

ORAL HEARING SUBMISSION on proposed LNG Terminal at Tarbert (ref PA0002).

Kilcolgan Residents Association
c/o Johnny McElligott
Island View,
Convent Street,
Listowel,
County Kerry
January 23rd, 2008

1. We object that full disclosure of all environmental information concerning this application has not been made available to the general public in a timely manner and are therefore only participating in this oral hearing under protest and on the clear understanding that it is our opinion that we should still be allowed participate in the decision-making process when this information becomes known e.g.
 - a. We have requested that the HSA declares the “specified area” subject to major accident planning regulations under the Seveso II directive. We asked for that under SI 133 of the planning regulations. This has to be done on a consequence-based approach (used to warn people liable to suffer harm even though the risk could be very low) as opposed to the risk-based approach of the UK and Holland ¹ . This is necessary information as it will inform people during the planning process that they will be subject to an emergency plan which must be tested at least every 3 years². Under Seveso II Article 13 “Member States shall ensure that the public is able to give its opinion in the following cases – planning for new establishments covered by Article 9”. This means we must have that information given to us to allow us participate in the planning process in a timely and effective manner as per the EIA Directive .For guidance, a similar plan has been undertaken in the US at Cove Point LNG Terminal in Calvert County, Maryland³ .
 - b. The department of Agriculture and the department of Environment have requested more environmental information from the applicant in their submissions to An Bord Pleanala, the result of which we would like to assess and have a right of reply on.
 - c. We are awaiting the results of a Marine Risk Assessment to be carried out

¹ Setting the Specified Area – the Approach of the HSA Guidance related to the application of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006, S.I. No. 74 of 2006. March 2007 page 3

http://www.hsa.ie/eng/FAQs/Chemical/Seveso_II_Setting_the_Specified_Area.pdf

² http://www.hsa.ie/eng/FAQs/Chemical/Seveso_II.html and Health and Safety Authority Guidance Document Safety Report Assessment July 2006 section 5.15 page 41

http://www.hsa.ie/eng/FAQs/Chemical/Seveso_II_Assessment_of_Safety_Reports.pdf

³ <http://www.co.cal.md.us/residents/safety/emergency/covepoint/>

by the Shannon and Foynes Port Company

- d. We have been refused information on the SemEuro application PC0008 by An Bord Pleanala
2. The safety issue is our main priority. We note that there is no one statutory body to give overall safety advice to An Bord Pleanala on overall safety of the project. The HSA are giving Land-use planning advice without taking any Marine Risk Assessments into account. The Marine Risk Assessments will not be carried out until after planning permission is given. The HSA, ignored the detailed KRA submission to it on January 10th 2008⁴, one day before the deadline given by it for public submissions because it actually ruled on January 9th 2008 that it was not advising against the granting of planning permission. The HSA has since agreed (on January 15th 2008)⁵ that it will now review the material we submitted (with the help of 3 world-renowned LNG experts), which could alter the view of the Authority.
3. We object that if an exclusion zone is implemented which prevents other port use and other land use of the remainder of the landbank, then Shannon Development will have broken the aims of the land as the County Development Plan site them as being lands “for a premier deep-water port and for major industrial development and employment creation”. This land was sold under pressure with the understanding in the media over manner years that it was being done for the common good. Less than 50 jobs is not a relatively major employment creation. If no other industrial can or will come onto the remainder of the site then this will have broken planning policy for this site. The land has been held in trust for the people of North Kerry and Shannon Development has admitted that they have no information on the exclusion zones of the proposed development.⁶ If there are to be exclusion zones on the remainder of the site or shore then this application should be rejected.
4. Dr. Jerry Havens, world authority on LNG, has flown in especially from America to attend this oral hearing. We already asked the HSA and Shannon and Foynes Port Company to be present so that Dr. Havens may question and be questioned by them in order to ensure that as many of the safety issues as possible be covered in this short timeframe. From the Kilcolgan Residents perspective, advice on Land Use Planning issues do not represent an independent analysis of all the safety issues by any statutory body so we would urgently request that this opportunity to get a better understanding of all the safety issues involved from Dr. Havens in person is seized upon. Because of extremely limited resources, the KRA is of the opinion that our role is in raising issues of concern to us – it is the job of the statutory bodies to deal with the safety issues completely and cohesively and not in the piece-meal manner that seems to be taking place here to date.
5. Article 5.1 of the Seveso II directive states: “Member States shall ensure that the operator is obliged to take all measures necessary to prevent major accidents and to limit their consequences for man and the environment”. This

⁴ Appendix 3 – HSA Submission on QRA by Kilcolgan Residents Association

⁵ Appendix 6 – Assessment of the Project by the HSA

⁶ Appendix 5 – Request for Information from Shannin Development

means that as we have found safer alternatives (e.g. offshore) then that safer alternative should be used instead of the current one. Article 12 is more specific on this when it states “Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in their land use policies and/or other relevant policies. They shall pursue those objectives through controls on ... the siting of new establishments”

6. We have had no time to prepare for the oral hearing in any meaningful way because the oral hearing was called two days before the two-week break for Christmas for January 21st 2008.
7. Alternatives to the proposed Shannon LNG development include:
 - a. FSRU: Floating storage and regasification unit: Shannon LNG say that “no example of an FSRU terminal exists today and none are under construction”. This has changed in the last few months with Golar LNG⁷ and Exxon are planning one off the coast of new Jersey⁸.
 - b. GBS: Gravity Based Structure fixed to the seabed. Shannon LNG say that GBS (e.g. Exxons one in Italy Isola de levante) are expensive (1 billion), (it’s only twice the price – that’s not a planning concern – safety is) They say that they still have “some impact on other marine users (especially fishing) as well as visual impacts from their location close to shore). So do we have in Tarbert. They also say they lack the ability to be constructed in phases or expanded.. So they must plan to build only 2 in Tarbert and have construction going on for years. They also say that GBS and FSRUs have been largely abandoned by the LNG industry but Exxon mobil have just announced a new plans for and FSRU 20 miles off the coast of New Jersey⁹.
 - c. DockSide Terminal. Also the only one is in Teesside¹⁰ run by Exclerate Energy which uses the same technology as submerged Buoys, Shannon LNG say that the problem with these non-storage systems is that they use only a special type of LNG ship. However it only cost 40 million to build (that is 10 times cheaper) and can be built quicker.
 - d. Submerged OffShore Buoy Technology: Exclerate Energy run the only one in the world in the Gulf Gateway Terminal 116 miles off the coast of Louisiana and Shannon LNG question the acceptance of this type of technology by LNG suppliers as there is no storage (pumps straight into a pipeline). However, Exclerate Energy also has received its Record of

⁷ <http://www.seatradeasia-online.com/News/2141.html> and <http://www.marinetalk.com/articles-marine-companies/art/First-LNG-Floating-Storage-and-Regasification-Unit-MOS005120819TU.html>

⁸ <http://www.marinelink.com/Story/ExxonMobilAnnouncesNJFloatingOffshoreLNGTerminal-210113.html>

⁹ <http://www.marinelink.com/Story/ExxonMobilAnnouncesNJFloatingOffshoreLNGTerminal-210113.html>

¹⁰ <http://www.mouchelparkman.com/80256DA90041DA3E/httppublicpages/64583FC7516EF257802572D6003319C9?open> and <http://www.thpal.co.uk/news/news132.asp> and <http://www.murphygroup.co.uk/uploads/documents/Teesside%20GasPort.pdf>

Decision from the U.S. Maritime Administration (MARAD) for approval of the company's Northeast Gateway Deepwater Port LNG facility in Massachusetts Bay, 13 miles south southeast of Gloucester, scheduled to be operational in December 2007.

- e. New Technology: New technology is catching up all the time and it is now possible to pump directly from an LNG carrier into Salt Caverns (they exist in the North of Ireland).costing 480-650 million dollars only.¹¹
- f. Do not use Corrib Gas unless needed i.e. continue to import via the interconnector (BGE say that our medium-term needs have been secured with this) and use the Corrib Gas when all else dries up i.e. the government should be the one to decide when the gas should be used.
- g. Storage need can be filled by filling the Kinsale Reservoir by the existing gas pipelines or from LNG carriers directly into the depleted gas fields using the new technology described above. This supports Des Brannigan's submission that the depleted Kinsale Reservoirs could be used, either via the current pipeline or from LNG imports. This was acknowledged by Minister Ryan in a recent Dail Debate¹² where he stated: "The CER has granted a gas storage licence to Marathon Oil Ireland Ltd to make the full capability of its depleted Kinsale facility, which has a capacity of 7 billion cubic feet (bcf), available to third parties. This **is the first such storage facility in Ireland** and BGE has contracted to use over 5 bcf of it. Work is also nearing completion on an All-Island study overseen by my Department and the Department of Enterprise, Trade and Investment in Northern Ireland on a joint approach to gas storage and Liquefied Natural Gas (LNG). The planned development of a merchant LNG storage facility at Shannon will also have a positive impact on the security of our gas supply and improve our connectivity to the global gas market. The connection of the Corrib gas field, with its estimated capability to supply some 60% of our annual natural gas requirements over a span of 15-20 years, will significantly reduce our dependence on imports during that period". This statement by Minister Ryan is interpreted by us as the Minister giving more importance to the announcement of the Kinsale storage facility being the first such storage facility in Ireland and is only speaking of Shannon LNG's "planned development" as a supporting aside.

The Seveso 2 Directive says that major accident hazards should be avoided in site selection so the selection of an alternative site is crucial in the evaluation of this proposal by An Bord Pleanála.

- h. LNG that will be delivered to Milford Haven in Wales and is already being received through Teeside can be received in the Irish network through the existing pipeline from the UK (so the Welsh take the risks and we get the gas).

¹¹ <http://www.poten.com/attachments/072604.pdf>

¹²

<http://debates.oireachtas.ie/DDebate.aspx?F=DAL20071127.XML&Dail=30&Ex=All&Page=61> and Appendix 8 Dail Debate Tuesday 27 November 2007

8. Underground Tanks in Japan were identified as way of reducing risks.¹³ We question that this was not considered purely on economic grounds.
9. The Issues we are focussing on :
 - a. The safety issue: The LNG company focus on the low probability of an accident; we are focussing on prudence in planning and the consequences of an accident – and the strong fear of the dangerous precedent set in the UK where an LNG terminal was built near a massive petroleum storage facility by SemLogistics at Milford Haven (whose sister-company SemEuro have applied for consideration for fast-track planning for an equivalent site near the proposed LNG terminal here in Ireland with the same cascading risks).
 - b. The environmental issue: The effects of an open-loop vaporizer discharging super-cooled and chlorinated water into a special area of conservation protected under European law – the lungs of this area of the west coast of Ireland from the Maherees up to the Cliffs of Moher - needs to be examined in more detail.
 - c. The national interest: The gas company has been targeting policy-makers over the last few years to say that LNG is in the national interest as another source of gas; our argument is that the LNG that will be delivered to the UK can be received in the Irish network through the existing pipeline from the UK (so the Welsh take the risks and we get the gas); also, the importation of huge amounts of this fossil fuel will have a crowding-out effect on the development of other renewable energies since Ireland is already one of Europe's largest importers of fossil fuels.
 - d. The best alternative site in Ireland has not been chosen - The Second International Conference of Renewable Energy in Maritime Island Climates held in University College Cork in April 2006 suggested that Cork, close to the existing Kinsale Gas Field in the south, would be an ideal site for an LNG terminal and we want this alternative examined more closely – as this area is not in a special area of conservation, unlike the Shannon Estuary: Des Brannigan has suggested Kinsale and is making a separate submission on that matter.
10. The KRA have petitioned the European Union Parliament for condemnation of breaches of EU Directives by An Bord Pleanála and the Irish “Planning and Development (Strategic Infrastructure) Act 2006” in the planning application for the first proposed LNG re-gasification terminal in Ireland and a top-tier Seveso II development and for condemnation of breaches of the SEA Directive by Kerry County Council for refusing to conduct a Strategic Environmental Assessment (SEA) when rezoning lands from rural to industrial (Variation No. 7 County Development Plan 2003-2009) in preparation for the Shannon LNG application for planning permission¹⁴. We request that any decision on the proposed LNG terminal be postponed, awaiting the outcome of the EU petition.
11. The KRA have also complained about a breach of procedure at An Bord Pleanála¹⁵ which we believe compromises the independence of An Bord Pleanála in dealing with this application. An Bord Pleanála is also withholding vital environmental information on the intentions of SemEuro for a petroleum storage facility on the site adjacent to the proposed LNG terminal.
12. We have also made a formal complaint to the Office of the Ombudsman

¹³ <http://www.tokyo-gas.co.jp/Ingtech/ug-tank/index.html>

¹⁴ Appendix 1 – KRA petition to the EU parliament

¹⁵ Appendix 2 – Complaint of breach of procedure at An Bord Pleanála

concerning a serious breach of procedure by Kerry County Council in rezoning land from Rural General to Industrial without undertaking a Strategic Environmental Assessment to enable the fast-tracking of the top-tier Seveso II proposed development by Shannon LNG to proceed as quickly as possible increasing the danger to the environment and our lives. This is currently under investigation by the Office of the Ombudsman reference L18/07/2518. We request that any decision on the proposed LNG terminal be postponed, awaiting the outcome of this complaint.

13. We have also forwarded this complaint to the Minister for the Environment requesting that he overturn this rezoning as it breached the Department's own guidelines. The reference number there is REP4126/JG/07. We request that any decision on the proposed LNG terminal be postponed, awaiting the outcome of this complaint.
14. The "Prime Time" video¹⁶ concluded that vapour clouds do not evaporate harmlessly into the air as was claimed by Shannon LNG. Furthermore, the company sponsored trips by selected influential local figures to foreign LNG plants which were lavish on drink and weak on meaningful information. It is claimed that the public information day at Ballylongford GAA hall in April 2006 netted the local GAA club 1,200 Euro for something that should have cost no more than 20 or 30 euros. This was very questionable behaviour from our point of view on the part of Shannon LNG and has been interpreted by us as a company that is not transparent in the messages it has been given out to the general public.
15. Shannon Explosives Limited has reapplied for an explosives storage facility at Charercon further west of the Shannon LNG site on the opposite side of the Shannon Estuary at Cahercon. We ask that An Bord Pleanala examines the risk of accidents that causes for passing nearby LNG tankers and the risk of cascading effects from this application.

Appendix

1. KRA Petition to the European Parliament.
2. Complaint of Breach of procedure at An Bord Pleanala
3. HSA Submission on QRA.
4. Request for information from the HSA
5. Request for information from Shannon Development
6. Assessment of the project by the HSA
7. Request for information from the Department of Energy, Communications and Natural Resources.
8. Dail Debate – Tuesday 27 November 2007.
9. Web pages referenced in the KRA oral submission

¹⁶ "Prime Time" video of November 15th 2007 c.f.
<http://www.rte.ie/news/2007/1115/primetime.html>

Closing Submission by Johnny McElligott for the Kilcolgan Residents Association.
At the Oral Hearing On the proposed LNG terminal at Kilcolgan (ref PA0002).

January 29th, 2008

Mr. Inspector, ladies and gentlemen.

On behalf of the Kilcolgan Residents Association, the KRA, I would first of all like to thank Mr. Andrew Boyle of An Bord Pleanala for chairing the oral hearing here over the last eight days. As individuals, he treated us with the greatest of respect. His calm and patient impartiality inspired all of us.

I would like to thank the Brandon Hotel for providing us with excellent conference facilities.

I would like to thank the sound engineers of McElligott Systems, I think it was, who, by the way, are no relations to me either in case you were wondering. They allowed everyone to be heard – even if some people really needed no microphones at all.

I would like to thank the members of the Statutory bodies who attended the meeting for being participants and witnesses to these proceedings.

I would like to thank Dr. Declan Downey for so eloquently showing to the outside world that we are not just a land bank; that there is a vibrant community deeply rooted in the kilcolgan area going back hundreds of years.

Lastly, and most of all, I would like to thank the people of Kilcolgan and the surrounding townlands for their forbearance in this very stressful episode. Contrary to the impression that might be given by some local organisations and individuals, our experience during this hearing has only strengthened our confidence and resolve and, we in the KRA would also like to thank all of the people of Tarbert, Ballylongford and further afield who have given us their full support.

This has been a truly shocking experience for us to have to endure.

Out of nowhere Hess LNG had arrived announcing itself as the provider of a great source of new development in our beautiful part of North Kerry bringing safe, clean industry to the landbank with lots of jobs, When we started asking serious questions it was like the "*Emperor's New Clothes*". Pretend everything is okay and it will be. Do not push Hess LNG too much with awkward questions because they might just go away. Our elected representatives could not do enough for Hess LNG and did not seem willing to question them on any of the obvious safety issues that were becoming all too clear. At this Oral Hearing, only one politician spoke out. Our Member of the European Parliament for Munster, Ms. Kathy Sinnott, reminded us that LNG is, and I quote, "*both dirty and dangerous*" and stated quite clearly that it was not in the national interest. No other politician even thought the issue important enough to participate.

As for the local development associations in the nearby villages, all they could see

were the Euro signs in their eyes. After a few enjoyable trips abroad to visit other LNG terminals they could see no wrong in a company that had been the first to splash any real cash around the area in a long time. Even the idea of trucks driving through the centre of Tarbert during the already-dangerous school hours at a rate of one every 4 to 5 minutes over several years does not even kick them into demanding a full dual carriageway bypass around Tarbert in the interest of safety, in case they might lose some business in the town. We are dismayed that the Ballylongford and Tarbert associations could not put together a fully-integrated and advanced proposal for proper dual carriageway bypass of Tarbert as is the norm of other places.

We believe that, in addition to our written submissions, the following issues have to be seriously taken on board by An Bord Pleanála in making its decision on the project as they were highlighted throughout the hearing:

1. The Health and Safety Authority has admitted quite clearly that there are safety issues that it is not taking into consideration in its land-use planning advice to An Bord Pleanála and that it is currently reassessing the proposed project. We agree that a properly-informed HSA is the competent authority to make recommendations on safety, as long as it takes the consequences of an accident into consideration in its deliberations and not just the probability of an accident. This, we believe, will require direction from An Bord Pleanála and should include a Marine-based QRA that takes into consideration an LNG spill on water and that takes into consideration all other developments currently subject to project splitting. We should also consider that considering that an accident will never happen rather than “*it will never happen*” to “what if it happens”
2. It is now blatantly obvious that what has come to the fore in this oral hearing is that Shannon Development and Kerry County Council have absolutely no regard for what happens to the remainder of the landbank. No definitive reports, studies or plans have been completed for the landbank and none are planned. This is in direct contravention of the county development plan which states that these lands are, and I quote, “for a premier deep-water port and for major industrial development and employment creation”. Incidentally, the applicant tried to confuse the issue yesterday by saying that a jetty, as is proposed for this development, is the same as a port. However, in the dictionary, a port is defined as a harbour, whereas a jetty is defined as a landing stage or small pier or a construction built out into the water to protect a harbour, riverbank, etc. It must now be clearly ascertained by An Bord Pleanála whether or not the proposed development will sterilise the remainder of the landbank, contrary to the aims of the current development plans as detailed above and contrary to proper and sustainable development of the entire landbank. In any case, the KRA has asked An Bord Pleanála to request that Shannon Development present An Bord Pleanála with a complete development plan for the development of the entirety of the landbank to include all proposed deep-water port facilities in the aim of creating large-scale employment possibilities as per the County and local development plans so that this project may be assessed in its overall context.
3. An application for development over ten years is entirely unreasonable. The number of years given to allow development should equate to the time it takes to reasonably complete a development and it should not act as a cushion for a “*wait-and-see*” approach to economic considerations.

4. We believe that Seveso II regulations should be used as the basic benchmark standard to be applied on the estuary as it does on land. The applicant made a big issue during the week of where Seveso regulations applied – giving us the impression that they would cut corners in safety considerations outside of the establishment area covered by the Seveso Directive.
5. The area to be subjected to an emergency plan which must be tested at least every 3 years should be determined before deciding on the planning application.
6. In March 2007, slightly over 10 months ago, the site was rezoned from Secondary Special Amenity to Industrial. It is clearly expressed in the Kerry County Development Plan that it is “an objective of the Council to protect the landscape of the county”. The zoning designation of Rural Secondary Special Amenity is defined as follows in section 11.2.8: “The landscape of areas in this designation is generally sensitive to development. Accordingly, development in these areas must be designed so as to minimise the effect on the landscape. Proposal designs should take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings. Residential development will be considered for people wishing to establish a primary place of residence in accordance with the provisions of Section 3.3.7 of this plan. We would argue that just because the land was questionably rezoned industrial for this project, it does not mean that the landscape characteristics have changed since no development has taken place on the site since the rezoning. We find it unbelievable that any development 40 metres over Rallapane Ridge could even be considered.
7. We have petitioned the EU for condemnation of the rezoning of the land contrary to the SEA directive. We are confident that the EU will uphold our position regarding the validity of the rezoning by Kerry County Council. Realistically, An Bord Pleanála has a duty to await the outcome of the EU petition and the corresponding complaint to the office of the Ombudsman as that will guide its decision on this application.
8. We refer the inspector to Bord Pleanála reports on its decision R218581 on the Combined waste and power facility at Ballard, Araglin, Fermoy, County Cork.
9. It is also obvious that the true picture of gas storage in Ireland is not clearly understood. The applicant fudged the issue on the storage of gas in the depleted gas fields there and it had to be pointed out by us that “The CER has granted a gas storage licence to Marathon Oil Ireland Ltd to make the full capability of its depleted Kinsale facility, which has a capacity of 7 billion cubic feet (bcf), available to third parties. This **is the first such storage facility in Ireland** and BGE has contracted to use over 5 bcf of it.” According to Minister Ryan in a dail debate on November 27th, 2007. No decision should be made without having understood all these facts. We are of the opinion that it is accepted that from now until Peak Gas, our primary source of foreign gas will be via the interconnector from the UK, which will add to our indigenous supply. We question how we could even consider selling this site of North Kerry to an American multinational for 50 jobs and without guaranteeing supply.
10. We thank Shannon LNG for pointing out that the site beat 17 other sites as a suitable deep-water port and note from yesterday’s “Irish Examiner” that the

Port of Cork Authority want to move the container terminal out of Tivoli as they currently have limited space to deal with a major increase in traffic. However, the County manager conceded he was concerned because the road from the proposed new site at Ringaskiddy was not updated in advance to dual carriageway standards and did not therefore think the project should go ahead. We therefore think that the landbank could be easily developed if the supporting infrastructure was developed.

11. It is obvious from what we heard all week that project splitting is still a current problem in this application and has not been dealt with to our satisfaction. This is also currently under petition to the EU and we urge An Bord Pleanala to await its outcome before making a decision.

Dr. Jerry Havens flew over from America for this oral hearing to confirm the veracity of our references to him in our submission confirming one unavoidable truth; LNG is a dangerous hazard. This in itself was an extremely powerful statement from one of the world's most renowned LNG experts and we urge An Bord Pleanala to examine his submission very carefully as it was not contradicted by the applicants who clearly stated that they did not disagree with anything Dr. Havens said. We thank Dr. Havens for the huge effort he made at such short notice and can only admire the fact that there are still people of honour around who search for the truth. He stated that for LNG tankers, if, and I quote, *“cascading failures of the ship’s containments were to occur, it could result in a pool fire on water with magnitude beyond anything that has been experienced to my knowledge, and in my opinion could have the potential to put people in harm’s way to a distance of approximately three miles from the ship. I have testified repeatedly that I believe that the parties that live in areas where this threat could affect them deserve to have a rational, science-based determination made of the potential for such occurrences, no matter how unlikely they may be considered”*. He stated that in siting terminals it was important to consider the potential consequences of LNG releases from the Terminal and from LNG ships.

