

PROPOSED CORRIB GAS PIPELINE

Need for a comprehensive integrated solution

REPORT AND RECOMMENDATIONS FROM MEDIATION

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INTRODUCTION

In November 2005, I was commissioned by the Minister for Communications, Marine and Natural Resources to undertake mediation between Shell Exploration Ireland, the Rossport 5 and the local community on the Corrib Gas Pipeline.

The arrangements for the mediation required me to assist the parties to resolve the differences between them or, in the absence of agreement, to identify the ingredients of a way forward.

Following seven months of intensive discussions with the Rossport 5 and Shell and detailed consultations with the local community, I have with regret concluded that, despite their best efforts, the parties are unable to resolve the differences between them. I have also concluded, given the different positions on the project and the different approaches to mediation, that no agreement is likely in the foreseeable future.

I have decided, therefore, as provided for in the arrangements for mediation, to make **a comprehensive set of recommendations on the issues raised by the parties during mediation and the concerns of local people as expressed to me, as a possible way forward for this project.**

These recommendations deal with:

- Safety concerns regarding the operation of the pipeline;
- The route of the pipeline and its proximity to local houses;
- The gas terminal, its location and environmental concerns;
- Improved benefits for local people and the region;
- Anomalies in financial compensation for landowners on the route of the pipeline
- Monitoring of the project and consultations with the local community

To ensure that there is a full understanding of the recommendations, I have set out in this report: the context of the mediation, the approach I adopted to the mediation, the preferred options of the Rossport 5 and Shell, the different positions of the local community and the genuine concerns of local people.

I know that some people will be disappointed with the recommendations and that agreement could not be reached through mediation. Also, the company may be concerned about additional obligations being placed on the project. However, given that there is no prospect of an agreed way forward, I hope the parties involved and people generally will give serious consideration to the recommendations in this Report.

The development of the Corrib Gas project, if done properly and safely, has the potential to bring substantial economic, social and indeed environmental benefits to Rossport, the Erris area and Mayo generally.

The development of the project is also of national strategic importance. Currently over 80% of the natural gas being used in Ireland is imported through the interconnectors with Scotland. In the absence of a new indigenous source this import level will increase. The Corrib gasfield is the only new source of significant volumes of indigenous gas which can possibly be developed during this decade and give Ireland a security of supply. The volumes which can flow from the Corrib field will provide up to 60% of the annual gas demand in Ireland at peak flows.

2. CONTEXT FOR THE MEDIATION

2.1 The Corrib gas field was discovered off the west coast in 1996. Following that discovery a consortium led by Enterprise Energy Ireland Ltd applied for permission to develop the field. In 2002 the Royal Shell Group acquired Enterprise Energy Ireland Ltd and its interest in the Corrib Gas field. The Shell Group through its subsidiary Shell E&P Ireland (SEPIL) has taken the lead in the development of the project on behalf of its partners (Statoil and Marathon).

2.2 The proposed development comprises the following main elements:

- A number of gas wells connected on the seabed to a sub-sea installation (rather than a platform or floating facility)
- An offshore steel pipeline, 83km in length, to bring the gas to the shore, landing at Broadhaven Bay
- **An onshore steel pipeline (20”in diameter) buried to a minimum depth of 1.2m throughout its length, to carry the gas to an onshore terminal**
- An onshore terminal, 9km inland at Bellanaboy bridge, where the gas will be processed, dried and distributed through the gas pipeline network operated by Bord Gais Eireann.

2.3 The onshore pipeline will come ashore at Glengad about 1.5km west of Rosspoint. The route traverses the small area of headland at Glengad for approximately 0.6km before crossing Sruwaddacon Bay at its narrowest point to Rosspoint. Along this stretch the pipeline generally follows close to the shore and deviates only to avoid being in close proximity to two houses situated close to the shore.

After approximately 3km the route follows the road in Rosspoint before turning south to cross the Glenamoy river at a shallow location. After crossing the river the pipeline enters a forested area and continues in a southerly direction for approximately 2.5km before turning southeast into the terminal site.

2.4 Installation of an onshore pipeline requires a) permission to cross lands on the route; b) the consent of the Minister for Communications, Marine and Natural Resources.

