

This Report has been cleared for submission to the Board by the Programme Manager, Frank Clinton
Signed: *Robert Keary* Date: 10/06/2015



OFFICE OF CLIMATE, LICENSING &
RESOURCE USE

ENVIRONMENTAL LICENSING PROGRAMME MEMO

TO:	Directors
FROM:	Jennifer Cope - Environmental Licensing Programme
DATE:	10 June 2015
RE:	Requests for Oral Hearing of objections on Proposed Determination Re: Shell E&P Ireland Limited, Bellanaboy Bridge Gas Terminal, Bellanaboy Bridge, Bellagelley South, County Mayo, Register No .P0738-03

I have assessed the objections to the proposed determination issued in relation to Shell E&P Ireland Limited, (Reg. No. P0738-03). The closing date for receipt of objections was 11 May 2015.

Eight objections on the Proposed Determination were received from the following:

1. Frances Micklem
2. Betty Schult
3. Ian Lumley, An Taisce
4. Peter Sweetman
5. Martin Harrington
6. Monica Muller
7. Gerry Costello, Shell E & P Ireland Limited
8. Eoin O'Leidhin and Paul Lynch

The objections were received within the appropriate period and they:

- a) were submitted in writing
- b) provided a name and address of the objector
- c) included the subject matter of objections submitted
- d) were accompanied by the appropriate fee.

Two of the objections included a request for an oral hearing.

The requests for an oral hearing were made by:

- 1) Betty Schult (including 64 signatures) and
- 2) Eoin O'Leidhin and Paul Lynch (including 1,100 signatures).

The requests for an oral hearing are valid and the fee of €100 was submitted with each request. The original objections should be referred to for greater detail and further expansion of particular points.

Background Information

This licence review application, P0738-03, is a review of the current licence Register No. P0738-01, which, following an oral hearing, was granted on 12 November 2007. The licence (P0738-01) was technically amended (IED Amendment) on 06 January 2014 under Section 82A(11) of the EPA Act 1992, as amended, to bring it into conformity with the Industrial Emissions Directive (IED) (2010/75/EC). The Office of Environmental Enforcement received a letter on 12 November 2014, (dated 11 November 2014) to notify the EPA that the operation of the installation had commenced.

Reasons for Licence Review

The licensee requested a review of the licence to accommodate a number of proposed changes at the installation. The main changes proposed to the installation, and requested in the licence review application, are as follows:

1. A change to the location of the discharge point for treated produced water (SW3) from the licensed outfall just outside Broadhaven Bay to the subsea manifold located on the seabed (~350 m depth) in the Corrib Gas Field (65 km offshore). This requested change followed discussions with the Erris Inshore Fisherman's Association in 2008, during which Shell E&P Ireland Limited agreed to change the location of the discharge of treated produced water (SW3). Planning permission for this change was granted by Mayo County Council on 07 October 2010 (P10/633).
2. The removal of ambient monitoring requirements at the licensed outfall just outside Broadhaven Bay, as the treated produced water discharge (SW3) will no longer take place at this location.
3. The inclusion of Selective Catalytic Reduction abatement on the power generators to meet the NO_x limits specified in the current licence (Reg. No. P0738-01).
4. A new arrangement for surface water and groundwater drainage systems, which affects sampling and monitoring locations.
5. An increase in the emission limit value for suspended solids in storm water run-off (emission point SW2) from 5 mg/l to 30 mg/l.
6. A proposal to change the method of monitoring exhaust velocity from turbines, from utilising an air flow meter to a calculation method.

Objections

1) Objection No. 2 Betty Schult (including 64 signatures and five DVDs)

Concerns/issues raised in Objection No. 2 from Betty Schult include:

- Incidents that occurred during construction
- Compliance with conditions of planning
- Monitoring of Aluminium levels in the drinking water from Carrowmore Lake
- Test Flaring at the gas refinery.

2) Objection No. 8 Eoin O'Leidhin and Paul Lynch (including 1,100 signatures)

The objectors request an oral hearing "to comply with the principles of the Aarhus Convention".

Assessment

I have examined the objections associated with Objection No. 2 and Objection No.8 against the criteria outlined in the Agency publication on objections and oral hearings *Waste Management and IPPC Licensing – Aspects of Licensing Procedures: Objections and Oral Hearings* (2010). The matters to be considered in deciding on whether an oral hearing of objections should be held include the following:

1. New issues not previously raised that are specific to the location or the development.
2. The sensitivity of the location/local environment.
3. Whether it is a matter of national or regional importance.
4. The scale or complexity of the development.
5. Significant new information.

I consider that an oral hearing of the objections is not required in this case for the following reasons:

- (i) New issues not previously raised that are specific to the location or the development.

Comment: There are no new issues raised or data provided in the objections, relating to the location or the development, which could not be dealt with by a Technical Committee as effectively as if an oral hearing of objections was held.

- (ii) The sensitivity of the location /local environment.

Comment: No new issues or concerns in relation to the sensitivity of the location or of the local environment have been raised in the objections. All pertinent matters in relation to environmental sensitivity were dealt with in the oral hearing report dated 27th August 2007 for the current licence P0738-01. The main changes proposed to the installation in the review application of the licence are outlined above. Such matters as have been raised can be effectively addressed by a Technical Committee.

- (iii) Whether it is a matter of national or regional importance.

Comment: The installation is of national and regional importance, but the matters at issue are not complex and all pertinent matters were dealt with in the oral hearing report dated 27th August 2007 for the current licence P0738-01. Such matters as have been raised can be effectively addressed by a Technical Committee.

- (iv) The scale or complexity of the development.

Comment: The scale of the development is large scale, but it is not complex. An oral hearing was acceded to and carried out for the current licence P0738-01, which dealt with the scale of the development. The main changes proposed to the installation in the current licence review application are outlined above and are not complex and the scale of the development has not changed since the current licence

was granted (P0738-01). Such matters as have been raised can be effectively addressed by a Technical Committee.

(v) Significant new information.

Comment: No significant new information relevant to the licensing process has been raised by Ms Schult, which would merit an oral hearing.

In relation to Eoin O'Leidhin and Paul Lynch's request for an oral hearing, I note that the provisions of the Aarhus Convention are broken down into three pillars:

- access to information
- public participation and
- access to justice.

As part of the licensing process all submissions and objections are taken into consideration in the decision-making process, all objections are available on the EPA website and circulated to other objectors to allow that submissions on objections can be made. There is nothing new or significant referred to in this objection to merit an oral hearing. I consider that the objections can be fully and adequately assessed by a Technical Committee of the Agency and that the principles and objectives of the Aarhus Convention will be fully conformed with. Therefore, I do not consider that an oral hearing is required to deal with the matters raised in this objection.

Recommendation

I consider that the objections do not present significant new information or raise new issues, which would merit an oral hearing. I consider that the objections can be fully and adequately assessed by a Technical Committee of the Agency.

Signed: 

Jennifer Cope

Dated: 10 June 2015