This message was very simple and supported by video evidence of the type of fireball created by a spill of less than 50 cubic metres on the Falcon Test series in 1987 shown by Dr. Havens for the first time ever in public.

The idea of forcing local people to live with the idea for the rest of their lives that an accident will cause them certain death is a very grave proposition indeed. It is certainly not something to be laughed at. The CEO of Hess LNG, Gordon Shearer, seemed to be very amused at this hearing on Friday January 25th when he laughingly confirmed that he had indeed stated that if there is catastrophic accident at the LNG terminal it would be, and I quote *“the largest Roman Candle in the World”*. In any case, section 12.10.3 of the County Development Plan clearly states that *“Any industrial or commercial development shall not be injurious to the residential amenity of adjoining properties”*.

This gets to the heart of the problem in our minds. Corporate Social Responsibility is not just another buzz phrase in this modern world of ours. Hess LNG has no other LNG importation terminal in the world. The other site where they have been attempting to get planning permission at Fall River in the USA has stalled on safety grounds. Hess LNG has spent millions of dollars trying to force this application

through over there and we believe this arrogance and willingness to contradict all safety advice on the Fall River project cannot now be overlooked by An Bord Pleanála. We are indeed of the opinion that Gordon Shearer and his company are becoming a problem from the point of view of the industry itself. Hess LNG tried to rubbish offshore alternatives which are being seriously taken on board by other large players in the industry such as Excelerate Energy and Exxon Mobil. These companies have understood all too well that their whole industry will suffer if there is even one major accident at an LNG terminal which kills members of the general public.

The only real way this project could be pushed through over the safety concerns faced by the local residents is if the project would be deemed to be in the “national interest”. We have submitted that the near-depleted gas fields in Kinsale are already in use, and therefore providing a strategic supply of natural gas. We have provided details of alternatives to this site such as Floating Storage Regasification Units, Gravity-Based Systems, gassports and using the LNG delivered to the UK - the British taking the risks while we take the gas. In any case the case for the National Interest put forward by the applicant is less than convincing and has in fact been extremely blurred.

Mr. Inspector, on Friday you asked us to consider conditions we would like to have imposed if this application was to be granted permission. Throughout this process we raised many concerns and you have a record of all of them. However, we have tried over these last few days to find ways around this issue which would be acceptable to all concerned.

There is no way that we can work around the core problem that the very presence of the tanks full of LNG and the knowledge we now all have from Dr. Havens’ submission, constitutes a continual threat to our lives if ever there is a leak. We are expected to live with that for the rest of our lives. The people of Kilcolgan have already proved their willingness to move away from their homes in the interest of the greater good but you cannot expect to fool them twice when it is not clear at all in whose interest this project really is. It is not in the country’s interest that is for sure anyway.

You therefore have a clear choice; give lots of gas and profits to a Multinational company with no loyalty to Ireland or cause certain deaths at a future date if there is an accident. The proposed application is the wrong solution for tomorrow’s energy needs because they go against all government obligations and policies in relation to renewable energy and CO2 reductions.

In any case, these proceedings have left us with more questions than answers. We should not be threatened for the rest of our lives with “*the largest Roman Candle in the World*” for no good reason and we urge you, Mister Inspector, to reject this planning application in its entirety.

Thank you.

Appendix 1 – Detailed Petition Letter to the EU Parliament

Mr. John McElligott
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Tel: +353-87-2804474

Nationality: Irish

Occupation: Computer Programmer

Hosting MEP: Kathy Sinnott

If the Committee on Petitions declares our petition admissible, we agree to its being considered in public
We consent to our names being recorded on a public register, accessible through the Internet

January 6th 2008

European Parliament,
Committee on Petitions
The Secretariat
Rue Wiertz
B-1047 BRUSSELS

As citizens of the European Union, we are hereby exercising our right of petition to the European Parliament under Articles 21 and 194 of the EC Treaty and under Article 44 of the Charter of Fundamental Rights of the European Union. The summary petition already lodged by us is highlighted below. We are now submitting more detailed supporting arguments.

Title of Petition:

Petitioning for condemnation of breaches of EU Directives by An Bord Pleanála and the Irish “Planning and Development (Strategic Infrastructure) Act 2006” in the planning application for the first proposed LNG re-gasification terminal in Ireland and a top-tier Seveso II development.

and

Petitioning for condemnation of breaches of the SEA Directive by Kerry County Council for refusing to conduct a Strategic Environmental Assessment (SEA) when rezoning lands from rural to industrial (Variation No. 7 County Development Plan 2003-2009) in preparation for the Shannon LNG application for planning permission.

Text of Petition:

The EIA Directive states that the public shall be given early and effective opportunities to participate in the environmental decision making process.

“Shannon LNG”, a subsidiary of the American “HESS Corporation”, has applied for planning permission, through new fast-track planning procedures enacted by the Irish Government in the Planning and Development

(Strategic Infrastructure) Act 2006”¹ (from hereon referred to as “the 2006 Act”), for the first proposed Liquefied Natural Gas (LNG) re-gasification terminal in Ireland on a green-field site adjacent to the Shannon Estuary². This would be a top-tier Seveso II development. On September 9th 2007 the proposed development was deemed as qualifying as Strategic Infrastructure Development under the criteria set out in the 2006 Act without any public consultation allowed in a confidential planning process that took place solely between the developer and the Irish Planning Appeals Authority (“An Bord Pleanála”) from at least February 6th 2007 to September 7th 2007³. No decision has yet been made on this planning application but the issues we raise in our petition prove that our rights under EU law have already been infringed in the planning application process for this LNG terminal by the application of the 2006 Act and this is independent of the actual final outcome of the decision-making process. Because the 2006 Act has only recently been enacted, its incompatibility with EU law has never been challenged in the Irish Court system to date and we do not have the resources to do so. This petition is being made by nearby residents of the proposed LNG re-gasification terminal and by people with close family and economic ties to the area. It must be highlighted that there are serious environmental, safety, economic, residential-amenity and other concerns surrounding the proposed LNG terminal in Tarbert parish, which have not been raised to date. When the public finally realise the extent of the issues involved in this proposal it will unfortunately be too late for any meaningful participation in the planning process as the direct decision by An Bord Pleanála on whether or not to grant planning permission will already have been made, contrary to the EIA, Seveso and IPPC Directives. This is because the new fast-track planning process which allows for this application under the 2006 Act means that all environmental, planning, safety and development issues are being examined in parallel and by different statutory bodies without the right of reply or appeal in the planning process by the general public that would exist if the application was first submitted to the local planning authority (Kerry County Council) and had the 2006 Act not been implemented. The principal aim of the 2006 Act seems to be the fast-tracking of supposed strategic planning applications through the planning process at the expense of public participation whenever new environmental and other information becomes available putting the environment and lives of the closest residents in danger. This proposed Seveso development is so complex that it cannot possibly be evaluated in the short timeframe proposed by the An Bord Pleanála without cutting corners. We ask the EU to study the LNG application process in the USA that can take up to 5 years to evaluate.

Discussion on Public Access To Information, Public Participation And Environmental Impact Assessment

1. The proposed LNG project was deemed to qualify as Strategic Infrastructure Development as defined by the 2006 Act even though it involved project slicing of a larger project of a gas terminal, a pipeline, road modifications and electricity supply into a part of a project that would qualify for planning application under the 2006 Act. This is contrary to EU law as discussed below. The general public could not make any submissions on this decision to put this point across. We, the nearest residents to this proposed development, have not given any community consent for this decision at a local level.
2. Ireland is in fact a signatory to the Aarhus Convention, but has not formally ratified it. However, the European Union is also a signatory. Consequently, EU environmental law [e.g., Directive 2003/4/EC; Directive 2003/35/EC] is already driving the “implementation” of the Convention in the consolidated EIA directive. Furthermore, the applicability of the Aarhus Convention to Ireland was clarified by the Compliance Committee of the Aarhus Convention on 21 October 2007 after the discussion of case

¹ Planning and Development (Strategic Infrastructure) Act 2006 c.f. <http://www.oireachtas.ie/documents/bills28/acts/2006/a2706.pdf>

² Planning Application Reference Number PA0002 c.f. <http://www.pleanala.ie/casenum/PA0002.htm>

³ Planning Application Reference Number PA0002 c.f. <http://www.pleanala.ie/casenum/PA0002.htm>

ACCC/C/2006/17 (European Community) held on 27 September 2007⁴ when the suggestion was made that the European Community should draft a note setting down in writing certain explanations given verbally. This clarification is as follows:

“The Community and 26 of the 27 current Member States are parties to the Aarhus Convention, Ireland being the only Member State which has yet to ratify it. The need for ratification or parallel approval by the Community and the Member States is explained, *inter alia*, by the fact that the Community on its own is not in a position to guarantee full compliance with all the Convention’s provisions, such as Article 8. As already explained, the Aarhus Convention became an integral part of Community law through the Council Decision of 17 February 2005 (2005/370/EC). As a result, although it is not a party to the Convention, **Ireland** will be obliged to respect the commitments arising from the Convention **where they concern provisions falling within the competence of the Community**. Thus, the fact that Ireland has not yet ratified the Convention does not affect the commitments undertaken **by the Community**, the scope of which has been explained above. **Nevertheless, this obligation has an impact solely on Community legal order. In other words, there is no public international convention law impact on Ireland.** No Member State party to the Aarhus Convention can claim under public international law that Ireland has not complied with such and such provision of the Convention, since Ireland has not assumed any public international commitment liable to be applied in accordance with public international law”⁵

3. Overground gas storage is not even considered as a strategic infrastructure development in the new UK Planning Bill introduced in November 27th 2007⁶ (one of the objects of which is to deal with authorisation of projects for the development of nationally significant infrastructure); only underground storage is. This reinforces our view that including LNG storage as Strategic Infrastructure under the 2006 Act is only the result of misinformed heavy lobbying by Shannon LNG in pursuing its own aims and contrary to the spirit of EU law. Indeed Shannon LNG lobbying can be seen in the fact that they were heavily involved in lobbying the Irish Energy Policy Documents at the Green Paper Stage⁷.
4. Shannon LNG submitted a risk assessment to the Irish “Health and Safety Authority” (HSA) on the same day it submitted the planning application to An Bord Pleanála. The HSA will make a recommendation to An Bord Pleanála based on its own examination of the risk assessment but the public is not automatically entitled to be made aware of its content, contrary to the EU EIA directive.
5. An Bord Pleanála requested observations from the Environmental Protection Agency (the EPA) and

⁴ United Nations Economic Commission for Europe 17th Meeting of the Compliance Committee of the parties to the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, Geneva 26-28 September 2007 c.f. http://www.unece.org/env/documents/2007/pp/ECE_MP.PP_C.1_2007_6e.pdf

⁵ United Nations Economic Commission for Europe response made at CC-17 on 21.11.2007 ACCC/C/2006/17 [http://www.unece.org/env/pp/compliance/Compliance % 20Committee/17TableEC.htm](http://www.unece.org/env/pp/compliance/Compliance%20Committee/17TableEC.htm) and <http://www.unece.org/env/pp/compliance/C2006-17/Response/ECresponseAddl2007.11.21e.doc>

⁶ UK Planning Bill introduced on November 2007 – Part 3 Nationally Significant Infrastructure Projects c.f. <http://www.publications.parliament.uk/pa/cm200708/cmbills/011/2008011.pdf>

⁷ Appendix – List of Submissions on Green Paper. Government White Paper – Energy Policy Framework 2007-2020 c.f. <http://www.dcmnr.gov.ie/NR/rdonlyres/54C78A1E-4E96-4E28-A77A-3226220DF2FC/27356/EnergyWhitePaper12March2007.pdf>

the Health and Safety Authority (HSA) after all submissions have been received without any automatic further public participation on new environmental issues raised by these bodies⁸. This is unacceptable because it is depriving the public of meaningful or effective participation in the planning process due to information not being disclosed in a timely manner and therefore removing the transparency that must continue to exist in the planning process. This is contrary to the EU EIA directive.

6. However, the risk assessment was never made available to the general public until a few days before the deadline for submissions via its website which did not work correctly and neither has it been submitted to An Bord Pleanála. This means that the public has not had timely access to vital environmental information (e.g. the environmental impact of an LNG leak) before the deadline for public submissions of November 16th 2007 and people who would have made a submission based on the risk assessment are now being illegally deprived of participation in the planning process. This is contrary to Article 6 of the EU EIA directive.
7. The new fast-track planning laws leave it to the discretion of An Bord Pleanála to allow further public participation in the planning process, e.g. through oral hearings, but there is no automatic right of participation in the planning process when new environmental information becomes available. This is contrary to the EU EIA directive. On Thursday December 20th, 2007 a mere few days before the Christmas holidays we were informed that an oral hearing on the Shannon LNG proposal was being called for January 21st 2008. But we still do not have access to the environmental information we need to participate equitably in an oral hearing and even if we receive it then we need more time to prepare for the oral hearing⁹
8. Under the new fast-track planning laws, the local authority in whose area the development is proposed must make a submission to An Bord Pleanála on its views on the proposed development but the local authority is allowed to make a submission up to 4 weeks after the closing date for submissions by the general public. This also means that the public has no automatic right to make submissions on any of the environmental or other information disclosed by the local planning authority. One important implication of removing consent procedures from local planning authorities is the loss of opportunity to appeal the planning merits of the decision as An Bord Pleanála now becomes the planning authority of first and final instance.
9. We object that the division of responsibility for the Environmental Impact Assessment across a number of bodies including, but not limited to, An Bord Pleanála and the EPA is not clearly defined because the general public does not have all the environmental impacts before planning permission is applied for in order to participate fully in the planning process. Indeed some of the information will not even be available to the public until after the decision on planning permission is made, such as the environmental effects noted in the marine risk assessment undertaken under the auspices of the Shannon Foynes Port Authority.
10. We as members of the public concerned were given 7 weeks to prepare our submission to An Bord Pleanála. In that time we have faced a literally impossible task. We have been denied access to critical documentation including the materials submitted to the HSA and the HSA's own documents and reports on that material. Yet that material and the HSA analysis of it will without doubt form the basis

⁸ An Bord Pleanála flowchart for Strategic Infrastructure Development c.f. <http://www.pleanala.ie/sid/flowchart.htm> and An Bord Pleanála Schedule of Correspondence c.f. <http://www.pleanala.ie/CTL/PA0/CPA0002.DOC>

⁹ Emails from the Kilcolgan Residents Association requesting more information from An Bord Pleanála and complaining of the short time delay to prepare for the oral hearing

of the HSA's opinion and An Bord Pleanála in turn will rely on that opinion in the context of the Seveso II Directive. By the time we are eventually able to access the material to examine it further An Bord Pleanála may have already dealt with the application on an erroneous assumption about the contaminants in the LNG. An Bord Pleanála will have closed the door to further submissions from us. That is a clear example of one of the ways in which we are being shut out from meaningful participation in the process in flagrant breach of our rights under Irish and European Law. Our rights in this regard are guaranteed by the provision of the European Convention on Human Rights as adopted and as further made binding on An Bord Pleanála by the European Convention on Human Rights Act 2003 as well as by the principles of natural justice and the obligation on the decision makers including the An Bord Pleanála to apply fair procedures. There are several other aspects which are in breach of our rights including:

- a) The complete inequality of arms between us and the applicant. This is accentuated by the ability of the applicant to engage in pre-application consultations with the Bord Pleanála so that it can be advised on how to present the application. An Bord Pleanála has concluded, with no public input, that the application is one fit to be dealt with as Strategic Infrastructure and has literally pre-judged that vital issue. That in turn puts An Bord Pleanála in a position of objective Bias when it comes to assessing our contention that the application is no such thing and should not be considered as such. We would have liked to challenge these pre-application consultations in the Irish courts, through for example a Judicial review, but third-party costs are prohibitive. The High Court does not automatically protect us against costs and we would lose our homes if we challenged this and lost. This is contrary to the EU 1998 Aarhus Convention Directives, Directive 2003/4/EC and Directive 2003/35/EC – on the right of the public to be informed on the environmental impact and being provided with the opportunity to make comments and have access to justice
- b) The Applicants have been granted ample time to liaise privately with An Bord Pleanála, to compile their material, to liaise with other Statutory bodies and to finalise this application. It has done so over a period in excess of 7 months. By contrast the local residents and other members of the public have been given no access to the statutory decision makers and instead are expected to convey our concerns in one fell swoop within 42 days of being granted sight of some, but not all, of the necessary documentation. This is fundamentally unjust.
- c) The Irish Department of Agriculture, Fisheries and Food, one of the statutory bodies informed of the planning application and from whom submissions were requested by An Bord Pleanála, stated that “the documents provided have been circulated to our consultees who are not in a position to provide comprehensive observations at this stage”. If one of the statutory bodies specialised in the area of fisheries does not even have time to make comprehensive observations on the planning application before the submissions deadline then this is evidence that the general public would not have sufficient time to do so either contrary to EU law. Some of the adjacent local authorities (Clare County Council, Kilrush Town Council, Limerick County Council) did not even make submissions and do not have any automatic right to do so either under the new fast-track planning laws on the same terms as the County Council in which the development is actually taking place (Kerry County Council). This removes ELECTED local authorities (and by extension the general public they represent) having an automatic right of participation in the planning process at all stages before a planning decision is made and all power ultimately rests with an UNELECTED planning authority (An Bord Pleanála).
- d) There is a written record of a pre-application consultation between An Bord Pleanála and

Shannon LNG for PC0002 which took place on May 2nd 2007. However, the problem is that there are two versions of the minutes of this meeting which, under the new planning laws, are only made available to the public after the decision is made on whether or not a proposed development qualifies for fast-track planning. We question how the developer's application can be nurtured so carefully and we, the property owners and residents near this Seveso II development be denied access to the information on the type of petroleum tank farm planned for next door by SemEuro as is now evident from the minutes of that meeting. In 1979, the Whiddy disaster caused the death of 50 people.? We fear that a tank farm of up to 80 tanks as is the case next to the Dragon LNG terminal in Milford Haven by SemEuro's sister company SemLogistics could be planned for Tarbert and An Bord Pleanála has not only mislead the public but is deliberately retaining relevant information which is preventing us from participating fairly in the planning process. In any case we question how An Bord Pleanála can still hope to give an objective ruling on the Shannon LNG application. The general public cannot refer the An Bord Pleanála decision to any other body and considering An Bord Pleanála has helped prepare the application for the developer they are therefore obviously guilty of agency capture.

- e) The Planning and Development (Strategic Infrastructure) Act 2006 specifically states that it is “an act to provide, in the interests of the common good, for the making directly to An Bord Pleanála of applications for planning permission in respect of certain proposed developments of strategic importance to the state; to make provision for the expeditious determination of such applications, applications for certain other types of consent or approval and applications for planning permissions generally” and it specifically states that an onshore LNG facility specifically qualifies as one of the Infrastructure Developments specifically covered by the Act. This is in direct conflict with all other protections offered by EU law on access to environmental information and timely participation in the planning process and writes into Irish legislation the by-passing of the input of elected local authorities in the planning of the Shannon LNG terminal in our county.
- f) The IPPC Directive: The daily shipments of gas in the Shannon Estuary and the industrial production processes of the proposed scale will account for a considerable share of the overall pollution in the area and a potential industrial accident will completely destroy the environment. The EU has a set of common rules for permitting and controlling industrial installations in. In essence, the IPPC Directive is about minimising pollution from various industrial sources throughout the European Union. Operators of industrial installations covered by Annex I of the IPPC Directive are required to obtain an authorisation (environmental permit) from the Environmental Protection Agency. The IPPC Directive is based on several principles, namely (1) an integrated approach, (2) best available techniques, (3) flexibility and (4) public participation. The integrated approach means that the permits must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure. The purpose of the Directive is to ensure a high level of protection of the environment taken as a whole. It is reasonable to conclude that the proposed Plant will contribute to a large scale pollution of the Shannon Estuary with a devastating affect on the wildlife and the whole environment. The environmental pollution will be beyond restoration. In regards to public participation in the consultation process it is essential to provide the public with sufficient time and independent expertise and allow the community to come to their own conclusions and make a decision that takes into account the needs of the local community. The consultation procedure taken up by an LNG Company, a company unknown in Ireland lacks the sufficient and independent expertise to help the local communities make

the right decision. Furthermore, the consultation process between An Bord Pleanála and the Environmental Protection Agency (EPA) will only take place after all public submissions have been received ¹⁰with no automatic right of reply given to the general public to make submissions based on the EPA findings – once again contrary to the EIA and IPPC directives.

Project Slicing

Shannon LNG is artificially sub-dividing this LNG project into pieces for the purpose of winning legal approval. Through this process, known as “salami-slicing”, sections of this project will be assessed and permitted. The idea is that the less environmentally-questionable parts of the project are authorised and built first, making continued development of the project a virtual *fait accompli*, even if the latter sections of the project seriously violate environmental regulations. This is contrary to, among others, article 2.1 of the EIA Directive, which requires that “projects” likely to have significant effect on the environment – not parts of projects – are subject to the assessment. This LNG storage and re-gasification facility cannot work without a pipeline, access to electricity and improvement to roads for which no planning application has been submitted. Only vague references to these developments have been made as well as to a mooted gas-fired electricity power station. It is to be feared that, due to the necessary exclusion zone required for LNG tankers, the land bank will only be fit for other “dirty” projects such as a massive petroleum-storage facility being mooted by SemEuro adjacent to the proposed LNG terminal, which, if assessed along with the LNG re-gasification terminal, would almost certainly be denied planning permission. This piecemeal approach to the planning process is extremely questionable as it does not deal with the sustainable development of the area and is contrary therefore to EU law.

Discussion on Project Slicing

11. Shannon LNG has made only vague reference to the pipeline from the proposed gasification terminal to Foynes *even though this pipeline could also pose serious environmental and safety risks depending on the pressure of the gas in the pipeline.*
12. It has only made vague references to its plans for the rest of its site on the land bank. They suggest maybe a gas-fired power station which would, they say, “be the subject of a separate planning application and EIS”¹¹
13. Shannon LNG also states ¹² that electricity to be supplied via 110kv lines from the ESB network at Tarbert will also “be the subject of a separate planning application”.
14. Shannon LNG goes on to state¹³ that Kerry County Council will upgrade the coast road from Tarbert which “will also be the subject of a separate planning application”.
15. It is to be feared that, due to the necessary exclusion zone required for LNG tankers, the land bank

¹⁰ An Bord Pleanála flowchart for Strategic Infrastructure Development c.f.
<http://www.pleanala.ie/sid/flowchart.htm>

¹¹ Shannon LNG EIS volume 1 page 5

http://www.shannonlngplanning.ie/files/EIS/ShannonLNG_Terminal_EIS_Vol_1_of_4_Issue1.pdf

¹² Shannon LNG EIS volume 1 page 5

http://www.shannonlngplanning.ie/files/EIS/ShannonLNG_Terminal_EIS_Vol_1_of_4_Issue1.pdf

¹³ Shannon LNG EIS volume 1 page 5

http://www.shannonlngplanning.ie/files/EIS/ShannonLNG_Terminal_EIS_Vol_1_of_4_Issue1.pdf

will only be fit for other “dirty” projects, which, if assessed along with the LNG gasification terminal, would almost certainly be denied planning permission.

