

SECTION 131 FORM

Appeal NO: PL 16.207212.

Defer Re O/H ☐

TO:SEO

Having considered the contents of the submission ~~received~~ 29/06/04 from

Michael O'Leighin 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 Somers

Date: 01/07/04.

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 Dala

Date: 4/7/04

S.A.O.: _____

Date: _____

M _____

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

to: _____

Allow 2/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

CORRESPONDENCE FORM

A. al No: PL 16.207212

M. Fagan

Please treat correspondence received on 29/06/04 as follows:

- 1. Update database with new agent for Applicant/Appellant** _____

2. Acknowledge with BP 20.

3. Keep copy of Board's Letter ☐

Response to appeal
from 3rd party appellant.

- 1. RETURN TO SENDER with BP**_____

- 2 Keep Envelope: ☐

3. Keep Copy of Board's letter ☐

Amendments/Comments

4. Attach to file

- (a) R/S ☐

- (b) Mapping ☐

- (c) Processing
- ☐

- (d) Screening ☐

- (e) Inspectorate ☐

RETURN TO EO ☒Plans Date Stamped ☐Date Stamped Filled in ☐

EO: Kieron Somers

AA: Local Affairs

Date: 01/07/04

Date: 5/7/04

Your Ref: PL 16.207212
P.A.Reg.Ref: P03/3343

To: An Bord Pleanála,
64 Sráid Maoilbhríde,
Baile Átha Cliath 1.

26th June 2004

AN BORD PLEANÁLA	
TIME _____	BY _____
29 JUN 2004	
LTR. DATED 26.6.04	FROM 3rd party appeal
PL 16.207212	

Observations re. appeals in relation to decision by Mayo County Council.

By: Micheál Ó Seighin & Others.

Contact: Micheál Ó Seighin, Ceathrú Thaidhg, Béal an Átha, Co. Mhaigh Eo.

Appeal Re: Construct gas terminal for the reception and separation of gas from Corrib gas field and for a peat deposition site, Bellagelly South, Srahmore, Attavalley, Bangor Erris, Co. Mayo.

Observation on Appeal by Ballinaboy/Leenamore Residents

1. The residents' concern that neither the developer or more seriously the implementation body, Mayo County Council are willing to respect the rights of the local residents (point 11 in appeal) is given critical emphasis by the ongoing events on the site, while illustrating how little the concern of the local residents figures. We are aware that An Bord Pleanála is not an implementation body but we feel it is important in the absence of an oral hearing to bring these matters that relate directly to the respect being shown towards the process of planning itself to the attention of An Bord, for in the event of planning permission being granted the ongoing activity indicates clearly what respect would be shown the limiting factors applied by An Bord to such permission, for the protection of the local population.

Since the appeal, the developer has continued to carry out the following works (at least):
(See Enclosure 1)

i Cleaning out and in some instances deepening of drains that once functioned (at some time in the past): the developer explains that he is merely returning the drains to a functioning past, but this is a past that did not exist at any time during the lifetime of this project;

- ii Constructing a silt-pond to facilitate drainage of the site, itself under appeal.
- iii The construction of a "*field-drain silt pond*" complete with sand-bags etc. as per. Arup Drawing No C065, being Shell Drawing No. COR-AR-SD-006 (EIS Vol. 1, Technical Appendix 3), itself under appeal.
- iv Sinking a well from O.D. 22m., 9 metres deep into an artesian basin and aquifer of undefined extent. This ongoing work was commented on by local residents during a guided tour of the site, which the developer did not wish to facilitate, but was forced to do so, by other requirements. i. to iv is not "maintenance".

Apart from the fact that these matters are under appeal, there is also the physical reality of the inordinately high level of phosphate recorded in the water on site. This is being released without check or record to a Carrowmore lake that is again this summer showing signs of bloom, which last summer caused the close down of the fisheries, and only appeared initially within the last four years.

These matters have been brought to the attention of Mayo County Council both by us and by the local residents, but MCC accepts TPA's (agent for Shell) explanation that 'tis grand. (Enclosure 1 & 2). No written reply has been received to date from MCC.

The object of the above activity is two-fold: One to show to all and sundry that An Bord Pleanála is just a formality and that permission to go ahead is guaranteed; and Two to have initial drainage completed, both from the peat and the underlying aquifer, when permission is given. No planning system can function in such a milieu, where the planners espouse contempt for the process itself. As any permitted work will be carried out behind strict security fencing, such contempt for planning, for law and re-action by MCC bodes ill for the local community who would not be able to monitor the ignoring of the conditions attached. Aware that An Bord Pleanála is not an implementation body we nonetheless ask that An Bord includes in its judgement a definition of what work is allowed on a site while under planning appeal, as in this instance, so as to discourage further piracy.

