 95% water content. Bord na Mona cannot guarantee secure and containable conditions for such slurry-like waste either at the terminal or at the deposition site during inevitable periods of extended rainfall. The implications of such an untried and untested undertaking for traffic management during the projected six months of peat transportation are potentially of chaotic proportions.



Nothing in the Response addresses the inevitable log-jams and protracted delays inherent in such clearly intractable problems.

Time Constraints

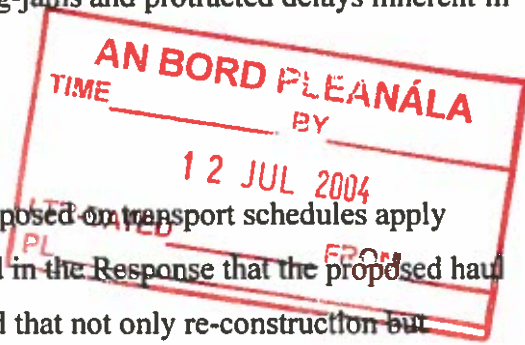
The consequences of unrealistic time constraints imposed on transport schedules apply equally to the route preparation. It is acknowledged in the Response that the proposed haul route roads as they stand are entirely inadequate and that not only re-construction but widening is needed before transportation of peat could commence. However, time constraints prevent much of this work being carried out, particularly in regard to widening. When it is realised that only minimal widening was envisaged in the first instance, the real seriousness of the situation emerges. Anyone living in the Erris area who drives regularly on these 'rural non-national roads' knows how frequently truck drivers unfamiliar with peat-based roads lose control and topple over due to the margins giving way. Likewise, those who walk on such roads when heavy vehicles pass know how jelly-like the wobble under-foot feels. Short-cuts are being taken re route preparation and these immense consequences for all aspects of traffic management are not addressed by the Response.

Margins

Time constraints likewise preclude the type of work necessary to provide an adequate foundation for the margins of the proposed haul road. The report acknowledges that the type of reinforcing envisaged is so deficient that very substantial subsidence is expected and will be the focus of on-going repair work. At 5.5 metres, road width makes no allowance for safety, and with up to 800 trucks per day passing in opposite directions at 90 second intervals constant use of the margins will be the norm. In such circumstances, it is inevitable that dangerous conditions will frequently prevail and that accidents with potentially life-threatening consequences become not merely a possibility but a probability.

Cost Constraints

Time-constraints are only one of the fundamental, unrealistic impositions. Another which is clearly quite as fundamental and pervasive is cost-constraints. A 6.5 metre wide road, with no bottlenecks and a solid foundation, is the minimum requirement implied by the survey findings as presented in the current 'Response'. A road laid on bog is, in effect, 'floating' on the underlying peat and can never be stable. This is documented in the Response which acknowledges that peat-based roads are subject to surface break-up and to frequent,



significant and unpredictable subsidence as the level of groundwater fluctuates with changing weather conditions. Every regular road-user in the Erris area knows that an apparently good road can deteriorate into a 'humps-and-hollows' condition in dry weather. Ironically it is the 'good' weather which causes the most dramatic damage.

HGV's

The relatively cheap, quick-fix solution proposed might be adequate for normal traffic as the quoted standard suggests, but this standard is based on traffic use of only 200-1,000 per day over a design-life of 20 years. Heavy Goods Vehicles are assumed to account for 10% of that traffic (i.e. 20-100 HGV's per day). Up-grading this standard, as proposed, to the 1,000-2,000 vehicles per day level (i.e. 100-200 HGV's) does not come anywhere near meeting the requirements of the projected six-month long, intensive use by 800 HGV's per day - and this is only Shell traffic. Nor does the use of a geosynthetics layer dispel legitimate fears as there is nothing 'normal' about 800 HGV's per day on top of the "approximately 2,000 vehicles per day (which) have been recorded on this section of road" (R313). From this we can infer that another 200 HGV's must be accommodated bringing the total to 1,000 HGV trips per day on this section of the R313.

Rural Non-National

Another clear inference is that the standard appropriate to 1,000 HGV trips per day would be that suited to an overall vehicle usage rate of 10,000 vehicles per day (i.e. where HGV's account for 10% of traffic.) Obviously HGV's have a wear and tear effect on roads exponentially greater than light vehicles usage so that it is National Road Standards, not Rural Non-National Road Standards as proposed, which should apply. In like manner the 20 year design life, and the 10 year maintenance life, standards are not appropriate.

