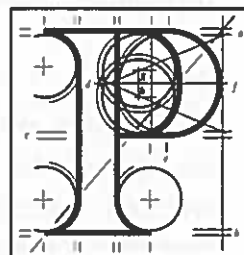



An Bord Pleanála



To: Board.

CC: Director of Planning.

From:  Diarmuid Collins, Senior Administrative Officer.

Re: North-South Electricity Interconnector/Concept for Public Participation.

Date: 22nd August, 2014.

1. Article 9.3 of E.U. Regulation 347/2013 provides that a project promoter shall draw up and submit a concept for public participation to the project promoter. In drawing up and submitting the concept, the project promoter is required to follow the process outlined in the Manual of Procedures for the Permit Granting Process (published by An Bord Pleanála in its role as Competent Authority) and be in line with the Guidelines set out in Annex VI of the Regulation.
2. Eirgrid, the project promoter in the Republic of Ireland for the North-South Electricity Interconnector project, submitted a Concept for Public Participation (Concept) to An Bord Pleanála in its role as Competent Authority on 31st July, 2014.
3. Article 9.3 of the Regulation provides that An Bord Pleanála (Competent Authority) shall request modifications or approve the Concept within 3 months i.e. by 30th October, 2014.
4. Following the modifications or approval by An Bord Pleanála (Competent Authority), the Concept will be made available to the public or Eirgrid's project website. This is in accordance with the procedures set out on page 19 of the Manual of Permit Granting Process

Procedures published on 15th May, 2014. I attach a flowchart showing procedures being followed in relation to the Concept.

5. The Concept has been submitted in accordance with the Manual of Procedures with the exception of publishing all submissions received as part of the public consultation process on the project promoter's website. I accept that Eirgrid did not request submissions on the basis that those submissions would be made available on the internet and given the retrospective consultations it would not, therefore, be reasonable to seek such website availability.
6. Following receipt of the Concept from Eirgrid on 31st July, the PCI Unit circulated the Concept to:
 - An Bord Pleanála SID Section on 8th August for comments, and to
 - the Department of Enterprise, Trade and Investment in Northern Ireland (the Competent Authority for PCI in Northern Ireland) for information on 8th August.
7. The comments of An Bord Pleanála SID Section were received on 15th August and are attached.
8. Before looking further at the Concept, it is important to take account of Article 9.3 of the Regulation where it provides that:

"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 theme of retrospective work done runs through the Concept and given the length of time that the project has been in development prior to the coming into force of the Regulation on 17th April, 2013 it is a significant factor in considering the Concept.

9. Article 9.3 of the Regulation provides that the Concept shall be in line with the guidelines set out in Annex VI.
10. Paragraph (3) of Annex VI gives principles to be applied to increase public participation and dialogue with the public. While paragraph (3) does not specifically cite the Concept for Public Participation, I think it is reasonable to operate on the basis that the Concept should reflect

these principles and indeed Eirgrid has cited the principles in the Concept and given details of how it states it has applied the principles. For ease, the principles are listed:

- (a) 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.
- (b) Competent authorities shall ensure that public consultation procedures for projects of common interest are grouped together where possible. Each public consultation shall cover all subject matters relevant to the particular stage of the procedure, and one subject matter relevant to the particular stage of the procedure shall not be addressed in more than one public consultation; however, one public consultation may take place in more than one geographical location. The subject matters addressed by a public consultation shall be clearly indicated in the notification of the public consultation.
- (c) Comments and objections shall be admissible from the beginning of the public consultation until the expiry of the deadline only.

11. The Guidelines to the Annex list the information, the Concept should at least include. I list these requirements and state by reference to the Concept whether these requirements have, in my opinion, been met.
12. **The Stakeholders concerned and addressed.** Section 5 of the Concept: pages 79 to 85 specifically addressed this requirement. In my opinion Eirgrid has satisfied the Regulation requirements.
13. **The measures envisaged, including proposed general locations and dates of dedicated meetings.** Section 5 of the Concept: pages 85 to 86 specifically detail how Eirgrid has addressed this. In my opinion Eirgrid has satisfied the Regulation requirements.
14. **The timeline.** Section 5 of the Concept: pages 86 to 88 specifically detail how Eirgrid has addressed this. In my opinion Eirgrid has

satisfied the Regulation requirements. When the Board modifies or approves the Concept it will be possible for the PCI Unit to proceed to draw up, in close co-operation with Eirgrid as required under Article 10.4(b) of the Regulation, a detailed schedule for the permit granting process. When that schedule is drawn up, it will then be possible to give the public more exact information regarding the timeline end processes.