2. (Enclosure 3). In another message to an Bord Pleanála and to all and sundry, Mayo County Council this week announces the re-construction of the roads the subject of the planning application and appeal. This decision is so crazy that sane comment is very difficult:- Schedule 2, Condition3(ii) seems to say that Shell must agree to paying for the works as advertised(legally binding) prior to commencement of works. Does that mean that Shell will pay for the roads if planning is not forthcoming? This condition is

AN BORD PLEANÁLA	
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under appeal? Again, MCC is giving the two fingers to An Bord Pleanála - "ye can't stop us!". How childish, but calculated to bring the planning process into disrepute.

Condition 4 puts the responsibility for this work on the developer?

Condition 5?

Of course we welcome any up-grading of roads but this is specifically aimed at a situation under appeal, which Mayo Co. Co., as in the case of the on-going work on the site, is ignoring, and aligning itself publicly with the developer, against the local people.

Again we ask that An Bord Pleanála comment on the legality of this activity, in the interests of law-abiding citizens.

Observation on Appeal by Mary Corduff & Family, Brian Coyle, Brendan Philbin

There is no consistency or logic in the treatment of the up-stream pipelines, whether within the boundary of the site or outside it. The danger imposed by the pipes in the bog, and the variety of influences present but un-researched is made much more immediate by the lack of definition of who is responsible for what, to the extent that a definitive decision would seem to be made impossible. The HSA in communication with Brian Coyle (who will put this case himself) says the HSA has no responsibility for Mary Corduff or anyone, apart from workers on the pipeline. So who has? An Bord must get a legal definition of this problem because as it is, Mary Corduff and all others in the line of fire are put in direct danger without any protection or means of recompense, dependent on the voluntary monitoring of Shell, which we can only accept as being as good as its reputation and our experience of it.

Enclosure 7, letter from Chair of MLVC, 28/05/04 states clearly that "*detailed Health & Safety issues were outside the remit of the MLVC*" and

Enclosure 8, MLVC Report, Section 6.3.2.6 Accidents & Emergency Response passes the buck for "*safety of the local residents & environment*" by its comment "*These are matters for consideration by ABP and the Health and Safety authority.*"! The "*Major Accident and Prevention Policy and Safety Report*" from the developer would seem to be a distant echo.

The same Brian Coyle received yesterday, June 25th 2004 from Junior Minister Fahy a declaration that the "*establishment*" under Seveso is the terminal footprint only: previously it has been the site, but that is now inconvenient, so re-define: why not reduce it further to the inside of the pipeline after it passes through the walls of the slug-catcher? Junior Minister Fahy also in this letter introduces a new category in planning - "*the cross-*

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country pipeline". (Kenya, Ethiopia, ye can have your cross-country runners - we've got a pipeline: you're not unique, John Tracey!).

The Tánaiste in her reply to Dáil Q.111 on June 1st 2004 (Enclosure 4) defines the "establishment" as *"the site within the overall landholding of an undertaking where dangerous substances are present in one or more installations"* which applies however many pieces one makes of the up-stream pipeline. The worry expressed by Mary Corduff and others is more and more justified.

While believing that the establishment is simply the whole area under the control of the operator, we are aware of the difficulties that have put multiple knickers in logarithmic twists, and so we ask An Bord to get legal finality on this issue of the "establishment" and its implication which for the residents are severe.

The uncertainty and worry expressed by Mary Corduff and others on foot of the response to Item 2 of Further Information is intensified by the goings on that are being exposed almost on a daily basis. We ask An Bord to get a definitive interpretation of the uncertainty surrounding these matters where the MLVC, The Johnston Report, The Fehilly Timoney commentary, the HSA vacillations, the responses to Dáil questions by the Ceann Comhairle and Minister Harney, the latest contribution from Minister Fahy, all together make up a concept that is not good enough, composed of a hotch-potch of irreconcilables where the health and safety of individuals for now and for the future are inseparably involved, through no decision of their own. This mixum-gatherum is irresponsible, bordering on criminal neglect.

An Ceann Comhairle in his reply to Paddy McHugh, T.D. adds to the confusion (Enclosure 5), placing the responsibility for the safety of the public along the up-stream pipeline (including one assumes within and without the boundary fence) in the lap of An Bord Pleanála, and away from Mayo County Council and from The Minister for the Environment: *"The Minister has no official responsibility to Dáil Éireann for this matter which falls within the statutory remit of An Bord Pleanála."* Ref: 16620/04. Please solve, for the safety issue cannot be addressed unless legal responsibility is settled.