16. This piecemeal approach to the planning process is extremely questionable as it does not deal with the sustainable development of the area and is contrary therefore to EU law. We also believe, as stated above, that this project slicing was done in order that the project would qualify as Strategic Development as defined by the 2006 Act without public participation on this decision and have the effect of allowing the application to go through an unreasonable fast-track planning process.

Breach of the SEA directive by Kerry County Council:

In March 2007 the elected members of Kerry County Council decided to vote in favour of a county manager recommendation to rezone 188 Hectares of land zoned rural general and secondary amenity to industrial for the proposed LNG terminal. An SEA screening report was published in November 2006. Kerry County Council were fully aware of the proposed LNG development and its Seveso (Hazardous) status and chose not to include it in the screening report as a ‘*development likely to be proposed*’. The reason in our opinion is quite simple. If they were to follow the proper procedures subsequently and conduct a full SEA then the LNG project would have been jeopardised due to the probable wide scope of a SEA and the length of time involved in tendering out and completing a SEA with all its consultative procedures. The SEA would have been conducted independent of the company (Shannon LNG) and so would most likely have found against the proposed rezoning due to the extremely sensitive SAC nature of the site and the proposed zonings direct conflict with EU law e.g. the Habitats Directive. This decision was made with no right of appeal to An Bord Pleanála. The frequent shipments of LNG in the Shannon Estuary and the industrial production processes will account for a considerable share of the overall pollution in the area and a potential industrial accident could completely destroy the environment. The most serious environmental concern (not to mention the environmental impacts of a massive LNG leak) is that the daily discharge of 108 million gallons of cooled and chemically-treated seawater will affect marine life and water quality in the estuary by killing ichthyoplankton and other micro-organisms forming the base of the marine food chain unable to escape from the intake area, causing serious environmental damage to the eco-system of this SAC area. Therefore, the County Manager Report’s conclusions on March 8th 2007 that “*it does not appear that there is a need for a SEA in this instance as the proposed variation is unlikely to result in development which would have significant effects on the environment*” is factually incorrect. The importation of huge amounts of this fossil fuel will have a crowding-out effect on the development of other renewable energies since Ireland is already one of Europe’s largest importers of fossil fuels. Another possible fast-track planning application by SemEuro for “a petroleum storage installation and related marine facilities at Ballylongford” adjacent to the proposed LNG terminal is also currently before An Bord Pleanála to decide if it, too, meets the criteria of the Act. But we have been refused any information on this application even though it would have a detrimental effect on the environment and on the LNG application. Darren Coombes of An Bord Pleanála confirmed to us on November 22nd 2007 that SemEuro had consultations with Kerry County Council.

Discussion on the Breach of the SEA by Kerry County Council

17. The lands in question which are riparian to the Shannon Estuary are located between Ballylongford and Tarbert. The Irish Industrial Development Authority (the IDA) took an interest in the land 40 years ago identifying it as being of strategic importance due to its deepwater’s. They bought the land and subsequently it changed hands to Shannon Development (a regional version of the IDA). Several proposals for industry have come and gone in the interim period.

18. From as early as May 2006, it was clear from booklets distributed by Shannon LNG¹⁴ that Shannon LNG was planning an LNG terminal on the site at Kilcolgan – the first of its kind in the country and one which would see 4.4 million gallons of water pumped from the Shannon Estuary every hour. The most serious environmental concern (not to mention the environmental impacts of a massive LNG leak) has always been that pumping over 108 million gallons of chlorinated and cooled water into the estuary daily will cause serious environmental damage to the eco-system of this SAC area. The withdrawal and discharge of huge volumes of seawater will affect marine life by killing ichthyoplankton and other micro-organisms forming the base of the marine food chain unable to escape from the intake area. Furthermore, the discharge of cooled and chemically-treated seawater will also affect marine life and water quality. However, the site was still zoned Rural General and Secondary Special Amenity at the time. To rezone the land to Industrial, a variation had to take place to the Kerry County Development Plan 2003-2009. In March 2007, the site at Tarbert was therefore rezoned from “Rural General” to Industrial through variation No. 7 of the County Development Plan.
19. However, extremely serious issues surrounding the rezoning bring in to serious disrepute the whole planning process in Kerry and are furthermore putting the lives of the people of Kilcolgan in danger through the attempts to fast track a Seveso II site without following all planning procedures correctly.
20. The neighbouring local authority on the opposite shores of the Shannon Estuary (Clare County Council) objected to the rezoning on the grounds that:
*“the proposed rezoning is likely to have a significant impact on the future development of the region, and will have a direct impact on the planned objectives for the Mid West Regional guidelines for the Shannon Estuary and in particular the Planning, Economic and Service Infrastructural development objectives for zone 5 of the plan. Any industrial development including the construction of a deepwater harbour will have a major impact on both the visual and ecological amenities of the area, and potentially on the Lower Shannon Estuarine Environment, including the foreshore of County Clare. Clare County Council would like an appraisal of any SEA investigation which may have been undertaken in respect of the proposed variation”. The Kerry County Manager replied: “Any future application of these lands will be subject to an Environmental Impact Assessment. This process will ensure that any proposals will take into account impacts on the visual and ecological amenities of the area. A copy of the SEA screening report for the proposed variation will be forwarded to Clare County Council.”*¹⁵
21. No SEA has been undertaken as required for a variation to the development plan under Statutory Instrument No 436 of 2004 Article 7 section 13K and article 12 schedule 2A of the same Statutory Instrument¹⁶ where there will be a significant effect on the environment.
22. The County Manager Report’s conclusions on March 8th 2007¹⁷ that *“it does not appear that there is a need for a SEA in this instance as the proposed variation is unlikely to result in development which would have significant effects on the environment”* are extremely questionable for the following reasons:
 a) it was known at the time of the County Manager’s report that Shannon LNG had an option to buy the lands subject to planning permission for the LNG terminal with the serious consequential effects on the environment as detailed above. Indeed, An Bord Pleanála wrote to the County Manager on February 7th, 2007 notifying them of Shannon

¹⁴ Shannon LNG Booklet May 2006 http://www.shannonlngplanning.ie/files/SLNG_Booklet.pdf

¹⁵ Kerry County Manager’s report on variation No 7 to Kerry County Development Plan

¹⁶ Planning and Development (Strategic Environmental Assessment) Regulations 2004. S.I No 436 of 2004 c.f. <http://www.irishstatutebook.ie/2004/en/si/0436.html#article12>

¹⁷ Kerry County Manager’s report on variation No 7 to Kerry County Development Plan

LNG's request for pre-application consultations under the planning and Development (Strategic Infrastructure) Act 2006 for an LNG terminal on the said site.

- b) It is a fact that Shannon LNG held pre-planning discussions on the 23rd of June and the 20th October 2006 with Kerry County Council about the plans for a LNG terminal at Kilcolgan, Tarbert, Co. Kerry¹⁸. Further to this Shannon LNG submitted an application for a weather station on the site in September 2006. The SEA screening report was published in November 2006.
- c) The waters of the Lower Shannon are in a candidate Special Area of Conservation (SAC) and therefore protected under the EU Habitats directive.
- d) Clare County Council raised serious concerns that the construction of a deepwater harbour would have a major impact on both the visual and ecological amenities of the area and potentially on the Lower Shannon Estuarine Environment, including the foreshore of County Clare, and requested an appraisal of any SEA investigation¹⁹ as detailed above.
- e) The Senior Executive Planner of Clare County Council, John Bradley, who made the submission on behalf of Clare County Council, could not confirm that any such screening report was received by Clare County Council.
- f) The EPA could not confirm receipt of the SEA screening report, even though Tom Sheehy of Kerry County Council maintains it was sent on December 5th 2006.²⁰
- g) The ecological sensitivity of the area has been recognised in the Kerry County Development Plan²¹ in declaring both Ballylongford Bay and Tarbert Bay as areas of Ecological Importance but this fact was completely ignored in the report.
- h) the importation of huge amounts of this fossil fuel will have a crowding-out effect on the development of other renewable energies since Ireland is already one of Europe's largest importers of fossil fuels, will lock us in to importing for the mooted gas power station being proposed on the site adjacent to the LNG terminal and will lead to carbon credits being paid out because of CO2 emissions.
- i) The Irish Department of the Environment's Guidelines for Local Authorities on implementation the SEA directive²² are clearly not adhered to as the site is a Seveso II site surrounded by SAC, SPA and NHA areas. The SEA Screening Report of November 2006, as do all planning procedures, comes under the auspices of the Planning & Development Regulations²³ which were amended in 2004 on foot of the EU Directive on

¹⁸ Pre-planning Consultations by Shannon LNG

¹⁹ Kerry County Manager's report on variation No 7 to Kerry County Development Plan

²⁰ Email Communication with Kerry County Council concerning SEA Screening Report

²¹ Kerry County Council Development Plan 2003-2009 Appendix 1g – Other areas of ecological importance c.f. <http://www.kerrycoco.ie/planning/devplan/Appendix1g.pdf>

²² 'Assessment of the Effects of Certain Plans and Programmes on the Environment: Guidelines for Regional Authorities and Planning Authorities (2004)' cf. <http://www.environ.ie/en/Publications/DevelopmentandHousing/Planning/FileDownload,1616,en.pdf>

²³ Planning and Development (Strategic Environmental Assessment) Regulations 2004. S.I No 436

Strategic Environmental Assessment (SEA) in 2001. The guidelines clearly state in sections 3.5 and 3.10 (2):

“Screening & Scoping

3.5 The key to deciding if SEA will apply will be *whether the plan would be likely to have significant effects on the environment*. The decision should not be determined by the size of an area alone. It will also be influenced by nature and extent of the development likely to be proposed in the plan and its location (e.g. close to or within an SAC, SPA or NHA), and its broad environmental effects”

“Criteria for Determining the Likely Significance of Environmental Effects

3.10 Schedule 2A to the Planning and Development Regulations 2001 sets out two main types of criteria for determining whether a plan would be likely to have significant environmental effects:

(1) Characteristics of the Plan: for example, the scale of development likely to take place over the life of the plan, or the degree to which it promotes sustainable development. Does the plan set out environmentally-friendly objectives? What environmental problems are of particular relevance to the plan?

(2) Characteristics of the effects and of the Area likely to be affected: for example, the magnitude, cumulative nature and reversibility of the effects, or the value and vulnerability of the area likely to be affected by implementation of the plan. How many people are likely to be affected by the plan? Are there areas of conservation sensitivity (such as natural habitats) within or adjacent to the area covered by the plan? Much of the advice contained in the Department's Guidance (*August 2003*) on EIA sub-threshold Development (www.environ.ie) regarding areas of conservation sensitivity is also of relevance for SEA. How intensive is the nature of the proposed landuse? Is there a risk of accidents, *e.g. involving Seveso landuses?*”

- j) The Ballylongford Screening report²⁴ makes no mention of Shannon LNG having an option to purchase land on the site subject to planning permission for an LNG terminal, even though this was known since at least May 2006 and that this was already discussed in the Kerry County Council meeting of 19 June 2006²⁵ as follows:

“20. Establishment of a committee to deal with infrastructural development and Planning issues relating to the Ballylongford Land Bank Pursuant to notice duly given Cllr. J. Brassil proposed:-

“In light of the major announcement made by Minister Micheal Martin regarding the development of the Shannon Development owned Ballylongford land bank that Kerry County Council put a team of people together to specifically deal with the infrastructure development and planning issues that will be associated with this project.”

Mr. C. O'Sullivan, SEO Corporate Services read the following report:-

The Ministers announcement in relation to the proposals for Ballylongford is to be welcomed. Preplanning discussion with Shannon LNG will shortly commence. The

of 2004 c.f. <http://www.irishstatutebook.ie/2004/en/si/0436.html>

²⁴ Strategic Environmental Assessment Screening Report – Kerry County Council Development Plan 2003-2009 Proposed Variation – November 2006

²⁵ Minutes of June 19th 2006 Meeting of Kerry County Council - <http://www.kerrycoco.ie/minutedocs/Item%202b%20Ordinary%20Minutes%20June%202006.pdf>

necessary planning and infrastructure teams will be put in place as discussions develop more fully the particular project proposal and the needs of the Ballylongford Land Bank generally. Project progress will be overseen by Sub Committee of Senior Management Team. The situation will be kept under review as the project progresses.

Cllr. J. Brassil welcomed the report and said that this has the potential to be a huge project for North Kerry and he called on the Executive to give it every support. Cllr. L. Purtill welcomed the recent announcement for the development of part of Ballylongford Land Bank and supported Cllr. Brassil's motion.“

- k) In light of the pre-planning discussions and planning application for a weather station²⁶ it is clear that Kerry County Council were fully aware of the proposed development and its Seveso (Hazardous) status and chose not to include it in the screening report as a **'development likely' to be proposed'**.
- l) We have uncovered²⁷ another fast-track planning application for “a petroleum storage installation and related marine facilities at Ballylongford” currently before An Bord Pleanála²⁸ at the pre-planning stage with a decision still due on whether or not it qualifies for fast-track planning. The company is SemEuro. We contacted John Spencer, the managing director of SemEuro in Geneva on Wednesday November 21st 2007 and he referred us to Kieran Parker of the SemEuro Group in the UK. Kieran Parker just confirmed on November 22nd 2007 by phone that we should contact Shannon LNG if we have any questions and that he could not comment any further. So this seemed to strongly suggest that SemEuro and Shannon LNG are linked. In any case, Shannon LNG stated in its pre-consultation meetings with An Bord Pleanála on May 2nd 2007 that “it would not foresee any problem in having the proposal beside the petroleum storage facility”. An Bord Pleanála has refused to give us information on the details of PC0008 until a decision is made on whether it qualifies for fast-track planning. We are deeply concerned that a massive petroleum tank farm similar to the massive 80 tanks (the largest independent oil storage facility in the UK) constructed by SemEuro's sister company, SemLogistics, in Wales is planned for the site next to the LNG terminal because the dangerous precedent has now been set in Milford Haven. Kerry County Council has not disclosed any information about SemEuro and therefore Shannon LNG's true intentions. People have been misleadingly lead to believe locally that SemEuro is intending to build on a different area (the Ballylongford to Asdee side of Ballylongford Bay). However, Darren Coombes of An Bord Pleanála confirmed to us also on November 22nd 2007 that SemEuro are actually applying for planning adjacent to the Shannon LNG. This brings into question the effect for top-tier Seveso 2 sites' exclusion zones on the SAC area of the Lower Shannon and the Ballylonford and Tarbert Bay areas defined as of significant ecological importance in the Kerry County Development Plan 2003-2009 ? *He also confirmed that SemEuro had consultations with Kerry County Council.* This means that one could no say that LNG and petroleum storage will not have an effect on the environment? It is evident that a development of this size would have an effect on the environment. The information on SemEuro should have been in the public domain as it has a huge bearing

²⁶ Application for Weather Station on a 10M. High mast with Security fencing by Shannon LNG at the site of the proposed LNG terminal in Kilcolgan to Kerry County Council Ref 06/3428 dated 18 September 2006 - http://www.kerrycoco.ie/ePlan/InternetEnquiry/rpt_ViewApplicDetails.asp?validFileNum=1&app_num_file=063428

²⁷ SemEuro Planning for Petroleum Storage facilities near the proposed LNG terminal

²⁸ Pre-Application Consultation PC0008 on Petroleum storage installation and related marine facilities at Ballylongford, Co. Kerry - <http://www.pleanala.ie/casenum/PC0008.htm>

on the real intentions of Shannon LNG and SemEuro to create a massive gas and petroleum storage facility on the shores of the SAC Lower Shannon Estuary and has deprived the general public timely access to information on intentions and possible alternative uses of the site in order to participate fully in the planning process.

23. Without any information in the public domain regarding the scoping or the actual execution of an SEA²⁹ this rezoning is fundamentally unsound and invalid under EU law.
24. On March 12th 2007, at the Kerry County Meeting³⁰ Mr. McMahon, director of planning, circulated his SEA screening report to the councillors and briefed them on it. The proposed variation was accepted and passed by the councillors present.
25. The serious concerns the Kilcolgan Residents Association have about the proposed LNG development is clearly explained in its submission to An Bord Pleanála.³¹
26. Our complaint is that an SEA should have been undertaken by the statutory body (Kerry County Council) as requested by Clare County Council who quite rightly pointed out that the rezoning would have a direct impact on the environment and the planned objectives for the Mid West Regional guidelines for the Shannon Estuary. It would have represented the only independent Environmental Assessment of the area. We believe that this was not undertaken because pressure to fast-track the rezoning for the Shannon LNG company took precedence over following the correct procedures to the detriment of the Shannon Estuary, its environment and environs and to the people living and owning property adjacent to the land bank. All we finally received to our comprehensive complaint to the council was a one-line statement on November 22nd 2007 from Anne O'Sullivan on November 22nd 2007 stating:

“In relation to the question of a Strategic Environmental Assessment this is not mandatory in this case and Kerry County Council following a screening process decided that such Strategic Environmental Assessment was not necessary.”³²
27. In our opinion both the County Manager and the elected representatives were collectively responsible for this deliberate effort to push through the development at all costs contrary to the EU SEA Directive. Furthermore, the new atmosphere of fast-tracking planning at all costs, created by the fast-track planning, we believe, has contributed to a breach by our local planning authority (Kerry County Council) in refusing to undertake a Strategic Environmental Assessment in rezoning the site of the proposed LNG terminal from Rural to Industrial as required by the EU SEA Directive. This decision has been made with no right of appeal to An Bord Pleanála.
28. We therefore petition the EU parliament to condemn this refusal by Kerry County Council to

²⁹ Notice of proposed variation to Kerry County Development Plan - <http://www.kerrycoco.ie/Planning/PUBLIC%20%20%20NOTICE%20-%20Ballylongford%20variation%20no%207.pdf>

³⁰ Minutes of March 12th 2007 Meeting of Kerry County Council - [http://www.kerrycoco.ie/minutesdocs/Item%20No%202\(a\)%20Minutes%20of%20March%20Meeting.pdf](http://www.kerrycoco.ie/minutesdocs/Item%20No%202(a)%20Minutes%20of%20March%20Meeting.pdf)

³¹ LNG Planning Submission by Kilcolgan Residents Association

³² Final Reply from Kerry County Council on Complaint from Kilcolgan Residents Association on refusal to undertake an SEA

undertake an SEA as being contrary to EU law.

29. As the decision on whether or not to grant permission to Shannon LNG has not been made, we also urge you to send a representative to Ireland to participate in the oral hearing of January 21st 2008 on this application and witness first hand the abuse of our rights as European citizens to participate effectively in the Irish planning process (which is taking place irrespective of the eventual decision by An Bord Pleanála) and the abuse of the following EU laws, among others:

- EU Habitats Directive 92/43/EEC On the conservation of natural habitats and of wild fauna and flora– as 25 acres of the site is in a Special Area of Conservation (SAC)
- EU 1998 Aarhus Convention Directives, Directive 2003/4/EC and Directive 2003/35/EC – on the right of the public to be informed on the environmental impact and being provided with the opportunity to make comments and have access to justice
- EIA directive 87/337/EEC as amended by Directive 97/11/EC - concerning the effects of certain public and private projects on the environment, the precautionary, preventative-action and polluter-pays principles
- Seveso II Directive 96/82/EC as amended by 2003/105/EC – for placements of hazardous sites
- SEA Directive 2001/42/EC on the assessment of certain plans and programmes on the environment
- EU Water Framework directive 2000/60/EC
- European Convention on Human Rights
- IPPC Directive 96/61/EC concerning integrated pollution prevention and control

Conclusion:

This proposed site, should it gain approval, would be classified as top-tier Seveso II. We strongly believe that this new legislation i.e. the Planning and Development (Strategic Infrastructure) Act 2006 is being used to fast-track a potentially dangerous and divisive planning application and prevent public participation in the planning process in any meaningful way. In this instance it served to pressurise a local authority to ‘cut corners’ (by not conducting an SEA) to avoid delays, thereby railroading the project through the approval process. By expediting the decision making process for what is clearly a hazardous land/marine use proposal the state is not only seriously jeopardising lives and the environment but is also in direct contravention of EU law. We now urge you to condemn the Planning and Development (Strategic Infrastructure) Act 2006 as being contrary to EU law. We also urge you to condemn the blatant breach of procedure by Kerry County Council in refusing to undertake an SEA as being contrary to Irish and EU law. Finally, we urge you to condemn the preceding decision by An Bord Pleanála that the Shannon LNG proposal actually qualifies for fast-track planning status as being contrary to EU law and to condemn the project-slicing of the Shannon LNG application as contrary to the EIA and Seveso Directives. We are aware that a similar issue concerning an LNG-related development was before the Petitions Committee in December 2007³³.