Deterioration resulting from intensive use is not only not directly proportional to rate of use (i.e. the number of vehicles per day) but is likewise not directly proportional to the length of period of use. Intense usage over a concentrated period of time creates energy build-up effects and resonance related damage of extraordinarily disproportionate levels. On unpaved roads in East Africa I have witnessed this phenomenon very graphically.

Planning Authority

In short, there is no way that a Rural Non-National Road in extremely poor condition can be transformed by superficial re-building into the type of road appropriate to handling National

Road levels of HGV usage, especially when it is a peat-based Rural Non-National Road. Time-constraints and cost-constraints place consultant/planners in an invidious position and so Planning Authorities must maintain a bottom-line re minimum acceptable standards. If they fail to counterbalance those negative pressures to produce 'quick fix' and 'cost-effective' solutions, then the community must pay the price in terms of upheaval, vastly increased risks and potential tragedy. Reliance on the Observational Method has been thoroughly discredited so ultimate responsibility rests solely on the Planning Authority.

Footnotes: Item 1:

- 1.** see copy of this letter supplied in Shell's Response, Item 2, Vol 1.
- 2.** The exhaustive borehole and auger test results done for the previous application show how rapidly peat changes to a slurry-like consistency beneath the relatively firm top 12" layer.

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Vol.1 Item 2: Structural Stability of Pipelines

Pipeline Pressure

Shell's response to this Item is again both evasive and minimal. The safety implications underlying this issue are potentially the most fundamental and explosive of all the issues raised by the Planning Authority. Yet nothing in Shell's reply acknowledges the dangers inherent in the import pipeline which carries raw gas at extremely high pressure from the gasfield to the terminal. Instead, the Response refers to the import pipeline and the export pipeline as though they were similar in all respects. This is precisely the kind of misleading, simplistic response to fundamental issues which increases the credibility gap concerning Shell's¹ openness and accountability.

Safe Management

There is as much difference between the import and export pipelines as between a raging torrent and a smooth-flowing river. The import pipeline carries raw gas at full gasfield pressure and has all the added complications which impurities, highly flammable additives

(methanol) and liquid slug build-up create for safe management. The export pipeline, by contrast, carries purified gas at much reduced pressure levels. Both pipelines present major potential safety threats to the populated areas they pass through, but the threat inherent in the import pipeline is of a far greater magnitude. To portray it otherwise, and thus ignore the enormous safety implications, is grossly misleading.

Unique Location

The basis for this contention lies in the fact that there is no other instance world-wide of a pipeline at gasfield pressure carrying raw gas 9km inland (and through populated areas), as confirmed² by Mr. David Taylor, consultant, at last year's Oral Hearing. The norm is to de-pressurise raw gas as close to the well-head as possible and to process it off-shore. In the minority of instances where raw gas is brought ashore for processing, it is de-pressurised and refined in the immediate vicinity of the shore (e.g. Ayr, and Bacton in UK). The enormity of what is proposed for Bellanaboy is best highlighted by the fact that there is no recognised standard for transmission of such high pressure gas applicable to the current context. The Andrew Johnson Report, which is the only expert evaluation of the on-shore section of the import pipeline, conservatively states:

- "The onshore section of the Corrib Gas Pipeline operates under certain conditions which are unusual. (P.3) ...
- It is rare for an onshore pipeline to transport unprocessed well fluid in the vicinity of inhabited buildings (P.9) ...
- The project design basis for the onshore pipeline states that IS328 will be used as a supplement to BS 8010 where this is considered to be beneficial. (P.9) ... It is not normal practice for sections of one code to be substituted by sections from another. (P.11) ...
- An upper pressure limit is not defined although the code states that in general practice, the maximum pressure ranges up to 100bar.

Nothing in the absolutely innocuous Response to Item 2 alerts one to such fundamental reservations being on record. As stated by Johnson, the highest maximum pressure recognised by industry standards is 100bar whereas the import pipeline is intended to operate at up to 150bar - this is analogous to a speed limit of 100kph (62mph) being exceeded by speeds of up to 150kph (93mph)!

Written Confirmation

Shell's Response is devoid of detail and can in no way be construed as an adequate reply to the Planning Authority's request for "written confirmation from the relevant regulatory authority that the design of the proposed gas pipeline from the terminal compound to the site boundary is suitable to ensure the structural stability of the pipelines constructed in deep peat soil". The truth of the matter is that the Minister's letter of 15th April 2002 merely outlines the parameters within which the consent is to be granted. Shell makes no attempt to identify any particular item in this letter as constituting "written confirmation...that the design of the proposed gas pipeline...is suitable to ensure structural stability....in deep peat soil" because there is no basis for such a claim in the letter. The question asked by the Planning Authority was quite specific, the response from Shell is so vague as to constitute outright disregard for the Authority and for the Planning legislation underpinning it.

