



*An Bord Pleanála,  
Marlborough Street,  
Dublin City  
22 October 2021*

*By kind hand*

An Bord Pleanála Case Reference: PA08.311233

Objection to Proposed Shannon LNG Terminal Planning Application

Dear Sir or Madam;

Friends of the Irish Environment was established in 1997 as a network of citizens committed to assisting in the development of European and Irish environmental law and the right to full public participation in environmental decision-making to protect our environment and support sustainable communities.

We first opposed a proposal for a liquid natural gas terminal at this location in its land-based form in 2008. While our challenge based on EU law failed, it was subsequently admitted by the State in the successful case we took against the extension of that planning permission in November 2020 that indeed the decision by your Board in 2008 was fatally flawed.

Thirteen years later we know that ‘a sustainable energy policy is one that radically curtails our use of fossil fuels between now and 2050’. We also now have an enhanced recognition of methane, whose emissions are greatly accelerating global warming because methane has a Global Warming Potential (GWP) 87 times greater than CO<sub>2</sub> over a 20-year period. Radical changes in the world’s energy supplies show that in the ten years since the original 2008 development consent, one third of the total increased methane emissions from all sources globally came from US fracked gas.

**We now also face a very different political context.**

On May 9<sup>th</sup> 2019 Ireland declared a ‘Climate and Biodiversity Emergency’:

“That Dáil Éireann declares a climate and biodiversity emergency and accepts and endorses the Report of the Joint Committee on Climate Action entitled “Climate Change: A Cross Party Consensus on Climate Action, copies of which were laid before Dáil Éireann on 29th March, 2019”.

This states:

'All parties of the Oireachtas and the independent Climate Change Advisory Council recognise the State's response to climate change has been insufficient. As noted by the Environmental Protection Agency and the European Commission, the State is falling behind in decarbonising the economy and forging a pathway to sustainable development. A transformation of Ireland's energy system will be required if we are to meet our GHG emissions targets.

There is a long way to go to reduce the State's dependence on imported energy, the vast bulk of which is in the form of fossil fuels (oil, gas and coal). While the Corrib gas field greatly enhances Ireland's short-term security of supply, post-2020 Ireland is likely to remain largely dependent on imported natural gas unless we transition to renewables as quickly as possible. A sustainable energy policy is one that radically curtails our use of fossil fuels between now and 2050, as recognised in the Government's 2015 White Paper, Ireland's Transition to a Low Carbon Energy Future 2015-2030 and the State should play its part in both reducing emissions and reducing the demand for and supply of fossil fuels in the longer term.'

On May 18th, 2021, the Irish Government published a policy statement on the construction of LNG terminals. The policy statement declared that

"pending the outcome of the review of the security of energy supply of Ireland's electricity and natural gas systems, it would not be appropriate for the development of any LNG terminals in Ireland to be permitted or proceeded with".

On these grounds alone, the Board is required to refuse the application. To do otherwise would also undermine the Precautionary principle, ignore all the available environmental information and cumulative impacts currently under review, be premature and run counter to proper and sustainable development of the Shannon Estuary and the choices and sources of fuels of Ireland's energy mix currently being decided through the review of the security of energy supply.

### **Strategic Infrastructure Act**

In fact we are unable to understand why the Board has accepted this application under the Strategic Infrastructure Act, stating in your decision

*It is considered that the proposed development comprises a Seventh Schedule development and falls within the scope of Section 37A (2)(a), (b) and (c) of the Planning and Development Act 2000 (as amended).*

The Seventh Schedule defines this scope:

*"An onshore terminal, building or installation, whether above or below ground, associated with an LNG facility and, for the purpose of this provision, 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading and re-gasification of liquefied natural gas, including ancillary services."*

It does not say or include 'an offshore terminal'. It says 'onshore terminal'.

It is inescapable that the LNG facility itself is offshore and your acceptance of the application was *ultra vires*.

