

From: Seamus Grant
Sent: 24 November 2014 15:58
To: 'P O'Reilly'
Subject: RE: Clarification on letter 10th September to Eirgrid re N-S Interconnector

Good afternoon Mr O'Reilly,

An Bord Pleanála's (Competent Authority) Manual of Permit Granting Process Procedures refers to seeking the opinion of other relevant authorities concerned on the Public Participation Concept. In the context of Regulation 347/2013 the relevant authorities/other authorities concerned are authorities which will have a permit issuing role in relation to the project.

In the reasonably detailed outline of the project submitted under Article 10.1(a) of the Regulation to An Bord Pleanála in its role as Competent Authority, Eirgrid stated that apart from the approval required from An Bord Pleanála under the Planning and Development Act 2000, as amended, it did not currently anticipate any other statutory permit/approval being required within the State. On the basis of that statement and on consideration of the documentation submitted, we did not see any necessity to circulate the Concept to any other relevant/concerned authority as no other permit is being required. This decision was a decision made solely by us in our capacity as Competent Authority. I would point out that it is hoped to have wide public participation at the stage of the application for approval for the electricity transmission line and Eirgrid has been told that in addition to the public being invited to make submissions/observations on the project that the working assumption should be made that an oral hearing will be held.

Regards,

Seamus Grant
PCI Unit

From: P O'Reilly [mailto:pjboreilly@eircom.net]
Sent: 18 November 2014 13:09
To: Seamus Grant
Subject: Re: Clarification on letter 10th September to Eirgrid re N-S Interconnector

On reading below NEPPC wishes to highlight its major concern regarding point 2 below. It highlights that ABP has taken direction from EirGrid that the CPP should not be circulated to any state body/authority.

NEPPC wishes to make the following comments:

The CPP is a new component of the planning application, emanating from the new regulation 347/2013. This is the first ever CPP submission on an electricity infrastructure PCI that we are aware of. Surely, for this reason alone, the CPP should have been circulated to relevant authorities such as the prescribed bodies, as outlined in your own Manual of Procedures?

Secondly, and more importantly, NEPPC submits that it is entirely inappropriate for ABP to be taking direction from the Applicant of the planning application as to how ABP should handle the Applicant's submissions, especially in relation to the subject of public consultation in the form of the CPP submission. Furthermore, NEPPC is aware that some members of Meath County Council expressed an interest in examining the CPP, but were not aware that the opportunity to do so was denied by EirGrid. We request that the CPP is circulated to all prescribed bodies as a matter of due process. We will be asking some members of Meath County Council, who have contacted us on this matter, to write to you directly with this request.

Padraig O'Reilly

----- Original Message -----

From: [Seamus Grant](#)

To: pjboreilly@eircom.net

Sent: Wednesday, October 15, 2014 4:33 PM

Subject: Re: Clarification on letter 10th September to Eirgrid re N-S Interconnector

Good afternoon,

In response to your queries of September 28th:

1. An Bord Pleanála as competent authority takes the view that Regulation 347/2013 provides that the competent authority "shall request modification or approve the concept of public participation". An Bord Pleanála modified the concept and regards the concept as approved subject to the modifications.
2. EirGrid has informed An Bord Pleanála that it did not anticipate that other consents were required in the jurisdiction to realise the project. Accordingly, no other state body/authority was contacted in relation to the Concept of Public Participation.
3. The intention of the paragraph is to require the project promoter to publish the Concept of Public Participation with any modification on the project website for the information of the public and to enhance transparency and participation. That has been done.
4. The central issue for An Bord Pleanála as competent authority in relation to the Concept of Public Participation was if the concept complied with the Regulation 347/2013. An Bord Pleanála as competent authority made the decision that, subject to the modifications, the concept satisfied the requirements of the regulation.

Regards,

Seamus Grant

FÓGRA RÚIN: Tá an ríomhphost seo agus aon chomhaid atá nasctha leis faoi rún agus dírithe amháin don seolaí. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bainisteoir an chórais.