DET NORSKE VERITAS

The Det Norske Veritas Report was prepared in response to "an ABP request that the Health and Safety Authority (HSA) make recommendations to ABP on the acceptability of the proposed development under the Seveso II Directive". This Report indicates how extraordinarily weak are the bases on which absolutely vital aspects of the proposed import pipeline are intended to proceed. It leaves no doubt about the imperative need for a clear and categorical answer by Shell to **Item 2**. It states:

- "A recent analysis of failures in European gas pipelines (Bolt, R) indicates that the major causes of pipe rupture are external interference and ground movement" (3.4) ...

The 22 landslides recently in this locality caught the media headlines in a dramatic way but instability of peat is an everyday fact of life which cannot be ignored with impunity. When taken in the context of the pipeline itself being alive with kinetic energy of enormous proportions, the potential dangers become inescapable. The 150bar pressure (1 tonne per square inch) contained within the pipeline can make it behave like a poorly secured high-pressure firehose, only magnified many fold. This phenomenon is specifically identified in the Minister's letter of 15th April 2002³ in both Conditions 7: "to ensure that any pipeline lateral movement as a result of buckling has not left the pipeline exposed ..." and Condition 8: "for mitigating upheaval buckling ...". The instability of the peat added to the instability of

the pipe itself warrants credible assurances. The minimalist and evasive four short paragraphs tendered by Shell are gravely worrying.

- “There are a number of slugcatchers in operation worldwide, but the number of years operation without a failure is insufficient to derive a statistically valid failure frequency.” (3.4) ...

The whole concept of using a slugcatcher so far from the gasfield, and additionally so far from the shoreline, is highly questionable. The tendency for unmanageable slugs to form increases with distance from the gasfield. A comparison of alternative solutions⁴, is legally required under EIS legislation - and ABP specifically requested such a comparison but to no avail. Shell refuses to consider any other option or to be forthright about the one chosen.

- “Table 3.1 Modes of Failure for Piping Systems: Out of a total of 1,014 failures, 303 defective pipe or equipment; 190 operator error; 129 overpressure; 92 Corrosion; 84 unknown; 49 impact; 44 wrong in-line equipment or location; 44 temperature (high or low); 35 external loading; 16 vibration; 17 other and 11 erosion.” (3.4)

The information sought in Item 2 obviously had to do with safety yet the very little information supplied side-stepped this fundamental issue. DNV however did not evade the fact that accidents happen - and with far greater frequency than is acknowledged anywhere in Shell's EIS. What is significant in this table is that well over 50% of failures were due to human error or inadequate care.

- “Leak frequencies have always been a major source of uncertainty in risk analysis of onshore plants. No comprehensive collection of leak frequency experience has yet been published for onshore process equipment. Onshore risk analyses have traditionally used leak frequencies whose origin is obscure, typically dating from the 1970's and which cannot be traced to any actual data from any specific group of plants (e.g. USNRC 1975), but are nevertheless the only available onshore sources.”(11.7)
- “Most of the available onshore leak frequencies come from obscure sources, with no information about the origin, quality or analysis of the data. It is even possible that they were judgmental sets of frequencies, not based on any data at all, which have become accepted by virtue of frequent repetition. They have never been corroborated by an onshore data set with defined hole sizes.” (11.7)

These excerpts highlight the extraordinary bullishness which characterises the Exploration and Development side of the industry. It's typified by an attitude towards standards which treats them as obstacles to be overcome and, so long as the risks involved don't threaten Shell's 'costs' and 'deadline' targets, they'll drive ahead. Risks to the community and to the public at large are acceptable it seems – so long as they don't attract dramatic media interest.

Footnotes Item 2:

1. A distinction between Shell Ltd. and Shell E&P Ltd. is appropriate in that it is invariably the Exploration & Development arm of Shell which gives rise to negative criticism worldwide.
2. see An Bord Pleanála Report, PL16 - 126073 (p. 76)
3. see footnote 1, Item 1, above
4. [There is in fact a revolutionary new process which uses gasfield pressure to create supersonic gas speeds within a 6ft long tube, thus separating out impurities. It was developed by a Shell subsidiary, has passed all commercial testing and is already in use in Nigeria and Indonesia. It has been hailed in Exploration & Development circles as the biggest breakthrough in the past 40 years. Its significance for Corrib is that it would permit off-shore refining of gas on an unmanned rig which in turn would permit gas to be piped ashore without any methanol or other additive. <http://www.twisterby.com/>, the website for this technology, is easily accessible and very user-friendly.]

