



Pat Swords &lt;pat.swords.chemeng@gmail.com&gt;

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## RE: Access to Information on the Environment

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Pierce Dillon &lt;p.dillon@pleanala.ie&gt;

Fri, Jan 22, 2010 at 4:28 PM

To: pat.swords.chemeng@gmail.com

Mr. Pat Swords,

10 Hillcourt Rd,

Glenageary,

Co. Dublin

20<sup>th</sup> January 2010.

### **AIE Request - GA0004: Onshore upstream gas pipeline facility relating to the Corrib Gas Field Project, Co. Mayo.**

Dear Mr. Swords,

I refer to two requests made pursuant to the European Communities (Access to Information on the Environment) Regulations 2007, made in relation to the above mentioned proposed development application. In addition I note a further request relating to an unidentified application. Please accept my apologies for the delay in responding, however, your requests (due to an internal fault) were misdirected. I only became aware of your interest in the matter on the 4<sup>th</sup> of January 2010. In consideration of your application, I will be addressing each of your requests made on the 22<sup>nd</sup> September 2009 and on 13<sup>th</sup> December 2009 respectively.

#### **Request of 22<sup>nd</sup> September 2009;**

1) *The legislative basis for the recent Oral Hearing of Circa (19 days) on the Corrib pipeline rerouting.*

I refer you to section sections 134 and 135 of the *Planning and Development Act 2000*, as amended and articles 67, 76, 77 and 78 of the *Planning and Development Regulations 2001*, as amended. Other relevant provisions are contained in sections 138(3), 252(8) and 156(1) and (8) of the 2000 Act, as amended. Please follow the link below to access this legislation.

<http://www.irishstatutebook.ie/2000/en/act/pub/0030/index.html>

2) *The procedures for conducting an Oral Hearing to this legislative basis, such as choice of staff, training of staff, specific areas of legislation to be addressed, areas outside of the legislation that should not be addressed, recommended time frame for hearing, relationship to competent authorities for Environmental, safety, etc.*

In this regard, I direct you to the link below which details the complete records relating to the procedures for the conduct of an oral hearing.

[http://www.pleanala.ie/publications/2005/oral\\_hearing.htm](http://www.pleanala.ie/publications/2005/oral_hearing.htm)

3) *The specific approach of the Bord to moving from a previous system of decision making based on Patronage to one which implements the Environmental Acquis.*

Article 9(2) of the Regulations clarifies that a public authority may refuse to make information available if the request is considered unreasonable due to the range of material sought, if the request is too general or if the material requested is not yet completed. In this regard, this element of your request is deemed too general. If you wish to resubmit your request, I suggest that you be more specific in your request. It would also help the Board if your request could make reference to some factual information.

### **Request of 13<sup>th</sup> December 2009, you stated that;**

*“ The recent decision of the Bord to refuse permission for a 25 mm thick steel gas pipeline of 500 mm diameter clearly did not follow accepted engineering practices for risk associated with thick walled large diameter pipelines, such as is established in the attached risk methodologies of the Dutch Authorities (RIVM). Furthermore if one considers that there were eight accidents involving fatalities with the wind energy industry in 2008 alone and established risk contours for the population in the vicinity of these turbines have been established, see summary of Dutch (NOVEM) guidance attached, then why are the Planning Guidelines for Wind Turbines developed in conjunction with An Bord Pleanala saying in Section 5.7 and other sections the very opposite? Furthermore it is clear, such as in Dundalk, that turbines have been erected in Ireland in close proximity to populated areas. There is therefore no consistent approach taken by the Bord to the consideration of costs, benefits and alternatives in relation to risk and land use planning and decisions are clearly been made on what suits political considerations. I am therefore requesting the parameters the Bord applies to assessing risk and determining acceptance criteria.”*

Article 9(2) of the Regulations clarifies that a public authority may refuse to make information available if the request is considered unreasonable due to the range of material sought, if the request is too general or if the material requested is not yet completed. In this regard, the Board was unable to establish what “recent decision of the Board” that you are enquiring about. My colleague Patrick Cosgrave attempted to

clarify this issue with you and asked that you contact the Board to discuss this matter further, however you declined this request. It should be noted that the Board is always willing to offer assistance to members of the public by helping them reformulate requests. If you intend to resubmit this request, I suggest that you contact myself or my colleague Patrick Cosgrave. We will then, hopefully, be able to assist you in making a properly refined request.

If you are dissatisfied with any of the foregoing you may, not later than one month after receiving notification of the decision, request An Bord Pleanála to review the decision. Any such request should be addressed to Ms. Mary Kelly, S.A.O., An Bord Pleanála, 64 Marlborough Street, Dublin 1.

Yours faithfully,

Pierce Dillon,

Senior Executive Officer,

Facilities and Environmental Management,

01 8737247

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FÓGRA RÚIN: Tá an ríomhphost seo agus aon chomhaid atá nasctha leis faoi rún agus dírithe amháin don seolaí. Lena chois sin, is féidir go bhfuil eolas faoi phribhléid cuimsithe san ríomhphost seo, arbh fhéidir go mba briseadh dlí a nochtadh nó a sheoladh gan údarás. Murar tusa an té ceapaithe chun an ríomhphost a fháil nó ionadaí an tseolaí dírithe chun an teachtaireacht a láimhseáil nó a ghlacadh, ní foláir le d'fhios a chur ar an seoltóir ar an bpointe agus cóipeanna an teachtaireachta ar fad a ghlanadh de bhur gcórais ríomhaireachta. Tabhair faoi deara le d'fhios: aon tuairimí nochtaithe san ríomhphost seo is iad tuairimí an tseoltóra féin agus níl sé intuigthe gurb iad tuairimí An Bhord Pleanála nó go gcloíonn siad le polasaithe ráite an Bhoird.

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