Kilcolgan Residents Association Members objecting to the proposed LNG application:

³³ Petition 1194/2007 to the EU Petitions Committee by Ms. Elizabieta Whomsley (British), on opposition against the planned route of a 115-mile liquefied natural gas (LNG) pipeline in Wales c.f. http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/699/699296/699296en.pdf

Name	Address
Johnny McElligott	Island View, 5 Convent Street, Listowel, Co. Kerry
Morgan Heaphy	Glencullare North, Tarbert, Co. Kerry
Patricia Anglim O'Connor	Saleen, Tarbert, Co. Kerry
Josephine Anglim	Saleen, Tarbert, Co. Kerry
Adam Kearney	Bridge Street, Ballylongford, Co. Kerry (landowner Kilcolgan, Tarbert)
Seamus Leane	Knockenagh, Listowel, Co. Kerry (land-owner Puleen, Tarbert)
Fiona Leane	Knockenagh, Listowel, Co. Kerry (land-owner Puleen, Tarbert)
Michael O'Connor	Upper Kilcolgan, Tarbert, Co. Kerry
Willie Hayes	Puleen, Tarbert, Co. Kerry
Kathleen Hayes	Puleen, Tarbert, Co. Kerry
Richard McElligott	Gunsboro, Knockenagh North, Listowel, Co. Kerry (landowner Kilcolgan)
Shannon O'Mahony (Age 6)	Kilcolgan, Tarbert, Co. Kerry
Raymond O'Mahony	Kilcolgan, Tarbert, Co. Kerry
Tim Mahony	Kilcolgan, Tarbert, Co. Kerry
Padraig O'Connor	Upper Kilcolgan, Tarbert, Co. Kerry
Margaret O'Mahony	Kilcolgan, Tarbert, Co. Kerry
Margaret Finnucane	Kilcolgan, Tarbert, Co. Kerry
Kathleen Finnucane	Kilcolgan, Tarbert, Co. Kerry
Andrew Finnucane	Kilcolgan, Tarbert, Co. Kerry
Noleen Finnucane	Kilcolgan, Tarbert, Co. Kerry
Ann Marie Finnucane	Kilcolgan, Tarbert, Co. Kerry
Catherine Finnucane	Kilcolgan, Tarbert, Co. Kerry
Seamus Finnucane	Kilcolgan, Tarbert, Co. Kerry
Sean Heaphy	Lislaughtin Abbey, Ballylongford, Co. Kerry
Michael Heaphy	Lislaughtin Abbey, Ballylongford, Co. Kerry
Ena O'Neill	Puleen, Tarbert, Co. Kerry
Jim O'Neill	Puleen, Tarbert, Co. Kerry
Michael O'Connor	Carhoonakineely, Ardmore, Tarbert, Co. Kerry
Beatrice O'Mahony	Kilcolgan, Tarbert, Co. Kerry
Chris Kelly	Carhoonakilla, Tarbert, Co. Kerry
Jayne Kearney	Kilcolgan, Tarbert, Co. Kerry
Kenneth Finnucane	Ballymacassy, Ballylongford, Co. Kerry
Kathleen Kelly	Carhoonakilla, Tarbert, Co. Kerry
Frank Kelly	Carhoonakilla, Tarbert, Co. Kerry
Esther Flavin	Carhoonakilla, Tarbert, Co. Kerry
Mary Kelly-Godley	Glensillagh, Tarbert, Co. Kerry
Sasha Godley	Glensillagh, Tarbert, Co. Kerry
Brian Godley	Glensillagh, Tarbert, Co. Kerry
Noelle Jones	Carhoonakilla, Tarbert, Co. Kerry
Ger Buckley	Cockhill, Tarbert, Co. Kerry
Eileen O'Connor	Lislaughtin, Ballylongford, Co. Kerry (landowner Kilcolgan)
Chloe Griffin (age 10)	Carhoonakilla, Tarbert, Co. Kerry
Catriona Griffin	Carhoonakilla, Tarbert, Co. Kerry
Pat Griffin	Carhoonakilla, Tarbert, Co. Kerry
Patricia O'Connor	Saleen, Tarbert, Co. Kerry
Ger Shanahan	Kilcolgan, Tarbert, Co. Kerry
Donncha Finnucane	Kilcolgan, Tarbert, Co. Kerry
John O'Connor	Lislaughtin, Ballylongford, Co. Kerry (landowner Kilcolgan)
Bridget Shanahan	Kilcolgan, Tarbert, Co. Kerry
John J O Mahony	Kilcolgan, Tarbert, Co. Kerry

Lily O'Mahony	Kilcolgan, Tarbert, Co. Kerry
TJ O'Mahony	Kilcolgan, Tarbert, Co. Kerry
Geraldine Carmody	Kilcolgan, Tarbert, Co. Kerry
Cathal Carmody	Kilcolgan, Tarbert, Co. Kerry
Betty Doherty	Kilcolgan, Tarbert, Co. Kerry
James Doherty	Kilcolgan, Tarbert, Co. Kerry
Anthony O'Mahony	Kilcolgan, Tarbert, Co. Kerry
Jamie O'Mahony (age 5)	Kilcolgan, Tarbert, Co. Kerry
Catherine Heaphy	Glencullare, Tarbert, Co. Kerry
Tom O'Connor	Ardmore, Tarbert, Co. Kerry
Kathleen O'Connor	Ardmore, Tarbert, Co. Kerry.

Appendix 2 – Complaint of Breach of Procedure at An Bord Pleanala

Kilcolgan Residents Association
c/o Johnny McElligott
Island View,
5 Convent Street,
Listowel,
County Kerry
safetybeforelng@hotmail.com
Tel: (087) 2804474

28th November 2007

Mr. Patrick Cosgrave,
Official Complaints Section,
An Bord Pleanala,
64 Marlborough Street,
Dublin 1

By Email only to P.cosgrave@pleanala.ie

Private and Confidential

Re: Complaint about breach of Procedures at An Bord Pleanala 08.PC0002

Dear Patrick,

Yesterday, on reviewing the pre-consultation documents of the Shannon LNG case PC0002 which was declared as qualifying for fast-track planning on September 7th 2007, I noticed some extremely serious issues which are now the subject of this complaint.

There is a written record of a pre-application consultation between An Bord Pleanala and Shannon LNG for PC0002 which took place on May 2nd 2007.

The problem is that there are two versions of the minutes of this meeting which are materially different.

The meeting was attended by Des Johnson, Kevin Moore, Gerard Egan, Marcella Doyle and Siobhan White of An Bord Pleanala. Shannon LNG was represented at the meeting by Paddy Power, Samy Ibrahim, Peter Langford and Ria Lyden.

The meeting record was signed by Des Johnson on May 28th 2007 and the last page with his signature is the exact same in both documents i.e. it is the same page while the content of both documents is materially different.

Among others, the following changes were made:

1.

“Part of a Natural Heritage Area and a Special Area of Conservation extend into the site. The footprint of the proposed development is stated to be outside the SAC but may still affect the integrity of the site”

was changed to:

“Part of a Natural Heritage Area and a Special Area of Conservation extend into the site. The footprint of the proposed development is stated to be outside the SAC. Studies are

underway to confirm that it will not affect the integrity of the site”

2.

“The prospective applicant explained the ownership issue – see the rectangle outlined on page 5 of the Display Boards Booklet and stated this area is owned by a local person”.
was changed to:

The prospective applicant explained the ownership issue – see the rectangle outlined on page 5 of the Display Boards Booklet and stated this area is claimed to be owned by a local person”.

3.

“Road Impacts. The Board advised that this issue should be addressed when making the application assuming that some construction traffic will be by road. The E.I.S. should address the ‘worst case’ scenario, which would include distribution of the product by road.”

was changed to:

Road Impacts. The Board advised that this issue should be addressed when making the application assuming that some construction traffic will be by road. The prospective applicant has no plans to move LNG by road.”

4.

“The Board raised the issue of association with a nearby proposed petroleum storage facility and the cumulative impact of the proposals. The prospective applicant stated it would not foresee any problem in having the proposal beside the petroleum storage facility but that it would not be logistically feasible for its development to share facilities such as the jetty with the petroleum storage facility”

was changed to:

“The Board raised the issue of association with a nearby proposed petroleum storage facility and the cumulative impact of the proposals. The prospective applicant stated that they were not aware of the details of the mooted petroleum storage facility but that it would not be logistically feasible for its development to share facilities such as the jetty with the mooted petroleum storage facility”.

I notice that a copy of this document was sent to Paddy Power of Shannon LNG on June 15th 2007 by Marcella Doyle. It was forwarded internally “for comments if any” to Brian Hunt, Deputy Chairman of An Bord Pleanála on June 19th. 2007 by Marcella Doyle. On July 2nd 2007, Siobhan White sent a “copy of the suggested amendments” to Paddy Power of Shannon LNG.

You can’t change history. You cannot unsay what was said.

Who changed this document? Who requested it changed? Why was it changed?

The four sections we highlighted above have:

1. given the impression that the integrity of SAC and NHA areas would not be affected when the opposite was stated in the meeting;
2. given the impression there is only a minor claim to some of the land surrounded by the development when it was clearly stated in the meeting that it was owned by someone else;
3. given the impression that there will be no transportation of LNG by road when the meeting covered the need for a “worst-case scenario” in a risk assessment for road transportation of LNG and
4. given the impression that Shannon LNG was not aware of the details of the

petroleum storage facility proposed by SemEuro when the meeting gives the clear impression that Shannon LNG were very much aware of the proposal and had no problems with it. If anyone is building a top-tier Seveso II development worth hundreds of millions of Euro, it would seem logical to assume that they would inform themselves of the details of what was being built next door?

These changes are not “minor amendments”, as suggested in the minutes of the meeting of June 27th, 2007 as they had an enormous bearing on the final decision given.

We await your reply

Yours sincerely,

Johnny McElligott

Appendix 3 – HSA Submission on QRA

Kilcolgan Residents Association
<http://www.safetybeforelng.com>
e-mail: safetybeforelng@hotmail.com
Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland
10 January 2008

Re. Shannon LNG QRA assessment.

Dear Mr. Coneely,

1. Could you please take the comments by Dr. Venart on board below in addition to the document I emailed you this morning (attached again for the benefit of the other people on this email) because at the moment your deadline for receiving submissions is this evening. Dr. Venart states in an email sent to us today:

“In prep for your studies you might want to take a look at the UK HSE Buncefield site and review the reports available on that accident in 2005. Review especially the one dealing with the explosion mechanism advisory group. While methane is not Butane - in terms of its explosive sensitivity - it can be detonated (e.g. see VAPOR CLOUD EXPLOSION STUDY, Dr. Michael C. Parnarouskis et al, SIXIEME CONGRES INTERNATIONAL SUR LE GAZ NATUREL LIQUEFIE, Vol./Issue: 2, Paper 12, Session 111, Date: 1980 and especially the references noted). There is some controversy re the explosive sensitivity of C1 and as Buncefield clearly shows a vapour cloud explosion was ruled out (i.e. given a probability of 'zero') in its QRA-like evaluation! So despite what the Shannon QRA states I think this possibility must be carefully considered.”

2. Also in an initial report by Dr. Koopman pointed out that he was happy to see that a QRA was undertaken which was basically sound (good news for the proposal). He also agrees with the consequence calculations of the accident scenarios reviewed, finding them consistent with his work and the work of others he has reviewed (also good news for the proposal). He agrees that the probability or risk of an accident is very low, even if the “consequences of the worst incidents are quite severe and can extend for miles downwind”. But he does say that “unfortunately there is no equivalent QRA for LNG shipping in the Shannon Estuary” and that “ship collisions are fairly common in and around port areas.”¹
3. However, Dr. Koopman also pointed out In a further email to me that there is an error in the QRA in the frequency estimate for a large hole to a storage tank:

¹ Ronald P. Koopman, Ph.D., P.E review of the “QRA done for the proposed Shannon LNG Terminal, *Land Use Planning QRA Studies of the Proposed Shannon LNG Terminal*, September 2007” - December 2007

“Indeed, the flash fire hazard distance for a large hole (d) in the storage tank is 11,370 m downwind but the frequency estimate for such a hole is 0 in table A1 (Annex A) therefore the risk is 0. In Table 3.3, page 20 in the body of the report, a frequency of 5E-8 is used for catastrophic failure, not 0. This should have been used in the calculation rather than 0 but would probably not change anything. The tanks proposed for this project are very robust and have never failed. The only real possibilities for tank failure, that I can think of, are attack with a truck bomb or shaped explosive, an earthquake, or a large airplane (Boing 747) collision. In all of these cases, the frequency is extremely low and close to zero”.

4. Dr. Koopman also raised the following issue in the same email:
“Ship collision probabilities are higher than LNG plant accidents, especially in approaches to harbors, such as the estuary. They depend directly on the traffic and controls put in place. Without knowing the ship traffic information (numbers, speeds, sizes) it is impossible to judge the probability.”
5. Dr. Jerry Havens, highlights the issue that there are no requirements for exclusion zones in to the United States of America to protect the public from LNG spills onto water.² This fact is incontrovertible information that the HSA must take on board and insist on awaiting the outcome of the Marine Risk Assessment. Dr. Havens, himself, in an email to us stated that he had
“looked briefly at the attachment you sent and watched the video clip³ which featured Dr. Tony Cox as well as the project developer’s (Hess/Poten) representatives. Dr. Cox is a long time associate of mine – indeed I think I am one of the people whom he was talking about that “conducted research that established that LNG vapor clouds remain denser than air, and therefore stay close to the ground” . His summary position seemed quite reasonable to me – it clearly illustrates the polarity re the scientific issues of safety that have arisen.”

He further went on to state in a subsequent email:

“I have talked with Dr. Koopman. You should contact him via the email address that I have used to cc him this message. I continue to be interested, particularly regarding the issues for which scientific scrutiny appears to be ignored, such as that discussed on the TV clip by Dr. Cox. Perhaps Dr. Koopman or I, or both, may be able to provide some assistance, if only to address the need for careful due process.”

² United states regulations for siting LNG terminals: Problems and potential. *Journal of Hazardous Materials, Volume 140, Issue 3, 20 February 2007, Pages 439-443* Jerry Havens and Tom Spicer c.f. http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6TGF-4M3R2C9-8&_user=6086633&_coverDate=02%2F20%2F2007&_alid=673959421&_rdoc=1&_fmt=full&_orig=search&_cdi=5253&_sort=d&_docanchor=&_view=c&_ct=1&_acct=C000059039&_version=1&_urlVersion=0&_userid=6086633&md5=79b6d2027011d6d05337dea732340389

³ RTE Prime Time Documentary on the Shannon LNG Proposal – 15 November 2007. c.f. <http://www.rte.ie/news/2007/1115/primetime.html>

The fact that we have experts of the caliber of Doctors Havens, Koopman and Venart interested in a QRA at the other side of the world at Tarbert in itself is proof enough that the risk assessment of this application should not leave any stone unturned in ensuring that all safety precautions are taken and that the latest scientific knowledge is not ignored. They are all highlighting the need to ensure that we are taking accurate measures of the true risks involved.

6. Gerard Kelly of ERM, the company that undertook the QRA for Shannon LNG has today refused to release any information related to the application for our experts to analyze. We had asked for the following information:

“The document I am especially looking for is referenced on page 1 of that report as:

“HSE (2000). Risk Assessment Methodology for Refrigerate Flammable Liquids. Planning Case Assessment Guide Chapter 6K”. I am getting some experts to look it over and they obviously need the reference material you used as well. Would you by any chance have web references or actual copies of the other referenced documentation as well to save us time in sourcing all this material? “

He replied this morning, the last day before submissions to the HSA as follows:

From: Gerard Kelly [mailto:Gerard.Kelly@erm.com] **Sent:** 10 January 2008 11:33 **To:** McElligott, John **Subject:** RE: Shannon LNG QRA referenced material

John

ERM is not authorized to release information related to the application. Any request for such material should be directed to the client (Shannon LNG).

Regards

Ger Kelly

Managing Partner

ERM Ireland

Environmental Resources Management

Mobile + 353 87 8221756

www.erm.com

Once again, we reiterate our serious and urgent request to you to accord more time for the completion of the Marine QRA being undertaken by the Shannon and Foynes Port Authority so that both the land-based and Marine-based QRAs can be examined in parallel as one will obviously have an effect on the other. The fast-track planning process cannot prime over the safety aspects and this is clearly outlined and legislated for in the EU Seveso Directive.

We anxiously await your reply.

Your sincerely

Johnny McElligott

Kilcolgan Residents Association

Kilcolgan Residents Association
<http://www.safetybeforelng.com>
e-mail: safetybeforelng@hotmail.com
Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland
10 January 2008

Pat Conneely
Health and Safety Authority.
By Email only to pat_conneely@hsa.ie
Re: QRA of proposed LNG re-gasification terminal in North Kerry.

From your email of Friday 21 December 2007, you advise that you will examine any relevant reputable document that you have not already considered relating to the hazards and risks of LNG referred to you prior to January 11th 2008.

Our request for more time to involve world-renowned LNG experts has been refused by An Bord Pleanala by letter received by us in the post (not by email which would have been quicker) today.

This correspondence is an attempt to highlight the issues we at the Kilcolgan Residents Association (KRA) see as the most critical in your assessment.

1. We want you to acknowledge very clearly to An Bord Pleanala that as your advice is only based on a limited land-based risk assessment – and not an analysis of the Marine-based risk assessment - then you cannot give an accurate and complete opinion or judgment on this application, 25 acres of which is based offshore.
2. Alan Coughlan of The Shannon Foynes Port Company informed me today that a Marine Risk Assessment is being undertaken by them which he aims to have completed by the An Bord Pleanala decision date of March 31st. Many of the risk assessment issues the Marine Risk Assessment will raise will have an effect on the QRA undertaken by Shannon LNG. For this reason it is impossible for you to give a full technical report to An Bord Pleanala until this is completed as you will not have completed all the consultation procedures with all the competent authorities, and obtained all the relevant information and to do so would mislead the planning authority and put our lives in danger, contrary to the Seveso Directive, Articles 12 and 13 (and more specifically article 12(2)).
3. The KRA are requesting that the Health and Safety authority in its technical report to An Bord Pleanala due on January 11th, publishes the “specified” area which will be subject to a major emergency plan, which must be tested at least once every 3 years⁴. Whereas the HSA recommends its zones for excluding

⁴ http://www.hsa.ie/eng/FAQs/Chemical/Seveso_II.html and Health and Safety Authority

development based on the probability of an accident, it must determine the “specified” area subject to major accident planning regulations under the Seveso II Directive based on the area where people would be liable to suffer harm even though the risk could be very low⁵. Shannon LNG itself has admitted in its own Quantitative Risk Assessment (QRA) page 32 that a vapour cloud from a leaked tank could travel as far away as **12.4 kilometers** before being ignited. This will therefore have to be the minimum area affected by an Emergency Evacuation Plan in a worst-case scenario. The Cove Point LNG plant in Calvert County, Maryland has a complete evacuation plan in place in conjunction with all local relevant local authorities where residents will be contacted via sirens, a mass telephone notification system, emergency patrols and via the media⁶. The KRA is of the opinion that this specified area should be all along the coastal area which LNG tankers would pass as an explosion could happen anywhere along this area.

4. There is no moat or bund around the tanks, or no notion of putting the tanks underground as mitigating factors to contain a spillage. Have you taken this into account?
5. As the physical properties of LNG are NOT fully understood, the Quantitative Risk Assessment should deal with a spill of LNG on water.
6. If an LNG Carrier was engulfed by an LNG Pool Fire, how long in duration would the mooring ropes endure before they burnt through? Where would the burning LNG Carrier be carried by wind & tide and what would be the “Domino Effects” be to other infrastructure in the Estuary? This has not been dealt with in the QRA which is serious, given that the mooring ropes are made of Polypropylene which have a low melting point and LNG Pool Fires burn at well over 1000 Degrees.
7. As the consequences of an accident are so serious we feel that one mitigating factor that must be considered in your advice to An Bord Pleanála is the examination of alternative types of storage facilities that reduce the consequences of a major accident to zero for the general public: They come under the following headings:

a) FSRU:

Floating storage and regasification unit:

Shannon LNG say that “no example of an FSRU terminal exists today and none

Guidance Document Safety Report Assessment July 2006 section 5.15 page 41
http://www.hsa.ie/eng/FAQs/Chemical/Seveso_II_Assessment_of_Safety_Reports.pdf

⁵ Setting the Specified Area – the Approach of the HSA Guidance related to the application of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006, S.I. No. 74 of 2006. March 2007 page 3 c.f
http://www.hsa.ie/eng/FAQs/Chemical/Seveso_II_Setting_the_Specified_Area.pdf

⁶ <http://www.co.cal.md.us/residents/safety/emergency/covepoint/>

are under construction". This has changed in the last few months with Golar LNG

c.f

<http://www.seatradeasia-online.com/News/2141.html> and

<http://www.marinetalk.com/articles-marine-companies/art/First-LNG-Floating-Storage-and-Regasification-Unit-MOS005120819TU.html>

and Exxon are planning one off the coast of new Jersey

<http://www.marinelink.com/Story/ExxonMobilAnnouncesNJFloatingOffshoreLNGTerminal-210113.html>

b) GBS:

Gravity Based Structure fixed to the seabed.

Shannon LNG say that GBS (e.g. Exxons one in Italy Isola de levante) are expensive (1 billion), (it's only twice the price – that's not a planning concern – safety is)

They say that they still have "some impact on other marine users (especially fishing) as well as visual impacts from their location close to shore). So do we have in Tarbert

They also say they lack the ability to be constructed in phases or expanded.. So they must plan to build only 2 in Tarbert and have construction going on for years.

Shannon LNG also say that GBS and FSRUs have been largely abandoned by the LNG industry but Exxon mobil have just announced a new planning application 20 miles off the coast of New Jersey for an FSRU

<http://www.marinelink.com/Story/ExxonMobilAnnouncesNJFloatingOffshoreLNGTerminal-210113.html>

c) Submerged OffShore Buoy Technology:

Excelerate Energy run the only one in the world in the Gulf Gateway Terminal 116 miles off the coast of Louisiana and Shannon LNG question the acceptance of this type of technology by LNG suppliers as there is no storage (pumps straight into a pipeline). However, Excelerate Energy also has received its Record of Decision from the U.S. Maritime Administration (MARAD) for approval of the company's Northeast Gateway Deepwater Port LNG facility in Massachusetts Bay, 13 miles south southeast of Gloucester, scheduled to be operational in December 2007.

d) DockSide Terminal.

Also the only one is in Teesside run by Exclerate Energy which uses the same technology as submerged Buoys, Shannon LNG say that the problem with these non-storage systems is that they use only a special type of LNG ship. However it only cost 40 million to build (that is 10 time cheaper) and can be built quicker.

e) New Technology:

However, new technology is catching up all the time and now possible to pump directly from an LNG carrier into Salt Caverns (they exist in the North of Ireland).costing 480-650 million dollars only.
<http://www.poten.com/attachments/072604.pdf>

8. The Sullivan Report⁷ highlights an issue where The *Sandia Report* makes a shocking recommendation. According to the report, if an LNG spill occurs in a densely populated area and the vapour does not ignite, the report recommends that the spill be ignited on purpose to prevent the spread of a dangerous vapour cloud.

“Risk mitigation measures, such as development of procedures to quickly ignite a dispersion cloud and stem the leak, should be considered if conditions exist that the cloud would impact critical areas.”⁸

ERRORS IN THE ORA

9. The flash fire hazard distance for a large hole (d) in the storage tank is 11,370 m downwind but the frequency estimate for such a hole is 0 in table A1 (Annex A) therefore the risk is 0. In Table 3.3, page 20 in the body of the report, a frequency of 5E-8 is used for catastrophic failure, not 0. This should have been used in the calculation rather than 0

KRA's SUBMISSION TO AN BORD PLEANALA

10. The KRA's submission to An Bord Pleanala on the proposed site⁹ highlighted many safety issues raised by the hazards and risks of LNG with supporting relevant reputable documents which we are now including here and which we request you take on board in your technical advice to An Bord Pleanala as they may cause you to re-evaluate your Land Use Planning Criteria due to the complexities of LNG:

SAFETY ZONE

11. The evidence obtained from the Dr. Jerry Havens' Report¹⁰, prepared by the

⁷ To the Massachusetts Joint Committee On Telecommunications, Utilities and Energy Liquefied Natural Gas Tanker Terminals In Densely Populated Areas Reasoning for House Bill 1418 An Act Regulating Liquefied Natural Gas Tanker Import Terminals From the office of State Representative David B. Sullivan Date: August 17, 2005 page 13.

⁸ Sandia Report, December 2004 page 46

⁹ Kilcolgan Residents Association to An Bord Pleanala c.f.
<http://www.safetybeforelng.com/details.htm>

¹⁰ The Havens Report: From the submission by the “Public Utilities Commission of The State of California” to the “Federal Energy Regulatory Commission” on the proposed LNG facilities at the Port of Long Beach by “Sound Energy Solutions” Docket Nos. CP04-58-000 on October 4, 2005. c.f.
<http://files.meetup.com/207586/Rigassificatori%20->

Public Utilities Commission of the State of California for the Federal Energy Regulatory Commission, highlights worrying scientific evidence. Dr. Havens, Distinguished Professor of Chemical Engineering at the University of Arkansas and Director of the University's Chemical Hazard's Research Center, concluded that people living within 3 miles of the proposed site would be in harm's way (this radius covers the Kerry villages of Tarbert and Ballylongford and the Clare village of Killimer). "Dr. Havens is extremely qualified and has studied LNG safety issues for more than 30 years. His primary specialisation is in the analysis and quantification of the consequences of releases of hazardous materials into the environment, with emphasis on the consequences that can occur as a result of toxic and/or flammable gas releases into the atmosphere". "He has provided detailed analysis supporting his conclusion that there should be a minimum of 3 miles between an LNG terminal and a densely populated area. Anything closer than 3 miles could put the public in harm's way." This is based on a spillage of 3,000,000 gallons of LNG, which he claims is widely accepted as credible.