Conclusion

Due to the time-constraints imposed by Shell/Mayo CC we were deprived of 10 of the 21 days allowed for reading through the very substantial volumes of the Response. Availability of copies and misinformation have thus caused our submission to be curtailed to the two most clearly incongruous Responses.

The common denominator highlighted by us is the arrogant inadequacy of Shell's Response and its disregard for the statutory jurisdiction of the Authority. Ironically, we welcomed Shell's take-over of Enterprise believing the enlightened attitude to stakeholders and the environment, as detailed at length on Shell's website. Experience has changed our expectations to the point of outright scepticism, and media reports in recent months amply reinforce this view. The following excerpt from the ABP Report says it all:

"The Applicant's Response has unquestionably failed to address the further information requested by the Board. It was not a complicated request and in my view it was comprehensible." (P.207)

Edward & Imelda Moran
Belmullet & Bunowna

Corrib Gas Refinery Terminal: 9 Fundamental Objections

1. **Pipeline under gasfield pressure** (150 BAR) travelling 9km inland in close proximity (50-100m) to many homes. This is unprecedented anywhere in Europe or North America. [There is an umbilical conduit carrying supply lines for electricity and methanol (11°C flashpoint) in same trench. ABP's Inspector's Report "*I would draw the attention of the Board to a response by Mr. Taylor ...when asked is the crossing of an untreated gas pipeline, umbilical system ... of 8km or more unprecedented. He submitted that it is the only one of a kind that he is aware of*" (p.76 of 377).
2. **Project splitting**, whereby Planning Permission is sought for different sections or stages of the project at different times and in pre-emptive sequence. This renders reasoned objection a nightmare of complexity. **EU Reasoned Opinion** (2001) addressed to the Irish Government seeks to end this crude practice but the process is slow. As things stand, the licence for gasfield pipeline (**Dept of Marine**) and, the export pipeline(**Dept Enterprise**) create leverage for the grant of permission for the terminal, while the **IPPC** licence (**EPA**) re pollution aspects is deferred, thus precluding it being addressed at this stage.
3. **100,000 barrels** of highly inflammable substances stored on site are wrongly precluded from objection. **Methanol** (stored in 5 enormous tanks 33ft. high, 43ft. diam. hold c. 65,000 barrels; a further 35,000 barrels of **condensate/oil** (in 3 tanks 34ft. high, 34ft. diam.), yet no objections are permitted in respect to residents safety at this stage of Planning since **NAOSH** define the limit of their responsibility as the plant footprint perimeter despite the proximity of the '**gasfield-pressure**' pipeline entering the site. ABP's Inspector's Report: "*Despite the NAOSH, as the designated competent authority, being required by "Seveso II" and the 2001 Regulations to undertake consultation procedures...(it) has submitted no such technical advice on the risks to the community and the environment (it)leaves An Bord Pleanala in a position whereby an informed decision on this most significant public safety issue cannot be made*" (p. 159 of 377).
4. The project requires installation of **enormous refrigeration/pressure facility** seven or so years down the line which will involve storage of huge additional quantities of highly inflammable gas (propane). Again no account of the potential dangers of this is permitted at the current planning stage, despite a specific requirement in **EU EIA legislation** for inclusion of same.
5. Likewise, **EU EIA** requirements re investigation of alternative sites (and technology) were blatantly evaded by the developer at all stages of the application, despite specific Section 10 referral back by ABP for precisely such investigations to be made. ABP's Inspector's Report:*There is no evidence in the totality of the documentation now before the Board that specific alternative terminal sites were seriously investigated.*
6. The Planning Authority (Mayo C.C.) failed to commission **an independent technical evaluation** of the previous application. The implications of this failure were acknowledged by the Planning Officer at the Oral Hearing under rigorous questioning by the Inspector. The so-called **fast-tracking initiative by the government** has resulted in this failure being repeated.
7. The proposed terminal/refinery site straddles a ridge separating two watersheds. Should there be a major disaster (e.g. **Whiddy Island**) the **Carrowmore Lake SAC/SPA** 2km.to the south, which supplies the N.W. Mayo region, would be seriously endangered by outflow pollution from fire fighting efforts etc., as would the **Sruwaddacon SAC/SPA** inlet c.1km to the north.
8. Both the gasfield pipeline and the export pipeline (to Craughwell in Co. Galway) would travel very considerable distances through **bogland**, which the contractors (**Arup Engineering**) acknowledge as the most difficult type of terrain due to its instability. Recent landslides here at Pollatomish would undeniably have ruptured the gasfield pipeline (150 BAR pressure) had that route not been objected to, and changed, at an early stage. The potential for instability in bog is by no means confined to landslides – bog bursts on almost imperceptible slopes are a fact of blanket bogland.
9. **Condensate, a waste oil separated from the gas, is to be incinerated on-site** despite unlimited and free supplies of relatively clean gas. This conveniently entails the need for an **IPPC** licence from **EPA** which, in turn, will not address such objections until a post-planning stage. Thus the prevalent strategy of **project splitting** facilitates incineration of waste on site and eliminates pollution issues at terminal/refinery planning stage.