Observation to Appeal by Feasta.

If this specific implementation of the natural gas off-shore project is proposed to be national policy then the process of policy making, a unilateral (by Shell) decision taken without any recourse to subsidiarity issues and without input from the community

affected, is very strange indeed: national strategic policy decided by a tactical financial decision of Enterprise Oil, now Shell? It beggars belief that any Government in a modern democracy would make binding decisions on a specific project without taking cognisance of the effect on the immediate local community. By accepting the unilateral decision of the developer, taken on short-term financial grounds alone, the Government, if it has done so, and Mayo County Council which has by identifying its acceptance of this project in its entirety, is presumed to have taken account and due cognisance of the effect on individuals potentially affected: and so they have accepted responsibility for the outcome. The outcome will be effected in the context of pipeline instability on deep bog, unstable hillsides, blasting, a shadowy health and safety report, no expert treatment of the entire up-stream pipeline, no awareness of the deep bog issue, no analysis of the multiple pipelines side by side, a refusal to take responsibility for the safety issues involved, risk to fishing and consumer water resources, real health and safety issues, not considered by HSA who, on the word of Inspector Colreavy, only take "workers" under their hat, a project splitting carried to cartoon extremes, and pushed through by Government because in the words of Minister Cuív at a public intimidatory rally 'tis gone beyond looking for another site. Not even the disasters of Glengad or Derrybrien or the increasing rainfall figures can penetrate the "irrational exuberance" (Greenspan) of those waiting for Godot. (Enclosure 6 shows that blasting under Glengad hill is likely to be for 2KM.)

Signed by:


Micheál Ó Seighin, Ceathrú Thaidhg.

On Behalf of:

Micheál Ó Seighin, Ceathrú Thaidhg.
Uinsionn mac Graith, Ceathrú thaidhg.
Caitlín Uí Sheighin, Ceathrú Thaidhg.
Uinsionn mac Graith, Ros Dumhach.
Treasa Ní Ghearraigh, Ceathrú Thaidhg.
Bríd Ní Sheighin, Ros Dumhach.

AN BORD PLEANÁLA	
TIME _____	BY _____
29 JUN 2004	
LTR.- DATED _____	FROM _____
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Ceathrú Thaidhg,
Béal an Átha,
Co. Mhaigh Eo.

Copy.
Planning File No. P03/3343

AN E
TIME
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PL

ENCLOSURE 1.

22 June 2004.

To: Senior Planner Mayo Co. Co.
Mayo County Council, Enforcement Section, Planning Dept.

Ref:- Planning File No. P03/3343

Re. Breach of Planning Laws by Shell E & P Ireland Ltd., on Site at Ballinaboy

In the context of the above planning file and the ongoing appeal to An Bord Pleanála of the decision by Mayo County Council to grant planning permission to Shell E & P for the application being the subject matter of the above named file; and in the context of the ongoing abuse of the planning appeal system by Shell E & P and the acquiescence of Mayo County Council in such abuse; we make the following points:-

For the duration of an appeal, no work may legally be carried out on a site or establishment the subject of such an appeal, except "maintenance" only. We presume that MCC accepts this starting point. "Maintenance" does not mean or authorise a reversion to a postulated earlier state that may have existed sometime before the developer borrowed the site from Coillte, whether such time be when surface drains were initially imposed on the site or in the Neolithic or Mesolithic past before the bogs began to grow. "Maintenance" applies to the condition of the site at the date of application for planning, or at the latest to the material state existing when planning was granted - both states theoretically the same, but substantially different when/where cowboys operate in a pre-law frontier milieu.

If and when MCC has a different definition of what restorative maintenance is the same must be communicated to the interested parties, the auctioneer/developer/contractor majority on MCC. If MCC agrees, as its Senior Planner does, that the work carried out by Shell on the site while the planning process is incomplete is legally "maintenance", the same interested parties will be delighted to implement its' implications.

The major works implemented while the appeal to An Bord Pleanála is ongoing are:-

(i) Cleaning out, and in some instances deepening of drains that once existed as drains : these drains have been returned to a state that did not exist during the lifetime of this project or for many years previously - if, indeed they ever did!

(ii) The construction of a silt-pond to facilitate drainage of the site, which activity, i.e. drainage of the site, as part of the Application in File No. P03/3343 is under appeal. There is no application extant for the construction of such a silt-pond.

(iii) The sinking of a well from O.D. 22m., 9 metres deep into an artesian basin and aquifer of undefined extent, leading to the surface drying up of a natural spring and watercourse in the basin of Carrowmore Lake Catchment and beneath the level of the Ballinaboy/Aughoose River. The flow from this well has recently been temporarily capped and the spring and stream have re-emerged.