However, he also examines the consequences of a vapour cloud fire which could result if the LNG spill vapours were not immediately ignited and a vapour cloud formed. The cloud thus formed would drift downwind until it reached an ignition source or became diluted below the flammable concentration level - after which time it would not constitute a hazard. In his opinion, the maximum distance downwind to which portions of a cloud (sufficiently large to constitute a severe fire hazard) formed from the rapid spillage onto water of 3,000,000 gallons of LNG could be ignited is approximately 3 miles. If the vapour cloud were ignited as it drifted downwind, those persons in that area or immediately adjacent (thermal exposure could occur at some distance beyond the edge of the fire) who could not gain protection could be killed or seriously injured.

In any case, he states that such fires cannot be extinguished and would just have to burn themselves out.

Havens also deals with the explosion hazards of confined vapour cloud explosions, unconfined vapour cloud explosions, boiling liquid expanding vapour explosions, Toxicity hazards, Cryogenic ("cold" burn) hazards and Rapid phase transition (flameless explosion) hazards. Their importance in the public safety context lies in the potential for RPT's to cause secondary damage which could lead to cascading failures and further releases of LNG.

Dr. Havens' report is based on a spill of 3 million gallons. The EIS submitted by Shannon LNG proposes (volume 1 page 3) to design a jetty capable of taking ships with a capacity of up to 265,000 m³ of LNG. This is equivalent to

58 million gallons approximately.

The distance of the proposed site from vulnerable residential areas must therefore be taken into account by An Bord Pleanála.

12. The limited QRA implemented by Shannon LNG goes even further than the Havens' report when it admits that a vapour cloud could travel up to **12.4 kilometres** before being ignited:
"A rule-set has been created for the QRA by considering the development of the largest cloud produced by the consequence analysis, that for catastrophic failure of a full tank in F2 weather. This cloud has a maximum downwind distance to LFL [lower flammable limit] of 12.4 km." (they do not state how far the cloud could travel beyond this distance before it meets the upper flammable limit – the level at which the oxygen mix with the gas is so high that the gas can no longer be ignited).

LNG FIRE HAZARDS

13. A report by the IoMosaic Corporation – "Understand LNG Fire Hazards"¹¹ found that the maximum impact hazard footprint of a 200,000 m³ LNG tanker will result from a pool fire leading to **a fatality limit of 50 percent at a distance of 3.7 kilometres from the leak.**
14. The safety zone of 3 miles conservatively required by the Havens' report has implications for further residential development in the area surrounding the gas terminal. It will potentially have the effect of sterilising residential areas (stopping any new houses from being built on safety grounds) and it will also prevent other areas of the landbank from being developed as the levels of risk increase with more complex developments side by side. Shannon LNG proposes in the EIS (volume 1 page 5) that the remainder of the site may be used for a gas-fired power station, but the exclusion zone of 3 miles will make this proposal untenable. The Bord is asked to take these issues into consideration and issue an opinion on them as they will have serious social and economic long-term consequences on the area. In any case, Article 12 of the EU Seveso II directive states: "Member States shall ensure that their land-use and/or other relevant policies and the procedures for implementing those policies take account of the need, in the long term, to maintain appropriate distances between establishments covered by this Directive and residential areas".
15. SIGTTO (The Society of International Gas Tanker and Terminal Operators Ltd) is a non profit making company, formed to promote high operating standards and best practices in gas tankers and terminals throughout the world.

¹¹ "Understand LNG Fire Hazards" Iomosaic Corporation, 2007 page 15. c.f. http://archives1.iomosaic.com/whitepapers/0100ioM02202007WPS_Understand%20LNG%20Fire%20Hazards.pdf

It provides technical advice and support to its members and represents their collective interests in technical and operational matters. To become a full Member of SIGTTO it is necessary for a company to have equity interest in or to operate a gas tanker or terminal. Two of the company's published works are - **“LNG Operations in Port Areas : Essential best practices for the industry”**¹² which SIGTTO describe as follows: "This document draws on this collective experience in setting out guidance to best practice for managing gas shipping operations within ports. It also illuminates the profile of risks attaching to gas operations, for the information of those who administer", and

- **“Site Selection & Design (IP no.14) for LNG Ports & Jetties”**¹³ which SIGTTO describe as follows: “Information Paper No.14: Bearing in mind the high consequential risks of a serious accident in the LNG trade, this publication has been prepared for port developers as a guide to the minimum design criteria considered necessary when a port is to be built or altered to accommodate LNG carriers.” Although HESS is not a member of SIGTTO, in the absence of direct Irish or EU regulation on the matter, it is only reasonable to expect that HESS would follow the standards set by its own industry.

In the public meeting held at the “Lanterns Hotel” in Tarbert on October 29th 2007, Shannon LNG stated that the SIGTTO standards were “a wish list for the ideal site, which was not, in any case, binding on Shannon LNG”. We object extremely strongly to this claim because the Gas industry's own standards should be a minimum that the Kilcolgan Residents Association would expect to be applied. The Bord is fully entitled to regard that response from Shannon LNG as an admission that the present application does not match what they accept is “a wish list for an ideal site”. There is no objective reason why the Bord should depart from that standard when assessing this application. The Bord has the opportunity, as well as the Statutory obligation to maintain the highest possible standard and the Company's statement eloquently describes exactly what that standard is

RISK ASSESSMENT

16. a) SIGTTO clearly state in “LNG Operations in Port Areas:Essential best practices for the industry” that risk exposures entailed in an LNG port project should be analysed by a Quantitative Risk Assessment (QRA) study which “must involve the operations at the terminal and the transit of tankers through

¹² “LNG Operations in Port Areas : Essential best practices for the industry” First Edition 2003, The Society of International Gas Tanker and Terminal Operators Ltd (SIGTTO) ISBN: 1 85609 256 9 Witherbys Publishing www.witherbys.com. or <http://sigtto.re-invent.net/dnn/Publications/tabid/62/Default.aspx>

¹³ “Site selection and Design for LNG Ports and Jetties – Information Paper No. 14. 1997, The Society of International Gas Tanker and Terminal Operators Ltd (SIGTTO) ISBN: 1 85609 129 5 Witherbys Publishing. www.witherbys.com or <http://sigtto.re-invent.net/dnn/Publications/tabid/62/Default.aspx>

the port” (Section 2 page 5).

Shannon LNG have only undertaken a QRA for the storage tanks on the shore, but no QRA has been done on the marine side of the operation. This is not in line with the industry’s own best practice guidelines. The QRA includes a tanker on the jetty but it does not consider ship collision between two ocean-going vessels. It should be bourn in mind that tug boats themselves can also be a cause of collision

b) The SIGTTO standards also clearly state (page 7) that any risk-mitigating factors introduced - such as traffic control, exclusion zones around transiting tankers, tug escorts and specified limiting operating conditions of wind speed and visibility – should also be used in the QRA. This has not been done.

c) No QRA of intrusive risk exposures has been undertaken either. There are two categories of intrusive risk; that arising from intrusions threatening the physical integrity of the terminal and berthed tankers (e.g. heavy displacement ships), and that arising from the introduction of uncontrolled ignition sources.

d) Shannon LNG (in EIS Volume 2, section 3.10.2.3) states that “Shannon LNG understands that a more detailed Quantitative Risk Assessment (QRA) covering all navigational aspects of shipping will be undertaken by Shannon Foynes Port Company during development of the project”. This splitting of risk assessment responsibility is not acceptable and indeed dangerous. Furthermore this is contrary to the EU 1998 Aarhus Convention Directives, Directive 2003/4/EC and Directive 2003/35/EC which declare the right of the public to be informed on environmental impact and to be provided with the opportunity to make comments and have access to justice.

e) The Quantitative Risk Assessment is based on “Land-use Planning Advice for Kilkenny County Council in relation to Grassland Fertilisers (Kilkenny) Ltd at Palmerstown”. This is completely inadequate for a risk assessment of an LNG installation because the chemicals are different and the manner in which they leak is completely unique to LNG because it is at such a low temperature (-160 degrees).

f) One obvious and questionable claim in the QRA undertaken by the developer can be seen where only one of the four LNG storage tanks is covered by the inner zone contour in Figure 6.2 of the QRA on page 59. This means (using the criteria of table 5.1 on page 49) that it would be acceptable to build residential houses up against the remaining 3 LNG storage tanks even if the first tank leaks. This does not make sense and can only lead to the conclusion that the contours have been unrealistically tightened so as not to encompass current residential areas. We therefore object to this QRA which has not been made available to the general public.

h) We request more time from An Bord Pleanála to get our own independent technical assessment of the QRA undertaken by the developer because it has only been made available to us a very short time ago and is still not available to the general public.

i) Misapplication of Risk Assessment: Recently it has become popular on the international front to apply risk assessment to justify otherwise poor decisions not necessarily in the best interest of the public or the country. RA can be a very unwise tool to force the will of a powerful few on the uninformed public. One factor signalling some very poor applications of RA is the comparison to other risks that in a technical reality are not really related, especially as to consequences. Some consequences are so great that no matter what the probability the risks cannot be justified, especially if economic benefit to the decision makers is actually driving the poor application of this tool. A reality test in such poor applications is to ask what the real liability of the organisation is, if their risk call (aka their key technical “facts” assumptions) should prove wrong. Are their liabilities, both economic and criminal, for reckless decisions shall we say, limited by layers of attorneys citing loopholes, are the real assets moved off shore or to another country? What are the real corporate risks here if the RA is incomplete, inaccurate, or poor?

SITE SELECTION

17. SIGTTO clearly state criteria which must be followed in “Site Selection and Design for LNG Ports and Jetties”. These include (page 12):
- a. Find a location suitably distant from centres of population
 - b. Provide a safe position, removed from other traffic and wave action. For an “LNG carrier of about 135,000 m3 capacity, the waves likely to have such effects are those approaching from directly ahead or astern, having significant heights exceeding 1.5 metres and periods greater than 9 seconds” (page 7). The EIS submitted by Shannon LNG proposes (volume 1 page 3) to design a jetty capable of taking ships with a capacity of up to 265,000 m3 of LNG so the port criteria must satisfy this capacity of ship

These criteria seem to be unobtainable given the proximity of the villages of Ballylongford, Tarbert and Killimer (all 3 miles from the proposed gas terminal) and the huge amount of ships using the estuary already. Also, windage has to be accounted for because the specific gravity of LNG is a lot lower than oil and so the ship runs a lot higher on the water.

MOVING SAFETY ZONE

18. SIGTTO clearly state in “Site Selection and LNG Operations in Port Areas: Essential best practices for the industry”, that it is sound practice to establish a cordon sanitaire or exclusion zone around a transiting gas tanker. “Where traffic is proceeding in the same direction as the tanker the zone may extend some 1 to 2 miles ahead of the gas carrier, a distance determined by the distance required to bring the following gas carrier safely to a stop. Traffic following the gas carrier should be excluded for a similar distance, allowing scope for the gas carrier to slow down to manoeuvre without it being impeded by the approach of following ships. In general, traffic should not cross closer

than 1.5 miles ahead or 0.5 miles astern of a gas carrier” (page 15).

a) These conditions have therefore an effect on the traffic moving through the estuary towards Tarbert, Moneypoint, Foynes, Aughinish and Limerick, especially since Shannon LNG have plans for 125 ships a year coming to the gas terminal

b) This also has an effect on the Tarbert-Killimer car ferry.

c) This also has an effect on all leisure boats using the estuary, including dolphin watchers in this SAC area of the Lower Shannon and the boats from Saleen Pier.

d) Furthermore, the exclusion zone will prevent other sea-based industries setting up in the land bank as they will not be able to access the site when LNG tankers are at port.

PROJECT SLICING

19. Shannon LNG is artificially cutting this LNG project into pieces for the purpose of winning legal approval. Through this process, known as “salami-slicing”, sections of this project will be assessed and permitted. The idea is that the less environmentally-questionable parts of the project are authorised and built first, making continued development of the project a virtual fait-accompli, even if the latter sections of the project seriously violate environmental regulations. This is contrary to, among others, article 2.1 of the EIA (Environmental Impact Assessment) directive, which requires that “projects” likely to have significant effect on the environment – not parts of projects – are subject to the assessment.

Shannon LNG has made only vague reference to the pipeline from the proposed gasification terminal to Foynes **even though this pipeline could also pose serious environmental and safety risks depending on the pressure of the gas in the pipeline.**

It has only made vague references to its plans for the rest of its site on the land bank. They suggest maybe a gas-fired power station which would, they say, “be the subject of a separate planning application and EIS” (EIS volume 1 page5).

Shannon LNG also states (EIS volume 1 page5) that electricity to be supplied via 110kv lines from the ESB network at Tarbert will also “be the subject of a separate planning application”.

Shannon LNG goes on to state (EIS volume 1 page5) that Kerry County Council will upgrade the coast road from Tarbert which “will also be the subject of a separate planning application”.

It is to be feared that, due to the necessary exclusion zone required for LNG tankers, the land bank will only be fit for other “dirty” projects, which, if

assessed along with the LNG gasification terminal, would almost certainly be denied planning permission.

This piecemeal approach to the planning process is extremely questionable as it does not deal with the sustainable development of the area.

More significantly for the HSA the domino effect is not being taken into account in the technical advice that it will provide to An Bord Pleanála due to this project slicing contrary to Article 8 (1) of the Seveso Directive which states:

“Member States shall ensure that the competent authority, using the information received from the operators in compliance with Articles 6 and 9, identifies establishments or groups of establishments where the likelihood and the possibility or consequences of a major accident may be increased because of the location and the proximity of such establishments, and their inventories of dangerous substances”.

Therefore The HSA cannot give complete technical advice to An Bord Pleanála as it is 100% sure that the terminal needs a pipeline which will be going through the establishment and will therefore need to have a QRA carried out for it. If you give incomplete advice to An Bord Pleanála then you are breaking the Seveso Directive.

DISAGREEMENT AMONG EXPERTS ON THE DANGERS OF LNG

20. A report for the US Congress was undertaken by the United States Government Accountability Office¹⁴ with advice from 19 of the world’s top international LNG experts. The startling findings from this report was that even they seem unable to agree, hence the reports conclusion that the US DOE should carry out further tests on spills of LNG. We therefore also feel that due to the uncertainty in judging the risk to people’s safety, An Bord Pleanála should apply prudence and rule against this planning application.

21. In The GAO Report for Congress¹⁵ the section on Cascading Tank failure is illuminating as it states that the worst case scenario is a small hole in an LNG carrier’s containment; this is because the LNG Pool Fire will last longer close to the ship; so giving more time to heat the adjacent tank. A big hole allows the LNG to empty quickly from the tank in question so limiting the time any fire has to heat the adjacent tank. For this danger posed to the nearby residents we ask once again that An Bord Pleanála should apply prudence and rule against this planning application.

¹⁴ “Maritime Security, Public Safety Consequences of a Terrorist Attack on a Tanker carrying Liquefied Natural Gas Need Clarification”, United States Government Accountability Office (GAO) Report to Congressional Requestors February 2007.
<http://www.gao.gov/new.items/d07316.pdf>

¹⁵ “Maritime Security, Public Safety Consequences of a Terrorist Attack on a Tanker carrying Liquefied Natural Gas Need Clarification”, United States Government Accountability Office (GAO) Report to Congressional Requestors February 2007.
<http://www.gao.gov/new.items/d07316.pdf>

HOUSES NOT DISPLAYED ON SITE MAP

22. On the site map made available to the public, there are 6 houses missing – namely those of Raymond O’Mahony, Adam Kearney, Geraldine Carmody, Mrs. Kathleen Finnucane and two other houses belonging to the Finnucane family. We object that this is distorting the number of homes immediately adjacent to the site and question if this is also distorting the QRA.
23. A report on the LNG blast in Algeria¹⁶ mentions the contaminant gases that Lng is made up of. Note that when HSE, Sandia and other regulators do tests with LNG, it is with 100% pure Methane. We object that the level of contaminant gases to be shipped by Shannon LNG have not been disclosed and request that An Bord Pleanála ask the developer to state the level of contaminant gases they expect to have in the LNG shipments and whether they will vary depending on the origin of the LNG in order that a QRA be undertaken and analysed with this information in mind:
- “A 1980 Coast Guard study titled "LNG Research at China Lake," states that LNG imported into this country is often far from pure, and it reveals that vapour clouds made from "impure" LNG actually explode as readily as the highly volatile LPG. When natural gas is super-cooled and turned into a liquid, as much as 14 % of the total cargo shipped as LNG may actually be LPG or other hydrocarbon fuels, according to the Coast Guard report. Natural gas contains these other fuels when it is pumped from the ground. LNG containing these so-called "higher hydrocarbons" is known as "hot gas" and has a higher energy content than pure methane. The Coast Guard report reveals that vapour clouds of LNG containing at least 13.6 % of these other fuels can detonate just like pure propane gas. The agency concluded in its report that this deserves "special consideration, as the commercial LNG being imported into the US East Coast has about 14 % higher hydrocarbons." “
24. Is the limited exclusion zone proposed by Shannon LNG around the LNG tankers taking into account the risk of an ignition source as well as the risk of a collision?
25. Lloyds Casualty Week dated September 16 2005¹⁷ noted an LNG fire from a pipeline leak in Kalakama, Nigeria started a wild fire covering 27 square kilometres. We object that the developer has not included pipeline incidents in the QRA because the pipeline EIS has not even been completed. This shows the dangers in slicing a project into several separate projects for planning purposes.
26. What is the thermal flux that the HSA would determine as acceptable? Is it 1.5

¹⁶ "Report Sheds New Light on LNG Blast in Algeria" – Alexanders Gas and Oil Connections, Volume 9 issue # 9, May 6th 2004

¹⁷ Lloyd’s Casualty Week, September 16th 2005 page 11 and 12

kw/m2.?

27. We ask that An Bord Pleanála take account of the Buncefield Reports (<http://www.buncefieldinvestigation.gov.uk/index.htm>).
28. No Material Safety Data Sheets (MSDS) have been supplied with the EIS and we object that these have not been provided. We ask that An Bord Pleanála obliges the developer to provide these and allow us sufficient time to analyse them.
29. While all chemistry is dangerous, we agree that it is also feasible if the hazards can be contained. However, we object to the real problem here which is one of scale. 4 tanks of LNG represent 2400 tanks of gas and therefore there must be a level at which the consequences of scale have an effect on the risk-based approach of the HSA in calculating the exclusion zones in this particular case.
30. We object that the HAZOP study is not available to enable us and the general public participate fully in the planning process as required by the EU EIA Directive. We ask that An Bord Pleanála obliges the developer to put it at our disposition.

“A HazOp study identifies hazards and operability problems. The concept involves investigating how the plant might deviate from the design intent. If, in the process of identifying problems during a HazOp study, a solution becomes apparent, it is recorded as part of the HazOp result; however, care must be taken to avoid trying to find solutions which are not so apparent, because the prime objective for the HazOp is problem identification. Although the HazOp study was developed to supplement experience-based practices when a new design or technology is involved, its use has expanded to almost all phases of a plant's life. HazOp is based on the principle that several experts with different backgrounds can interact and identify more problems when working together than when working separately and combining their results. “

The risks we are especially interested in examining in closer detail include (but not limited to);

 - a) Static electricity and how to control it.
 - b) Catastrophic damage in the pressurisation process.
 - c) Catastrophic damage at the stage where odours are added to the gas with mercaptans.
 - d) Catastrophic damage at the stage where the glycol reheats the LNG
31. The Flight path of flights from Shannon Airport and the dangers they pose have not been assessed at all in the risk assessment. We object that this has not been done because of the potential of disasters occurring from plane crashes – accidental or otherwise as was apparent in the tragic 9-11 disaster in New York. It should also be noted that Hess Corporation is an American company and therefore represents a possible future target given the current political situation in the world.

CONCLUSION

We urge that you withhold your technical advice to An Bord Pleanála until the Marine

QRA has been completed. If you give incomplete technical advice to An Bord Pleanála then it will be interpreted by them as a signal that you are giving full support to the applicant's planning application.

In this particular case, because of the sheer scale of the development, we are strongly of the opinion that you cannot base your advice solely on the probability of an accident because so little is known about LNG and because the consequences of an accident are so enormous.

We urge you to consider the most reasonable and obvious mitigating factor of all that has not been considered in the QRA, namely the relocation of the development to an offshore floating storage and re-gasification unit or gravity based system as developed by Exxon Mobil which allows for the same type of development with no consequences to the general public in a worst-case scenario. As highlighted by us, the technology in this area is moving so fast that onshore re-gasification terminals are fast becoming outdated in residential areas.

The HSA must also take account of the domino effects caused by the complete project which is not included in this QRA due to project splitting done contrary to the EIA Directive, but you are obliged by the Seveso Directive to take account of the pipeline that must be built within the establishment and the risks it will pose.

This project does not have community consent and it is therefore your duty as the statutory body dealing with the Risk Assessment Advice to An Bord Pleanála that you apply prudence in any advice you give in this top-tier Seveso II development.

We await your feedback. Please do not hesitate to contact us if you have any questions. We have more questions for you but need more time to prepare them. Can you give us an extension in this consultation process with you please?

Your sincerely
Johnny McElligott
Kilcolgan Residents Association

Appendix 4.- Request for information from the HSA

From: McElligott, John

Sent: 10 January 2008 23:10

To: 'Pat Conneely'

Cc: 'Martin O'Halloran'; 'Michael Henry'; 'PJ Claffey'

Subject: Request for information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007.

To:

Mr. Pat Conneely,
Health and Safety Authority.

Re: Request for information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007.

Dear Mr. Conneely,

We are hereby requesting from the HSA the following environmental information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007 at its disposal

(c.f.

<http://www.environ.ie/en/Environment/AccessToInformationontheEnvironment/PublicationsDocuments/FileDownload,2479,en.pdf>) to be sent ***VIA EMAIL*** to

john.mcelligott@cw.com and safetybeforelng@hotmail.com – and only failing an electronic version of the data to the address below at Island View, Convent Street, Listowel, Co. Kerry please:

1. All information at your disposal on the environmental consequences of the Shannon LNG terminal in the Shannon Estuary near Tarbert
2. All information on the consequences and zones affected by an LNG accident at the Tarbert Site (the exclusion zone, the consultation zone and the specified zone).
3. All information on the emergency plans and the names of the public authorities to be involved in an emergency evacuation plan as per Seveso II regulations (we are thinking of all schools, businesses, local authorities, port authorities) and how they would be coordinated as well as the specified zone subject to a major emergency plan.
4. All information on alternative sites for an LNG storage facility or alternative LNG developments.
5. All information on contacts your Authority has had with any individuals or organisations on LNG storage facilities in Ireland in general and Tarbert in particular.
6. All information on other possible developments and developers near the proposed LNG terminal (e.g. SemEuro, Sea Energy Group etc.)
7. All information on when and how Government policy on LNG storage facilities will be decided and implemented by the HSA .
8. The Technical Advice the HSA is giving to An Bord Pleanála on the proposed Shannon LNG development and all supporting documentation.
9. The views, plans and information of the HSA on a Marine QRA of the proposed Shannon LNG development.