Selection of Quotes from ABP Report of Previous Appeal

p.55

At a regional level, other than short-term employment arising from construction works associated with the overall development and the relatively small number of permanent jobs at the proposed terminal, there are no other definable benefits to the region outside of Galway.

p.69

I find it difficult to move away from a now informed opinion that the choice of the preferred option is primarily based upon the cost difference between it and other offshore options such as the shallow water fixed steel jacket option rather than the environmental or technical constraints. In my opinion, the development of a shallow water fixed steel jacket option appears a better option from an environmental perspective, based upon the developer's own assessment criteria.

p.75

The criteria used to determine a suitable route for the pipeline from landfall to terminal have been seriously breached in my opinion.

It is apparent that the development concept that has been decided upon has limited the serious consideration of alternative landfall locations, restricting landfall to the Dooncarton area in general. Following on from this, the selection of the terminal site some 8km inland has created a very limited spatial corridor through which a pipeline would have the ability to traverse. This narrow assessment of alternatives is seriously deficient in my view.

p.76

I would draw the attention of the Board to a response by Mr. Taylor in cross-examination by me at the Oral Hearing when asked is the crossing of an untreated gas pipeline, umbilical system and discharge pipe through a terrestrial corridor of 8km or more unprecedented. He submitted that it is the only one of a kind that he is aware of.

p.76

On the basis of the information provided by the applicant I could not conclude that there was a serious consideration of alternative terminal sites. It was, rather, the submission of the applicant that consideration of four general areas for the siting of a terminal was made prior to the selection of the Bellanaboy site. After a period of six weeks following the employment of RSK Environment Limited at the end of March, 2000 to prepare the Environmental Impact Statement for the terminal project, the selection of the terminal site took place in May, 2000. The initial contact with Coillte to purchase the site was also made in May, 2000.

p.76

It is reasonable to conclude, on the basis of the applicant's own submissions, that the availability of the Coillte land block that forms the proposed terminal site allowed the developer to pursue the onshore processing option at a significantly reduced cost compared to other offshore processing options. *No other comprehensive alternative site-specific assessments for a terminal development were undertaken.*

p.87

He notes that the site straddles several rock formations and that the hill on which the site is located is not underlain by a single geological unit. Furthermore, it is noted that the site is bordered by two faults.

p.98

It appears also that the applicant ignored the designs and caveats of W.S. Atkins, the peer review team, who advised against building anything directly on the peat. Only conceptual designs for the peat bunds were produced. Based on this, the planning authority granted planning permission.

p.99

The planning authority determined a planning application that was based upon conceptual proposals and it was without essential information on the proposed peat repositories.

p.100

There has been no consideration of bog bursts, bog slides, bog flows or the conditions under which they can occur.

p.102

The implications of transporting massive amounts of rock to the site is a serious traffic issue. The alternative consideration of trucking vast volumes of peat off the site elsewhere also creates very serious traffic and road safety problems. The two approaches are not realistic options in my opinion.

p.103

The proposal is wholly unacceptable. Notwithstanding the principle of such a proposal as being unworkable and a serious threat to the environment, there is an obvious significant deficiency in the information upon which the applicant's conceptualised approach is based. This cannot be acceptable in my view. I consider that the selection of this elevated bogland site for this massive industrial development, based upon the likely impact of the site development works, is categorically an inappropriate choice.

