

Objection No. 6

**Noeleen Keavey**

**From:** Licensing Staff  
**Sent:** 08 May 2015 16:00  
**To:** Noeleen Keavey  
**Subject:** FW: New Third Party objection entered for Reg no: P0738-03. (Reference Number: P0738-03-150508035330)  
**Attachments:** P0738-03 MO appeal.pdf  
**Importance:** High

**From:** Monica Muller [REDACTED]  
**Sent:** 08 May 2015 15:54  
**To:** Licensing Staff  
**Subject:** New Third Party objection entered for Reg no: P0738-03. (Reference Number: P0738-03-150508035330)  
**Importance:** High

**Objection submitted on:** 08/05/2015 15:53

**Title:** Ms

**First Name:** Monica

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**County:** Mayo

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**Objector Type:** Third Party

**Oral Hearing:** No

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Monica Muller  
Rossport  
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EPA  
Headquarters, PO Box 3000  
Johnstown Estate  
Co. Wexford

07/05/2015

Re: IE Licence Application Reg. NO. P0738-03, Objection by Monica Muller and on behalf of Maura Harrington to the Proposed Decision

Dear Sir/Madam,

I am objecting to the Proposed Determination Reg. No P0738-03 for the following reasons:

### Summary:

IE licence application P0738-03 is an application to review IPPC licence P0738-01.

There is no evidence before the EPA that EIA for the Corrib Gas Project has been carried out within the meaning of Article 3 of the EU EIA Directive.

The only documents before the EPA comprised a variety of purported EIA by other authorities.

Regardless of the above the EPA permitted the applicant to activate the original IPPC licence P 0738-01 in November 2014, despite the fact that Shell E & P Ireland have not made to this day the legally required application to install and commission/operate the Corrib gas pipeline and associated parts.

It is unclear if IPPC licence P0738-01 issued with purportedly having carried out EIA for the 'activity' amounts to the 'consent to proceed with the project' within the meaning of the EU EIA Directive as clarified in ECJ 50/09.

The EPA issued a Proposed Decision on IE licence application P 0738-03 prematurely for an Activity by an applicant who has not made yet a legally required application to install and commission/operate the Corrib gas pipeline and associated parts.

The EPA has not seen fit to make the information available to the public in the advertisement in the Irish Independent, March 2, 2015; licence ref: P738-01.

As Shell E & P Ireland have not made the required application and submit the relevant documentation to the relevant authority, the EPA did have insufficient information available to carry out the obligatory EIA and AA for the 'activity'.

The EPA was therefore not in a position or able to conduct an EIA and AA for the Corrib Gas Project or for the 'activity in the remit of the EPA'.

The EPA acted prematurely and wrongly to grant a licence to Shell E & P Ireland to carry on the activities as listed in the form of a Proposed Licence which would be activated if no objections were submitted either by the first party or third parties or both as the case may be.

### Detailing reasons:

While various authorities responsible for the Corrib Gas Project have purported that a 'process of assessment' has been carried out by the separate authorities under separate legislation of parts of the Corrib Gas Project, there is no evidence that **'when** taken together, the authorities have ensured that the assessment required by Article 3 has been fully carried out for the Corrib Gas Project prior to the granting of development consent, 'the decision of the competent authority or authorities which entitles the developer to proceed with the project'.

The 'process of assessment' (to use the EPA's definition of EIA) carried out by the separate consenting authorities has taken place from 2002 to 2013, has not reconciled all the intervening changes of the Corrib Gas Project. All the same, the authorities permitted SEPIL to commence works. The EPA permitted the operation of the facility. As a matter of fact the 'assessment process' for the original gas pipeline included a terminal that was later rejected by ABP.

The final Terminal included a gas pipeline and associated parts that were altered post decision. The Terminal 'assessment process' was grounded on the previous application which was rejected by ABP. The ABP inspector Des Johnson while recapitulating ABP Kevin Moore's report and findings narrowed his 'assessment process' to the Peat Depository.

The various consenting authorities for specific parts of the Corrib Gas Project have purportedly carried out the statutory EIA in as far as their retrospective remit permitted under national legislation without due regard to the provisions of the EIA Directive and ECJ case 50/09.