The proposed route for the pipeline will cross over the lands of 34 landowners, 28 of whom have granted permission and being compensated. Six landowners have refused permission, while a number of others have objected to the pipeline crossing over an area of commonage. Following the failure of the then developer Enterprise Energy Ireland Ltd. to obtain the voluntary agreement of these landowners the then Minister for Marine and Natural Resources made compulsory acquisition orders for wayleaves over certain lands. These wayleaves gave legal permission for the company to cross those lands and install the pipeline.

2.5 In July 2005 three landowners (Willie Corduff, Brendan Philbin and Philip Mc Grath), along with Micheal O'Seighin and Vincent McGrath were committed to jail. These jailings arose from an injunction restraining them from obstructing or interfering with Shell's entry onto those lands for which wayleaves had been granted. In September 2005, Minister Dempsey intervened following which a) **the company and the jailed men agreed to participate in mediation**; b) the Minister initiated an independent safety review of the pipeline; c) the company suspended all work on the pipeline. Following this change of circumstances the injunction was lifted and the men released.

3. APPROACH ADOPTED BY THE MEDIATOR

3.1 The arrangements for the mediation provided that the mediation would have a broad agenda but would focus on:

- The establishment of **trust** between the parties through a better understanding of mutual concerns;
- The identification of **common ground** (if any) in the light of a better understanding of the parties' position in the matter;
- Identification of the ingredients or principles of **a way forward** towards resolving the differences between the parties.

The arrangements also provided that I would engage with both parties individually and/or together, at my discretion, and on a basis to be agreed with both parties. I was also given discretion to engage in discussions with other relevant persons or bodies.

3.2 In the early months of the mediation I held discussions with Shell and the Rossport 5 and with everyone's knowledge and agreement I consulted widely with the local community, statutory agencies and representative bodies.

3.3 The mediation process overlapped with the Independent Safety Review of the pipeline commissioned by the Minister. In September 2005, international consultants *Advantica*, world leaders in pipeline safety, commenced the review, which examined the design and route of the pipeline.

In December 2005, the draft report and findings of *Advantica* were presented, at my request, to local people in North Mayo and more time given for further comments. The final report of the Safety Review was published by the Minister in May 2006.

Inevitably this review slowed down the mediation process. Understandably the parties were reluctant to discuss alternative routes for the pipeline until they knew the detailed findings of the Safety Review.

3.4 The mediation process was also slowed down by the decision in February 2006, of the Rossport 5 to suspend their involvement in mediation. This decision followed a Dail reply from the Minister stating *"I nominated a mediator Peter Cassells to work with the community and the developer..... As long as the mediator is engaged in the delicate and important work of mediator I do not intend to discuss details of this work The role of the mediator is wider than just the gas project and I understand he is looking at the availability of services generally throughout the region"*

The Rossport 5 claimed that the Minister was unilaterally widening the process to *"include anyone who had any views to contribute"* and that I was *"investigating local views"*. I assured the men that the Minister had not interfered in the mediation process, that I had kept them informed at all times of my consultations with the local community and that the decision to look at the question of gas distribution was mine alone, arising out of concerns expressed by local people. Despite these assurances the mediation process remained suspended.

3.5 During the month of February, I completed my consultations with the local community. In March 2006, I proposed to the Rossport 5 and Shell that they now commence formal mediation. For those direct talks I drew up a set of ground rules under which:

- **Absolute confidentiality would be maintained throughout the mediation process;**
- **There would be no reporting during the mediation process to third parties;**
- **All other parties would be excluded from this formal mediation;**
- **The Department of Communications, Marine and Natural Resources would be a consultative partner as required and appropriate;**
- **The methodologies for the mediation (e.g direct v indirect talks, timelines, the drawing up of the agenda/issues for resolution) would be discussed and agreed with the parties.**

I spelled out that the overall task of the mediation would be to reconcile the two interests of bringing the gas in the Corrib gasfield to market and ensuring safety.

For mediation to work both of these objectives must be achieved. I proposed, therefore, that all development concepts and routes would be considered in the mediation and that the parties could set down core non-negotiable issues. I also gave an assurance to the Rossport 5 and Shell that the mediation would be carried out properly, professionally and in an independent manner in accordance with the ground rules.

Following acceptance of these ground rules, the formal mediation between the parties recommenced.

