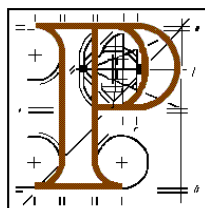


An Bord Pleanála



Inspector's Report: To Director of Planning. Report prepared further to instruction received from DoP on 11th November 2014 following submission of draft application file for North South Interconnector Project of Common Interest (PCI) by Eirgrid to An Bord Pleanala PCI Unit on 7th November 2014 – Draft application file 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

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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 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 11th November 2014 from the Director of Planning. This requested comments to be provided to An Bord Pleanála PCI Unit following receipt of Eirgrid's draft application file 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 draft application file follows previous advice set out in my report dated 9th October 2014 on the scope of material and level of detail of information to be submitted by the project promoter as part of the application. This itself was informed by the 'Proposal' for the 'Scope of Application' lodged by Eirgrid. This constituted a mandatory requirement of the pre application stage of the PCI permit granting process under the provisions of Article 10(4)(a) of Regulation (EU) No. 347/2013. I note that the comments set out in the report of 9th October 2014 formed the basis of the PCI Unit's formal response to Eirgrid by letter dated 13th October 2014. Similarly the submission by Eirgrid of the draft application file 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 draft application file. Previous advice given in my report dated 9th October 2014 formed the basis of the PCI Unit's formal response dated 13th October 2014 to Eirgrid on the scope of material and level of information required to be submitted 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 draft application file. 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 Any advice now given to the PCI Unit on the draft application file is therefore influenced significantly by the nature, purpose and content of those now completed SI pre application consultation discussions, scoping opinion and the previous response of the PCI Unit dated 13th October 2014. You will be aware that SI pre application consultation discussions are limited. SI pre application consultations cannot and do not address the planning merits of any case. Similarly any comments set out below do not express an opinion 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 there is ‘missing information’ having regard to the advice previously given on the scope of material and level of detail of information to be submitted by the project promoter. **I would recommend that any response to Eirgrid in regard to the draft application file 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 draft application file 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 draft application file and whether there is 'missing information' following the issuing of the Board's opinion on the scope of material and level of detail of information to be submitted by the project promoter as part of the application for approval for the proposed development under the strategic infrastructure provisions of the 2000 Act (as amended). I address these matters below broadly in the order set out in my report dated 9th October 2014.

2.2 **The development the subject of the SI pre application consultations:** It is considered that the scope of the material submitted reasonably reflects the nature, scale and extent of the proposed development subject of the SI pre application consultation discussions on which the Board issued its SI determination dated 10th February 2014 and also on which the Board issued its scoping opinion on the 11th December 2013. **It is suggested however that Eirgrid's attention is brought to the description of development contained with the draft application file documentation and particularly structure heights to ensure that these are consistent with height of structures shown on the proposed Tower Outline Drawings specified on drawing numbers MT-008-001 to MT-008-007.**

2.3 **Format and structure of draft application file:** The format and structure of the draft application file including application form, drawings and associated documents including planning report, public consultation reports, EIS volumes, Joint Environmental Report and Nature Impact Statement (subject to the detailed commentary set out below) broadly reflects that considered in my previous report and the PCI Unit's clarification of the scope of material and level of detail of information to be submitted by the project promoter. It is considered that this sets out a reasonable format and structure for the application file. **It is noted however that within the Volumes supplied there is Missing Information/documents reflecting the ongoing work by Eirgrid in preparing for the application submission and consultations being carried out/required eg within Volume 1A (Statutory Documents) and 2B (Public and Landowner Consultation Report and Appendices). Eirgrid's attention should be brought to this missing information. In addition it is noted that the draft Public Notice contained within Volume 1A (Statutory Documents) omits reference to Article 217 of the Regulations requiring that any submission shall state the subject matter of the submission and the reasons, considerations and arguments on which it is based in full. The draft Notice also omits reference to the absolute discretion of the Board to determine whether or not an Oral Hearing should be held in any particular case and/or to decide to hold a limited agenda oral hearing in any particular case.**