Your duty under Article 7 (2) (a) of these regulations is to give us this information as soon as possible. We need this information to be able to participate equitably in the oral hearing on January 21st, 2008 concerning the Shannon LNG proposal near our homes and property in North Kerry.

Yours sincerely,
Johnny McElligott

Johnny McElligott

Kilcolgan Residents Association

<http://www.safetybeforelng.com>

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland.

From: Caitriona Fitzgerald [mailto:caitriona_fitzgerald@hsa.ie]

Sent: 17 January 2008 12:15

To: McElligott, John

Cc: safetybeforelng@hotmail.com

Subject: Access to Information on the Environment request

17th January 2008

Mr John McElligott

Island View

Convent Street

Listowel

Co Kerry

Re: Request for Information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations 2007

Dear Mr McElligott

I acknowledge your request under the Access to Information on the Environment Regulations, 2007 for the following:

1. All information at the Authority's disposal on the environmental consequences of the Shannon LNG terminal in the Shannon Estuary near Tarbert
2. All information on the consequences and zones affected by an LNG accident at the Tarbert Site (the exclusion zone, the consultation zone and the specified zone).
3. All information on the emergency plans and the names of the public authorities to be involved in an emergency evacuation plan as per Seveso II regulations (you are thinking of all schools, businesses, local authorities, port authorities) and how they would be coordinated as well as the specified zone subject to a major emergency plan.
4. All information on alternative sites for an LNG storage facility or alternative LNG developments.

5. All information on contacts the Authority has had with any individuals or organisations on LNG storage facilities in Ireland in general and Tarbert in particular.
6. All information on other possible developments and developers near the proposed LNG terminal (e.g. SemEuro, Sea Energy Group etc.)
7. All information on when and how Government policy on LNG storage facilities will be decided and implemented by the HSA .
8. The Technical Advice the Authority is giving to An Bord Pleanala on the proposed Shannon LNG development and all supporting documentation.
9. The views, plans and information of the Authority on a Marine QRA of the proposed Shannon LNG development.

I am handling your request. I may be contacted by telephone at (01) 614 7165 should you have any questions or concerns about your request.

Time limit for dealing with your request

It will not be possible for the Authority to meet your deadline in relation to all information on alternative sites for an LNG storage facility or alternative LNG developments and all supporting documentation relating to the Technical Advice the Authority is giving to An Bord Pleanala on the proposed Shannon LNG development. Therefore, I would ask you to confirm if you still wish to proceed with your request for this information.

The Access to Information on the Environment Regulations state that having regard to any timescale specified by the applicant, environmental information shall be made available to an applicant as soon as possible or, at least, within one month after the receipt by the public authority or within two months after the receipt of the request by the public authority if the volume and the complexity of the information is such that the one-month period cannot be complied with.

Routinely Available Environmental Information

Article 4(1) provides that the Regulations do not apply to environmental information that is required to be made available under any other statutory provision, for inspection or otherwise, to the public. In relation to your request our response is as follows:

1. All information at the Authority's disposal on the environmental consequences of the Shannon LNG terminal in the Shannon Estuary near Tarbert and all information on the consequences and zones affected by an LNG accident at the Tarbert Site (the exclusion zone, the consultation zone and the specified zone) is contained in Shannon LNG's QRA and related material. This information is routinely available from an Bord Pleanala.
2. The emergency plans and the names of public authorities to be involved in an emergency evacuation plan as per Seveso II regulations will only be considered by the Authority if the application receives approval and notification is made under SI 74 of 2006.
3. The Authority has no information on alternative sites for an LNG storage facility or alternative LNG developments.
4. The Authority has no information on other possible developments and developers near the proposed LNG terminal.
5. The Authority has no information on Government policy on LNG storage facilities.

6. The technical advice the Authority gave to An Bord Pleanala is routinely available from them.
7. The Authority has no information on the Marine QRA of the proposed Shannon LNG development other than that submitted as part of the planning application. This information is routinely available from an Bord Pleanala.

Please do not hesitate to contact me if you have any queries in relation to this matter.

Yours sincerely

Caitriona Fitzgerald
Freedom of Information Officer

From: McElligott, John
Sent: 18 January 2008 00:28
To: 'Caitriona Fitzgerald'
Cc: safetybeforelng@hotmail.com; 'Caitriona Griffin'; 'Adam Kearney Associates'; 'morganheaphy@eircom.net'; 'noelheaphyspar@eircom.net'; 'johnnoconnor8@yahoo.co.uk'
Subject: RE: Access to Information on the Environment request

Dear Ms. Fitzgerald,

Thank you very much for replying so quickly to my request below.
However, there is a lot of information missing which is not "routinely available" from other sources.

An email sent to Pat Conneely by Samy Ibrahim (Sibrahim@hesslng.com) on December 19 2007 at 16:44 referred to at least 20 queries sent to Shannon LNG by the HSA. on the proposed LNG Terminal in County Kerry. This environmental is not routinely available, neither from Shannon LNG nor from an Bord Pleanala.. The only documentation freely available from An Bord Pleanala is the technical advice sheet sent to them by the HSA on January 9th 2008. We want those list of questions.

We specifically asked for "supporting documentation" in Point 8 below. This is only available at the HSA also.

Points 1 and 2 include reference to materials in your possession used to evaluate the correctness of the planning application as regards Land Use Planning with the goal of ascertaining what criteria you used to check the correctness of what we regard to be highly speculative calculations in the QRA. This also includes internal memos and emails of the HSA dealing with this issue. Only the ruling is routinely available.

The oral hearing is starting on Monday January 21st, so we need this information as soon as possible.

Thanking you in advance,
Johnny McElligott

Appendix 5 –Request for information from Shannon Development.

From: McElligott, John
Sent: 10 January 2008 23:33
To: 'oconnors@shannondev.ie'
Cc: 'info@shannon-dev.ie'
Subject: Request for information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007.

To:
Ms. Siobhan O'Connor
Shannon Development.

Re: Request for information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007.

Dear Ms. O'Connor

We are hereby requesting from Shannon Development the following environmental information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007 at its disposal
(c.f.

<http://www.environ.ie/en/Environment/AccessToInformationOnTheEnvironment/PublicationsDocuments/FileDownload,2479,en.pdf>) to be sent **VIA EMAIL** to john.mcelligott@cw.com and safetybeforelng@hotmail.com – and only failing an electronic version of the data to the address below at Island View, Convent Street, Listowel, Co. Kerry please:

1. All information at your disposal on the environmental consequences of the Shannon LNG terminal in the Shannon Estuary near Tarbert
2. All information on the consequences and zones affected by an LNG accident at the Tarbert Site - the exclusion zones, the consultation zone and the specified zones as per The European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations.
3. All information on the emergency plans and the names of the public authorities to be involved in an emergency evacuation plan as per Seveso II regulations (we are thinking of all schools, businesses, local authorities, port authorities) and how they would be coordinated as well as the specified zone subject to a major emergency plan.
4. All information on alternative sites for an LNG storage facility or alternative LNG developments.
5. All information on contacts Shannon Development has had with any individuals or organisations on LNG storage facilities in Ireland in general and Tarbert in particular.
6. All information on other possible developments and developers near the proposed LNG terminal (e.g. SemEuro, Sea Energy Group, TransShipment Developments etc.)
7. The views, plans and information of Shannon Development on a Marine QRA of the proposed Shannon LNG development.

8. All environmental information obtained by Shannon Development on the proposed Shannon LNG Development before it agreed an option to purchase the land by Shannon LNG
9. The Costs of the proposed Shannon LNG development.

Your duty under Article 7 (2) (a) of these regulations is to give us this information as soon as possible. We need this information to be able to participate equitably in the oral hearing on January 21st, 2008 concerning the Shannon LNG proposal near our homes and property in North Kerry.

Yours sincerely,
Johnny McElligott

Johnny McElligott

Kilcolgan Residents Association

<http://www.safetybeforelng.com>

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland.

From: Siobhan O'Connor [<mailto:oconnors@shannon-dev.ie>]

Sent: 17 January 2008 10:33

To: McElligott, John; safetybeforelng@hotmail.com

Subject: Request for Access to Environmental Information

Dear Mr McElligott

Please find attached Shannon Development's response to your request for Access to Environmental Information received by this office on 11th January 2008.

Regards

Siobhan O Connor

Freedom Of Information Officer

Government Relations

email : oconnors@shannondev.ie

Phone : 061 710208

Fax : 061 361601

Mr John McElligott
Kilcolgan Residents Association

17th January 2008

Ref : SD/ AIE/ 08/01

Request for information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007.

Dear Mr McElligott

I refer to your request for the following information received by this department on 11th January last and to my acknowledging email sent on the same day:-

1. All information at your disposal on the environmental consequences of the Shannon LNG terminal in the Shannon Estuary near Tarbert
2. All information on the consequences and zones affected by an LNG accident at the Tarbert Site - the exclusion zones, the consultation zone and the specified zones as per The European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations.
3. All information on the emergency plans and the names of the public authorities to be involved in an emergency evacuation plan as per Seveso II regulations (we are thinking of all schools, businesses, local authorities, port authorities) and how they would be coordinated as well as the specified zone subject to a major emergency plan.
4. All information on alternative sites for an LNG storage facility or alternative LNG developments.
5. All information on contacts Shannon Development has had with any individuals or organisations on LNG storage facilities in Ireland in general and Tarbert in particular.
6. All information on other possible developments and developers near the proposed LNG terminal (e.g. SemEuro, Sea Energy Group, TransShipment Developments etc.)
7. The views, plans and information of Shannon Development on a Marine QRA of the proposed Shannon LNG development.
8. All environmental information obtained by Shannon Development on the proposed Shannon LNG Development before it agreed an option to purchase the land by Shannon LNG
9. The Costs of the proposed Shannon LNG development.

For clarity I will refer to each part of the request by referencing the numbering as per your e mail i.e 1-9.

May I begin by advising that this piece of legislation may only be used to access information pertaining to the environment as defined by Section 3 of the Statutory Instrument – Interpretation. I attach a copy of the SI for your information. I would also refer to Section 7 of the Instrument – Action on Request. Section 7 (3) (a) (i) There is no onus on the Authority to provide information which is already in the public domain in an easily accessible form.

1. All information at your disposal on the environmental consequences of the Shannon LNG terminal in the Shannon Estuary near Tarbert

The only information at Shannon Development's disposal in relation to the environmental consequences of the Shannon LNG terminal is contained in the EIS which is available to download from www.shannonlngplanning.ie and the Kerry County Council Website.

2. All information on the consequences and zones affected by an LNG accident at the Tarbert Site - the exclusion zones, the consultation zone and the specified zones as per The European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations.

Shannon Development has no information at our disposal in relation to this part of your request.

3. All information on the emergency plans and the names of the public authorities to be involved in an emergency evacuation plan as per Seveso II regulations (we are thinking of all schools, businesses, local authorities, port authorities) and how they would be coordinated as well as the specified zone subject to a major emergency plan.

Shannon Development has no information at our disposal in relation to this request.

4. All information on alternative sites for an LNG storage facility or alternative LNG developments.

Shannon Development is not aware of any alternative sites in its ownership for an alternative LNG storage facility or alternative LNG developments.

Please also note that this request does not come under the scope of the SI.

5. All information on contacts Shannon Development has had with any individuals or organisations on LNG storage facilities in Ireland in general and Tarbert in particular.

This part of the request does not come under the scope of the SI.

6. All information on other possible developments and developers near the proposed LNG terminal (e.g. SemEuro, Sea Energy Group, TransShipment Developments etc.)

This part of the request does not come under the scope of the SI.

7. The views, plans and information of Shannon Development on a Marine QRA of the proposed Shannon LNG development.

A Marine QRA does not come under Shannon Development's remit.

8. All environmental information obtained by Shannon Development on the proposed Shannon LNG Development before it agreed an option to purchase the land by Shannon LNG

Shannon Development obtained no environmental information prior to agreeing the Option to Purchase Agreement. These matters are dealt with in the EIS.

9. The Costs of the proposed Shannon LNG development.

This request does not come under the scope of the SI.

Yours sincerely

Siobhan O Connor
Freedom Of Information Officer
Shannon Development.
Tel: 061 710208
E Mail oconnors@shannondev.ie

Appendix 6 – Assessment of the project by the HSA

From: McElligott, John

Sent: 18 January 2008 15:50

To: 'Pat Conneely'

Cc: 'Martin OHalloran'; 'Michael Henry'; 'PJ Claffey'; 'n.meehan@pleanala.ie'; 'aluacey@eircom.net'; 'johnconnor8@yahoo.co.uk'; 'jvenart@nbnet.nb.ca'; 'rpkoopman@comcast.net'; 'morganheaphy@eircom.net'; 'noelheaphyspar@eircom.net'; 'bord@pleanala.ie'; 'acoghlan@sfdc.ie'; 'MorningIreland@rte.ie'; 'Catriona Griffin'; 'Jerry Havens'; 'Adam Kearney Associates'

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear all,

World-renowned LNG expert Dr. Jerry Havens has confirmed that he will fly over from America for the Oral Hearing next week into the proposed LNG terminal in County Kerry.

We would first ask if An Bord Pleanala could be so kind as to ensure as much as possible that he could speak on Wednesday on Health and Safety issues because he returns to America early Thursday morning – only arriving Tuesday.

We would also ask if the HSA and Shannon and Foynes Port Company be present so that Dr. Havens may question and be questioned by you in order to ensure that as many of the safety issues as possible be covered in this short timeframe.

If these dates do not suit anyone please inform us as soon as possible.

From the Kilcolgan Residents perspective, advice on Land Use Planning issues do not represent an independent analysis of the safety issues by any statutory body so we would urgently request that this opportunity to get a better understanding of all the safety issues involved from Dr. Havens in person is seized upon.

Because of extremely limited resources, the KRA is of the opinion that our role is in raising issues of concern to us – it is the job of the statutory bodies to deal with the safety issues completely and cohesively and not in the piece-meal manner that seems to be taking place here to date.

Kind Regards,

Johnny McElligott

Kilcolgan Residents Association

<http://www.safetybeforelng.com>

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland

From: McElligott, John

Sent: 15 January 2008 16:07

To: 'Pat Conneely'

Cc: 'Martin OHalloran'; 'Michael Henry'; 'PJ Claffey'; 'n.meehan@pleanala.ie'; 'aluacey@eircom.net'; 'Catriona Griffin'; 'Adam Kearney Associates'; 'johnnoconnor8@yahoo.co.uk'; 'jvenart@nbnet.nb.ca'; 'Jerry Havens'; 'rpkoopman@comcast.net'; 'morganheaphy@eircom.net'; 'noelheaphyspar@eircom.net'; 'bord@pleanala.ie'; 'dnolan@kerryman.ie'; 'bertmccann@hotmail.com'; 'mgkennedy@eircom.net'; 'acoghlan@sfpc.ie'

Subject: FW: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear Mr. Conneely,

Thank you most sincerely for your reply agreeing that the Health and Safety Authority will reassess its view on the safety aspects of the proposed LNG facility following our submission last Thursday to you.

Please find an email from Professor Havens below received yesterday with further material from him attached in this email and further issues highlighted by him regarding tanker safety which we now wish you to take on board as well as our submissions of last Thursday.

As the issues highlighted by Professor Havens also touch seriously on the marine aspects of LNG risks then we are of the strongest opinion that you should involve these LNG experts in the scoping of the Marine Risk Assessment and liaise with the Shannon Foynes Port Company undertaking the Marine Risk Assessment with Marico Marine to ensure this is done to the satisfaction of the world's leading LNG experts and not issue an opinion until this is completed.

Furthermore, since you are the statutory body dealing with technical advice to An Bord Pleanala regarding safety aspects of this proposal, it is now clear that you cannot base your opinion solely on Land Use Planning Issues in the narrowest sense as prescribed by the current criteria of the Health and Safety Authority. If you do so, you would be misleading An Bord Pleanala and the general public into believing that you have recommended acceptance of the project on safety grounds before all the safety issues have been dealt with. This was made clear by the fact that on Wednesday last An Bord Pleanala immediately sent a copy of your now-outdated opinion to EVERY party that made submissions on the planning application (and have not done so for any other submission and has taken 3 weeks to reply to any other request). Several parties contacted us thinking the planning application had already been approved, not understanding the narrow LUP criteria on which you were basing your opinion. No independent QRA has been undertaken on the specific risks of LNG; Dr. Andrew Franks who undertook the QRA for Shannon LNG has no LNG experience from what we can ascertain. It now falls on you to examine all safety aspects of this proposal as the only statutory body independently capable of doing so.

We understand that your advice on Land Use Planning issues is based on the probability of an accident but since the consequences of an accident are so serious and cover a clearly defined area (at least 12.4 kilometers) then, in the interest of safety to the general public and because you have now been made aware of a danger being posed to the general public you are now obliged, under Seveso II Directive obligations to also deal with the consequences of an accident at the proposed site as well. You have a statutory duty to protect the public in danger. Please note that we have also requested all the environmental information listed on the email below from you under SI 133

of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007 which we need to participate equitably in the planning process.

We are also now hereby asking An Bord Pleanála to **postpone the oral hearing** until all this environmental information is received by us and put in the public domain in a timely manner to allow the general public participate equitably and in a timely manner in the planning process with all environmental information before it.

Yours sincerely,

Johnny McElligott

Kilcolgan Residents Association

<http://www.safetybeforelmg.com>

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland

From: Pat Conneely [mailto:pat_conneely@hsa.ie]

Sent: 15 January 2008 14:27

To: McElligott, John

Cc: Martin OHalloran; PJ Claffey

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Mr. Mc Elligott,

the Authority has been reviewing its handling of this matter, and considers that further clarification would be beneficial: the Authority would like to make it clear that it is in the process of reviewing the material your group submitted, which will take some time.

As you know the Oral Hearing by an Bord Pleanala into this application will open on Monday next, Jan 21 in Tralee. Inspectors of the Authority will attend the hearing and make themselves known to the chairman of the hearing, and indicate their availability to attend and give evidence in relation to the major accident hazard aspects, as they affect land-use planning under the 'Seveso' Directive. It is the Authority's intention to cover the additional information you have submitted, and its impact on the land-use planning advice of the Authority, at that time.

If the additional information you have submitted alters the view of the Authority in any way in relation to its advice to An Bord Pleanala (letter of January 9th. 2008), then the Authority will communicate this to the Bord both at the oral hearing and more formally by letter.

I hope this puts your mind at rest.

regards

Patrick Conneely

Patrick Conneely | Senior Inspector| Health and Safety Authority

1A South Mall, Cork

Tel: 021 4906289 | Fax: 021 4251217

Email: patc@hsa.ie| Web: www.hsa.ie

A Culture of Workplace Health and Safety for All

From: Jerry Havens [mailto:jhavens@uark.edu]

Sent: 14 January 2008 21:09

To: McElligott, John

Cc: ced@uark.edu

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Johnny,

I just received a tel call from a Mr. McCann?, who identified himself as a journalist in your area. He said he was writing a piece for the newspaper (I think) and wanted my advice on some of the things he was planning to say. I didn't have time to talk with him at length and suggested that I'd rather he not quote me, as I am always in danger of being misquoted. He seemed straight enough to me, and thanked me for talking with him. He acted like he knew you and of your efforts. Feel free, if you wish, to pass this information to him.

His call reminded me of your email below and I thought you might find it useful to check into recent filings of comments by Columbia Riverkeepers (Oregon) with FERC re the Bradwood Landing LNG terminal proposed in Oregon. I have worked on that project recently and have filed comments myself, including having much of my work filed by Riverkeepers. All of this information is available on the FERC website under docket CP07-365. I am attaching three items from that site that may be of use to you:

1. Columbia Riverkeepers Comment (see particularly pages 118-127 I think)
2. Havens Comment
3. Attachment to Riverkeepers Comments re an issue which I am heavily involved in re Tanker safety (use of non-fire-resistive insulation materials), and in which you may be interested. This piece, particularly, will illustrate that the battle you have chosen is steeply uphill – as there has not been, to date, any answers to my queries. I continue to prod.

Let me know if you don't receive the attachments, or if you want me to direct you further to additional information.

Sincerely,
Jerry Havens

From: McElligott, John
Sent: 10 January 2008 23:10
To: 'Pat Conneely'
Cc: 'Martin O'Halloran'; 'Michael Henry'; 'PJ Claffey'
Subject: Request for information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007.

To:
Mr. Pat Conneely,
Health and Safety Authority.

Re: Request for information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007.

Dear Mr. Conneely,

We are hereby requesting from the HSA the following environmental information under S.I.133 of 2007, the European Communities (Access to Information on the Environment) Regulations, 2007 at its disposal

(c.f.

<http://www.environ.ie/en/Environment/AccessToInformationOnTheEnvironment/PublicationsDocuments/FileDownload,2479,en.pdf>) to be sent **VIA EMAIL** to john.mcelligott@cw.com and safetybeforelng@hotmail.com – and only failing an electronic version of the data to the address below at Island View, Convent Street, Listowel, Co. Kerry please:

1. All information at your disposal on the environmental consequences of the Shannon LNG terminal in the Shannon Estuary near Tarbert
2. All information on the consequences and zones affected by an LNG accident at the Tarbert Site (the exclusion zone, the consultation zone and the specified zone).
3. All information on the emergency plans and the names of the public authorities to be involved in an emergency evacuation plan as per Seveso II regulations (we are thinking of all schools, businesses, local authorities, port authorities) and how they would be coordinated as well as the specified zone subject to a major emergency plan.
4. All information on alternative sites for an LNG storage facility or alternative LNG developments.
5. All information on contacts your Authority has had with any individuals or organisations on LNG storage facilities in Ireland in general and Tarbert in particular.
6. All information on other possible developments and developers near the proposed LNG terminal (e.g. SemEuro, Sea Energy Group etc.)
7. All information on when and how Government policy on LNG storage facilities will be decided and implemented by the HSA .
8. The Technical Advice the HSA is giving to An Bord Pleanála on the proposed Shannon LNG development and all supporting documentation.
9. The views, plans and information of the HSA on a Marine QRA of the proposed Shannon LNG development.

Your duty under Article 7 (2) (a) of these regulations is to give us this information as soon as possible. We need this information to be able to participate equitably in the oral hearing on

January 21st, 2008 concerning the Shannon LNG proposal near our homes and property in North Kerry.

Yours sincerely,
Johnny McElligott

Johnny McElligott

Kilcolgan Residents Association

<http://www.safetybeforelng.com>

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland.

