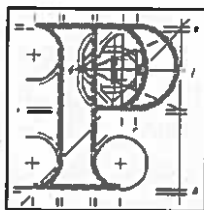


An Bord Pleanála



Inspector's Report: To Director of Planning. Report prepared further to instruction from DoP dated 6th June 2014

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 – Notification submitted by Eirgrid plc seeking 'Acknowledgement' of project constituting 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 You will be aware that following receipt of my report and recommendation dated 2nd May 2014 the Board issued a Direction dated 22nd May 2014 stating that that part of the North South 400kV Interconnector project falling within the Irish State would not come under the transitional provisions of Article 19 of Regulation (EU) 347/2013. Eirgrid were advised of this conclusion by letter dated 23rd May 2014. In addition this letter stated the following:

" in view of the decision in respect of Article 19 you may wish to consider notifying An Bord Pleanála, in its role as the competent authority, of the project under Article 10(1)(a) of regulation 347/2013. Please note that the Board published a Project of Common Interest Procedures Manual on its website, www.pleanala.ie, on 15th May 2014.

You are reminded that the Notification should include a reasonably detailed outline of the project. This outline might include details of the evolution of the project and the project should be adequately described in written and drawing form such that any other relevant State bodies should have sufficient information for the initiation of the permit granting process. You should also detail any other consents that may be required ... "

1.2 The Board subsequently received a letter of Notification from Eirgrid dated 3rd June 2014 seeking 'Acknowledgement' of the project. You will already be aware that this 'acknowledgement' pursuant to Art 10(1)(a) of the Regulation is very significant insofar as should the Board issue such an acknowledgement then this would constitute the actual commencement of the PCI permit granting process under Chapter III of the Regulation for which there are formal timelines and procedural requirements set out.

1.3 I note An Bord Pleanála's PCI Unit has requested a recommendation as to whether Eirgrid's Notification dated 3rd June 2014 should be acknowledged or rejected. A rejection would be made on the basis that the project was not mature enough to enter the permit granting process. It would appear that there is little guidance in the Regulation itself or associated documents as to how the term 'maturity' should be interpreted. Where rejected reasons must be given. I note that prior to its Direction dated 22nd May 2014 (that referred to in section 1.1 above) the Board had already rejected (on 15th April 2014) one such Notification lodged by Eirgrid on the basis that it was " ... still considering whether or not the transitional provisions of Article 19 concerning Chapter III apply to the North South Interconnector project "

2.0 EIRGRID SUBMISSIONS

2.1 In their letter dated 3rd June 2014 Eirgrid makes the following submissions:

- Interconnector project is identified as a PCI on Union List and in An Bord's Pleanala's Projects of Common Interest Manual of Permit Granting Procedures (May 2014);
- Proposed development has been subject of pre application consultations (now completed) under s. 182E of the Planning and Development Act, 2000 as amended – ABP ref. VC0054
- Eirgrid consider that consent is required for the proposed development as strategic infrastructure and that such an application will be lodged consequent to VC0054 with Strategic Infrastructure unit of An Bord Pleanala;
- A separate parallel consenting process is underway in Northern Ireland in respect of that portion of the Interconnector project falling within that jurisdiction. This is being administered by the DOE(NI). The transitional provisions in article 19 of Regulation 347/2013 apply to that section of the project within Northern Ireland;
- Other than the above Eirgrid does not currently anticipate any other statutory permits/approvals/licences being required to realize the proposed project. This statement is made subject to a disclaimer that it is without prejudice to Eirgrid or other relevant parties seeking other such consents in the event that this should prove necessary.

2.2 The following additional documents are stated by Eirgrid to be provided in order to fulfil the requirement of the Regulation to provide a reasonably detailed outline of the project:

- North South 400kV Interconnector Development Final re-evaluation report (April 2013)
- EIA Scoping opinion received from An Bord pleanalala in respect of the proposed development;
- Various public and landowner consultation brochures published since 2010;
- Environmental Statement (ES) prepared by Northern Ireland Electricity (NIE) and included as part of a current planning application in respect of that portion of the interconnector project within Northern Ireland

3.0 CONSIDERATIONS

3.1 The single matter to be dealt with in this report as set out in your request dated 6th June 2014 is to provide a recommendation to the Board's PCI Unit as to whether the Notification of PCI development consisting of that part of the proposed North South 400kV transmission line interconnector project falling within the Irish State should be

acknowledged or rejected. The request from the Board's PCI Unit results from the fact that the proposed development requires a separate consent from the Board given its statutory role under the State's planning (strategic infrastructure) legislation. I note by way of background information that should the Notification be acknowledged that the formal PCI permit granting process will consist of two stages, a pre application stage and a statutory permit granting phase. This itself is a similar process to that of the SI planning process.