- 2.4 Extent of the prospective applicant's re-evaluation of project having regard to matters arising from withdrawal of application 02 VA0006:** Information is provided variously in Volumes 2A (Planning Report), 2B (Public and Landowner Consultation Report and Appendices) and 3B (EIS Common Chapters Report and Appendices).
- 2.5 Background and continuing need for proposed development:** Information is provided in Volumes 2A (Planning Report) and 3B (EIS Common Chapters Report and Appendices)
- 2.6 Support for project in local, national and regional context including Government policy and European context:** Information is provided in Volume 2A (Planning Report)
- 2.7 Established context of project within Grid 25 Strategy:** Information is provided in Volume 2A (Planning Report)
- 2.8 Status of Grid 25 document:** Information is provided in Volume 2A (Planning Report)
- 2.9 Route re-evaluation and associated environmental assessments carried out to inform the application supporting documentation/EIS/NIS including reasoning for omissions of Kingscourt sub station:** Information is provided in Volume 3B (EIS Common Chapters Report and Appendices)
- 2.10 Identification of the difficulties encountered in regard to access to lands to carry out development and to undertake necessary baseline surveys (any difficulties should be recorded in EIS and means to address them explained):** Information is provided in Volume 3B (EIS Common Chapters Report)
- 2.11 Updated status of planning application lodged in Northern Ireland:** Information is provided in Volumes 2A (Planning Report) and 3B (EIS Common Chapters Report)
- 2.12 Technological alternatives reviewed:** Information is provided in Volume 3B (EIS Common Chapters Report)
- 2.13 Public and other consultations entered into in regard to the project and how evaluated/incorporated into development:** Information is provided in Volumes 2B (Public and Landowner Consultation Report and Appendices) and 3B (EIS Common Chapters Report and Appendices).
- 2.14 Explanation in supporting documents of the justification for the routing of line and siting of structures chosen and the balance and weighting used between avoidance of impacts on different types of sensitive receptors such as landscapes and residential**

property in the vicinity of the proposed development: Information is provided in Volume 3B (EIS Common Chapters Report)

- 2.15 Applicants methodology to ensure for adoption of a consistent approach throughout in the supporting application, EIS documents having regard to extent of project and proposed MSA and CMSA analysis subdivisions in proposed EIS:** Information is provided in Volume 3B (EIS Common Chapters Report)
- 2.16 Explanation and justification for the approach being taken to remove structures from sensitive ecological receptors and where access to survey not facilitated and given progress of line design to seek permission for fixed tower locations:** Information is provided in Volume 3B (EIS Common Chapters Report)
- 2.17 Gaeltacht areas to be identified along with noting associated procedures including for public notices in Irish and translation of parts of supporting application/EIS documentation into Irish as appropriate:** It is noted that there are no supporting public notices or documentation provided in the Irish language with the draft application file and thus Eirgrid should be advised that this constitutes Missing Information.
- 2.18 Extent and nature of documents, maps, drawings including aerial photographs and information to be provided with the application and EIS to include up to date baseline data and base maps. This includes showing new M3 road and recently constructed development and that with planning permission:** Information is provided in Volumes 1A (Statutory Documents) and 1B (Planning Drawings) and various drawings included with EIS documents including Volumes 3C (CMSA) and 3D (MSA) - (Figures)
- 2.19 How applicants will address issues arising from the proposed development likely to having significant effects on the environment of a transboundary State:** Information is provided in Volumes 2A (Planning Report) and 3B (Common Chapters Report).
- 2.20 Entirety of environmental effects of Interconnector project to be assessed and dealt with in the application documentation and need for production of a Joint Environmental Report as proposed in the EC document Guidance on the Application of the Environmental Impact Assessment Procedure for Large Scale Trans-boundary Projects (2013):** Information is provided in Volume 4 (Joint Environmental Report)
- 3.0 Plans:** It is considered that the plans and drawings provided give a reasonable basis on which the application file can be lodged and to describe the overall nature and extent of the proposed development. It is noted that various plans are provided include drawings at scales of 1:500, 1:2500, 1:10560, 1:50000 along with LIDAR imagery, aerial

photographs and photomontages and include site location plans, scaled site layout plans and plans, elevations and sections (as relevant) of all aspects of the proposed development for which approval is sought including temporary access arrangements:

4.0 Particulars

4.1 The draft application file is accompanied by an EIS including Non Technical Summary (Volume 3A), Common Chapters Report and Appendices (Volumes 3B), CMSA Report, Appendices and Figures (Volumes 3C), MSA Report, Appendices and Figures (Volumes 3D). I note that the letter issued by the Board on the 13th October 2014 required that Eirgrid must have full regard to the detailed Written Opinion on the information to be contained in the environmental impact statement to be prepared in respect of the proposed development provided by the Board on 11th December 2013. Please note the items set out below reflect comments provided by C McGrath (SPI) on my request given his previous involvement in the scoping opinion provided to Eirgrid on the information to be contained in the EIS – see his memo dated 2nd December 2014. **In this regard the following should be addressed as Missing Information. Please note that where addressing the matters set out below all the relevant Volumes of the EIS (including Non Technical Summary) should be reviewed. Where appropriate, the numbering used in the Scoping Opinion is used below. In some cases, matters identified at scoping stage are addressed under different headings in the draft EIS, however, this is not considered to be a significant issue.**