From: McElligott, John [mailto:John.McElligott@cwmsg.cwplc.com]

Sent: Friday, January 11, 2008 11:41 AM

To: Pat Conneely

Cc: Martin OHalloran; Michael Henry; PJ Claffey; n.meehan@pleanala.ie; alucey@eircom.net; Catriona Griffin; Adam Kearney Associates; johnconnor8@yahoo.co.uk; jvenart@nbnet.nb.ca; Jerry Havens; rpkoopman@comcast.net; morganheaphy@eircom.net; noelheaphyspar@eircom.net; bord@pleanala.ie

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear Mr. Conneely,

I disagree profoundly with your last email. You said on an email to me on December 21st 2007 (below) that the Health and Safety Authority would examine any reputable documents referred to it PRIOR to January 11th 2008 and only consider documents received after this date only if requested to do so by An Bord Pleanala. We submitted our documents before the required date and now you will only consider them if requested to do so by An Bord Pleanala.

We have had initial input from 3 world-renowned experts in LNG in this document and noted that the author of the QRA (Dr. Andrew Franks) did not have any LNG experience from what we could ascertain. We requested more time to get more indepth reports from them but this was not given.

Someone has pulled a stroke here and you have made the administrative mistake of submitting your report before today's date, proving that our limited but valid submission has not even been superficially considered.

This planning application is being railroaded through the planning process with the statutory bodies cutting corners in the application of prudence and ignoring safety issues. There is no community consent for this project and the aim seems to be to force locals without any resources to compete against a limitless amount of funds from a multinational company and with the statutory body ignoring their responsibilities under the Seveso II Directive.

LNG expert Dr. Jerry Havens in an article in the "Journal of Hazardous Materials" has stated categorically that:

"it is clear that the offshore option can, under the right circumstances, obviate the (onshore) public safety concern. The authors of this paper believe that updating the consequence assessment procedures to consider post 9/11 hazard separation distances will result in a finding that people on shore will be out of harm's way from offshore LNG terminals of the size presently being considered if sited 10 or more miles offshore."

(see" United states regulations for siting LNG terminals: Problems and potential. Journal of Hazardous Materials", Volume 140, Issue 3, 20 February 2007, Pages 439-443 Jerry Havens and Tom

Spicer c.f.

http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6TGF-4M3R2C9-8&_user=6086633&_coverDate=02%2F20%2F2007&_alid=673959421&_rdoc=1&_fmt=full&_orig=search&_cdi=5253&_sort=d&_docanchor=&_view=c&_ct=1&_acct=C000059039&_version=1&_urlVersion=0&_userid=6086633&_md5=79b6d2027011d6d05337dea732340389

We want to participate in a positive manner as responsible stakeholders in civic society but this is proving almost to be a futile exercise. It is like we are being found guilty until proven innocent. Even criminals would have access to legal aid.

We are at a loss now. We are seriously considering boycotting the oral hearing because of the serious shortcomings we have outlined above and in the attached documents. You cannot put the onus on defenceless communities to prove something without funding and then not even consider their submissions such as the extremely serious questions we raised yesterday. Our position is that we should only have to ask the questions and when faced with danger you, as the statutory body, have to ensure that no stone is left unturned in getting all the answers and obtaining all environmental and safety information for us so that we can participate equitably in the planning process. We are now the victims of a grave injustice because of your actions. Your only reaction is to say that it is now in the hands of An Bord Pleanála. This is a disgrace and is leading to a discrediting of the safety and planning processes.

Please feel free to contact me any time.

Kind Regards,

Johnny McElligott

Kilcolgan Residents Association

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland

From: Pat Conneely [mailto:pat_conneely@hsa.ie]

Sent: 11 January 2008 17:10

To: McElligott, John

Cc: Martin OHalloran; Michael Henry; PJ Claffey; n.meehan@pleanala.ie

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Mr. Mc Elligott,

as I had other commitments within the Authority on Thursday and Friday (Jan 10th & 11th) it was necessary for me to post our advice to An Bord Pleanala on Wed, January 9th.

Please be assured that the Authority will respond to any queries from An Bord Pleanala in relation to the material you have submitted on January 10th and 11th.

regards

Patrick Conneely | Senior Inspector| Health and Safety Authority

1A South Mall, Cork

Tel: 021 4906289 | Fax: 021 4251217

Email: patc@hsa.ie| Web: www.hsa.ie

A Culture of Workplace Health and Safety for All

From: McElligott, John [mailto:John.McElligott@cwmsg.cwplc.com]

Sent: 10 January 2008 17:01

To: McElligott, John; Pat Conneely

Cc: Martin OHalloran; Michael Henry; PJ Claffey; bord@pleanala.ie; n.meehan@pleanala.ie; jvenart@nbnet.nb.ca; rpkoopman@comcast.net; Jerry Havens

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear Mr. Conneely,

Please find attached our updated submission to you which we urge you to seriously take on board.

Kind Regards,
Johnny McElligott

Johnny McElligott

Kilcolgan Residents Association

<http://www.safetybeforelng.com>

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland.

From: McElligott, John

Sent: 10 January 2008 12:37

To: 'Pat Conneely'

Cc: Martin OHalloran; Michael Henry; PJ Claffey; 'bord@pleanala.ie'; 'n.meehan@pleanala.ie'

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear Mr. Conneely,

Please find attached our submission to you which we urge you to seriously take on board. We have identified LNG experts who need more time to examine this case in particular and urge you to take this request seriously on board. We have more questions for you but need more time to prepare them. Can you give us an extension in this consultation process with you please?

Kind Regards,
Johnny McElligott

From: Pat Conneely [mailto:pat_conneely@hsa.ie]

Sent: 21 December 2007 15:29

To: McElligott, John

Cc: Martin OHalloran; Michael Henry; PJ Claffey

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear Mr. McElligott,

Your e-mail in relation to Shannon LNG has been forwarded to me for response.

The Authority is required, under the Major Accident Hazard Regulations (SI 74 of 2006), to give advice to the planning authority on request, within specified timelines.

In the case of new "Seveso" establishments, the Authority forms its advice based on an examination of the application submitted to it and on any additional documentation supplied, at the request of the Authority, by the applicant.

The Authority is still engaged in this process with the applicant in this case, Shannon LNG, and has already sought (and been granted) two time extensions from An Bord Pleanala to do this.

The criteria applied to new establishments are generally set out in the Kilkenny LUP advice document you refer to (your ref (1)), which in turn is based on the position of the HSA Board.

In the case of an application for a new establishment, the Authority, in the first instance, assesses the case put by the applicant to see if it demonstrates, in a rigorously sound scientific manner, that it will meet the siting criteria set by the Authority.

To be able to make a judgement, the Authority makes use of its experience developed over the last 8 years of land-use planning advice, as well as its considerably longer experience in dealing with Seveso establishments, examination of Safety Reports, emergency planning etc. It will seek and have regard to any sound, peer-reviewed, scientific article in a reputable journal, recognized Standard (especially Irish or EU) dealing with the activity under consideration, relevant Code of Practice, LUP practice in other countries and current EU Guidance on LUP, in so far as that is practicable.

In forming a view of the current proposal, the Authority has endeavoured to examine all relevant material in this regard.

It is the intention of the Authority to advise An Bord Pleanala on or before January 11, 2008.

Consequently the Authority will examine any relevant reputable document, that it has not already considered and that relates to the hazards and risks of LNG - in so far as they may affect LUP issues - that are referred to it prior to that date.

After that, it will be a matter for An Bord Pleanala to consider any other submissions on the matter, or to ask the Authority for any further technical advice as it sees fit.

It will be entirely a matter for An Bord Pleanala to make a decision on the application before it.

Yours Sincerely

Pat Conneely

Patrick Conneely | Senior Inspector | Health and Safety Authority

1A South Mall, Cork

Tel: 021 4906289 | Fax: 021 4251217

Email: patc@hsa.ie | Web: www.hsa.ie

A Culture of Workplace Health and Safety for All

From: Niamh Gallagher

Sent: 21 December 2007 11:31

To: 'John.McElligott@cwmsg.cwplc.com'

Cc: Workplace Contact Unit; Michael Henry; PJ Claffey; Pat Conneely

Subject: RE: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear Mr McElligott

I wish to acknowledge receipt of your letter below.

Please be advised your letter was brought to the attention of Martin O'Halloran, Chief Executive of the Health and Safety Authority.

Mr O'Halloran has reviewed your letter and assigned it to Pat Conneely, Senior Inspector.

Mr Conneely has previously been in contact with you and will be dealing with this matter on behalf of the Authority.

Yours sincerely

Niamh Gallagher

Niamh Gallagher | PA to Chief Executive | Health and Safety Authority

Metropolitan Building, James Joyce Street, Dublin 1

Tel: 01 614 7104 | Fax: 01 614 7024

Email: niamh_gallagher@hsa.ie | Web: www.hsa.ie

A Culture of Workplace Health and Safety for All

From: McElligott, John [mailto:John.McElligott@cwmsg.cwplc.com]

Sent: 20 December 2007 17:46

To: WCU

Cc: bord@pleanala.ie; s.sutton@pleanala.ie; catrionagriffin068@eircom.net; morganheaphy@eircom.net; noelheaphyspar@eircom.net; Adam Kearney Associates; johnconnor8@yahoo.co.uk

Subject: URGENT: Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Kilcolgan Residents Association
c/o Johnny McElligott
Island View,
5 Convent Street,
Listowel,
County Kerry
safetybeforelng@hotmail.com
Tel: (087) 2804474

20th December 2007

Mr. Jim Lyons,
Chairman,
Health and Safety Authority,

By email only to: wcu@hsa.ie

Re: QRA of Proposed Liquefied Natural Gas (LNG) regasification terminal located on the Southern shore of the Shannon Estuary in the townlands of Ralappane and Kilcolgan Lower, Tarbert, County Kerry (reference PA0002).

Dear Sir/Madam,

Shannon LNG has an application for planning permission for an LNG re-gasification terminal at Tarbert, County Kerry currently before An Bord Pleanála (ref PA0002). The HSA is to provide technical advice to An Bord Pleanála on the QRA submitted by the applicant.

As the people with homes and property closest to the proposed site we have made a detailed submission to An Bord Pleanála objecting strongly to this proposal on safety grounds.

We have serious concerns about the Quantitative Risk Assessment that was undertaken by ERM for Shannon LNG. It is based on the following documents:

- (1) HSA (2006). *'Land-use Planning Advice for Kilkenny County Council in relation to Grassland Fertilisers (Kilkenny) Ltd at Palmerstown'* and
- (2) HSE (2000). *Risk Assessment Methodology for Storage of Refrigerate Flammable Liquids*. Planning Case Assessment Guide Chapter 6K.

Our biggest concern in the risk assessment is that the methodology used is not adequately taking

in to account the specific dangers posed by LNG in calculating exclusion zones by the HSA.

We are now in direct contact with some of the leading world experts on LNG risks who have expressed particular interest regarding the issues for which scientific scrutiny appears to be ignored in the QRA provided.

In its document “Setting the Specified Area – the Approach of the HSA - Guidance related to the application of the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006, S.I. No. 74 of 2006 - March 2007” (http://www.hsa.ie/eng/FAQs/Chemical/Seveso_II_Setting_the_Specified_Area.pdf) it is stated by the HSA on page 8 section 5:

“The Authority will review its approach in the light of new technical information (including accident experience) concerning the effects of major accidents”.

Since this is the first proposed LNG terminal in Ireland we are asking if you would consider taking on the opinions of these experts in preparing its technical submission to An Bord Pleanála on the proposed LNG re-gasification terminal near our homes and property?

We anxiously await your reply due to the narrow timeframe being given in this fast-track planning process for this top-tier Seveso II development that has an oral hearing date of January 21st, 2008 already announced.

In the light of this narrow time frame we are of the opinion that it is better that the technical experts and the HSA come to a shared consensus in the interest of safety rather than each side reinventing the wheel on their own. Would you agree to this?

Yours faithfully,

Johnny McElligott

Johnny McElligott

Kilcolgan Residents Association

<http://www.safetybeforelng.com>

e-mail: John.McElligott@cw.com

Tel.: +353-87-2804474

Address: Island View, Convent Street, Listowel, County Kerry, Ireland.

Appendix 7 – Request for Information from the Department of Energy,
Communication and Natural Resources.

From: Bernie Comey [mailto:Bernie.Comey@dcenr.gov.ie]
Sent: 18 January 2008 15:14
To: McElligott, John
Subject: FW: Request for Information under EC (Access to Information on the Environment) Regulations 2007

Mr Mc Elligott

The attached information is provided in response to your email request of 9 January 2007.

Yours sincerely

*Bernie Comey
Assistant Principal
Electricity and Gas Regulation Division
29 - 31 Adelaide Road
Dublin 2*

*Tel 01 - 6783131
Email Bernie.Comey@dcenr.gov.ie*

18 January 2008

Mr John Mc Elligott
Kilcolgan Residents Association
Island View
Convent Street
Listowel
Co Kerry

**Request for information under the European Communities (Access to
Information on the Environment) Regulations 2007**

Dear Mr Mc Elligott

I refer to your e-mail, dated 9 January 2008, requesting (in accordance with the European Communities (Access to Information on the Environment) Regulations 2007 (“the Regulations”)) any environmental information held by this Department in connection with the proposed Shannon LNG terminal near Tarbert and other related issues.

Having carefully considered your request for information, I wish to advise you at the

outset that this Department has no statutory role with respect to the planning procedures for LNG facilities, nor has it been consulted by An Bord Pleanála with respect to this. The information held by the Department with respect to this project is therefore limited.

Having regard to the provisions of the Regulations, my decision as to your request is as follows:

1. All information at your disposal on the environmental consequences of an LNG terminal in the Shannon Estuary near Tarbert

No records are held by this Department relating to this matter other than the EIS Non-Technical Summary document referred to at No 4 below.

2. All information on the consequences and zone effected by an LNG accident at the Tarbert Site

No records are held by this Department relating to this matter other than the EIS Non-Technical Summary document referred to at No 4 below.

3. All information on the emergency plans and the names of the public authorities to be involved in an emergency evacuation plan as per Seveso II regulations (we are thinking of all schools, businesses, local authorities, port authorities) and how they will be coordinated.

Emergency planning is a matter for local authorities. It is a legal requirement that the owner of a “Seveso II” site must prepare an emergency plan which must be approved by the Health and Safety Authority. In addition, as the public body responsible for emergency planning, local authorities are required to prepare emergency plans in respect of each “Seveso II” site. Therefore, no records relating to your enquiry are held by this Department.

4. All information on alternative sites for an LNG storage facility or alternative LNG developments.

No records are held by the Department relating to alternative sites in the State for LNG storage facilities or alternative LNG developments.

5. All information on contacts your department has had with possible developers of LNG storage facilities in Ireland.

The Department is aware of a proposal relating to the planned development by Shannon LNG Ltd of a merchant Liquefied Natural Gas (LNG) storage facility at a site located in the Shannon Estuary. In this regard a copy of the Non-Technical Summary of the EIS prepared on behalf of the promoter as part of an application for planning permission is held by the Department. I have made a decision not to provide this document on the grounds that the information is already in the public domain as part of the planning process. The decision to refuse your request has been made under Regulation 7(3)(a) of the Regulations. A copy of a brochure published by Shannon LNG in May 2006 is provided herewith.

There are no other records in the Department of contacts between this Department and Shannon LNG in regard to the project. Neither are there any records of contacts between this Department and other developers proposing to develop LNG storage facilities in Ireland.

6. All information on the All-Island Gas Storage Consultancy Study completed before Christmas

In early 2007, the then Department of Communications, Marine and Natural Resources (DCMNR) and the Department of Enterprise, Trade and Investment for Northern Ireland (DETINI) commissioned a joint study on a common approach on natural gas storage and liquefied natural gas (LNG) on an All-Island basis. This study stems from the strategic objectives set down in the All-Island Energy Market Development Framework, which identified the need for a common approach on natural gas storage and LNG.

The objective of the study was to assess the medium to long-term position with regard to security of natural gas supply on an all-island basis, to consider the scope for a common approach on natural gas storage and LNG with a view to optimising that position, and to make recommendations accordingly. Critical aspects of the study centre on security of supply and our heavy reliance on gas imports via undersea pipeline from the UK. The results of the study are currently under consideration in both Departments and the recommendations contained in the study, including North/South implications, will inform further initiatives and policy decisions as regards strategic storage.

Having considered your request, I have decided that:

- given the nature of the report as a joint initiative by this Department and its Northern Ireland counterpart,
- the type of information contained therein (including, but not limited to security of national gas supply and information about interconnection with the UK), and
- the consultation process involved, which included commercially sensitive information provided by commercial entities in strictest confidence,

- the public interest would not be served by disclosure of the document as per your request. Your request to make the record available is refused under Regulations 8(a)(ii) and 9(1)(a) and (c) of the Regulations.

7. All information on submissions to the All-Island Gas Storage Study completed as per the Government Energy Framework White Paper

As the study was carried out by independent consultants commissioned by DETINI and DCMNR, no submissions were requested by the Department, nor were any such documents received by it. Any and all consultations carried out by the

consultants for the project had due regard to the need to ensure that issues of a commercially sensitive nature would be protected at all times.

8. All information on when and how Government policy on LNG storage facilities will be decided

Currently over 90% of Ireland's energy needs are provided for by imports. In order to ensure the security of our energy supply, the Government's objective is to reduce our reliance on imports and to significantly enhance diversity of energy sources.

The Government White Paper *Delivering a Sustainable Energy Future for Ireland*, published in March 2007, sets out the energy policy framework over the period 2007–2020. A copy of the document is attached. The Framework Document states that Government's overriding policy objective is to ensure that energy is consistently available at competitive prices with minimal risk of supply disruption. One of the underpinning strategic goals identified in the document is to ensure the physical security and reliability of gas supplies to Ireland. With the decline of the Kinsale gas field and, pending the full development of the Corrib field, Ireland now imports over 90% of our natural gas from the UK.

The Energy Policy White Paper underlines the need to develop longer term strategies to reduce over-reliance on gas imports from the UK. Key actions set out in the White Paper include long term strategic planning by the Commission for Energy Regulation (CER) in relation to security of gas supply and working within the European Union to deliver fully integrated regional gas markets for Northern Europe and diversification of supply. The Framework Document commits to Government continuing to actively encourage private sector interest in investing in gas storage and LNG and to review the potential role for Government intervention in the event of market failure in the light of the findings of the all-island storage study. The document also commits to the putting in place of an all-island strategy for gas storage and LNG facilities in light of the outcome of the findings of the Study referred to under 6. above. However, as outlined under 6. above, this is at an early stage.



With regard to your request to submit views on alternative storage facilities, the Department would be happy to receive any views you may have with regard to new or alternative technologies. You may also decide to raise this matter in the context of the planning process for the Shannon project.


Should you be dissatisfied with the outcome of your request under the Regulations you may appeal this decision by writing to the Principal Officer, Electricity and Gas Regulation Division, 29 – 31 Adelaide Road, Dublin 2 seeking internal review of the matter. Please refer to this decision in your letter. You should make your appeal within one month from the date of receipt of this notification, however, the making of a late appeal may be permitted in exceptional circumstances. Any appeal lodged will involve a complete reconsideration of the matter by a member of the staff of this Department unconnected with the original decision, and the decision will be communicated to you within one month from receipt of the request for the internal review.

Yours sincerely

Bernie Comey
Electricity and Gas Regulation Division
Department of Communications, Energy and Natural Resources
29 – 31 Adelaide Road
Dublin 2

Energy Resources.

696. Deputy Simon Coveney  asked the Minister for Communications, Energy and Natural Resources  the percentage of Ireland's overall energy supply which is imported from the UK; and if, in the context of such facts or that 87% of Ireland's natural gas supplies are imported from there, actions are planned to reduce Ireland's dependence on one country. [31340/07]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):  Currently over 90% of Ireland's energy needs are provided for by imports. In order to ensure the security of our energy supply, the Government's objective is to reduce our reliance on imports and to significantly enhance diversity of energy sources. Natural gas currently accounts for over 60% of electricity generation in Ireland. With the decline of the Kinsale gas field and pending the full development of the Corrib field, we now import some 95% of our natural gas from the UK. Natural gas transported through the UK network comes from fields in the North Sea, the Netherlands, Norway and Russia. The Energy Policy White Paper points to the need to develop longer term strategies to reduce over-reliance on gas imports from the UK. The actions set out in the White Paper include long term strategic planning by the Commission for Energy Regulation (CER) in relation to security of gas supply and working in the EU to deliver regional gas markets for Northern Europe and diversification of supply.

The CER has granted a gas storage licence to Marathon Oil Ireland Ltd to make the full capability of its depleted Kinsale facility, which has a capacity of 7 billion cubic feet (bcf), available to third parties. This is the first such storage facility in Ireland and BGE has contracted to use over 5 bcf of it. Work is also nearing completion on an All-Island study overseen by my Department and the Department of Enterprise, Trade and Investment in Northern Ireland on a joint approach to gas storage and Liquefied Natural Gas (LNG). The planned development of a merchant LNG storage facility at Shannon will also have a positive impact on the security of our gas supply and improve our connectivity to the global gas market. The connection of the Corrib gas field, with its estimated capability to supply some 60% of our annual natural gas requirements over a span of 15-20 years, will significantly reduce our dependence on imports during that period.

As regards the generation of electricity, the Government has set ambitious and essential targets for the increased penetration of renewable energy. Connected wind capacity will reach over 900 MW by year end, which will represent a very significant increase of over 25% of installed wind capacity since the start of 2007. It is a priority to ensure the provision of flexible generation plant to accommodate electricity coming on to the system from wind generation. The establishment of the All-Island Single Electricity Market is also a key development, which will contribute to ensuring the security, reliability and competitiveness of electricity supplies throughout the island. Existing gas interconnection and planned electricity interconnection between Ireland and Great Britain is a key plank in our security of energy supply strategy. The current interconnection capacity with the UK Grid (through Northern Ireland) of 300 MW, will be increased by 500 MW with the delivery of the new East West electricity interconnector between Ireland and Wales by 2012. Enhanced interconnection, in both electricity and gas, will assist in promoting the regional energy market, in line with EU

security of energy internal market objectives.

As regards imports of oil, in 2005, the latest year for which definitive figures are available, 65% of Ireland's oil imports were sourced from the UK, with crude accounting for 12% and products accounting for 88% of those imports. In the same year Norway accounted for 28% of our oil imports, of which crude consisted of 93% and products 7%. The Irish downstream industry is fully privatised, liberalised and deregulated. We are currently undertaking a strategic review of security of oil supplies which will include consideration of security of commercial access to oil supply.

Appendix 9 – web sites referenced in the KRA Oral Submission.

<http://www.seatradeasia-online.com/News/2141.html>

Golar LNG converts second FSRU at Keppel



Singapore: Golar LNG will convert an LNG carrier into an LNG FSRU (floating storage & regasification unit), its second such unit, at Keppel Shipyard in Singapore. Golar LNG is renovating two LNG carriers into FSRUs at Keppel, both of which will be deployed for Brazilian state-run oil company Petrobras.

Golar LNG announced in April 2007 that it had acquired a charter contract for two FSRUs from Petrobras. Under the deal, Golar LNG will convert the existing LNG carriers, the Golar Spirit and the Golar Winter, into FSRUs with the charter contract beginning in the second quarters of 2008 and 2009, respectively. The Golar Spirit is currently undergoing conversion work at Keppel.