4. PREFERRED OPTIONS OF ROSSPORT5 AND SHELL

4.1 During April and May a number of separate meetings were held with the Rossport 5 and with Shell to discuss various development concepts and routes. Shell indicated on a number of occasions that it wished to tease out these options in direct face to face talks with the Rossport 5. The Rossport 5 did not wish to meet directly with Shell except possibly at the end of the process when a viable alternative was on the table for agreement. During this period Brendan Philbin (one of the Rossport 5) withdrew from the talks and indicated that he and Brid Mc Garry (a non-consenting landowner who is taking a legal action with him) wished to have separate discussions.

4.2 During the formal mediation, I requested that all alternative development concepts and routes for the pipeline be considered. I also indicated that to be viable, any alternatives had to satisfy the relevant criteria including safety and environmental as well as technical and commercial.

The Rossport 5 indicated that they are in favour of the development of the gas project but that their preferred option is a development of the project at sea. The identification of alternatives to this, in their view, is a matter for Shell as they have the resources and technical expertise. However, if the development is to occur on land, they believe, the route of the pipeline and the Terminal at Bellanaboy should be shifted further away to an area where people will not be directly affected.

Shell's preferred option remains the current project configuration for the pipeline and the Terminal, which they pointed out was reached after a lengthy and detailed examination of the alternatives. They also pointed out that they have accepted the recommendations of the independent safety review carried out by *Advantica*. The other partners in the project Statoil and Marathon informed me that, given the changes in technology, a similar project being undertaken today in Norway or Kinsale would be done in the same way as Corrib.

However, Shell indicated that they were prepared in direct face to face meetings with the Rossport 5 to discuss and consider all development concepts and routes. In that context they pointed out that the current Terminal at Bellanaboy has planning permission received after three years in the planning process. Any new location for the Terminal would require new planning permission and Shell expressed concern that this would delay the project by a further two to three years, making in their view the project commercially unviable.

4.3 It was not been possible in the mediation to get agreement between the parties on a way forward. Also as can be seen from the different positions on the project and the different approaches to mediation agreement is not likely in the foreseeable future. **I have decided, therefore, as a possible way forward to make a comprehensive set of recommendations covering the issues raised by the parties during mediation and the concerns of local people** as expressed to me. To give a context to the recommendations I have outlined in the next section the different positions and genuine concerns of local people.

5. DIFFERENT POSITIONS OF LOCAL PEOPLE

From my discussions with local people it is clear a majority of people in Rossport, the wider Erris area and Co. Mayo are in favour of the project. They expressed a wide range of views and concerns to me about the project but at the end of the day the safety of their families, their neighbours and the local environment was their absolute priority.

Local people fall generally into three categories:

- those who were in favour of the project from day one and have not changed their minds
- those who are in favour of the project but still have genuine concerns.
- those who are opposed to any development in the area.

During my consultations concerns were expressed about intimidation of people in the local area. I asked that these complaints be brought to the Garda Siochana as the only group who could investigate them.

6. GENUINE CONCERNS OF LOCAL PEOPLE

As indicated earlier, most local people are in favour of the project. They believe that it presents a great opportunity for the area if carried out safely. Many of them were more reassured following the publication of the international safety review carried out by *Advantica*, However they still have, as expressed to me, during the consultations, the following genuine concerns:

- **safety concerns:** including the route of the pipeline, in particular its proximity to some houses;
- **the terminal :** location, water pollution and discharges during operation;
- **lack of benefits:** in particular the lack of concrete benefits to the local community;
- **financial compensation:** anomalies in the compensation to some landowners;
- **gas distribution:** the fact that towns in Mayo will not benefit from distribution of the gas;
- **monitoring of the project:** who is looking after the interests and concerns of the local community;
- **relations with Shell:** dissatisfaction with the level/ quality of consultations with the local community.

During the mediation, safety concerns, the route of the pipeline and the location of the gas terminal were the only concerns raised with me by the Rossport 5. Also the Rossport 5 indicated that for them ‘ the relevant community’ is the people who would be affected by an “incident” were the project to go ahead in its present form.