The EPA appears to believe they are the last authority to issue a decision on the EIA for the plan/project. National law requires the Agency to carry out an EIA restricted to the activity as opposed to the duty to carry out the EIA for the Corrib Gas Project.

The EPA is tasked to carry out an EIA for the 'Activity' not for the Corrib Gas Project. However, the EPA as emanation of the State is not entitled to ignore the findings of ECJ case 50/09. The EPA ignored ECJ 50/09 in as far as they have permitted operation of the terminal even though there has been no application to install and commission/operate the Corrib Gas pipeline and associated parts prior to the issuing of the EIA process and decision.

In these circumstances the question arises as a matter of fact that without any of the consenting authorities having performed the duty of carrying out an EIA for the Corrib Gas Project as per article 3 of the Directive, with particular regard to findings of interactions and cumulative impacts between the 4 main parts of the Corrib Gas Project and the duty to carry out an EIA for the Corrib Gas Project prior to the granting of consents, who or which authority in Ireland is the ONE responsible agency the EPA can refer to and request to carry out the EIA for the Corrib Gas Project bringing together the interactions and cumulative effects and assessment thereof, of the development, construction and operational aspects of the Corrib Gas Project prior to granting an IPPC licence?

This is an issue that applies to all projects which require more than one consenting authority to issue consents which are subject to EIA requirements. While the process can be tasked to various authority and at different stages, the EIA for the plan of project cannot be split and spliced as the EIA has to be carried out PRIOR to consent to proceed with the project, a consent that has to be issued by the authority who is tasked with bringing all components together.

It is a fact that Ireland permits the developer to proceed with parts of the plan/project even before other required consents are applied for and issued.

Article 1(2) of Directive 85/337 defines the term 'development consent' as 'the decision of the competent authority or authorities which entitles the developer to proceed with the project'.

Ireland contends that under Irish law 'development consent' requires both planning permission from the competent planning authority and a licence from the Agency. And as in this instance, more than two authorities are involved; the principle of multiple authorities is not restricted to planning and emissions.

ECJ, 5/09, Section 77:.. In those circumstances, while nothing precludes Ireland's choice to entrust the attainment of that directive's aims to two different authorities, namely planning authorities on the one hand and the Agency on the other, that is subject to those authorities' respective

powers and the rules governing their implementation ensuring that an environmental impact assessment is carried out fully and in good time, that is to say before the giving of consent, within the meaning of that directive.

54. As regards Article 3 of the Directive 85/337, the commission submits that where there is more than one competent body, the procedures followed by each of them must, WHEN TAKEN TOGETHER, ensure that the assessment required by Article 3 is fully carried out.

Corrib Gas Project – Parts of the Project/required consent/issuing authority

Petroleum Lease, 15 November 2001,  
DCENR,

Ministerial Consent  
DCENR, under Section 5 of Continental Shelf Act 1968

Plan of Development 15 April 2002,  
DCENR, Section 13A of Petroleum and Other Minerals Development Act 1960,

Consent to Construct a pipeline 15 April 2002,  
DCENR, Section 40A of Gas Act 1976

Foreshore Licence 31 July 2002,  
DCENR, Section 21A of Foreshore Act 1933 as amended

DCNER, Section 40 A of Gas Act 1976 as amended

Foreshore Licence 17 May 2002,  
DCENR, Section 13A of Petroleum and Other Minerals Development Act

Consent for Foreshore Licence 15 April 2002,  
DCENR, Section 21A of Foreshore Act 1933

Waste Licence 27 July 2010,  
EPA,  
Planning Permission for Terminal 2004, Extended to 21 May 2017,  
Mayo CC and ABP

IPPC Licence 12 November 2007,  
EPA

Planning Permission for onshore pipeline 6 January 2011,  
ABP

Section 40 Consent for gas pipeline 25 January 2011,

DCNER

Plan of Development Addendum 25 January 2011,  
DCNER

Foreshore Licence 22 July 2011,  
Department for Environment

Note: SEPIL submitted various EISs and NISs since the first applications for the Corrib Gas Project in 2001; the plan/project or development have changed over the last decade of design and application process. For example the 2001 Plan of Development application contained a terminal proposal that was subsequently refused by the planning authority.

