

Nichola Meehan

From: Diarmuid Collins
Sent: Wednesday 3 February 2021 14:17
To: Nichola Meehan
Subject: FW: Celtic Interconnector - PCI Scope of Application
Attachments: RPCI003 Scope .docx

Good Afternoon Nicola,

To see response from An Bord Pleanála. Please put hard copy of this on the file and also a copy on the electronic file. I will circulate this document to Eirgrid and send a copy to you for filing.

Diarmuid collins,
PCI Unit.

From: Rachel Kenny <R.Kenny@pleanala.ie>
Sent: Wednesday 3 February 2021 12:14
To: Diarmuid Collins <D.Collins@pleanala.ie>; Sorcha Skelly <s.skelly@pleanala.ie>
Cc: Una Crosse <U.Crosse@pleanala.ie>; Stephen O'Sullivan <S.O'Sullivan@pleanala.ie>
Subject: FW: Celtic Interconnector - PCI Scope of Application

Diarmuid/Sorcha

I have reviewed the proposal and recommendation of Una and I approve and endorse this recommendation, and would ask that the Board advise the applicants of the acceptability of submission

Regards

Rachel

From: Una Crosse <U.Crosse@pleanala.ie>
Sent: Wednesday 3 February 2021 10:13
To: Rachel Kenny <R.Kenny@pleanala.ie>
Cc: Stephen O'Sullivan <S.O'Sullivan@pleanala.ie>
Subject: Celtic Interconnector - PCI Scope of Application

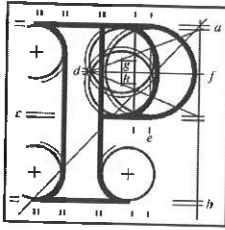
Hi Rachel

Please find my report on the scope of application stage of the PCI for the Celtic Interconnector, following email I received on 26 January in respect of same.

Regards

Una Crosse

Una Crosse
Inspectorate
Ext: 7233



**An
Bord
Pleanála**

Inspector's Report PCI0003/ABP-302725-18

To: Director of Planning.

Report prepared further to instruction from Director of Planning

**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 0003 / ABP-302725-18

Project promoter:

EirGrid PLC

Issue:

Project of Common Interest (PCI)/ Strategic Infrastructure (S.I.) application – Scope of Application submitted by Eirgrid PLC pursuant to Art 10(4)(a) of Regulation 347/2013 for that section of the Celtic Interconnector project falling within the Irish State

Nature of Development:

Proposed Celtic Interconnector to facilitate an electrical link enabling the movement of electricity between Ireland and France via a connection point from East Cork.

Inspector:

Una Crosse

1.0 INTRODUCTION/BACKGROUND

- 1.1. An Bord Pleanála's PCI Unit has requested comments by email dated 12 January 2021 on the Proposed Scope of Application dated December 2020 submitted by EirGrid PLC. I was instructed to provide the following report by email from the Director of Planning dated 26 January 2021. The PCI unit require the report by 16 February 2021.
- 1.2. I note that in their submission EirGrid have set out the stages of the PCI process undertaken to date. For your information it is noted that the European Union through a decision made on 14 October 2013, recognised the 'France- Ireland Interconnector' as being a Project of Common Interest (PCI) No. 1.6 for the North Seas Countries Offshore Grid Initiative ('NSCOGI') priority corridor under Regulation for the Trans-European Energy Infrastructure (No. 347/2013 EU), known as 'the TEN-E Regulation'. This PCI status has been renewed on a bi-annual basis since 2013. In Ireland, EirGrid were notified on 21 March 2019 that the project was mature enough to enter the permit granting process. The permit granting process commences with the date of acceptance of the last notification by the Competent Authority which in this instance is 31st January 2020 when the Marine Management Organisation (MMO) in the UK, who are the competent authority for the purpose of the PCI process for that part of the development within the UK jurisdiction, accepted the project into the PCI process.
- 1.3. The project promoter is currently engaged in pre-application consultations with the SID Unit of An Bord Pleanála in respect of the proposed development, Ref. ABP-302725-18 refers, with the last meeting held on 3 November 2020. This process has not yet been completed and has included matters relating to the scope of the documentation required for the future application process.

