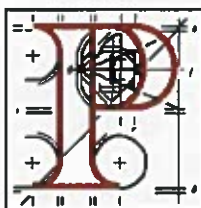


An Bord Pleanála



Inspector's Report: To Director of Planning. Report prepared further to instruction received from DoP on 18th March 2015 following submission of 'Missing Information' for Draft Application File for North South Interconnector Project of Common Interest (PCI) by Eirgrid to An Bord Pleanala PCI Unit on 13th March 2015 – Draft Application File (Missing Information) lodged in connection with potential S.I. application under s. 182A of the Planning and Development Act, 2000 (as amended)

Regulation (EU) No. 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-european energy infrastructure

&

Planning and Development Act, 2000 (as amended)

PCI 0001 / 02.VC0054

Project promoter:	EirGrid PLC
Issue:	Project of Common Interest (PCI)/ Strategic Infrastructure (S.I.) application – Draft application file (Missing Information) lodged in connection with potential S.I. application under s. 182A of the Planning and Development Act, 2000 (as amended) for that section of the North South 400kV Interconnector project falling within the Irish State
Nature of Development:	Proposed 400kV North South electricity interconnector from Woodlands substation Co Meath to State border.
Inspector:	Philip Green

1.0 INTRODUCTION/BACKGROUND

1.1 This document is prepared following instruction dated 18th March 2015 from the Director of Planning. This requested comments to be provided to An Bord Pleanála PCI Unit following receipt of Eirgrid's Missing Information relating to the draft application file lodged pursuant and prior to lodging of a future formal application for approval for the proposed North-South Interconnector project within the Irish State under the strategic infrastructure provisions of the 2000 Act (as amended). This development is also a Project of Common Interest. The submission of the 'Missing Information' follows previous advice set out in my report dated 9th December 2014 on the Draft Application File. This analysis constitutes a mandatory requirement of the pre application stage of the PCI permit granting process under the provisions of Article 10(4)(c) of Regulation (EU) No. 347/2013. I note that the comments set out in my report of 9th December 2014 formed the basis of the PCI Unit's formal response to Eirgrid by letter dated 16th December 2014. Similarly the submission by Eirgrid of the Missing Information at this time constitutes a mandatory part of the pre application stage of the PCI permit granting process under the provisions of Article 10(4)(c) of Regulation (EU) No. 347/2013.

1.2 Article 10(4)(c) of Regulation (EU) No. 347/2013 states:

“upon receipt of the draft application file, the competent authority shall, if necessary, and including on behalf of other authorities concerned, make further requests regarding missing information to be submitted by the project promoter, which may only address subjects identified under point (a). Within three months of the submission of the missing information, the competent authority shall accept for examination the application in written form. Requests for additional information may only be made if they are justified by new circumstances.”

1.3 You should note that Eirgrid have indicated that no further separate statutory consents other than approval under the planning (S.I) provisions are necessary for the proposed development.

1.4 As indicated above An Bord Pleanála's PCI Unit has requested comments on the Missing Information. Previous advice given in my report dated 9th December 2014 formed the basis of the PCI Unit's formal response dated 16th December 2014 to Eirgrid on the Missing Information in conjunction with the application for approval under the strategic infrastructure provisions of the Planning and Development Act 2000 (as amended). I will therefore refer to the matters previously identified in those documents as the basis for this response on the Missing information. This would appear to be the approach required in the Regulation as set out in Article 10(4)(c) in stating "... make further requests regarding missing information to be submitted by the project

promoter, which may only address subjects identified under point (a)...”.

1.5 You will be aware that under s.182E(2) and SI procedures the Board has completed pre application consultation for the proposed development. (02. VC0054 – file attached). In parallel a scoping report (reference 02. VS0002) was completed which included consultations with Northern Ireland. Therefore advice has already been given to the prospective applicants regarding the proposed (SI) application and in particular regarding

- a) the procedures involved in making such an application, and
- b) what considerations, related to proper planning and sustainable development or the environment, may, in the opinion of the Board, have a bearing on its decision in relation to the application.

1.6 SI pre application consultations cannot and do not address the planning merits of any case. Similarly any comments set out below and my assessment of Eirgrid’s Missing Information response do not express any opinion whatsoever on the merits or otherwise of the proposed development. Neither do they conclude on whether the applicant has adequately addressed any particular issue in the documents provided in order to conclude on the merits of the case. Such matters can only be fully assessed and finally concluded upon as part of the Board’s determination of the formal SI application. The nature of this response is solely to conclude on whether Eirgrid have addressed the items of Missing Information previously identified in the PCI Units letter dated 16th December 2014. **I would recommend that any response to Eirgrid in regard to the Missing Information should include reference and emphasize this point.**

1.7 Whilst Article 10(4)(c) states that “Requests for additional information may only be made if they are justified by new circumstances” I note that there are separate statutory provisions under the national SI legislation enabling the Board to seek additional information on an SI case should it be deemed appropriate. In my opinion these separate powers under the national SI provisions are not negated by the PCI permit granting process and Article 10(4)(c). **I would recommend that any response to Eirgrid in regard to the Missing Information submission should include reference and emphasize this point.**

2.0 **‘MISSING INFORMATION’ ASSESSMENT**

2.1 The single matter to be dealt with in this report is to respond to the request for comments to the Board’s PCI Unit on the Missing information response by Eirgrid as a result of their receipt of the PCI Unit’s letter dated 16th December 2014.