The terminal application entailed a gas pipeline that was subsequently changed entirely.

IPPC Licence of 2007 was subsequently replaced by the IPPC licence P0738-02 which has been squashed by the High Court. The EPA issued a press statement declaring that the IPPC licence P0738 -01 is still in place. SEPIL's application for IPPC application 738-02 states: "Since the original application was made in 2004 a number of changes have taken place to the scheme. The changes have largely been driven by the IPPC process and have now been reconciled into the application document. " The EPA had refused to deal with the changes by way of technical amendment to the IPPC licence 738-01, directing SEPIL instead to apply for a review.

An EPA letter dated 28 August 2013: confirmed that no Environmental Impact Assessments copies issued and provided by the relevant authorities exist.

*"With reference to your request for a copy 'of the EIA carried out by the Agency Prior to the issuing of PD for P738-02 ' the environmental impact assessment is not a document but a process of assessment, which continues up to the point at which the decision is taken. In the circumstances, the document you have requested does not exist as such."*

*"With reference to your request for 'the EIAs carried out and submitted to the Agency by ABP, DECG and DCENR', again the environmental impact assessment is not a document but a process of assessment."*

Yet, surprisingly the Inspector requested the very same EIAs Mr. Frank Clinton in his letter to me stated don't exist as such.

It could be argued that the record of the 'process of assessment' is sufficiently recorded in the EPA Board decision, within its wording and by reference to the documents to which it refers.

In such case the Inspector and the public would have to go on fishing expedition and trawl through ALL documentation, the entire files of each single application



made to multiple authorities. A notion so insane, that no sane person would construe the Environmental Impact Assessment and / or AA in such a light.

While there has been a 'process of assessment' carried out by the separate authorities under separate legislation of parts of the Corrib Gas Project, there is no evidence that *'when taken together, the authorities have ensured that the assessment required by Article 3 has been fully carried out for the Corrib Gas Project prior to the granting of development consent, the decision of the competent authority or authorities which entitles the developer to proceed with the project'*.

The 'process of assessment' (to use the EPA's definition of EIA) carried out by the separate consenting authorities has taken place from 2002 to 2013, has not reconciled all the intervening changes of the Corrib Gas Project. All the same, the authorities permitted SEPIL to commence operation of the Activity ahead of an outstanding application.

However, it is a fact that

"Under the Rules and Procedures Manual for Offshore Petroleum Production Operations conducted under a Petroleum Lease or other Authorisation" the Licensee is obligated to make applications for the Corrib Gas Project in two stages:

1. Consent to Construct,
2. Consent to Install and Commission,

both of which are subject to EIA and AA under the EU Directives which obligates the Authority (in this instance DCENR) to carry out the assessments and grants the public the right to participation.

DCENR have confirmed that SEPIL has not made the required application to date, May 2015.

The application process divides the project into two distinct parts: construction and operation.

DCENR have purported that Environmental Impacts have been assessed for each of the four distinct and related elements (planning, consent, 40, EPA, Foreshore) of the project and presented in Environmental Impact Statements and Natura Impact Statement.

For the sake of clarity and as a matter of fact, I point out that the Environmental Impact Statement and Natura Impact Statement presented by the applicants/ developer are NOT the outcome of the EIA and AA (see CJEU 50/09) contrary to the EPA website definition of EIA.



EIS and NIS are only the information provided by the applicants to enable the authorities to carry out the EIA and AA for the plan/project before consent is given to proceed with the project.

Unfortunately DCENR and the EPA have persistently refused to provide copy of the EIA and AA carried out, presumably out of (mis)understanding that the EIS and NIS provided by the applicant are the fulfilment of Article 3 and Article 6 of the EU Directives. An understanding that the CJEU has condemned as has the High Court.