p.104

the general area within which the site is located may reasonably be described as one of significant ecological value. There are vast areas of this part of North-West Mayo that are proposed Natural Heritage Areas, proposed Candidate Special Areas of Conservation, and/or Special Protection Areas. ... The proposed site forms part of a small land area that is squeezed between a proposed Natural Heritage Area to the west, proposed Candidate Special Areas of Conservation to the north, east and south, and Special Protection Areas to the north and south. ... Significant disturbance of the ecological balance could be detrimental and could introduce long-term damage to these valuable natural assets.

p.105

Along the transition zones, bushes of Mediterranean Heath are prominent. This is frequent in parts of west Mayo, rare in west Galway and unknown elsewhere in Ireland. The rare Marsh Saxifrage occurs at the site, a protected species under the Flora Protection Act, 1987 and listed under Annex II of the European Habitats Directive. This species is confined in its distribution to north-west County Mayo.

p.115

There are clearly wider implications arising from an industrial plant operating over a 24 hour period for foraging, feeding, patterns of movement, and breeding of mammals and birds, notably disturbance and displacement. There is very little information provided on the breeding, flight paths, and feeding patterns of bird species in the area, despite the general area being known to be of significant value with two SPAs in the vicinity of the site. ... The potential hindrance, disturbance and displacement caused by a large industrial development sited within a bog surrounded by recognised areas of ecological value would be significant. As there has been little attempt to relate the ecological impact of the development to its wider setting, the applicant has in effect represented an image of the exclusivity of the site. In my view, this is a serious deficiency in the applicant's submission. ... The ecological impacts of this large industrial complex does not stop at the site boundaries.

p.116 There is a visual distinctiveness and identity about the Erris Area in which this proposed development is to be set. It is a symbolic landscape that creates a sense of place which is significantly important to the local community. The geological and geomorphological attributes of the area are distinctive, while a valuable vegetation cover (Priority Habitat) predominates. The high degree of designation of areas of conservation importance exemplifies this. The general area in which the site is located requires to be understood within a large-scale landscape. This is typified by the expansive panoramic views across the Erris Area widely available from within the site. The landscape character exhibits a representation of the area as one of remoteness and with a high sense of aesthetic quality. It is a landscape of distinctive importance not alone to the Erris community but to the region and nationally due to its aesthetic and cultural values. It is also of significant national and European value because of its important ecological value. In general, the rural environmental integrity of this area is intact. It remains a unique landscape. My assessment below highlights the sensitivity of this area to landscape change by the large industrial development proposed.

p.121

The basis upon which this site has been chosen as argued by the applicant, i.e. because of the low visual impact that would occur, is wholly incorrect. The visual injury arising from allowing the use of this bogland hilltop site, based upon the applicant's own development criteria, would be so harmful to the high quality and scenic visual environment that presently exists, it would comprehensively and significantly alter the landscape character of the area. ... There is no screening this development to any significant degree. To accept this proposal, based upon the application now before the Board, is to accept a most expansive and most visually obvious industrial complex set within this rural community.

p.136

Nine bridges of concern were identified. It is submitted that there is no regular maintenance of the bridges, that water damage is evident to the sides of the vaults in all of the bridges, each bridge has little or no lead-in to the bog-based roads that join them, and that the covering of vaults is shallow.

p.148

One must continue to return to the issue of the appropriateness of siting a large industrial development in a remote rural location away from a serviced area. On the basis of the proper planning and sustainable development of the Erris Area, this is inexplicable.

p.151

there is no commitment to allowing access to the Corrib gas for the whole of Mayo, the West Region outside of Galway and Ballinasloe, and the North-West Region. The gas field has an estimated lifespan of only 15-20 years, with peak production in the early years. ... I must stress that it should not be regarded as acceptable to permit a development such as that which is proposed with its seriously damaging environmental impacts on the pretence that there *may be* greater economic benefits to the region.

p.152

. If one accepts and accumulates the plethora of adverse environmental impacts referred to within the assessment of these issues, then it must be concluded that this development would not contribute to tourist interests in the area in any meaningful way and, indeed, would erode the very basis upon which tourism is built in the area, notably the high quality scenery, the remoteness of the area, etc. Poorly sited, highly obtrusive, large-scale industrial development in a remote rural tourist area would not benefit tourism.

p.153

. I see no attempt to contextualise the relevance of this area as part of the totality of the tourism product of Erris. Consideration of isolated one-off tourist attractions in the area and determining these as the tourism valuables is misguided. The tourism package includes the landscape, the culture, and the high quality rural amenities that are widely available in the area in which the development would be located. To erode these assets because they are not classified individually as tourist attractions, without realising that the tourism product for sale is inter-dependent on a range of natural and man-made assets (with a heavy dependence on the natural assets in the Erris Area) is a retrograde step and unacceptable, in my view.