According to TPA, acting for its client Shell E & P, the Senior Planner for MCC agrees that the foregoing is exempt development on the basis of the following Regulation:- Class 3 of Part 3 of the Second Schedule of the Planning and Development Regulations 2001, quotes as exempt development *"Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works."*

MCC agrees with TPA, the consultant of last resort in planning matters, that this means:-

- (a) Construction or maintenance of any gully, drain, pond, trough, pit or culvert is exempt development;
- (b) the widening or deepening of watercourses is exempt development;
- (c) the removal of obstructions from watercourses is exempt development;
- (d) the making or repairing of embankments to facilitate (a), (b), or (c) is exempt development.
- (e) These exemptions to be "without limitations." (TPA).

So, all listed works are exempt from planning regulations in all rural circumstances. Very good!

However the implications of this ill-thought out interpretation of the Regulations, distinct from the Act, are far-reaching and untenable, removing at one stroke any control MCC may have on groundwater or drainage in the pre-planning stage, local or arterial. As an example, if this interpretation stands, any developer can and may pre-drain a site and construct a pond etc. in advance of an application for planning permission. The balancing argument of effect on downstream properties and aquifers does not, so to speak, hold water, as it nullifies the integrity of the operative interpretation of the Regulation. Thus, as in this instance, where there are unexplained and extreme hot-spots of phosphate now being released into the downstream which includes an already over-burdened Carrowmore Lake, the local authority under this interpretation has made itself irrelevant.

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Let it be noted that the Regulation quoted does not refer to well-drilling, an activity severely and rightly circumscribed even in reclamation matters. Yet MCC does not refute the claim by TFA on behalf of Shell E & P that the activity they have undertaken is exempted development.

The Supreme Court in its wisdom has clarified the hierarchy of Acts and Regulations in law, by its judgement that Primary Legislation may not be modified by Secondary, i.e. that Regulations (S.I.s) may only facilitate the implementation of an Act, not modify or add to it. The Associated Primary Legislation on which Class 3 of Part 3 of the Second Schedule of the Planning & Development Regulations 2001 depends is The Planning & Development Act 2000, Section 4, Exempted Development which:- (1) lists the exempted developments for the purpose of the Act, listing (a) to (l), none of which refers to the works undertaken by Shell in this appeal period; (2) states "*The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act*" - does not apply in this case; (3) defines exempted development as (1) or (2); (4) Gives power to the Minister to prescribe developments otherwise exempt; (5) states the obligation on the Minister to consult with relevant authorities.

Therefore the Act itself does not award exemption to the activities here claimed and clearly Shell E & P and MCC by exceeding its' discretion under the Act are in breach of the Act.

The Senior Planner of MCC accepts the opinion of TPA, acting on behalf of Shell E & P, that the activities undertaken by his client while the planning process is incomplete are exempt, based on Class 3 of Schedule 2 of the Planning and Development Regulations 2001- Part 3 - Rural, under S.I. No 600 of 2001, Commenced 21 January, 2002, the Associated Primary Legislation being Section 4 of the Planning and Development Act 2000. The Guidance Note edition: January 2002 states:- "*Part 3 of Schedule 2 relates to rural exemptions and covers the following categories of development:*

- *limited use for camping,*
- *minor works and structures,*
- *minerals and petroleum prospecting,*
- *agricultural structures,*
- *land reclamation,*
- *afforestation,*
- *some miscellaneous categories, none of which encompasses the works carried out while an appeal is in operation.*



i.e. Part 3 of Schedule 2 does not exempt Class 3 activities **except** for the above categories of development.

However, "*peat extraction*" is defined in article 3 to include any related drainage of bogland. As a consequence, **drainage works on a new or extended area of 10 hectares or more now requires planning permission**. As the establishment is much in excess of 10 hectares the drainage works implemented by Shell E & P in this planning period are illegal, and would be even in relation to the orthodox extraction of peat, as is the co-operation of MCC in this activity.

It is natural that TPA would interpret the regulations so as to suit himself and his client: it is not so easy to understand how MCC could acquiesce in such a masochistic exercise. Unless MCC is to be seriously embarrassed in its access to the planning laws, the interpretation of the regulations, in so far as they apply to the category of development in question, must be the sensible reasonable one: i.e. the construction of gully, drain, pond etc, the widening and deepening of watercourses, the removal of obstructions, the making and repairing of embankments is subject to planning permission, but the works necessary to implement the planning permission are exempt. Common sense and the reality on the ground rule out TPA's rather self-serving and sanguine interpretation, which MCC must live with.