7. RECOMMENDATIONS

For the project to proceed in partnership with the local community, more needs to be done to address the issues raised during mediation and the genuine concerns of local people. I am therefore making the following recommendations:

7.1 Safety Concerns: the design, construction and operation of the pipeline were dealt with by *Advantica* in their Independent Safety Review and their report to Minister Dempsey. According to *Advantica* “proper consideration was given to safety issues in the selection process for the preferred design option and the locations of the pipeline route and terminal”. *Advantica* recommended that steps should be taken to ensure that the pressure in the onshore section of the pipeline can never exceed 144bar. It is their conclusion that this measure, taken together with the very thick pipe wall diameter, will deliver a very safe pipeline. *Advantica* conclude their report by saying “provided that it can be demonstrated that the pressure in the onshore pipeline will be limited effectively and that the recommendations made elsewhere in this report are followed, we believe that there will be a substantial safety margin in the pipeline design and the pipeline design and the proposed route should be accepted as meeting or exceeding international standards”.

The Minister has accepted the conclusions and recommendations of the *Advantica* review.

Shell has confirmed that “the company will fully adhere to all of the recommendations contained in the review and will put in place measures to reduce the pressure in the onshore section of the pipeline to 144bar or below”.

*** It is not for me to revisit these recommendations except to recommend that consent to operate the pipeline should not be granted to Shell until the limitation on the pressure in the pipeline to 144bar has been implemented.**

7.2 Route of the Pipeline - Proximity to Houses: examination of possible options for re-routing the pipeline was not part of the remit of the *Advantica* safety review. However, *Advantica* did state “we are satisfied that the existing route was selected following a process that took the risk to the public into account”. Bearing in mind the significant societal concerns,

Advantica recommended limiting the pressure in the onshore section to pressures no greater than 144bar as an effective measure to reduce risk.

While implementation of the *Advantica* recommendations will make the pipeline safer, some local people are concerned about the proximity of the pipeline to certain houses. For the proposed route, the proximity of the pipeline to the nearest normally occupied house is approximately 70m. They also suggested that if Bord Gais was involved in the pipeline that it would provide added assurance that local concerns would be adequately dealt with. Bord Gais has successfully built all the pipelines around Ireland including the pipeline through Mayo and Galway which is currently under construction.

*** I am recommending, therefore, that Shell modify the route of the pipeline in the vicinity of Rossport to address community concerns regarding proximity to housing.**

*** I am also recommending that consideration be given to involving Bord Gais in the project.**

7.3 *The Terminal:* concerns were expressed to me by some local people and the Rossport5 about the location of the terminal where the gas will be processed. As *Advantica* pointed out the requirement for the onshore pipeline and the selected route are largely determined by the chosen location of the landfall and the terminal. Planning permission for the proposed terminal at Bellanaboy was granted after three years in the planning process including public hearings and two appeals to An Bord Pleanala.

Concerns were also expressed to me regarding water run-off from the terminal construction site to the Bellanaboy River and Carrowmore Lake and about possible discharges from the terminal during operation. Mayo County Council, the Environmental Protection Agency and the North Western Regional Fisheries Board have studied the water run-off and stated that they are satisfied that this is not causing a threat to aquatic life in the catchment of the Bellanaboy River or Carrowmore Lake or to the standard of drinking water in the Erris area.

As regard discharges, the operation of the terminal plant will be subject to the terms of an integrated Pollution Prevention and Control Licence from the Environmental Protection Agency. This will require the EPA, under the EU Integrated Pollution Prevention and Control Directive, to

ensure that the terminal plant is operated in accordance with best available techniques in terms of discharge quality, the use of resources and energy efficiency.

*** Given that the Terminal has received planning permission, it is not a matter for me to revisit the decisions on the location of the Terminal. However, I am recommending that water run-off from the terminal construction site and discharges from the terminal when in operation be closely monitored and that local people be kept fully informed of the results of such monitoring.**

7.4 Improving Benefits to the Local Community: during the construction phase, the project will employ about 700 people and there will be 50 permanent jobs at the gas processing facility. €6m has been committed on the upgrade of local infrastructure (roads and water system). Also a peat contribution of €450,000 is being paid by the Corrib Gas Partners for the benefit of people impacted by peat movement.

However, given the scale of the project, people are concerned that the project has to-date brought few substantial and tangible benefits to Rossport, the Kilcommen Parish, the Erris area and Mayo generally.