While the EPA claims in the PD that the inspector addressed all environmental impacts including those arising out of other parts of the Corrib Gas Project, DCENR states:

*"As part of the Corrib Field Development project, SEPIL is applying for consent to operate an upstream pipeline, which includes both offshore and onshore elements, under Section 40 of the Gas Act (as amended) from the Minister of Communications, Energy and Natural Resources. An application for Consent for Commencement of Commercial Production Operations under the Petroleum Lease will also be submitted. The construction of the Corrib Pipeline is due to be completed in 2015. Consent applications will be submitted in advance of completion."*

*"Environmental competency will be required to provide environmental consultancy services to assist with carrying out assessments required under the EIA Directive, the Habitats Directive and the Birds Directives and Irish transposing legislation in respect of the applications."*

With the application outstanding the EPA has not the information before it, therefore the EPA was not in a position to assess IE licence application P0738-03.

The Proposed Decision is premature, deficient and should be withdrawn.

It should be noted that Article 1(2) of Directive 85/337/EEC as amended defines **only a single type of consent**, namely the decision of the competent authority or authorities which entitles the developer to proceed with the project. (C-332/04, Commission v. Spain, paragraph 53)

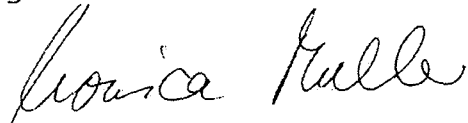
The wording of the **EIA Directive** indicates that it has a **wide scope** and a **broad purpose**.

It must be recalled, from the outset, that the Court has already ruled that an individual may, where appropriate, rely on the duty to carry out an environmental impact assessment under Article 2(1) of Directive 85/337, read in conjunction with Articles 1(2) and 4 thereof. That directive thus confers on the individuals concerned a right to have the environmental effects of the project under examination assessed by the competent services and to be consulted in that respect.

I rely on the EPA to uphold the above, i.e. to comply with the letter and spirit of the EIA Directive and accept and comply with ECJ clarification of applicable legislation expressed in ECJ judgements.

The PD is wrong in law and ought to be dismissed. We are requesting our costs to be carried by the EPA.

Signed:



Monica Muller  
And on behalf of Maura Harrington

Appendix to our submission attached

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Re: IE Licence Application Reg. NO. P0738-03, Objection to Proposed Decision  
Monica Muller

## Appendix:

1. Comments on EPA Inspector Jenny Cope, Report on Licence application
2. ABP Report, Kevin Moore, extract: sale of gas, security of energy supply

### Comments on EPA Inspector Jenny Cope, Report on Licence application:

The Inspector acknowledges that the *"Corrib Gas Field Project is divided into a number of distinct but inter-related and inter-dependent elements as follows: the subsea facilities (wells, flowlines, manifold and offshore incoming gas pipeline), the onshore incoming gas pipeline, services umbilical and outfall pipeline, the gas refinery and the export gas pipeline up to the Block Valve 1 at Bellacorick (approximately 18.5 km from the gas refinery) which continues as the Mayo to Galway gas pipeline."*

The Inspector defines the Corrib Gas Field Project as one project. Despite acknowledging the changes made the Inspector failed to ascertain if and when the applicant had made the required application for installation and commission/operation of the Corrib gas pipeline and associated parts. *"Due to the changes to the development timeframe for the Corrib Project and the associated late completion of the construction of the onshore incoming gas pipeline, it is intended to commence commissioning of the gas refinery facilities in a phased manner in order to enable commercial gas production as early as possible after completion of the onshore incoming gas pipeline."*

The Inspector acknowledges that the facility is operating and has been operating prior to the Inspector's Report and PD and outstanding application. *"The licensee notified the Office of Environmental Enforcement on 26 September 2014 that it intended to commence operation of the Scheduled Activities on 1 November 2014, therefore the requirement of Condition 11.1 of P0738-01 has been with complied with and is not included in the RD."*

Despite the determination of significant effects on the environment from the operation, the EPA permitted the operation while determining the application. *"Therefore, it is determined that the activities are likely to have significant effects on the environment by virtue, among other things, of their nature, size and location."*

The Inspector's report makes it clear that the EPA are tasked to carry the assessment in **regards to matters that come within the functions of the Agency** and not beyond.