2.0 Legislative Provisions

- 2.1. Under the provisions of Article 10(4)(a) the Scope of Application must follow the process set out in the Boards PCI Manual and in line with the guidelines set out in Annex VI of the Regulation.
- 2.2. Article 10(4)(a) states the following:
"upon the acknowledgement of the notification pursuant to paragraph 1(a), the competent authority shall identify, in close cooperation with the other authorities

concerned, and where appropriate on the basis of a proposal by the project promoter, the scope of material and level of detail of information to be submitted by the project promoter, as part of the application file, to apply for the comprehensive decision. The checklist referred to in Annex VI.1(e) shall serve as a basis for this identification”;

2.3. While not providing much by way of detail, Annex VI.1(e) states the following:

“Information about the scope, structure and level of detail of documents to be submitted with the application for decisions, including a checklist”

2.4. The Board’s PCI Manual states at Section 4.2.1 that *“it is important to note that under Article 10.4 of the Regulation the identification of the scope of material and level of detail of information may be done on the basis of a proposal by the project promoter”*. It continues by stating that *“the project promoter should, therefore, submit a proposal which may be done by submitting the documentation (though not necessarily complete) or by submitting a schedule of the documents it is intended to submit with the relevant consent applications. Any schedule of documents should at a minimum include a table of contents of various technical reports (where applicable) including for example an EIAR or NIS should they apply”*.

2.5. Section 4.2.2 of the Board’s PCI Manual provides a checklist as referenced in Annex VI.1(e) which states the following:

“The following is a checklist of documents to be submitted as part of the application file for the comprehensive decision.

- *Schedule of permits/consents required to realise the project.*
- *Letter confirming that the project promoter has included details of all permits/consents that are required to realise the project in the Schedule.*
- *Provision of contact details for each of the relevant consenting authorities.*
- *Document detailing all the information and plans and particulars that are required for each separate application for consent required to issue the comprehensive decision.*
- *Details of any documents such as reports or surveys that are incomplete together with an estimated timeline for completion.*

- *A schedule of the intended dates for lodgement of all the relevant applications for consent required.*
- *Contact details for the project promoter”.*

3.0 EirGrid Proposal

Section One provides an introduction and includes reference to the following:

- The project promoters are- EirGrid plc (EirGrid) and Réseau de Transport d'Électricité (RTE), the Transmission System Operators (TSOs) in Ireland and France;
- Details the proposed development and the extent of same in the maritime areas of the three jurisdictions;
- Outlines the PCI process to date including the process in the Irish State and the UK where a Marine Licence is required from the MMO for that section of the submarine cable which is located within the UK's EEZ.
- Noted that the French consenting files were submitted to the Direction Générale de l'Énergie et du Climat' (DGEC) on 2 December 2020 which it is understood serves as the start date of the permit granting process in France.
- Purpose of the report is to set out the proposal for the draft scope and level of detail of information to be submitted by EirGrid in respect of the proposed application file'
- The key consents required for the project are detailed in Section 1.4 including the SID Unit of the Board, the Foreshore Unit of the Department of Housing, Local Government and Heritage.

Section Two outlines the overall structure of the Proposed Application File as follows:

- The context within which the proposal has been prepared including feedback from stakeholders and legal advice.
- Noted that MMO (UK) has instructed that the proposal within its jurisdiction is not a type of development to which the EIA Directive, as transposed into UK legislation applies, and

that an Environmental Statement will be submitted with the Application, which it is proposed to submit with the Irish PCI (and SID) Application.