### **Seveso and Marine Risk Assessment**

Our original marine concerns over the suitability of the location Seveso Site in the middle of a relatively-narrow estuary, exposing residents over a large area to a serious degree of risk while preventing further use of the landbank have never been addressed. The Health and Safety Authority jurisdiction ends at the shoreline and the Commissioner for Energy Regulator assesses only the pipeline, leaving any assessment of the safety of the site until after permission has been granted and a licence required. It would appear that no statutory body undertakes an adequate LNG marine risk assessment covering the full LNG shipping lanes in the Estuary waters before development consent is given.

### **No adequate assessment of alternative site locations**

The risk is a major consideration in the use of offshore sites such as that proposed by Predator Oil and Gas utilising the Kinsale Energy infrastructure. These alternatives are nowhere discussed in this current EIA, although they were in the 2008 proposal. Offshore sites mitigate risk to humans and may substantially lessen the environmental impact on SAC areas. Only the inclusion of these alternatives with sufficient detail will address this issue, should the aforementioned Energy Security Review determine to allow what we consider to be a prime example of fossil fuel lock in.

### **Fracked Gas**

An element new to the proposal is the use of fracked gas, now identified as a major source of methane. We would suggest that a simple study of the applicant's current operations exclude any other form of gas as their raw product. As fracking within the Irish state has been banned since May 18th 2021, it is inconsistent and contrary to Irish and EU law (including, but not limited to the EIA Directive, TFEU, the Environmental Liability Directive and Human Rights law) to approve the proposed development.

In June 2020, Fianna Fáil, Fine Gael and the Green Party, in the Programme for Government reached a consensus policy position against fracked gas imports which states that:

*"As Ireland moves towards carbon neutrality, we do not believe that it makes sense to develop LNG gas import terminals importing fracked gas, accordingly we shall withdraw the Shannon LNG terminal from the EU Projects of Common Interest list in 2021.*

### **Connecting Pipeline**

Planning permission for the proposed 26-kilometre pipeline from Tarbert to Foynes expired in 2014 and in fact a new pipeline has since been developed between Foynes and Listowel. The EIA data and assumptions therein are based on the claim by the developer that the pipeline is an approved and consented project. It is not.

## **EU Projects of Common Interest**

Our challenge to the inclusion of the Shannon LNG Terminal in this list remains before the Courts. No decision should be made until the 'sustainability' of the project is determined in that forum.

## **Nature Conservation**

The site is accepted as a critical habitat for the bottle-nosed dolphin. The conservation target for these areas is that they "should be maintained in a natural condition". According to the Whale and Dolphin Group, it would be 'inappropriate' to use the presence of a resident population of dolphins as an opportunity to undermine the development. This was before the declaration of a national 'biodiversity emergency'.

We are concerned, however – as they are – about the cumulative effect as off-shore development increases dramatically – 'death by a thousand cuts'. The noise and disturbance caused during the construction and operation phases of this development will have displacement impacts on this population by limiting their ability to commute in the estuary between areas of favourable habitat to the east and west of the proposed development site. There is no comparative analysis in the EIA of the impacts on dolphins of LNG development in other internal waters elsewhere, for example in Milford Haven in Wales.

Further, it remains the cases since the outset of this application in 2008 that there was not and is not a map of the navigation route to include any exclusion zone and to assess the indirect effect of boating traffic (diverted by the LNG vessel under safety distance regulations) which may cause disturbance to any qualifying interests in the adjacent designated habitats or along the proposed transport route.

The Irish Whale and Dolphin continues in 'Green News' [February 1, 2019]: 'Will the proposed development enhance the habitat for, or improve the conservation status of, bottlenose dolphins in the estuary? No. Would the bottlenose dolphins be better off if there was no LNG terminal? Of course.'

For all these reasons, we request the Board to refuse the current application

Tony Lowes

*Participation Fee attached.*

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