

To: An Bord Pleanála

Cc:

Minister for Communications, Climate Action and Environment Denis Naughten TD

Ireland's Permanent Representation in Brussels

Minister for Jobs Enterprise and Innovation, Mary Mitchell O' Connor TD

Sustainable Energy Authority of Ireland

### **Open letter**

#### **Proposed Liquefied Natural Gas (LNG) terminal at Shannon and plans to import fracked US gas to Ireland**

#### **Call for a Public Consultation on the requested extension of the expiring planning permission**

Dear Sir/Madam,

We request a proper public consultation on the requested extension for the expiring planning permission for the proposed LNG terminal at Shannon.

Since planning permission was granted to Shannon LNG there has been an announcement of another proposed LNG Import facility in Cork Harbour which includes plans to import fracked US gas to Ireland. In 2008, in spite of a negative assessment of the implications for the Shannon site and in the absence of alternative solutions, this project consistently used the excuse of 'imperative reasons of overriding public interest' including those of social or economic interests.

On 11 July 2017, Eoghan Murphy, Minister for Housing, Planning & Local Government, informed the Oireachtas that the Government intends to amend our legislation in relation to extensions of planning permissions to avoid an extension of time being granted for developments where an Environmental Impact Assessment (EIA) or an Appropriate Assessment (AA) was carried out at that time 'but is now arguably out of date'.

The Minister stated that this amendment had been delayed but that he had Government approval to introduce this amendment with a view to completing its passage through both houses before the Oireachtas summer recess<sup>1</sup>.

It is our stance that this requirement which reflects existing EU law should apply in the present case where an old assessment made a decade ago can not simply be extended in the light of new scientific information without there being a very substantial risk of making a bad decision with enormous consequences for Ireland and its people. A requirement by the Board for a revised EIA would then lead automatically to the public participation we seek.

Many important considerations that would have been pivotal in 2008 have changed substantially in 2018.

These include:

- the overriding public interest,
- the current receiving environment,
- social interests,

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<sup>1</sup> <https://www.kildarestreet.com/wrans/?id=2017-07-11a.2200&s=extension+planning+permissions+eia#2204.r>

- economic interests,
- risk to health and safety,
- new possibilities for alternative projects,
- Ireland has ratified the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, commonly referred to as the Aarhus Convention

Any consideration of an LNG facility in Ireland now as part of a narrow decision-making process in which the public are being excluded with no notice, no access to information and no right to participate in a decision that affects their environment is of deep concern and very worrying to us.

We note the following issues relevant to our request:

1. In 2008 An Bord Pleanála gave a 10 year planning permission for the Shannon LNG terminal to be built<sup>2</sup>.
2. In 2015, the former owner Hess Corporation Ltd. pulled out of the Shannon LNG project<sup>3</sup> after the Irish High Court upheld plans to impose an annual levy on the US company that wanted to inject at Shannon twice the amount of gas consumption into the Irish gas market<sup>4</sup>.
3. The current owner is a non-trading shelf company named Sambolo Resources Limited that was created on 12 October 2015 and that is wholly owned by Paddy Power, director of Shannon LNG<sup>5</sup>. Price Waterhouse Coopers has been commissioned to find a buyer for the project.<sup>6</sup>
4. The 10 year planning permission given to Hess Corporation in 2008 will expire in March 2018. The new owner of Shannon LNG applied in September 2017 for an extension of the expiring planning permission. We have learned that a decision might be taken – without a proper public consultation – before February 2018.
5. Since the original planning permission PA0002 was given, the entire lower Shannon Estuary, including in the vicinity of the site, has been added to the River Shannon and River Fergus Estuaries Special Protection Area (SPA) - site code 004077 under EU Directives. The site is declared to be the most important coastal wetland site in the country. The planning permission was given for construction both adjacent to and on top of an area which has since become a newly designated Special Protected Area.

<sup>2</sup> <http://www.shannonlng.ie/terminal/index.html>

<sup>3</sup> Deegan, Gordon. „Mid-West could lose out on €1bn gas terminal in Shannon estuary if LNG not sold“. *Irish Examiner*. 17 November 2015. Available at: <http://www.irishexaminer.com/business/mid-west-could-lose-out-on-1bn-gas-terminal-in-shannon-estuary-if-lng-not-sold-365396.html>

McCabe, Sarah. „US oil giant Hess sells troubled Irish gas terminal Shannon LNG“. *The Independent*. 7 February 2016. Available at: <http://www.independent.ie/business/irish/us-oil-giant-hess-sells-troubled-irish-gas-terminal-shannon-lng-34429271.html>