Further:- If an activity or work contravenes a condition attached to a planning permission, then that work or activity is in breach of the planning laws, and must be reversed. If MCC does not agree that this is the law, the relevant vested interests will be glad to implement the opposite.

In the matter of the planning permission granted by MCC to Shell E & P on the 30th April, 2004, the following observations apply:-

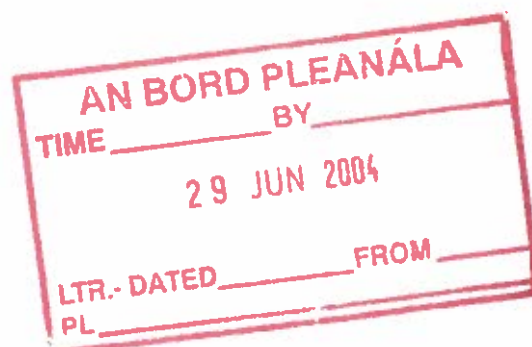
The activity undertaken by Shell E & P on site at Ballinaboy since 30th April, 2004, is clearly in breach of Condition 16, 17 and 18, especially as far as surface water run-off is concerned. Likewise Condition 55, 58, 60 and 61, where it is clear that no activity is to take place before putting in place the required monitoring systems.

It is incredible that MCC accepts such a blasé attitude to its' own planning process: it can hardly expect to be taken seriously by the big boys in the system.

I expect a definitive response promptly,

Micheál Ó Seighin.

c. NWRFB.



Plannyp

+ FAX TRANSMISSION

Number:	094 9023937	Date:	2 June 2004	Page 1 of 3
Company:	Mayo County Council			
Attention:	County Secretary			
From:	Tom Phillips			
Subject:	Works at Bellanaboy - Your Ref P03/3343			

ENCLOSURE 2.

see attached Letter.

CC Shell E&P Ireland Limited

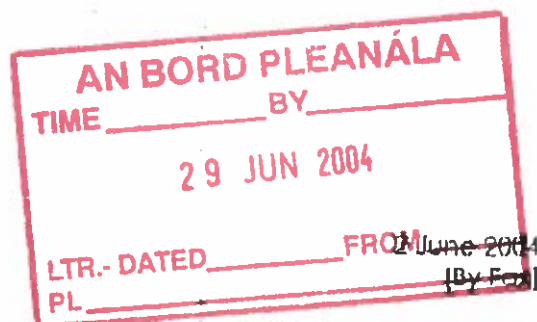
AN BORD PLEANÁLA	
TIME	BY
29 JUN 2004	
LTR.- DATED	FROM
PL	

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The County Secretary
Mayo County Council
Aras an Chontae
Castlebar
Co. Mayo



Dear Sir

**Re: Your Letter Dated 2 June 2004 Concerning Works at Ballanaboy Bridge -
Proposed Gas Terminal**

Your Ref: P03/3343

I refer to the letter faxed to this office this afternoon concerning your request for us to confirm the nature of the works being carried out at the above site.

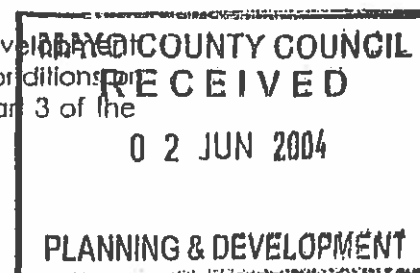
Our Client, Shell E&P Ireland Limited, has confirmed that the company is currently carrying out maintenance works to the existing land drains on the site. The work will entail the cleaning out of existing drainage ditches, including the removal of obstructions, so as to re-establish the original depth of these ditches. A silt pond is also proposed as part of these works in order to ensure that there will be no silt run off which potentially could have an impact on water quality in the streams running from the site.

Our Client has previously informed the Planning Department in Mayo County Council of its intention to carry out the works. We have discussed the works with the Senior Planner who has confirmed our view that the works are exempted development under the Planning and Development Regulations, 2001. In this regard, the proposed activities are clearly exempted development under Class 3 of Part 3 of the Second Schedule of the Planning and Development Regulations 2001, which states:

'CLASS 3

Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works.'

It is important to note that, unlike many other exempted development activities in a rural context, the Regulations do not specify any conditions or limitations in respect of such works (Ref. Column 2 of Class 3 of Part 3 of the Planning and Development Regulations, 2001).