Tabhair faoi deara le do thoil: aon tuairimí nochtaithe san ríomhphost seo is iad tuairimí an tseoltóra féin agus níl sé intuigthe gurb iad tuairimí An Bhoird Pleanála nó go gcloíonn siad le polasaithe ráite an Bhoird.

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----- Original Message -----

From: [P O'Reilly](#)

To: [An Bord Pleanála](#)

[Finola Igoe](#) ; [Margaret Austin](#) ; [Olgerts.VIKSNE@ec.europa.eu](#) ; [Catharina.Sikow@ec.europa.eu](#) ;
[Adam.ROMANOWSKI@ec.europa.eu](#)

Sent: Sunday, September 28, 2014 10:00 PM

Subject: Clarification on letter 10th September to Eirgrid re N-S Interconnector - attention Diarmuid Collins

Dear Diarmuid,

ABP wrote a letter to EirGrid on 10th September in relation to the CPP submitted by EirGrid on 31st July. ABP states in the latter that it has 'decided to modify the concept, as detailed below...'

I have the following queries, on behalf of NEPPC:

1. Page 8 of the Manual of Permit Granting Process Procedures published by ABP on 15th May states that ABP as CA will: 'modify or approve the CPP submitted by the project promoter'. Can I assume from the letter that the CPP is proposed to be modified by ABP and hence is not yet approved?
2. Page 19 of the Manual states that ABP 'will seek the opinion of other relevant authorities concerned on the concept'. Can you clarify what 'relevant authorities' were opinions sought from and whether their inputs will be published?
3. In your letter to EirGrid the last paragraph states that there is a requirement on page 19 of the Manual 'for the modified concept to be published on EirGrid's project website'. Page 19 does not actually make this statement. It requires the project promoter to publish 'the approved public participation concept on its project website'. Is this a misdirection?
4. In your letter you state that ABP had regard to....the extensive consultation and participation process undertaken by the project promoter before the start of this permit granting process and which the CA is obliged to take into consideration under Article 9.3 of the regulation'. This is not the full sentence or full thrust of the statement in Article 9. The full sentence reads:
'The competent authority shall request modifications or approve the concept for public participation within three months; in so doing, the competent authority shall take into consideration any form of public participation and consultation that took place before the start of the permit granting process, to the extent that such public participation and consultation has fulfilled the requirements of this Article'.
This includes the principles for public participation set out in Annex V1.3., which further states that:
'The stakeholders affected by a project of common interest, including relevant national, regional and local authorities, landowners and citizens living in the vicinity of the project, the general public and their associations, organisations or groups, shall be extensively informed and consulted at an early stage, when potential concerns by the public can still be taken into account and in an open and transparent manner. Where relevant, the competent authority shall actively support the activities undertaken by the project promoter.'
You should be aware that EirGrid has never mapped out a proper underground cable alternative route along public roads and has never consulted with the public or allowed feedback on this option, despite the fact that it is now planning to do so for Grid West and Grid Link 400kv projects. Furthermore, in your published pre-application meeting minutes EirGrid stated, as far back as December 2010 that
'Following the conclusion of the route-selection process the prospective applicant intends to commence a robust and intensive public consultation process with direct and face-to-face contact with affected landowners'.
This makes it clear that EirGrid only planned on consulting on an overhead line option, never on an underground cable option. The obvious point is that Eirgrid cannot consult on a decision that it has already made. Otherwise, consultation is not only unfair – the outcome has been pre-determined – but it is pointless.
On the basis of the above points can you clarify if:
- the so-called public consultation material submitted by EirGrid prior to the withdrawn original planning application (2007-2009) is deemed relevant to your modification of the CPP?
- ABP accepts that there has been no public consultation on a proper underground route alternative along public roads?

Regards

Padraig O'Reilly

on behalf of NEPPC + 353 87 233 43 81

