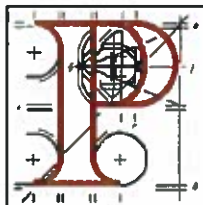


An Bord Pleanála



**Inspector's Report: To Director of Planning. Report prepared further to request submitted to Director of Planning by An Bord Pleanála PCI Unit
8th August 2014 - Concept for Public Participation**

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 – Concept for public participation submitted by Eirgrid plc pursuant to Art 9(3) of Regulation 347/2013 for that 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 On 31st July 2014 Eirgrid submitted their Concept for Public Participation pursuant to Article 9(3) of Regulation 347/2013 for that part of the proposed north south Interconnector project falling within the Irish State. This follows the Board (PCI) decision on the 2nd July 2014 that the project was mature enough to enter the (PCI) permit granting process. The submission of a Concept for Public Participation forms a mandatory part of the pre application stage of the PCI permit granting process between Eirgrid as the project promoter and An Bord Pleanála (PCI) as competent authority for PCI's within the Irish State.
- 1.2 Under the provisions of Article 9(3) the Concept must follow the process set out in the Board's PCI Manual and in line with the guidelines set out in Annex VI of the Regulation. The Competent Authority shall request modifications or approve the concept for public participation within three months.
- 1.3 An Bord Pleanála's PCI Unit has requested comments on the submitted Concept. Whilst an application for approval from the Board under the strategic infrastructure provisions of the Planning and Development Act 2000 (as amended) will be lodged separately and will form part of the overall PCI permit granting process the Board will be aware that the submission of a formal 'Concept for Public Participation' as set out in the Regulation is not a statutory requirement under the SI legislation and indeed the pre application consultations under the SI process for the proposed project have been completed (Board reference 02. VC0054 see further history details below). In making comments as requested by the PCI Unit I have regard to this and 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.

2.0 EIRGRID SUBMISSIONS

- 2.1 The Concept lodged by Eirgrid includes the Concept document itself and appendices. The document includes sections on
- Designation of the project as a PCI and requirements of the Regulation;
 - Concept and principles of public consultation;
 - Public consultation and participation to date;
 - Information requirements under Annex VI(4);
 - Public consultation requirements under article 9 and associated guidelines in Annex VI
 - Conclusions

- 2.2 The Concept includes a comprehensive and detailed review of the public consultations carried out to date and proposed on the project. This includes that carried out prior to and as part of the first (withdrawn) SI planning application for the project (Board reference 02. VA0006), that carried out since that time and that carried out and proposed as part of the more recent statutory SI pre application consultation and planning application process.

3.0 **CONSIDERATIONS**

- 3.1 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 Concept lodged by Eirgrid. The request from the Board's PCI Unit results from the fact as already indicated above that the proposed development requires a separate consent from the Board given its statutory role under the State's planning (strategic infrastructure) legislation.
- 3.2 Any comments made on this request 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.
- 3.3 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 which included consultations with Northern Ireland. 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.
- 3.4 The documents lodged describe in some detail (albeit somewhat repetitively in places) the public participation carried out and proposed. Given the advanced nature of the case under the SI provisions it is clear from reviewing the material lodged that a substantial amount of the information in the Concept was that previously referred to and/or provided by Eirgrid at pre application consultation stage in updating the Board on progress on the potential SI case. This includes the Preliminary Re-evaluation Report, Final Re-evaluation Report and Preferred Project Solution Report amongst other related matters including reference to the public participation and consultations entered

into. Please note in this regard my report to the Board dated 28th January 2014 (and associated written records) in regard to the SI pre application consultation 02. VC0054 which sets out the key issues arising during the pre application consultations. Reference is also made in the Concept to further work carried out by Eirgrid in this respect since July when the Board concluded that the North South project was mature enough to enter into the permit granting process. This includes the publication of a Community Update brochure dated July 2014 (see Appendix F of the Concept).

3.5 I have regard to the advanced stage of the SI process where pre application consultations have now been completed, that a Concept for Public Participation in the format as set out in the Regulation is not a statutory SI requirement, that SI procedures require and allow for public (and transboundary) consultation as part of the Board's processing of the SI application file (a matter referred to as part of Eirgrid's Concept) and that in the absence of the new permit granting procedures set out in Regulation (EU) No. 347/2013 that Eirgrid could immediately lodge an S.I. planning application for the proposed development. I would suggest that it would be somewhat difficult to impose further public participation requirements under the auspices of the SI pre application consultation legislation when that pre application process is closed. Further it appears from the Concept lodged and the previous pre application consultation discussions that Eirgrid are, in any case, already fully aware of the public participation requirements of the SI legislation. As you will be aware this includes public notices, public consultation periods during which public submissions can be made, availability of application documents in specified locations, web site being established by the applicant, notifications to prescribed bodies, trans boundary consultations and potential oral hearing at which public submissions can be heard.

3.6 I would suggest that in this case where the SI pre application consultation process is closed that any request for modifications or approval of the Concept for Public Participation and possibly additional public consultation requirements under the terms of the Regulation is a matter for the PCI Unit to highlight and for the Board to conclude upon as PCI Competent Authority. In this context I would have no further comments to make on the Concept from an SI point of view other than to highlight the following matters in the Concept and from the Regulation itself for clarification and assistance purposes:

Concept

- Eirgrid were advised at the SI pre application consultation stage (02. VC0054) that given the holding of an oral hearing to assist in the Board's consideration of the previously withdrawn SI planning application and the scale and nature of the proposed development that an oral hearing would be likely to be held in connection with the proposed development

- P55 of the Concept states "In June 2010 the Eirgrid application was required to be withdrawn". It should be clarified that this was a decision made by Eirgrid themselves.

Regulation

- I note that there is a requirement for at least one public consultation during the PCI pre application stage and before the final and complete application file is submitted. It would appear that the Regulation requires this as part of the PCI permit granting process notwithstanding any public consultation Eirgrid may have carried out under their initial consultations (eg pursuant to lodging the SI application).

CONCLUSION

I recommend that the Board's PCI Unit be referred to the above comments.



Philip Green
Assistant Director of Planning.
15th August 2014