<sup>4</sup> McCabe, Sara. „Shannon LNG’s €600m gas terminal under threat after levy ruling“. *The Independent*. 12 December 2013. Available at: <http://www.independent.ie/business/irish/shannon-lngs-600m-gas-terminal-under-threat-after-levy-ruling-29830679.html>

Carolan, Mary. „Court rejects challenge to natural gas transmission network charges“. *The Irish Times*. 11 December 2013. Available at: <https://www.irishtimes.com/news/crime-and-law/courts/court-rejects-challenge-to-natural-gas-transmission-network-charges-1.1624453>

<sup>5</sup> Sambolo Resources Ltd. was registered 12 October 2015 (Company Number: 569790). Source: Companies Registration Office (CRO) Gazette, Issue ID: 2015/A/41; New companies registered between 07-Oct-2015 and 13-Oct-2015.

<sup>6</sup> O’Donovan, Donal and Leopold, Colin. „PwC tapped to find funder for Shannon LNG’s €500m project“. *The Independent*. 14 April 2017. Available at: <http://www.independent.ie/business/irish/pwc-tapped-to-find-funder-for-shannon-lngs-500m-project-35621984.html>

6. In 2014, an LNG terminal explosion in Plymouth, Washington, left five workers hurt, caused about 400 people to evacuate from nearby farms and homes, and emitted a mushroom cloud of black smoke that was visible for more than a mile.<sup>7</sup> This incident raises new questions about the need for updated Strategic, Environment and Hazard Impact Assessments related to LNG terminals in general.
7. Taking into account the extremely significant changes that have taken place since the last approval of the planning permission we call for a public consultation before a decision can be made. We will now outline in detail why the changes are significant and very relevant for the decision.
8. In January 2017 the Irish Dàil voted in favour of divesting coal, oil and gas holdings from the €8 billion Ireland Strategic Investment Fund<sup>8</sup>. The [Fossil Fuel Divestment Bill 2016](#) has passed and has been referred to Committee Stage.
9. Furthermore, Ireland has recently banned hydraulic fracturing or 'fracking' because the government was convinced that fracking could not proceed in Ireland without having harmful effects on the environment and on human health<sup>9</sup>.
10. Meanwhile, we have the scientific evidence that methane emissions from gas extraction in general and from shale gas in particular are a significant driver of global warming and hence climate change.<sup>10</sup> Opting for business as usual or encouraging even more fracking simply means that it will not be possible to reach the climate objectives and/or the objectives of the Paris Agreement on holding "the increase in the global average temperature to well below 2°C [...] and to pursue efforts to limit the temperature increase to 1.5°C"<sup>11</sup>.
11. Hurricane Ophelia recently battered Ireland, also leaving a deadly track behind in Portugal and Spain.<sup>12</sup> The US Environmental Protection Agency highlights the fact that "*scientific studies indicate that extreme weather events such as heat waves and large storms are likely to become more frequent or more intense with human-induced climate change.*"<sup>13</sup>
12. The Shannon LNG Terminal is proposed to have a final maximum regasification capacity of at least 10 bcm/y<sup>14</sup>. This is twice Ireland's current gas consumption. The Cork LNG Terminal is proposed to have an annual import capacity of up to roughly 3.9 bcm of gas. Both terminals

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<sup>7</sup> Associated Press in Plymouth, Washington. „Five workers hurt after natural gas plant explosion in Washington state“. The Guardian. 1 April 2014. Available at: <https://www.theguardian.com/world/2014/apr/01/five-injured-natural-gas-plant-explosion-washington>

## 8

Samuel Osborne „Ireland votes in favour of law to become world's first country to fully divest from fossil fuels“. *The Independent*. 27 January 2017. Available at: <http://www.independent.co.uk/news/world/europe/ireland-votes-divest-fossil-fuels-climate-change-world-first-country-parliament-renewable-energy-a7549121.html>

<sup>9</sup> <https://www.irishtimes.com/news/politics/oireachtas/ireland-joins-france-germany-and-bulgaria-in-banning-fracking-1.3137095>  
<http://www.oireachtas.ie/documents/bills28/bills/2016/3716/b3716d-memo.pdf>

<sup>10</sup> Howarth, Robert W. et. Al. Cornell University, Methane emissions and the greenhouse gas footprint of natural gas: 2016 update. Available at: [http://www.eeb.cornell.edu/howarth/summaries\\_CH4\\_2016.php](http://www.eeb.cornell.edu/howarth/summaries_CH4_2016.php)