p.154

The specific guidelines for tourism development include respecting the cultural and physical resources, and the scale and character of particular locations. ... optimising long-term benefit for the community as a whole rather than speculative gains for the few, and integrating tourism with other activities in the rural economy.

p.156

it is my submission to the Board that the most significant on-site planning issue on the matter of public safety relates to the control of dangerous substances on the site and the potential hazard for the wider public. ... the natural gas and its associated condensate and the injected methanol processed at the terminal would fall within the definition of dangerous substances. ... Methanol is a listed dangerous substance in Annex 1.

p.207

The applicant's response has unquestionably failed to address the further information request posed by the Board. It was not a complicated request and in my view it was comprehensible.

p.207-8

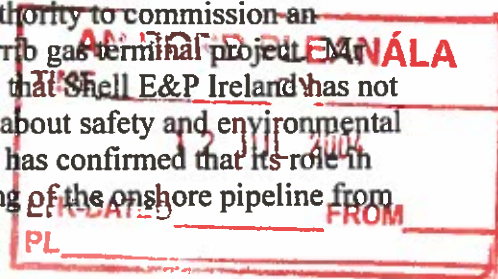
I put it to the Board that the applicant has failed to address the further information request. What was offered in the form of a response, and which was defended at the re-opened hearing, was that the shallow water platform option was eliminated early in the selection process because it was considered to be not economically viable. The applicant was questioned by most of the third parties at the re-opened oral hearing on the failure of its response to what the Board had asked by way of further information. The response of the applicant at the hearing is notable on this issue when questioned about what further investigations and further submissions were made to the Board relevant to the alternative option. The response given by Mr. David Taylor, one of the applicant's main expert witnesses on the issue of alternatives, on the last day of the re-opened hearing is telling when he stated "we have not made any because in our opinion the consideration of alternatives in the EIS and as discussed at the oral hearing in February was perfectly adequate."

Galway engineer calls for audit of Corrib gas project

Lorna Siggins, Marine Correspondent

26/04/2004

A Galway-based engineer has called on the Health and Safety Authority to commission an independent safety audit of all aspects of Shell's €800 million Corrib gas terminal project. Mr Brian Coyle of Coyle Kennedy structural and civil engineers says that Shell E&P Ireland has not adequately responded to recent queries by Mayo County Council about safety and environmental aspects of the project. However, the Health and Safety Authority has confirmed that its role in the project is limited, and does not extend to the design and routing of the onshore pipeline from the Corrib gas field to the proposed terminal at Bellanaboy.



The pipeline will make its landfall at the foot of Dooncarton Hill, where a series of landslides occurred last October, and will run within 60 metres of several houses. A decision on the company's latest planning application for the terminal in north Mayo is expected within the next fortnight, following the local authority's request for additional information on 28 aspects of the new environmental impact statement. A Health and Safety Authority submission was lodged shortly after Easter, but will not be made available to the public until after the council announces its decision. This submission is confined to the authority's remit in giving advice on major hazard aspects of land use planning, under SI 476 of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000.

Mr Coyle, who is from the Erris area, has already lodged an objection to this latest planning application, principally on health and safety grounds. He says that the high pressure pipeline linking the offshore gas field to the onshore terminal at Bellanaboy will be in breach of the Seveso II international directive, as it will run under Dooncarton Hill where landslides occurred last September, and close to private houses. In a new submission, Mr Coyle reiterates his concerns about the stability and safety of the pipeline route. Mayo County Council has asked the company to give written confirmation from the relevant regulatory authority that the design of the proposed gas pipelines from the terminal compound to the site boundary is structurally stable in peat soil. Mr Coyle maintains that the company does not address this in its response. The speed of flow of gas through the pipeline will be 2,500 km per hour, he says.

"We are all aware of how difficult it is to restrain and support a fire-fighting hose," he says. The blanket bog will not "restrain" this high pressure pipeline. The council also queries the "phosphate hot spots" emanating from the peat, and Mr Coyle maintains that the company will not be able to deal with this contaminant when transferring the peat as part of its plan. Mr Coyle says Bord na Mona does not have the expertise to handle transfer of 450,000 cubic metres of acidic blanket bog as part of the new plan, and predicts that this will result in the discharge of 400 million litres of acidic water into north and south Carrowmore lake - the only drinking water supply for the region. The company has admitted in its response that the transfer of peat from Bellanaboy to the Bord na Mona site at Srahmore will be weather dependent, and says that it will cover the peat with waterproof sheeting when it rains.