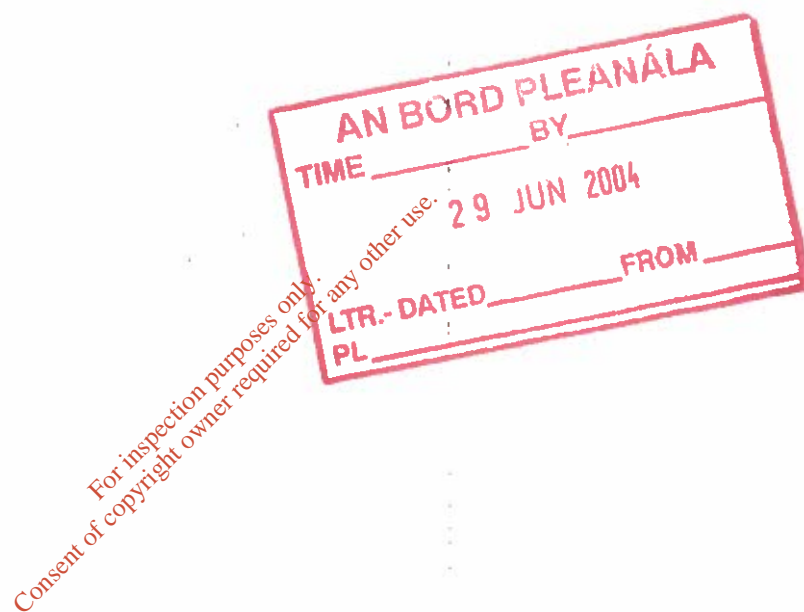
I trust that the above clarifies matters.

Yours faithfully



Tom Phillips
Managing Director
Tom Phillips and Associates

CC Mr Iain Douglas - Senior Planner, Mayo County Council



09/ 753000 for

10 m total width = 1 BAR

ENCLOSURE 3.

Notices

Comhairle Chontae Mhaigh Eo Mayo County Council



Section 179 of the Planning and Development Act, 2000

Part 8 of the Planning and Development Regulations, 2001

Upgrading of Regional Roads R313 and R314 and Local Roads L1204 and L12044 in the Townlands of Bellagelly, Bellanaboy, Muingeroon South, Muingingaun, Glenturkbeg, Glenturkbeg, Glencullin Lower, Cloontakilla and Attavally.

In accordance with Article 80 and 81 of the Planning and Development Regulations, 2001, notice is hereby given that Mayo County Council proposes to carry out development, as described below, in the townlands of Bellagelly, Bellanaboy, Muingeroon South, Muingingaun, Glenturkbeg, Glenturkbeg, Glencullin Lower, Cloontakilla and Attavally, Co. Mayo.

1: The widening of certain sections of the existing R313 and R314 Regional Roads, and L1204 and L12044 Local Roads to ensure a minimum carriageway width of 5.5m.

2: The improvement and strengthening of approximately 13km of the R313 and R314 Regional Roads and L1204 and L12044 Local Roads.

3: The replacement of bridges/culverts at Glenturkbeg and Cloontakilla.

The strengthening of bridges at Bellanaboy and Glenturkbeg.

Plans and particulars of the proposed development will be available for inspection during office hours at the Offices of Mayo County Council, Church Street, Belmullet, and the Offices of Mayo County Council, Aras an Chontae, The Mall, Castlebar, for a period of four weeks from the date of publication of this advertisement.

Submissions or observations with respect to the proposed development dealing with the proper and sustainable development of the area in which the development will be situated may be made in writing to the undersigned before 4 p.m. on Friday 6th August, 2004.

Signed this 21st day of June, 2004.

J. Condon, County Secretary,
Mayo County Council, Aras an Chontae,
The Mall, Castlebar, Co. Mayo.

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Your online resource.

THE DISTRICT COURT District Court Area of Belmullet

District No. 3.

To: The District Court Clerk, Courthouse, Ballina.
The Supt., Garda Stochana, Belmullet.
The Secretary, Mayo Co. Council, The Mall, Castlebar.

JAMES MANGAN Applicant

Take notice that the above named Applicant of Main Street, Belmullet, Co. Mayo, will apply to the Belmullet District Court on the 14th day of July, 2004, at 11 o'clock in the forenoon, for a Certificate under Section 15 of the Gaming and Lotteries Act, 1956, authorising the issue of a Licence permitting gaming at an amusement hall or unfair known as "The Hideout", situate at Main Street, Belmullet, in the Court Area aforesaid.

AND further take notice that the Applicant will rely on the following matters in support of his application:

1. The applicant is not disqualified under Section 8 of the said Act from the promotion of gaming under Sections 6 or 7 thereof.

2. Forms of entertainment other than gaming are also to be provided to wit: football, pool tables, car racing machines, jukebox and tennis.

Dated this 14th day of June, 2004.