2.2 The letter issued by the PCI Unit dated 16th December 2014 broadly reflects the recommendations made in my report dated 9th December

2014 on the draft application file. Therefore the PCI unit's letter can reasonably be relied upon as the basis for determining the adequacy of Eirgrid's response to the PCI Unit's Missing information notification.

2.3 Eirgrid's response contains a comprehensive suite of documents. This includes:

- Missing Information file containing details of the Missing Information;
- Schedule identifying where Missing Information is contained in the revised draft application file
- Schedule itemizing 'Other Revisions to the Draft Application File'. In relation to this item Eirgrid state "In addition to the submission of the missing information requested by the Board, Eirgrid has made other revisions to the Draft Application File. These generally reflect the ongoing process of technical and environmental analysis in confirming the nature and location of the proposed development. For the avoidance of doubt, and having regard to the Board's correspondence dated 12th March 2015, Eirgrid hereby confirms that these revisions (i.e. other than those occurring in respect of the requested missing information (are as a consequence of further expansion of issues in the documentation and information to be lodged with the application to be made to An Bord Pleanála's Strategic Infrastructure Section under Section 182A of the Planning and Development Act (as amended), and do not constitute changes to the fundamental scope and nature of the proposed development itself, as considered by the Board during the pre-application consultations (per Section 182E of the Act), and in the Scoping Opinion issued by the Board to Eirgrid. For clarity, and again having regard to the Board's correspondence dated 12th March 2015, the revisions to the Draft Application File, and any modifications made to the proposed development since the closure of the strategic infrastructure pre application consultation process, are summarized in enclosed schedules. In particular, these revisions include the specific siting of certain support structures, which are, however located along the same alignment of the proposed development as presented to the Board in pre application consultation .."
- Complete revised Draft Application file incorporating all the above.

2.4 As previously indicated and considered in my reports dated 9th October 2014 and 9th December 2014 the format of the revised Draft Application File incorporating the Missing Information follows broadly that of Eirgrid's previous submissions as follows:

Volume 1

Volume 1A Application form and Enclosures

Volume 1B Planning Drawings

Volume 2

Volume 2A Planning Report and Associated Appendices

Volume 2B Public and Landowner Consultation Report

Associated Appendices

Volume 3 Environmental Impact Statement

Volume 3A Non-Technical Summary

Volume 3B Common Chapters (addressing both the Cavan Monaghan Study area (CMSA) and Meath Study Area)

Associated Appendices

Associated Figures

Volume 3C

Cavan-Monaghan Study Area (CMSA)

Associated Appendices

Associated Figures

Volume 3D

Meath Study Area (MSA)

Associated Appendices

Associated Figures (now including additional Reference material relating to documents on which EIS relies)

Volume 4 Joint Environmental Report (now including SONI Tyrone-Cavan consolidated Environmental Statement (ES) (May 2013) as an Appendix

Volume 5 Natura Impact Statement

2.5 Having reviewed the PCI Unit's letter dated 16th December 2014 as the basis of my consideration and Eirgrid's response dated 13th March 2015 it is my opinion that there are now only a small number of fairly minor matters remaining that could be construed as Missing Information. These are:

- The planning drawing schedule provided with the revised Draft Application File refers to Drawings MT-008-001 to MT-008-008 (inclusive) however the Missing information and Draft Application file itself only now appears to provide two drawings providing elevational details of the proposed tower structures (Drawing Nos. MT-008-004 and MT-008-008). Should it now be the intention to include these two drawings only with the application file then the planning drawing schedule needs to be revised.
- Legibility of Figures and Illustrations provided in Volumes 3A to 3D. In the Missing Information and revised Draft Application File there did not appear to be A3 copies of drawings provided (where indicated to be so) and the legibility of the drawings was still poor.
- Eirgrid's attention should be brought to the importance of ensuring all outstanding Missing Information is incorporated in to

the final application file including where there was ongoing work by Eirgrid in preparing for the application submission and consultations being carried out/required (such as referred to within Volume 1A and 2B). I note the Eirgrid submission on this matter which states that this Item "relates to documents that cannot be completed until the lodgement of the final application". Eirgrid should be requested to confirm that these outstanding details will be incorporated within the submission of the statutory application file

- 2.6 Please note that my assessment of the Missing Information has not addressed the accuracy of Irish translation of documentation.
- 2.7 Eirgrid have submitted a Schedule of "Other revisions to the Draft Application File" with their Missing information response. I would point out that this was not part of the formal PCI Unit's Missing Information notification letter dated 16th December 2014. I also note that it is Eirgrid's opinion that the schedule does "not constitute changes to the fundamental scope and nature of the proposed development itself, as considered by the Board during the pre- application consultations". As such and as it did not form part of the PCI Units Missing Information notification letter I do not intend to comment further on this Schedule other than to refer back to matters raised in the Introduction section of this report.

3.0 CONCLUSIONS

- 3.1 It is my opinion that the Missing Information and revised draft application file lodged by Eirgrid on the 13th March 2015 has addressed substantially the matters raised in the Missing Information notification letter issued by An Bord Pleanála PCI Unit on the 16th December 2014 with the exception of the matters highlighted in section 2.5 above.
- 3.2 I recommend that the PCI Unit be advised accordingly and that the Missing Information should be noted and requested to allow for acceptance of the statutory application file itself under the terms of Article 10(4)(c) of Regulation (EU) No. 347/2013.



Philip Green
Assistant Director of Planning.
23rd April 2015