*** I am recommending, therefore, that the benefits to the local community and the local area be improved and made more concrete as follows:**

- **Investment Fund for Local Development:** during the mediation, the Corrib Gas Partners informed me that they are working to establish how best they can work with the local communities and will be announcing a social initiative once details have been finalized over the coming months.

I am recommending that an Investment Fund for local development be established involving Shell and the local development agencies. The fund should be significant, should be front-loaded and should continue for the duration of the project. This initiative should seek to contribute to the long-term economic, social and environmental development of Rossport, Kilcommen Parish and the Erris area generally. The process for supporting local development should be appropriate and transparent with a strong involvement of local development agencies and local communities.

- **Local Labour:** some people from the local area obtained employment on the initial development phase of the project before work was halted. Concerns were expressed to me that only a small number of local people were employed.
I am recommending that Shell arrange with all contractors that more local people be employed on the project and that the employment levels be monitored on a regular basis.

- **Local Services:** some local businesses have obtained contracts to provide services to the project. However, again concerns were expressed to me about the small number of locals involved.
I am recommending that Shell arrange with contractors that more services be procured from local businesses. If necessary, work should be broken down into smaller contracts to enable more small businesses to participate in the project.

- **Local Infrastructure:** parts of the local infrastructure, in particular some roads, have benefited from work undertaken by Shell in line with the planning permission. However other roads are too narrow for local traffic and heavily loaded trucks from the project.
I am recommending that the road (L-52453-0) into Shell's temporary compound at Rossport be upgraded by Mayo County Council with support from Shell and that the traffic management plan be improved in consultation with local people. The poor road from Bellacorick to Castlebar (R312) was also raised with me as a local concern. Clearly the road needs to be upgraded by Mayo County Council and should be declared a strategic non-national route but as there is no direct relationship between the road and the project, it is not a matter for me to make a recommendation.

- **Concerns of local fishermen:** concerns were expressed to me by local fishermen that treated water from the terminal will be discharged just outside Broadhaven Bay (Special Conservation Area). This water discharge will be subject to the terms of the Integrated Pollution Prevention and Control Licence, which Shell must obtain from the Environmental Protection Agency, prior to commencing operations. During the mediation, Shell indicated that it is aware of these local concerns and is committed to further discussions with the fishermen.

I am recommending that further discussions be held with representatives of the Erris Inshore Fishermens Association. Also the water discharge should be monitored and reported on by the EPA in line with the IPPC Licence.

7.5 Improving the Benefits to the Region (Mayo): concerns were expressed to me that Mayo and the wider region will not benefit from the distribution of gas. Existing regulations governing the connection of loads to the Bord Gais Eireann network rule out even the major towns in Mayo from participating on the network.

*** I am recommending that arrangements should be made to ensure that the major towns in Mayo benefit from the distribution of the gas.**

A new methodology for network connection, which would enable this to happen, has been published by the Commission for Energy Regulation.

Following CER's recent approval of the new policy, Bord Gais is evaluating potential candidate towns for connection to the new Mayo - Galway pipeline. The following towns in Mayo have been included in the first phase of the evaluation: Ballina, Castlebar, Claremorris, Crossmolina, Knock and Westport.

The Minister has also directed that a feasibility study and cost/benefit analysis be carried out to examine and assess options for and issues surrounding the **development of a gas - fired electricity generation station** in or close to: Ballina, Bellacorick, Castlebar, Claremorris, Sligo, Donegal and Ballaghadareen. It is anticipated that this feasibility study will take about 6 months to complete.

*** I would also recommend that a programme to bring broadband to towns in Mayo, be considered by the Department of Communications, Marine and Natural Resources.** The Mayo -Galway pipeline developed by Bord Gais contains the ducts that would enable the fibre optic cable to be laid for broadband.

7.6 Financial Compensation: local landowners have been compensated for allowing the proposed pipeline to cross their lands in accordance with the overall national guidelines agreed between Bord Gais Eireann and the IFA. However, some local people have pointed out to me a number of anomalies in these arrangements.