<sup>11</sup> Paris Agreement. Link: [http://unfccc.int/files/meetings/paris\\_nov\\_2015/application/pdf/paris\\_agreement\\_english\\_.pdf](http://unfccc.int/files/meetings/paris_nov_2015/application/pdf/paris_agreement_english_.pdf)

<sup>12</sup> <https://public.wmo.int/en/media/news/active-atlantic-hurricane-season-continues-ophelia>

<sup>13</sup> United States Environmental Protection Agency. "Climate Change Indicators: Weather and Climate". Available at: <https://www.epa.gov/climate-indicators/weather-climate>

<sup>14</sup> European Commission. Projects of Common Interest. PCI 5.3 – Shannon LNG Terminal and connecting pipeline. Available at: [http://www.lngworldshipping.com/news/view,northwest-europe-ponders-new-deepsea-lngimport-capacity\\_47036.htm](http://www.lngworldshipping.com/news/view,northwest-europe-ponders-new-deepsea-lngimport-capacity_47036.htm)  
[https://ec.europa.eu/energy/sites/ener/files/documents/pci\\_5\\_3\\_en\\_2015.pdf](https://ec.europa.eu/energy/sites/ener/files/documents/pci_5_3_en_2015.pdf)

aim at importing fracked hydrocarbons from the United States and could be used for passthrough to the EU - instead of even fulfilling domestic energy demands<sup>15</sup>. Their approval and construction will be absolutely contrary to Ireland's climate targets – targets that are already hard to meet.<sup>16</sup>

13. The BNP Paribas Groups, a leading financial services provider in Europe and worldwide, has [announced on 11 October 2017](#) that the group „will no longer do business with companies whose principal business activity is the exploration, production, distribution, marketing or trading of oil and gas from shale and/or oil from tar sands.“ Furthermore, it „will no longer finance ... LNG terminals that predominantly liquefy and export gas from shale.“

14. It is absolutely clear that the future orientated industry in Ireland is incompatible with an outdated (fossil-fuel based) energy supply. Major companies from the new economy push already for running their data centres with 100% renewable energy<sup>17</sup> and are also investing in renewables supply<sup>18</sup>.

Energy efficiency measures and renewables have a strong potential to attract investment and this transition will be good for Ireland by improving people's health and environment and in boosting the economy. The real community benefits lie, therefore, with local energy produced by renewables and increased energy efficiency, not approval and construction of new fossil fuel infrastructure projects such as the proposed LNG facilities. New gas development will only lead to a further fossil lock-in which needs to be avoided at all costs.

Signed

NotHereNotAnywhere  
Friends of the Earth Ireland  
Food & Water Europe  
Food & Water Watch  
Friends of the Irish Environment  
Love Leitrim  
North West Network Against Fracking  
Fracking Free Ireland  
No Fracking Ireland  
Safety Before LNG

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<sup>15</sup> Karen Thomas „Northwest Europe ponders new deepsea LNG-import capacity“. *LNG World Shipping*. 19 April 2017. Available at: European Commission. Presentation of the NSI West Candidates. The third Union list of PCIs. Available at: <https://cloud.foeeurope.org/index.php/s/1v1lsApWXwpHTEZ>

NextDecade. Press Release „NextDecade Signs MOU with Port of Cork to Develop FSRU and LNG Import Terminal Infrastructure“. 19 July 2017. Available at: <http://next-decade.com/2017/07/nd-cork-mou/>

<sup>16</sup> Kevin O'Sullivan „Ireland can't meet simple climate targets. How will it meet ambitious ones? *The Irish Times*. 19 July 2017. Available at: <https://www.irishtimes.com/opinion/ireland-can-t-meet-simple-climate-change-targets-how-will-it-meet-ambitious-ones-1.3160522>

<sup>17</sup> Engineers Ireland. „Facebook data centre to be supplied with 100% renewable wind energy“. 7 April 2016. Available at: <http://www.engineersjournal.ie/2016/04/07/28219/>

O'Brien, Tim. „Amazon's €900m Dublin data centre to run on renewable energy“. *The Irish Times*. 26 September 2017. Available at: <https://www.irishtimes.com/news/ireland/irish-news/amazon-s-900m-dublin-data-centre-to-run-on-renewable-energy-1.3234995>  
<https://www.google.com/about/datacenters/inside/locations/dublin/community-outreach.html>

<sup>18</sup> <https://news.microsoft.com/2017/10/09/microsoft-ge-sign-agreement-on-new-wind-project-in-ireland/>