Signed:
Bourke, Carrigg & Loftus
Solicitors for Applicant
Ballina, Co. Mayo.

THE DISTRICT COURT
District Court Area of

THE DISTRICT COURT

District Court Area of Belmullet

District No. 3

Please take notice that we intend to apply to Belmullet District Court sitting in Belmullet on Wednesday, 14th day of July, 2004, on behalf of Eamonn Munnelly Seven-day Licensed Publican, Belmullet, for a General Exemption Order pursuant to Section 10 of the Intoxicating Liquor Act, 1962, on his own behalf and on behalf of the other licensed publicans in the Geesala area, exempting them from the provisions of the Licensing Acts relating to prohibited hours in respect of their licensed premises on the dates and during the periods specified hereunder when Geesala Annual Festival is held:

Dates on which
Exemption sought
2004: August 7th, 8th,
9th, 10th, 11th, 12th, 13th,
14th and 15th.

Hours of Exemptions
sought
Prescribed time of closing
2.00 a.m. on morning
following.
Dated this 19th day of
June, 2004.

Signed:
Bourke, Carrigg & Loftus
Solicitors for Applicant,
Ballina, Co. Mayo.

To: The Supt., Garda Stochana, Belmullet, and
The District Court Clerk,
Courthouse, Ballina.

The District Court
District Court area of
Ballinrobe,
District No. 3
In the matter of the
Auctioneers and House
Agents Acts 1947-1973
Notice of application to
the District Court for a
Certificate of
Qualification to hold an
auctioneers licence.

AUCTIONEERS & HOUSE AGENTS ACTS, 1947-1973

TAKE NOTICE that an application will be made to the District Judge sitting at the District Court in Ballina on the 27th day of July, 2004, on behalf of Nuala Feeney, of 37 The Moorings, Quay Road, Ballina, County Mayo, carrying on business as Feeney West & Associates, Auctioneers, Valuers and Estate Agents and to having her principal place of business in the State at 2 Pearse Street, Ballina, County Mayo, for a Certificate of Qualification to enable her obtain an Auctioneer's Licence under the terms of the above Acts.

Dated this 22nd day of June, 2004.
P. O'Connor & Son,
Solicitors, Swinford,
County Mayo.
To whom it may concern.

Western People

KEVIN BARRY

STREET, BALLINA,
CO. MAYO

TELEPHONE
NUMBERS

Main Numbers:

096-21188

096-60999

From outside Ireland:

353 96 21188

ENCLOSURE 4.

DAIL QUESTION

AN BORD PLEANÁLA	
TIME _____	BY _____
29 JUN 2004	
LTR.- DATED _____	FROM _____
PL _____	NO. 111

To ask the Tánaiste and Minister for Enterprise, Trade and Employment the reason pipelines and pumping stations within establishments are excluded from the scope of SI 476/2000 which was implemented by her on 21 December 2000, in view of the potential of such pipelines and pumping stations involving dangerous substances to create major accidents as recognised under council Directive 96/82/EC which does not exclude pipelines and pumping stations within establishments; and if she will make a statement on the matter.

- Paddy McHugh.

* For WRITTEN answer on Tuesday, 1st June, 2004.

Ref No: 16618/04

REPLY

Tánaiste and Minister for Enterprise, Trade and Employment (Ms Harney)

Statutory Instrument S.I. 476 of 2000 the 'European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000' transposed into Irish law Article 4(d) of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances.

Neither S.I. No. 476 of 2000 nor Directive 96/82/EC exclude pipelines and pumping stations within establishments covered by the Directive and the Regulations.

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

TEACH LAIGHEAN
(Leinster House)

BAILE ÁTHA CLIAIH 2
(Dublin 2)

ENCLOSURE 5.

Paddy McHugh, T.D.,
Leinster House.

Ref.: 16620/04

31 May, 2004

Dear Paddy,

I regret that I have had to disallow the following question tabled by you :

To ask the Minister for the Environment, Heritage and Local Government if he will communicate with Mayo County Council to ensure that a safety assessment is carried out for persons residing adjacent to the proposed high-pressure pipeline transporting dangerous substances to the proposed Gas Terminal at Bellanaboy, County Mayo adjacent to the already unstable Dooncarton Hill, and if he will make a statement on the matter.

(this proposed pipeline is through blanket bog that will not effectively resist the forces in the pipeline)

The Minister has no official responsibility to Dáil Éireann for this matter which falls within the statutory remit of an Bord Pleanála

Yours sincerely,



Dr. Rory O'Hanlon, T.D.,
Ceann Comhairle.

J-TEH No. 11.

ENCLOSURE 6.