Commenting on Mr Coyle's new submission, a spokeswoman for Shell E&P Ireland told The Irish Times that the proposed development of the Bellanaboy bridge gas terminal and the related pipelines was subject to a thorough regulatory regime, which included "the input of many competent Irish authorities who are recognised as the relevant experts in their areas." She said the company did not believe it was appropriate now to discuss the detail of these submissions, but did not agree with the views expressed by Mr Coyle. "The company believes its proposals have been developed in full compliance with all relevant legislation and best international industry practice," she said.

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Mayo County Council
Aras An Chontae
Castlebar

A. FORD PLEANÁLA
TIME _____ BY _____
12 JUL 2004
Ref No: **B03/3343** FROM _____
PL _____
30/01/2004

Mr Edward & Imelda Moran
Chapel Street
Belmullet
Co. Mayo

A Chara

I wish to acknowledge receipt of submission received from you on 30/01/2004 in connection with planning application by **SHELL E & P IRELAND LIMITED** for **CONSTRUCT GAS TERMINAL FOR THE RECEPTION AND SERAPATION OF GAS FROM THE CORRIB GAS FIELD, AND FOR A PEAT DEPOSITION SITE, RESPECTIVELY. THE DEVELOPMENT WILL CONSIST OF THE CONCURRENT DEVELOPMENT OF TWO SITES LOCATED 11 KILOMETRES APART, APPROXIMATELY, AND IDENTIFIED AS THE SITE OF THE GAS TERMINAL FOR THE RECEPTION AND SEPARATION OF GAS FROM THE CORRIB GAS FIELD IN THE TOWNLAND OF BELLAGELLY SOUTH AND THE SITE OF THE PEAT DEPOSITION SITE IN THE TOWNLANDS OF SRAHMORE AND ATTAVALLY, BANGOR ERRIS. THE DEVELOPMENT AT THE BELLAGELLY SOUTH SITE WILL CONSIST OF: A GAS TERMINAL FOR THE RECEPTION AND SEPARATION OF GAS INCLUDING PLANT AND EQUIPMENT; PROVISION OF 4,935 SQ M (GROSS FLOOR AREA), APPROXIMATELY, OF BUILDINGS; ACCESS ROADS; 40 NO. CAR PARKING SPACES; AND ANCILLARY DEVELOPMENTS, OF WHICH 13 HA, APPROX, WILL BE DEVELOPED INRESPECT OF THE GAS TERMINAL'S FOOTPRINT. THE PROPOSED DEV. WILL OF THE BELLAGELLY SOUTH SITE WILL ALSO CONSIST OF; THE EXCAVATION AND REMOVAL OF 450,000 CUBIC M at BELLAGELLY SOUTH SRAHMORE ATTAVALLY.**

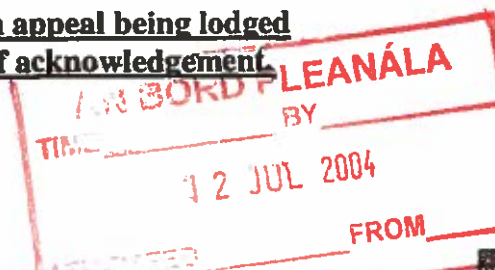
The matters referred to by you will be taken into consideration by the Council before a decision is made on the application. Notice of the Council's decision on the

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

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

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

Mise, le meas



PLANNING DEPARTMENT
MAYO COUNTY COUNCIL
ARAS AN CHONTAE
CASTLEBAR
CO. MAYO
094-24444

30-01-2004 13:40:48

Receipt No. : PLAN/0511

EDWARD & IMELDA MORAN
CHAPEL STREET
BELMULLET
CO. MAYO

MISC RECEIPTS - PLANNING 40001
SUBMISSION ON P030343

Total 20.00 EUR
 15.75 IEP

Tendered:
Cheque 20.00

Issued By : Orla Burns
From: PLANNING SECTION

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ASTERION...S FOOTPRINT. THE
DELLAGALLY SOUTH SITE WILL ALSO
ON AND REMOVAL OF 150,000 C.T. IN AT
JIMORE ATTAVALLY.

The plans to be submitted by you will be taken into consideration when a
decision is made on the application. Notice of the Council's decision