- 2.1 Introduction
The authors of, and contributors to, relevant sections of the EIS should be identified.
- 2.2 Description of Development
Notwithstanding comments in the EIS, further detail should be provided with regard to the nature of works and likely impacts arising from any future decommissioning of the proposed development.
- 2.5 Subject Areas
 - 2.5.1 Humans:
Documentation should confirm whether there are any relevant extant planning permissions, or current planning applications as appropriate, along the route of the proposed development.
 - 2.5.2 Flora and Fauna:
Notwithstanding the current stage in the process, the draft Construction Environment Management Plan (CEMP) should be prepared based on the information available at this time. The CEMP should have regard to mitigation measures identified in Natura Impact Statement, as well as the Environmental Impact Statement and greater elaboration on the format, structure and content of the CEMP is required. Examples or extracts from previous similar CEMP's may also assist in this regard.

On Page 6.5 of Volume 3D, clarification is required with regard to the last bullet point in section 6.1.2.

- 2.5.6 Landscape:
Where significant impacts on landscapes / demesne landscapes are identified, the EIS should address the potential for partial undergrounding of the line to mitigate those impacts.
- 2.5.7 Material Assets:
The indicative route of the proposed Leinster Orbital Route and relationship with the proposed development should be identified, based on best available information.
Confirm where, if any, re-routing of existing overhead lines will be required.
A preliminary construction traffic management plan should be submitted outlining how these matters will be addressed. In this respect Eirgrid's attention is brought to the pre application consultation discussions held in connection with file 02. VC0054 on the 23rd December 2014
- 2.5.8 Cultural Heritage:
The EIS should confirm that consideration was given to potential impacts on the relationship between sites of archaeological, cultural and architectural interest as well as to impacts on individual site and features.
- Other Matters Arising:
 - Clarify reference under Item 4.30 on Page 11-14 of Volume 3B, to "See 4.34 below." under monitoring.
 - Correct reference to "Error! Reference Source not found." in paragraph 1 of Page 14-21 of Vol. 3C
 - The EIS should ensure that all figures and illustrations contained in Volumes 3A – 3D are fully legible. This relates in particular to the following
Figure 2.1 on Page 2-4 of Volume 3B.
Figure 6.1 Page 6-3 of Volume 3B.
Figure 7.10 on page 7-22.
Figure 4.1 on Page 4-19 of Volume 3B.
 - Ensure that each volume of the EIS and Appendices is provided with a Table of Contents.
 - Copies of all background reports and studies referenced in the EIS should be submitted with the application. These include in particular, the following documents:
Meath-Tyrone Report Review by the International Expert Commission August, November 2011 - January 2012;
Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012;
Grid25 Implementation Programme (IP) 2011-2016 and accompanying Strategic Environmental Assessment (SEA) both May 2012;
EirGrid's Project Development and Consultation Roadmap, 2012.

The PB Power Preliminary Briefing Note (Parsons Brinckerhoff, Power Division [PB Power], 2008) and subsequent PB Power Study (2009).

The TEPCO Study (TEPCO, 2009).

The TransGrid Study (TransGrid, 2009).

The Ecofys Study (Department of Communications, Energy and Natural Resources (DCENR) 2008). A Study on the Comparative Merits of Overhead Electricity Transmission Lines Versus Underground Cables.

The PB Power Technology and Costs Update (PB Power, April 2013 and Supplementary Note July 2013).

Europacable and ENTSO-E (Feasibility and Technical Aspects of Partial Undergrounding of Extra High Voltage Power Transmission Lines submitted to the European Commission (December 2010).

4.2 The draft application file is accompanied by a Natura Impact Statement (Volume 5) to facilitate an appropriate assessment of the project for the purposes of Article 6(3) of the Habitats Directive 92/43/EEC (as transposed into Irish legislation under the Planning and Development Act 2000 (as amended) and associated Regulations) of the proposed development's implications (alone and in combination) for European site(s) in view of the site(s) conservation objectives.

4.3 The draft application file is accompanied by a Joint Environmental Report (JER) as proposed in the EC document Guidance on the Application of the Environmental Impact Assessment Procedure for Large Scale Trans-boundary Projects (2013). (Volume 4). **This document makes reference to the consolidated Environmental Statement lodged in conjunction with planning applications for that section of the proposed development within Northern Ireland. The absence of this document constitutes Missing Information. This consolidated Environmental Statement should therefore be provided and accompany the JER as an Appendix to that document.**

5.0 CONCLUSIONS

5.1 It is my opinion that the draft application file lodged by Eirgrid contains 'Missing Information' pursuant to previous advice given and as set out and highlighted in the above paragraphs.

5.2 I recommend that the PCI Unit be advised accordingly and that the Missing Information should be requested prior to acceptance of the application file itself under the terms of Article 10(4)(c) of Regulation (EU) No. 347/2013.

Philip Green
Assistant Director of Planning.
9th December 2014