*** I am recommending that further discussions on any anomalies in financial compensation be held between Shell and local landowners on the route of the pipeline, if necessary with the assistance of local farming organisations. To be fair, any changes in financial compensation should apply to all landowners.**

7.7 Monitoring of the Project (nationally): concerns were expressed to me that the body with responsibility for promoting oil and gas exploration (the Petroleum Affairs Division of the Department of Communications, Marine and Natural Resources) also has responsibility for monitoring and inspecting the construction of the pipeline. Minister Dempsey decided in July 2005, to separate these responsibilities and responsibility for monitoring safety aspects was assigned to the newly established Technical Advisory Group (TAG). TAG's first task was to commission and manage the independent safety review and its second was to design and make recommendations for implementation of an appropriate safety monitoring regime for the Corrib project. The Minister accepted the TAG recommendations and on 3rd May announced his intention to **“take powers through imminent legislation to place long-term responsibility for safety for upstream gas projects like Corrib with the Commission for Energy Regulation”**.

7.8 Monitoring of the Project (locally): concerns were also expressed to me about the arrangements for monitoring the project. The project, with the exception of the pipeline, is monitored by a project monitoring committee chaired by the Mayo County manager with County Council officials, representatives from Shell, three community representatives and a representative from Bord na Mona, the Garda Síochána, the Environmental Protection Agency, the North –Western Regional Fisheries Board, the National Parks & Wildlife Service (Western Region) and the Department of Communications, Marine and Natural Resources. According to some local people they did not participate in the establishment of these monitoring arrangements because of the controversy at the time over the project.

They also claim that they do not get an adequate response from the monitoring group to their requests for information or complaints about aspects of the projects

Environmental aspects of the project are monitored, separately, by an Environmental Monitoring Committee, established by the Department of Communications, Marine and Natural

Resources, on which there is local representation. Again some local people have stated that they did not participate in the establishment of these arrangements.

Following representations from the community representatives, the minutes of meetings of these monitoring committees are put on the relevant web-sites. Also, in difficult circumstances, the community representatives have sought to keep local people briefed about the activities of the monitoring committees.

*** I am recommending that local involvement in the monitoring arrangements be reviewed by Mayo County Council and the Department of Communications, Marine and Natural Resources respectively and strengthened.**

*** I am also recommending that a proactive, transparent system for dealing with local concerns and complaints be established.**

7.9 Improving consultations with the Local Community: during mediation, especially in the consultation phase, it was explained to me that initial enthusiasm for the project turned gradually to serious concerns especially when the Rosspoint 5 were put in prison. The jailing of the Rosspoint 5 changed middle – ground opinion, prompted people to learn more about the project and heightened local safety and environmental concerns. The perceived failure of firstly Enterprise Energy Ireland Ltd and latterly Shell to address these concerns, led to mistrust and serious doubts about the information being provided on the safety of the project.

Andy Pyle, Chief Executive of Shell E&P Ireland has acknowledged that it did not listen enough to local concerns: “mistakes have been made. We regret the part that we played in the jailing of the five men last summer. For the hurt that this caused the local community I am sorry. The Corrib gas partners are fully committed to the project, however, we can only succeed in partnership with the local community.”

To be fair other local people, especially some consenting landowners did indicate to me that Shell treated them fairly and visited their homes on a regular basis to brief them on the project.

*** I am recommending that a programme to provide for comprehensive engagement between local people and the Corrib Gas Partners should be developed. As part of this engagement, arrangements should be put in place for ongoing consultations with the local community on key aspects of the project including any proposed changes to the route of the pipeline.**

I wish to acknowledge the cooperation of many people with the mediation process and the local consultations. I would like to thank them for the courtesy and goodwill shown to me at all times. These include:

The Minister for Communications, Marine and Natural Resources
Officials of the Department of Communications, Marine and Natural Resources
Bob Hanna of the Corrib Technical Advisory Group

The local community in Rossport and the wider Erris area
The Rossport 5 (Willie Corduff, Philip McGrath, Vincent McGrath, Brendan Philbin and Micheal O'Seighin)

Shell E&P Ireland in Dublin
Shell E&P Ireland representatives in Mayo

Brid Mc Garry
Monica Muller and Peter Sweetman
Dr Mark Garavan (Shell to Sea)

Gerrard Mc Donnell and Pdraig McGrath (Community reps on the monitoring groups)
Jacinta Healy
Consenting Landowners

Mayo County Council
Local T.D s and local councilors
Bord Gais

Local representative organisations including:

The Council for the West
Shell to Sea
The Pro – Erris Gas Group
The Erris Fishermens Association
The Belmullet Chamber of Commerce
The IFA Western Region