COMHAIRLE CHONTAE MHAIGH EO

MAYO COUNTY COUNCIL

MEMO

EXPLODE - 153

TO: MR. D. MAHON, COUNTY MANAGER

FROM: MR. MARTIN KEATING, A/DIRECTOR OF SERVICES

DATE: 6TH JUNE, 2002

SUBJECT: EXPLOSIVES BALLYGLASS PIER (MAYO COUNTY COUNCIL) BYE-LAWS, 2002

The Corrib Gas Pipeline Project requires blasting in order to excavate the trench at the landfall and the foreshore for the Corrib Gas pipeline. It is expected that blasting will be required in several sections from the landfall to approximately 2km offshore. Ballyglass Pier is the most convenient and closest location from which to load the explosives onto a vessel for transportation to the offshore drilling barge.


Blasting operations are expected to be completed within 3 months commencing in ^{This mail} early June 2002. Further surveys and preliminary excavations are required in order to determine the precise amount of trenching which requires blasting. The 3 months stated above is based on all 2km of the trench requiring blasting.

It is only permitted to transport a single days quantity of explosives. No storage of explosives are permitted. The movement of explosives could therefore be a daily occurrence. The explosives come in 25kg boxes which can be handled by hand. The explosives would be delivered each morning for that days usage. Loading of the explosives onto the transportation vessel will be completed in less than an hour.

The risk of an incident during handling these explosives is very low. The type of explosives to be used are inert and cannot be detonated without the use of the specific detonators, which are transported separately.

Section 36 of the Explosive Substances Act, 1875, creates a power to make Bye-Laws regulate the loading, etc. of gunpowder. As successors of the Pier at Ballyglass

The proposed Bye-Laws have been prepared in conjunction with the Department of Justice, Equality and Law Reform and the Garda Authorities, and were approved at the Belmullet Electoral Area Meeting held on 5th June, 2002.

 I ~~recommend~~ that the proposed Bye-Laws ^{were} ~~be~~ placed on the Agenda for the June Meeting of Mayo County Council for approval by the Elected Members. The making of the Bye-Laws is subject to the sanction of the Minister for Justice, Equality and Law Reform.

Martin Keating,
A/Director of Services.

MK/ED

Initials
10/6/2002

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AN BORD PLEANÁLA		
TIME	BY	FROM
	29 JUN 2004	
LTR.- DATED	PL	

Mr. Brendan Philbin
 Rosspoint South
 Ballina
 Co. Mayo

28/05/2004

Marine Institute
 Snugboro Road
 Abbotstown
 Dublin 15

telephone 353 1 822 8200
 facsimile 353 1 820 5078

Re: Proposed routing of gas pipeline



Marine
 Foras na Mara

Dear Mr. Philbin

Thank you for your letter of 25th May 2004 in connection with the above.

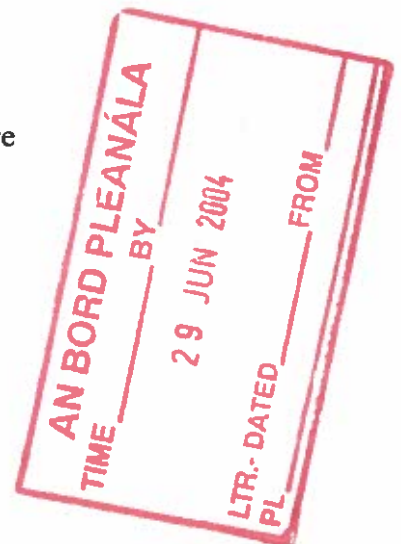
The role of the Marine Licence Vetting Committee was in assessing the environmental aspects of the proposed development of the Corrib Gas Field. While general issues related to pipeline integrity and accidents and emergencies were considered by the Committee the detailed Health and Safety aspects were outside its remit. I attach for your information the relevant section of the MLVC's report dealing with these topics.

I have forwarded your letter to the Petroleum Affairs Division of the Department of Communications, Marine and Natural Resources for a more detailed response.

Yours sincerely

Dr. Terry McMahon
 Chairman
 Marine Licence Vetting Committee

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MLVC Report:-

Section 6.3.2.6 Accidents and Emergency Response

The MLVC has considered this issue under the headings of possibility and probability. Provision for prevention and control of accidents must be regarded as reasonable and prudent and consideration must be given to the extent to which they are likely to occur. The risk of explosion at the Terminal, given the commitment by the developer to have appropriate safety features in place, is considered remote. The MLVC notes that the developer has committed to the preparation of a Major Accident and Prevention Policy and Safety Report. This plan should include the safety of the local residents and environment. These are matters for consideration by ABP and the Health and Safety Authority.