15. **The human resources allocated to the respective tasks.** Section 5 of the Concept: pages 88 to 90 details the human resources allocated. The resources allocated are detailed in a broad generic manner without giving details of numbers of personnel involved but does detail the expertise the personnel/teams had. This requirement under the Regulation is not specific as to how human resources are to be detailed and I would, accordingly, form the opinion that the Regulation requirements have been met though it would have been possible to detail the resources in a different way by giving numbers involved and more specific details as to the expertise and experience of those personnel involved.
16. The requirements for the project website are addressed in a separate memo.
17. Article 9.4 of the Regulation provides that at least one public consultation shall be carried out by the project promoter before submission of the final and complete application file to the competent authority. The minimum requirements applicable to this public consultation are specified in Annex VI.5. I list them below.
18. **Publish an information leaflet of no more than 15 pages, giving, in a clear and concise manner, an overview of the purpose and preliminary timetable of the project, the national grid development plan, alternative routes considered, expected impacts, including of cross-border nature, and possible mitigation measures, which shall be published prior to the start of the consultation. The information leaflet shall furthermore list the web address of the transparency platform referred to in Article 18 of the manual of procedures referred to in point (1).** Section 6 of the Concept: pages 99 to 103 specifically details Eirgrid publication of brochures (though this is also dealt with throughout the Concept). See also Appendix H which includes brochures from 2007 to 2010. I accept that numerous brochures have been published by Eirgrid. Eirgrid is of the view (page 102) that these leaflets "may not have been precisely the same as if it were contained in a single information leaflet" and states that "it is clear

that the substance and purpose of Annex VI(5) has been satisfied". In my opinion the specific requirements of the Guidelines might be more fully met.

19. **Inform all stakeholders affected about the project through the website referred to in Article 9(7) and other appropriate information means.** Section 6 of the Concept: page 103 details how this has been addressed. In my opinion the requirements of the Guidelines has been met but might be more fully addressed by way of television advertisements as an additional information means and by use of nationally newspapers circulating.
20. **Invite in written form relevant affected stakeholders to dedicated meetings, during which concerns shall be discussed.** Section 6 of the Concept: page 103 addressed this and the Concept also gives details of letters and registered post being issued to relevant stakeholders concerning meetings. In my opinion the requirement has been met.
21. The Concept addresses the requirements of Article 9.4 in pages 12, 22 and in Section 6. Refer, in particular, to page 72 where Eirgrid refers to the Community Update brochure published in July 2014 and to page 95 where Eirgrid refers to the community update brochure that will be produced as a user's guide to the application. Eirgrid's view on the matter is that it "is of the view that the public consultations carried out exceed this minimum requirement" (page 98) and that "the work undertaken to date has ensured that the intent of Annex VI(5) is met and exceeded" (page 103). While accepting that a significant amount of consultation has taken place to date I take the view that the Regulation requirements of Article 9.4 might be more explicitly met.

I am, therefore, of the view that the Board should consider modifying the Concept submitted to the extent of informing Eirgrid that at least one further public consultation, as per Article 9.4, should take place before the final and complete application file is submitted to An Bord Pleanála as an application under section 182A of the Planning and Development Act, 2000 as amended (An Bord Pleanála being the only consent authority involved in this project). In this regard, I recommend that the Board requires, as part of the consultation, the publishing of an information leaflet of no more than 15 pages and that the information leaflet should contain, inter alia, information on Regulation 347/2013, the status and implications of the project as a Project of Common Interest, and give an indicative date (month) of when the application will be lodged with An Bord Pleanála. I accept that the Community

Update published in July 2014 (Appendix F in the Appendices to the Concept) does provide information on the PCI status of the project but I consider that clearer information might be provided. An indicative date of when the application will be lodged cannot be given until the Concept is modified and we enter into close co-operation with Eirgrid to draw up a detailed schedule for the permit granting process. However, I do not see this as any impediment which might add to the timelines involved as the PCI Unit has in any event to receive a draft application file, circulate the draft file to the Strategic Infrastructure Section of An Bord Pleanála and request any missing information so that all of these matters may be dealt with simultaneously.

22. To further heighten awareness of the project I also recommend that Eirgrid be directed to take out advertisements in national newspapers to inform the public and stakeholders as to the indicative date for lodgement of the application.
23. I also recommend that in conjunction with the advertisements in national newspapers, that some advertisements are carried on national TV stations (RTE, TV3 and TG4).
24. Eirgrid as part of the consultation under Article 9.4 will be required to invite in written form relevant affected stakeholders to dedicated meetings to discuss concerns. I recommend that the Board direct a minimum of one meeting be held in each of the 3 venues already used: Carrickmacross, Navan and Kingscourt.
25. In summary, my recommendation is that the Concept satisfies the requirements of Article 9.3 but that the requirements of Article 9.4 might be more explicitly met and, accordingly, I recommend to the Board that the Concept be modified. Overleaf, I attach a table of modifications recommended.

Modifications Recommended	
1.	At least one further consultation to take place as envisaged by Article 9.4.
2.	As part of 1 above, a leaflet of no more than 15 pages be published.
3.	The leaflet to contain, inter alia, information on: <ul style="list-style-type: none"> • Regulation 347/2013. • Project status as a Project of Common Interest (PCI). • Main implications (benefits and obligations) arising from status as PCI. • Indicative date of lodgement of application under section 182A to An Bord Pleanála.
4.	An advertisement or advertisements to be placed in two national newspapers (The Irish Times and Irish Independent) to include: <ul style="list-style-type: none"> • the status of the project as a PCI. • an indicative date for lodgement of the application under section 182A.
5.	At least two evening advertisements on two of the following television stations: RTE TV, TV3 and TG4 to include: <ul style="list-style-type: none"> • the status of the project as a PCI. • an indicative date for lodgement of the application under section 182A.
6.	At least one meeting to be held in each of the following venues: Carrickmacross, Navan and Kingscourt.

Public Participation Concept