- 3.2 In making this recommendation I have regard to the specific statutory role, function and established procedures of the Board in determining strategic infrastructure planning matters under the Strategic Infrastructure provisions of the Planning and Development Act, 2000 as amended.
- 3.3 The decision to be made in this case is influenced by the fact that Eirgrid have already entered into and completed the statutory requirements for pre application consultations under the strategic infrastructure provisions of the Planning and Development Act 2000 as amended. I set out in more detail below the full and significant SI history of the proposed development.
- 3.4 The North South Interconnector project was the subject of pre application discussions (references 17. VC0010 & 02. VC0011) and a subsequent (withdrawn) planning application (reference 02. VA0006) under the SI legislation. Following that withdrawn application new pre application discussions were held and recently completed for the project under reference 02. VC0054 – file attached. In parallel a scoping report (reference 02. VS0002) was completed. By letter dated 10th February 2014 Eirgrid were advised that the proposed development would be strategic infrastructure within the meaning of the Act, that an EIS was required and that the Board were of the view that significant effects were likely on a transboundary State (Northern Ireland). You will also already be aware that there are currently two live planning applications (not yet determined) for that part of the North South Interconnector project falling within the jurisdiction of Northern Ireland.
- 3.5 I consider the documents provided to be sufficient to meet the requirements in the Regulation for a reasonably detailed outline of the project to be provided by the project promoters. The documents provided with the Notification includes material lodged as part of the S.I. pre application consultation process under reference 02. VC0054 (in addition to other matters and includes the Board's scoping opinion). Given the advanced stage of that SI process and that in the absence of the new permit granting procedures set out in Regulation (EU) No. 347/2013 that Eirgrid could immediately lodge a SI planning application for the proposed development I would find it somewhat difficult to conclude at this stage that the Notification should be rejected on basis of not being mature enough under SI planning requirements to enter

the permit granting process. I would in particular draw your attention to the report I prepared for the Board dated 28th January 2014 in recommending that the proposed development constituted SI. This sets out the content and nature of the detailed pre application consultation discussions held with Eirgrid pursuant to the potential lodgment of a planning application direct with the Board pursuant to s.182A of the Planning and Development Act, 2000 as amended.

- 3.6 I would also draw your attention to the recent 'Statement made by the Independent Expert Panel considering the Eirgrid Grid West and Grid Link projects' (7th May 2014). This makes reference to the North South Interconnector project (see copy of Statement on file). In the context of the work being carried out by the Expert Panel on the Grid West and Grid Link projects it is stated that "The Independent Expert Panel shall also provide an opinion to the Minister on the compatibility of the methodologies to be employed on the GL and GW projects with what has already been done on the North South Transmission Line project".
- 3.7 The work that " .. has already been done .. " as referred to above appears to be a reference to documents provided to the Board by Eirgrid as part of the pre application consultation submissions under 02. VC0054. This included the provision of copies of the Report of the Joint Committee on Communications, Natural Resources and Agriculture on the Meath Tyrone Report: Review by the International Expert Committee (July 2012), the Meath Tyrone Report Review by the International Expert Commission (August November 2011) and the DCENR policy document Government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure (July 2012). My attention has not been brought to any further work carried out in this regard in the period between the closure of the SI pre application consultation process and the issuing of the Statement. Having regard to the Statement made I am not convinced that the further analysis specifically intended to be carried out by the Expert Panel in regard to the North South Interconnector project would, in itself, constitute a sufficiently substantive reason for not acknowledging, at this advanced stage in the SI process, Eirgrid's Notification of the PCI project.

CONCLUSION

- 3.8 In light of the above I recommend that the Board's PCI Unit be advised of the conclusion that there would appear to be no substantive reason why the Notification lodged with the Board's PCI Unit on the 3rd June 2014 pursuant to the provisions of Article 10(1)(a) of Regulation (EU) No. 347/2013 for that part of the North South 400 kV interconnector Project of Common Interest falling within the Irish State should be rejected. In reaching this conclusion regard was had to the advanced stage of proposals for that part of the proposed North South Interconnector project falling within the Irish State under the SI provisions of the Planning and Development Act, 2000 as amended

and particularly that (1) pre application consultations have been held and completed for the proposed development under An Bord Pleanála pre application consultation reference 02. VC0054, (2) that a scoping opinion was completed in parallel by An Bord Pleanála for the proposed development on the 11th December 2013 under An Bord Pleanála reference 02. VS0002 and (3), by letter dated 10th February 2014 Eirgrid have already been formally advised that the proposed development would be strategic infrastructure within the meaning of the Act, that an EIS was required and that the Board were of the view that significant effects were likely on a transboundary State (Northern Ireland).



Philip Green
Assistant Director of Planning.

26th June 2014