Golar has plans to expand its FSRU division and recently purchased an LNG carrier, the Granatina, from Shell for future conversion into an FSRU. In addition, overseas media is also reporting that Golar has entered into a memorandum of understanding (MOU) with a Middle Eastern customer for the Golar Freeze, which it also plans to convert into an FSRU. [27/12/07]

<http://www.marinetalk.com/articles-marine-companies/art/First-LNG-Floating-Storage-and-Regasification-Unit-MOS005120819TU.html>

First LNG Floating Storage and Regasification Unit

Moss Maritime of Norway announced that the company has signed a contract with Keppel Shipyard of Singapore for design and engineering for the first ever Conversion of a Moss type LNG carrier into an LNG Floating Storage and Regasification Unit (FSRU). Golar LNG is the owner of the LNG carrier selected for this Conversion. Moss Maritime has developed the FSRU concept, and recently carried out the preliminary engineering in preparation for their contract with Keppel Shipyard. The FSRU will be the world's first floating LNG regasification terminal based on Conversion of an existing LNG carrier.

The **FSRU** will receive **LNG** from **offloading LNG carriers**, and the onboard **regasification system** will provide gas send-out through **flexible risers** and **pipeline** to shore. The proposed **LNG** terminal is a steel mono **hull** with Moss® **LNG tanks** arranged in the **middle**, with the re-gasification plant in the **forward** section and crew facilities with **control** room and utility **machinery** in the aft section. The **LNG** offloading **tankers** will be moored in a side-by-side configuration with the **FSRU** for **efficient** replenishment of the terminal. The scope of work includes **installation** of new **forward turret**, side-by-side mooring system, **LNG loading arms**, aft



The **FSRU** has a throughput **capacity** of 2.75 BSCM per annum at **variable** gas send-out pressures up to 90 bar. The **FSRU** will be designed in compliance with **DNV** class rules and **relevant** international **standards**. The inherent strength and **reliability** of the **Moss LNG tanks** are superior to **competitive designs**, confirmed by the **excellent track** record from more than 30 years of operation of Moss® **LNG** carriers. According to **Golar LNG** the **FSRU** will be completed during the second quarter of 2007.

<http://www.marinelink.com/Story/ExxonMobilAnnouncesNJFloatingOffshoreLNGTerminal-210113.html>

ExxonMobil Announces NJ Floating Offshore LNG Terminal
Wednesday, December 12, 2007



Exxon Mobil Corporation announced plans to seek regulatory approval for BlueOcean Energy, a floating liquefied natural gas (LNG) receiving terminal that will create a gateway to global supplies of clean-burning natural gas to help meet the growing energy needs of New Jersey and New York.

The project will have the capacity to supply about 1.2 billion cu. ft. of natural gas per day. Anchored approximately 20 miles off the coast of New Jersey – and reportedly not visible from the shore – the more than \$1 billion terminal will be far from shore and away from shipping lanes, ports and recreational areas. "We believe that BlueOcean Energy is a

unique and innovative solution to meeting the region's energy challenges," said Ron P. Billings, vice president, Global LNG, ExxonMobil Gas & Power Marketing Company. "BlueOcean Energy will provide significant economic benefits to New Jersey and New York and will help the region achieve its environmental objectives."

The project will generate sizeable direct and indirect economic benefits through project spending, new jobs, taxes and additional natural gas.

Access to global supplies of natural gas can improve reliability, help reduce swings in natural gas prices and fuel future growth. The Rutgers University Bloustein School of Planning and Public Policy studied the economic effects of these benefits to the State of New Jersey. Rutgers' detailed report, to be issued shortly, concludes that "the proposed LNG terminal could have significant positive benefits for the New Jersey economy."

Safety and security will be paramount. BlueOcean Energy commissioned former New Jersey Attorney General John Farmer, a noted security expert and senior counsel to the 911 Commission, to conduct a safety and security assessment of the facility. "BlueOcean Energy is developing a sound plan for a safe and secure facility," Farmer said.

The BlueOcean Energy floating terminal is designed to receive LNG supplies from double-hulled LNG ships about twice a week, and store the LNG in insulated tanks inside the terminal's double hull. The stored LNG will then be warmed to turn it back into natural gas for delivery to New Jersey and New York markets through a new subsea pipeline that will connect to new and existing onshore pipelines.

BlueOcean Energy is at the start of a lengthy and rigorous permitting process involving state and federal agencies, as well as the general public. "Public consultation is a cornerstone of the permitting process, and we are committed to discussing the project with communities and other stakeholders," Billings said. "We look forward to working closely with state and federal officials, as well as with the U.S. Maritime Administration and the U.S. Coast Guard, the agencies responsible for the review of the terminal plans under the Deepwater Port Act."

In addition to BlueOcean Energy, ExxonMobil is involved in three other terminal projects. Receiving terminals are under construction near Sabine Pass, Texas; in Wales in the United Kingdom; and offshore Italy in the Adriatic Sea. With several years required for permitting, engineering and construction, BlueOcean Energy is expected to begin service around the middle of the next decade.

<http://www.mouchelparkman.com/80256DA90041DA3E/httppublicpages/64583FC7516EF257802572D6003319C9?open> Teesside GasPort team wins the SBGI and IGEM

'Innovation Award'

9 May 2007

A project team involving Mouchel Parkman has won the 'Innovation Award' at the Society of British Gas Industries (SBGI) and Institution of Gas Energy Managers (IGEM) Awards 2007 yesterday.

The team – which also included Murphy Pipelines and px Holdings – supported Excelerate Energy during the design and construction of Teesside GasPort at Teesport, near Middlesbrough. When it opened on 20 February 2007, the facility became the world's first dockside 'regasification' port and second operational liquid natural gas (LNG) terminal in the UK.

Teesside GasPort transfers natural gas from a specially designed LNG ship, known as an Energy Bridge Regasification Vessel, which vaporises LNG on board the ship prior to offloading into an onshore pipeline. Up to 600 million cubic feet of natural gas can be delivered to the UK National Transmission System every day; around three per cent of the UK daily consumption.

The innovative approach avoided the need to construct land-based LNG storage, handling and regasifying infrastructure. Teesside GasPort's infrastructure proved to be cost effective and flexible with the total cost of the facility being £40m – a tenth of the cost of a comparable sized land-based gas facility. From initiation to opening, Teesside GasPort took just 12 months to complete; conventional gas port projects take upwards of three years to complete.

Mouchel Parkman senior project manager Colin Brewster says: "We had to overcome a number of technical, environmental and consenting issues during the 12-month project. These included ensuring that infrastructure complied with the UK's strict gas safety (management) regulations and a challenging 14-week planning programme which involved two local authorities.

"Additionally, a one-kilometre horizontal directional drill was required under the River Tees, close to existing pipelines, and the pipeline route passed very close to a Site of Special Scientific Interest. Coupled with the fact that Excelerate Energy is the only company to have carried out ship-to-ship transfers of LNG, the scheme has been recognised as a truly innovative project by the SBGI and IGEM Awards."

Piers Clark, managing director of Utilities for Mouchel Parkman, whose Energy business unit provided engineering input to the team, said: "The truly innovative approach adopted by the combined project team demonstrates what can be achieved when individuals are inspired to make things happen, often in the face of what can appear to be insurmountable goals. This approach, with the dedicated efforts of individuals and the collective project team, has been recognised by the SBGI and IGEM."

<http://www.thpal.co.uk/news/news132.asp>

EXCELERATE ENERGY OPENS FIRST-EVER LNG GASPORT

23 February 2007



Excelerate Energy today announced the arrival of the first liquefied natural gas (LNG) cargo at Teesport in North East England, marking the first-ever dockside regasification port and second operational LNG facility in the UK. Also historic, the Energy Bridge vessel arriving at the GasPort received its LNG cargo via the first-ever commercial transfer of LNG from one ship to another.

"This historic project confirms the unique ability of Excelerate Energy's ship regasification technology to quickly and cost-effectively create new market access for LNG supplies," said Kathleen Eisbrenner, President and CEO of Excelerate Energy. "Dockside

regasification is a milestone for the LNG industry, opening new market possibilities and options.”

The Teesside GasPort near Middlesbrough will allow Excelerate Energy to deliver at peak rates of up to 600 million cubic feet of natural gas per day to the UK market.

At the Teesside GasPort, the company’s Energy Bridge vessel Excelsior docked alongside a dedicated jetty where it connected to the onshore facility that feeds into the UK gas grid – the National Transmission System (NTS). Excelerate Energy’s specially designed Energy Bridge vessels allow LNG to be revaporized to gas onboard the ships so that it can be directly fed into natural gas pipelines. Traditional LNG ships must deliver their cargo as liquid to onshore terminals that then convert it to gas. Excelerate Energy’s Teesside GasPort was built with the initial capacity to import up to four LNG cargoes per month, each of which contains approximately three billion cubic feet of natural gas.

In February 2006, Excelerate Energy selected the Teesport location as ideal to quickly allow for additional imports needed to bring more natural gas to the UK market to meet projected supply shortfalls due to a fast decline in offshore production. Just 12 months later, the first cargo has arrived in the newly built GasPort. The total cost of the Teesside GasPort was less than £40 MM, whereas a conventional land-based facility of comparable size would likely cost more than £400 MM.

“Teesside GasPort is a market-led breakthrough. It is an example of what can happen in LNG when flexible investors respond to favourable price signals with innovative solutions; and where governmental and regulatory bodies respond in kind,” said James Ball, President of Gas Strategies Consulting, which assisted Excelerate Energy in identifying the best potential sites. “Teesside has a business-friendly environment, available jetty space and ready access to the NTS.”

“Our capital costs are much lower and our development and construction timeline is much shorter, which enables us to very quickly and competitively add to our growing network of market access points around the world,” noted Rob Bryngelson, Executive Vice President and Chief Operating Officer of Excelerate Energy.

Excelerate Energy’s delivery of Excelsior’s cargo to the Teesside GasPort was preceded by the completion of the first-ever full cargo commercial transfer of LNG, demonstrating a technology that has dramatic implications for the LNG industry globally.

The transfer took place at Scapa Flow in the Orkney Islands, just north of Scotland. Prior to arrival at Teesport, the Energy Bridge vessel Excelsior received 132,000 cubic meters of LNG from the conventional vessel Excalibur.

“This successful transfer marks a turning point for both our company and the LNG industry,” added Eisbrenner. “Now that we have a proven ability to safely and effectively transfer LNG between conventional LNG ships and our Energy Bridge vessels, our fleet can be deployed as distinct floating terminals, allowing for even further market reach in minimal time frames and with modest cost.”

Excelerate Energy intends to leverage these advantages as it launches the Excelerate GasNet, a logistical services and trading platform upon which Excelerate Energy plans to develop commercial relationships with key industry participants.

“Our ship-to-ship transfer milestone follows several months of development and test runs

in the Gulf of Mexico, where Energy Bridge vessels performed controlled tests and transferred relatively small quantities of LNG to assess procedures and ensure the transfer could be done safely and effectively,” said Jonathan Cook, Vice President – Operations and Marine Services, Excelerate Energy.

“This new capability comes at a fortuitous time for the LNG industry, and for energy markets in general,” continued Cook. “With the demand for LNG rising globally, ship-to-ship transfer capability provides significant strategic opportunities for product delivery. No longer will vessels need to sail between continents to achieve optimization opportunities, or to address security of supply concerns. Excelerate Energy’s successful proof of the technology enabling ship-to-ship transfers of LNG breaks the paradigm of traditional LNG logistics.”

With the success of this transfer, Excelerate Energy officials expect to open the way for additional cargoes to be transported on conventional LNG ships for increased deliveries of LNG to Excelerate’s Energy Bridge ports.

The Teesside GasPort marks Excelerate Energy’s second operational LNG port. The company’s first LNG port, Gulf Gateway Deepwater Port, is located approximately 116 miles off the coast of Louisiana and received its first cargo delivery in March 2005. Excelerate Energy also has received its Record of Decision from the U.S. Maritime Administration (MARAD) for approval of the company’s Northeast Gateway Deepwater Port LNG facility in Massachusetts Bay, 13 miles south southeast of Gloucester, scheduled to be operational in December 2007.

<http://www.murphygroup.co.uk/uploads/documents/Teesside%20GasPort.pdf>

<http://www.poten.com/attachments/072604.pdf>

<http://www.tokyo-gas.co.jp/lngtech/ug-tank/index.html>

In-Ground LNG Storage Tanks

Providing environmentally friendly in-ground LNG storage tanks renowned for their high-level of safety

Solutions

Glossary

Features

Construction Costs and Time

List of Terminals

Inquiries

Other Technologies

Links

1

Providing environmentally friendly in-ground LNG storage tanks renowned for their high-level of safety

LNG tanks are employed in a variety of types throughout the world according to social needs and the site environment. Storage tanks are broken down to two categories, in-ground storage tanks and above ground storage tanks.

In-ground storage tanks have a high level of safety and are environmentally friendly. Japan has 76 such tanks with a capacity of 6.3 million m³. Highly regarded overseas, Tokyo Gas constructed six tanks in Taiwan to hold 690,000 m³ and ten in Korea to hold 1.88 million m³. In 1970 the first in-ground LNG storage tank was constructed with a capacity of 10 thousand m³. Since then, Tokyo Gas has constructed 37 in-ground LNG storage tanks with a total capacity of 3.3 million m³, while working at improving tanks. Currently the company is constructing state of the art in-ground storage tanks including the world's largest underground storage tank with a capacity of 200,000 m³. Utilizing this technology and experience, Tokyo Gas is providing in-ground storage tanks suited to a variety of customer needs.



Bird's-eye view of in-ground storage tanks



Bird's-eye view of underground storage tanks

#2

How in-ground LNG storage tanks work: Part 1 Tank composition

The side wall and bottom slab of in-ground storage tanks have a multiplex structure with three layers: reinforced concrete, insulation and a membrane.

1.

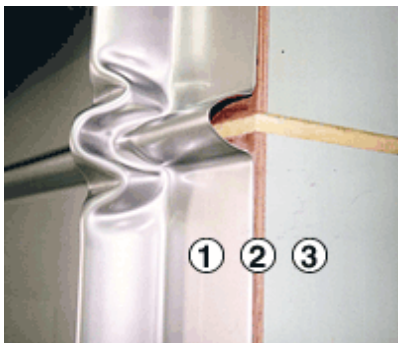
Since the side wall and bottom slab of in-ground storage tanks are subjected to external earth and water pressure more than internal pressure, reinforced concrete is an ideal material because of its excellent compressive strength. The tanks are specially designed to withstand earthquakes underlining their high level of safety.

2.

Rigid polyurethane foam (PUF) insulation restricts the permeation of heat from outside and transfers the internal gas and LNG pressure exerted on the tank side wall and bottom slab.

3.

A two-millimeter membrane layer maintains LNG and gas tightness. The membrane is corrugated to absorb contraction due to the difference in ambient temperature and LNG temperature which is minus 162 degrees Celsius,.



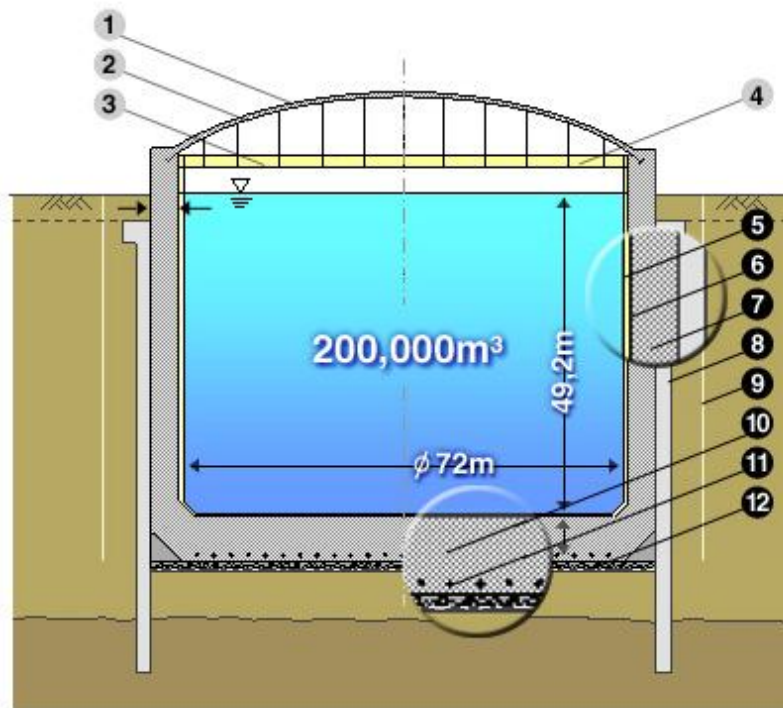
#3

How in-ground LNG storage tanks work: Part 2 Tank composition

1. Reinforced concrete tank cover
2. Steel roof
3. Suspended deck
4. Glass wool insulation
5. Non-CFC rigid polyurethane form (PUF) insulation
6. 18Cr-8Ni stainless steel membrane
7. Reinforced concrete side wall
8. Reinforced concrete cut-off wall
9. Side heater
10. Reinforced concrete bottom slab

11.
Bottom heater

12.
Gravel layer



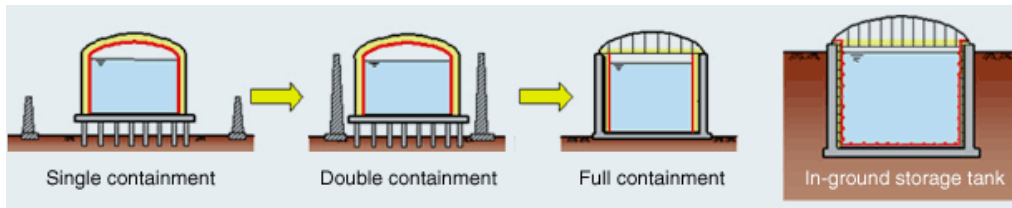
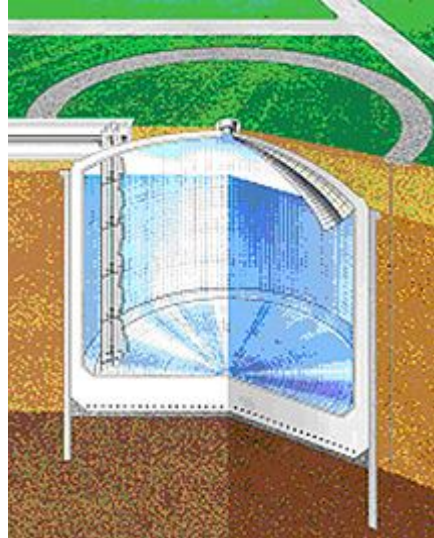
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4

Features of in-ground storage tank: Safety

In-ground LNG storage tanks are only partially visible from the outside of the terminal site making them difficult to be targeted by terrorists. Furthermore, since the LNG is stored below the ground surface, in the unlikely event of a terrorist attack or the concrete roof being destroyed by a projectile, the LNG would not leak onto the ground. Accordingly, the tanks are accredited with the European standard EN1473, making them the safest way to store LNG.

In an earthquake the seismic motion is not amplified for in-ground storage tanks when compared to above-ground structures making them safer in earthquake-prone regions. In order to make the tanks much safer from terrorist attacks, tank roofs can be lined with reinforced concrete or the roof of the tanks can be completely underground.



#5

Features of in-ground storage tank: Environmentally friendly

The roofs of in-ground LNG storage tanks are the only part visible from the surface making the tanks a difficult target for terrorists. Moreover the tanks are not obtrusive to the surrounding environment, reducing the psychological impact that large tanks usually arouse.

In a further developed type of the tank, Tokyo Gas has constructed a brand-new underground tank which are totally buried in the ground, at its Ohgishima LNG Terminal in Yokohama. The dome roof of the tank is covered with over one meter of earth making

it completely invisible from the surface.



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#6

Features of in-ground storage tank: Space-saving

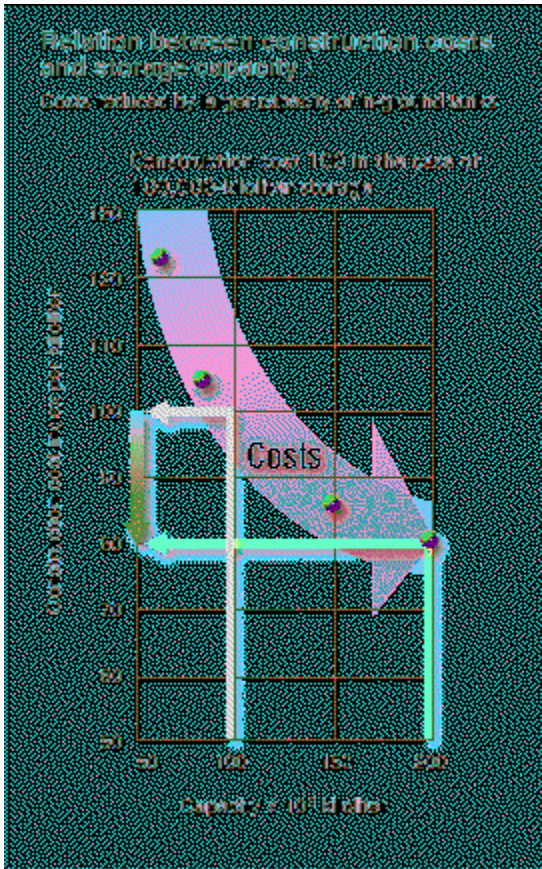
In-ground storage tanks do not need to be surrounded by a dike and the legally required space between tanks as well as the necessary distance from items to be protected is relatively small allowing the tanks to conserve space.

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#7

Construction costs and time

It is now possible to construct large capacity in-ground storage tanks thanks to advances in technological development. Currently, Tokyo Gas constructs in-ground storage tanks sized from several thousand cubic meters to 200,000 cubic meters. Larger storage capacity makes for a lower per-unit cost. In-ground storage tanks are constructed at roughly the same cost as conventional above-ground storage tanks adding to the economical benefits. Construction time is also relatively the same for in-ground storage tanks.



8

List of Terminals (including under construction)

In Japan

	No. of Tanks	Capacity (unit: cubic meter)
Negishi Terminal, Tokyo Gas	12	10,000 - 200,000
Sodegaura Terminal, Tokyo Gas	18	60,000 - 140,000
Ohgishima Terminal, Tokyo Gas	4	60,000 - 200,000
Kofu Satellite Station, Tokyo Gas	2	650 - 870
Hitachi Satellite Station, Tokyo Gas	1	650
Shin-Minato Works, Sendai City Gas Bureau	1	80,000

Sodeshi Terminal, Shimizu LNG	2	82,900 - 94,300
Chita LNG Terminal, Chita LNG	1	160,000
Chita Midorihama Works, Toho Gas	1	200,000
Senboku Terminal, Osaka Gas	1	45,000
Fukuoka Terminal, Saibu Gas	2	35,000
Kumamoto Satellite Station, Saibu Gas	1	2,000
Nagasaki Terminal, Saibu Gas	1	35,000
Sodegarua Thermal Power Station, Tokyo Electric Power	9	60,000 - 90, 000

Higashi-Receiving Terminal, Tokyo Electric Power

9
60,000

Futtsu Receiving Terminal, Tokyo Electric Power

11
90,000 - 125,000

Overseas

Yung An Terminal, CPC

6
100,000 - 130,000

Incheon Terminal, KOGAS

10
140,000 - 200,000