*"Having specific regard to EIA, this report is intended to identify, describe and assess for the Agency the direct and indirect effects of the proposed activities on the environment, as regards the matters that come within the functions of the Agency, including any interaction between those effects and to propose conclusions to the*

*Agency in relation to such effects."*

The Inspector defies logic by way of claiming to 'having specific regard to EIA' of the proposed activities when it is a fact that the EPA has already permitted the proposed activities. She proposes to carry an EIA on 'activity' that is taken place while she conducts her assessment?

The Inspector's report while quoting from DCENR's submission stating the following:

*"The DCENR outlines the strategic importance of the Corrib gasfield project for Ireland, stating that the gas field will significantly strengthen Ireland's energy security of supply as it will reduce Ireland's reliance on gas imports. They point out that in its first two years of production/ the Corrib field will provide over 40% of gas demands for the whole of the island of Ireland"* –never makes no effort to establish the veracity of the statement. I could find excuses in that the Inspector steps outside the remit of the EPA, i.e. 'the activity'.

The EPA Inspector comments she took the ABP and MLVC reports into consideration, but appears not to have read the contents particularly the reference to the parameters for the assessment of the terminal application (the Board's Direction define the starting point) and the Board's previous decision including Inspector Kevin Moore's report.

*15.1.1 "Following consultation with Kevin Moore, Senior Inspector, who prepared the report and recommendation in relation to the previous appeal, reference to his report and the report of Mr. David Ball, and examination of the documentation submitted with the current proposal, I conclude that the matters which are materially different between the current and previous appeals are as follows:"*

*Parameters for this Assessment (of Ballinaboy gas terminal and peat depository in Bangor Erris.)*

*"15.2.0 I submit that the recent planning history for the terminal site is important in setting the parameters for this assessment. The previous Board decision under PL 16.126073, and the Board Direction, effectively define the starting point for those aspects of the proposal that are not materially different to the previous proposal. I intend to examine the previous decision and Direction in detail in order to ascertain the matters previously decided by the Board. The decision made by the Board on 29th April 2003 was unanimous. I then intend to determine those aspects of the current proposal."*

ABP Kevin Moore, Inspector's Report :

*"It was submitted that the Corrib Field would*

*provide in excess of 50% of the country's requirements in its key production years, i.e. in the early years. It is apparent from the details now before the Board that this may well be aspirational rather than a fact given the controls over the supply of gas and the lack of knowledge about the sale of gas for each of the three development partners to BGE for national consumption."*

(Full text attached)

Had the Irish authorities, ABP and the EPA and DCENR paid attention to the assessment of sale of gas presented in Kevin Moore's report, paid attention to CER Decision Paper CER/11/02, which clearly outlines that the Irish government is in no position to ring-fence Corrib gas for the Irish market or dictate sale of gas to any of the Corrib Gas owners. The CER decision paper details virtual trading and gas swapping which bypass the necessity for engineered reverse flow of the interconnector. The Corrib Gas Partners are obligated to adhere to competition law.

If the Irish authorities including the EPA had paid attention to the findings of Inspector Kevin Moore, the Corrib Gas Project would have progressed in a timely and cost effective manner and the past 12 years of development in drips and drabs, changes and yet more changes which eventually caused the developer a cost overrun from initial 800 Million to exceeding 3 Billion Euro; excessive costs incurred by the developer which could have been avoided.

The EPA inspector took the documentation provided by ABP, DCELG and DCENR 'into consideration' – but no assessment was actually performed for the Corrib Gas Project. At best one might conclude that the EPA inspector did her best to conduct an EIA for the Activity, this is confirmed by the Inspector in her comments on Peter Sweetman and Monica Muller's submission:

*"The CJEU Judgement in Case C50/09 relates to the manner in which the EIA Directive is transposed into Ireland's legislation. Following on from Case C50/09, national legislation has been amended to take account of the judgement. These changes included the insertion of Section 83(2A) and Section 87(1A) to (11) into the EPA Act 1992, as amended.*

*On foot of these changes, an assessment as respects the matters that come within the functions of the Agency is being carried out as part of the licensing process, in accordance with Section 83(2A) of the EPA Act 1992, as amended."*

The Inspector acknowledges that the Irish transposition of the EIA Directive failed to transpose Article 3 of the Directive 85/337 which makes all the decisions prior to the day Ireland remedied the failures, decision that did not comply with Article 3. The Inspector's wording of 'relates to the manner in which the EIA Directive is transposed into Ireland's legislation' is not in accordance with the actual wording and findings of the court: "Accordingly, it must be declared that – by failing to transpose Article 3 of directive 85/337 – Ireland has failed to fulfil its obligations under that directive."

The courts findings are what matters not the Inspector's attempt to reword or rewrite a judgement to her liking.

**Judgment of the Court (First Chamber) of 3 March 2011.**

**European Commission v Ireland.**

**Failure of a Member State to fulfil obligations - Directive 85/337/EEC - Obligation of the competent environmental authority to carry out an assessment of the effects of certain projects on the environment - More than one competent authority - Need to ensure an assessment of the interaction between factors likely to be directly or indirectly affected - Application of the directive to demolition works.**

**Case C-50/09.**

We submit that this development has been substantially carried out without Environmental Impact Assessment of the plan/project. At this time there is no evidence before the Agency that an Environmental Impact Assessment for the plan/project has been carried out by any of the various consent authorities!'.  
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The habit of Irish authorities of narrowing down the letter and intention of the EIA Directive and the findings of ECJ case law, (as indeed the Inspector has demonstrated ) has contributed and caused the decade long process for this project. The wording of the **EIA Directive** indicates that it has a **wide scope** and a **broad purpose**.

The habit of Irish authorities including the EPA to consistently misread submissions fly in the face of civic duty, i.e. rather than encouraging participation the authorities are dismissive if not downright hostile to the public participation process.

The Inspector failed to pay attention to paragraph 54 of the CJEU Judgement in Case C50/09 :

*54. As regards Article 3 of the Directive 85/337, the commission submits that where there is more than one competent body, the procedures followed by each of them must, WHEN TAKEN TOGETHER, ensure that the assessment required by Article 3 is fully carried out.*

The Inspector acknowledges the fact that An Bord Pleanála granted the parent permission for the refinery (planning permission file number PL16.207212 (P03/3343 appealed to ABP)) in October 2004. The application for an IPPC licence 738-01 for the operation of the terminal was lodged on 8/12/2004. "Construction of the Bellanaboy terminal and onshore pipeline started in December 2004." Goodbody Report 2012. – i.e. the Irish authorities permitted the applicant for an IPPC licence to proceed with the project.

It is a fact that ABP granted planning permission prior to the application for a licence. It is a fact that ABP was not permitted to assess the gas pipeline, upstream and downstream, any emission or pollution issues, except as arising from construction, or indeed any part outside the planning boundary.



By ignoring the above issues, the EPA failed to ensure that the assessment required by Article 3 is fully carried out for IE licence application P0738-03.

*"WHEN TAKEN TOGETHER, ensure that the assessment required by Article 3 is fully carried out."*

This is indeed confirmed by the Inspector:

**"16. Environmental Impact Assessment (EIA) Directive (85/337/EEC, as**  
*The following section identifies, describes and assesses the likely significant direct and indirect effects of the proposed activities on the environment, as respects the matters that come within the functions of the Agency, for each of the following factors: human beings, flora, fauna, soil, water, air, climate, the landscape, material assets and cultural heritage."*

The EIA for the Corrib Gas Project has to be carried out by the authority prior to giving consent to proceed with the project. It is an undisputable fact that the entire project has proceeded in December 2004, i.e. in 2015 all parts have been constructed and the EPA has permitted operating the facility in 2014.

All of the above violates the EIA Directive, Article 3.

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### *"Base Load" Supply and Implications for the Proposed Development*

The Granherne report submits that, as the proposed Corrib development is at the limit of current industry technology, it would appear imperative that tieback distance be minimised as far as possible to reduce technical and operating risks which could result in cost escalation, schedule delays and lower availability in operation. It is remarked that the requirement for high availability/reliability is accentuated by the fact that the gas is understood to be sold as a "base load" supply for the Irish gas grid and is not merely an opportunistic spot market sale into a network already oversupplied by a large number of alternative suppliers. This critical issue of "base load" supply needs to be carefully assessed in the context of the commercial arrangements and the consequent implications for how the development of the gas field is proposed. The following should be noted:

- It is not a fact that gas is to be sold as a "base load" supply from Corrib. Granherne has misunderstood and/or misrepresented what is proposed in this instance. The proposed development is unequivocally not a "base load" supply for the Irish gas market. The Irish gas market's base load supply is derived from the interconnector. The applicant at the hearing acknowledged this misinterpretation and submitted that the understanding was that it was a security of supply that was meant by the Granherne reference.
- It is necessary for me to indicate to the Board that my submission on the supply from the Corrib Field to the Irish gas market as set out in my Main Report was incorrect. In that part of my assessment I referred to 60% of Corrib gas being sold into the Bord Gais network. Rather it should be clarified that 60% of EEIL's share of the Corrib gas reserve is to be sold through BGE. What is actually sold to BGE's gas market of this 60%, what are the arrangements for the remaining 40% of EEIL's share, and what happens with the Corrib gas field share owned by Statoil and Marathon remain unknown. EEIL are not privy to Statoil's or Marathon's arrangements for the sale of their gas. Neither are the Board aware of their arrangements. At times, it appears possible that BGE, while transporting gas from the terminal to the national grid via its dedicated pipeline from terminal to Craughwell, may or may not be actually purchasing gas from any or either of the three developers.
- Much emphasis was placed in the hearing in February, 2002 on how the indigenous production of the Corrib Field would reduce significantly Ireland's dependency on imported gas. It was submitted that the Corrib Field would provide in excess of 50% of the country's requirements in its key production years, i.e. in the early years. It is apparent from the details now before the Board that this may well be aspirational rather than a fact given the controls over the supply of gas and the lack of knowledge about the sale of gas for each of the three development partners to BGE for national consumption.
- The control of gas supply by each of the partners is on an individual basis and on a daily or more than daily basis. The consequent ramping up and ramping down of the supply as proposed further indicates that there is to be no "base load" for the Irish gas market. The ramping up and ramping down of the supply over the range of 20% to 100% increases the difficulties associated with flow assurance in

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the form of increased slugging and pipeline sizing. Thus, rather than being a steady supply of gas to the Irish market, in the form of a base flow, and being at the leading edge of subsea tie-back technology as is suggested by Granherne (because of its misunderstanding that a "base load" would derive from the gas

field), the individualistic control of gas supplies by three partners and the ramping up and ramping down of the supply would suggest that the concerns expressed by Granherne on technical and operating risks are very significant when considering availability and reliability:

- These commercial arrangements, in terms of fluctuating the supply of gas from the field, play a significant role in prohibiting the consideration of longer tiebacks. Potentially, if the developers entered into an arrangement in the future whereby gas was being sold to one company at a constant rate (such as in the form of the Saga proposal or, indeed to BGE as a base load), there would be greater flexibility in terms of pipeline lengths, umbilical constraints, control over slugging, etc.
  - When the applicant was questioned at the hearing regarding the ability to provide a base load supply of gas for Ireland, it was stated that this could not be answered as each of the owners of the field are required, under European law, to sell their gas separately and that EEIL is not privy to the sales arrangements of Statoil and Marathon.
  - The development of the Corrib Field has an estimated lifespan of 20 years. The control over the output levels on an individual basis, thus consequently the ability to ramp up significantly, could potentially result in the life of the field not exceeding 10 years on the basis of what is known of the reserve. This has grave implications for the development of gas infrastructure in the region and impresses upon the need to seriously consider the development concept and location and siting of a terminal in the interest of gaining balanced regional development.
- In conclusion, it should be understood that there are significant constraints placed upon the development of the subsea tie-back proposal due to the way Corrib gas is currently proposed to be sold. These current commercial arrangements adversely affect the serious considerations of alternative development options. Furthermore, from the way the commercial arrangements are presented now before the Board, it is apparent that the key benefits submitted in the EIS cannot be confirmed to be attainable when the gas supply sales arrangements to the Irish gas market are unknown.

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