- The French EIAR cannot be included in the Irish submission as the PCI process in France requires the submission of the Application file some considerable time in advance of the public consultation process and that the French Application will not be in the public domain at the time of making the Irish PCI (and SID) Application submission; however, the Joint Environmental Report prepared in respect of the overall project will be included.
- Draft application file will be prepared in a number of Volumes as set out in Table 2.1 of the proposal document and is consistent with the approach adopted for the North-South Interconnector which is similar given it is a cross jurisdictional PCI project.

Table 2-1 is replicated as follows:

SID Planning Application		
Volumes		Details
Vol. 1	Vol. 1A	Statutory Particulars
	Vol. 1B	Planning Drawings
Vol. 2	Vol. 2A	Planning Report
	Vol. 2B	Public and Landowner Consultation Report
Vol. 3	Vol. 3A	Non-Technical Summary of EIAR for Ireland
	Vol. 3B	Common Chapters of EIAR for Ireland
	Vol. 3C	EIAR for Ireland Onshore
	Vol. 3D	EIAR for Ireland Offshore
Vol. 4	Vol. 4	Environmental Report for UK Offshore
Vol. 5	Vol. 5	Joint Environmental Report (JER)
Vol. 6	Vol. 6	Natura Impact Statement (NIS) for Ireland
Foreshore Licence Application		
Vol. 7	Vol. 7A	Statutory Particulars
	Vol. 7B	Drawings
Vol. 8	Vol. 8A	Planning & Consultation Report (incl. appendices)
	Vol. 8B	Marine Strategy Framework Directive Assessment
	Vol. 8C	Water Framework Directive Assessment

- Proposed that of the 8 volumes, Volumes 1-6 will be submitted to the SID Unit as they are relevant to the SID application.

Section 3 sets out the details to be included in Volume 1 - SID Plans and Particulars including:

- Cover letter, completed application form and the planning drawings which are detailed in Vol 1B and which are proposed to be submitted at A1 scale with a book of application drawings at A3. An indicative list of the type of drawings proposed to be submitted are included at Appendix A of the report.

Section 4 details the proposed SID Application reports including:

- Planning report which addresses the proposal, the legislative context, planning policy context, social and community and planning appraisal.
- Public and Landowner Consultation Report which sets out the context of public and stakeholder engagement, the engagement and impact of feedback.

Section 5 outlines the details of the EIAR for Ireland including:

- Non-Technical Summary for the Irish jurisdiction (Vol. 3A)
- Common Chapters of EIAR in Ireland to include, context, project need, whole project description, EIAR Methodology, Transboundary Impacts, Cumulative Impacts and Interactions of Effects (Vol. 3B)
- EIAR for Ireland Onshore which includes chapters on: alternatives considered, description of development, onshore construction phase activities, noise and vibration, air quality and climate, land, soils & hydrology, water, biodiversity, landscape, archaeology & cultural heritage, material assets, roads and traffic, population and human health, major accidents and disasters, summary of monitoring and mitigation measures (Vol. 3C).
- EIAR for Ireland Offshore which includes chapters on: description of landfall, description of offshore cable, alternatives considered, noise and vibration, air quality and climate, sediment quality, physical processes, water quality, biodiversity, seascape and landscape, archaeology and cultural heritage, material assets, population and human

health, shipping and navigation, commercial fisheries and major accidents and disasters
(Vol. 3D)

Section 6 outlines the details of the Environmental Report for UK Offshore which includes chapters on: policy and legislation, PCI application and Marine Licence Application Content, project description, consideration of alternatives, assessment approach, technical scope of ER, noise and vibration, air quality and climate, marine sediments and sediment quality, marine physical processes, marine water quality, biodiversity, seascape and landscape, archaeology and cultural heritage, material assets, population and human health, shipping and navigation, commercial fisheries and major accidents and disasters
(Vol. 4)

Section 7 addresses the Joint Environmental Report (JER) including:

- Noted it was prepared in November 2020, according to the EC Guidance on same, which states that it shall be prepared for the whole project in advance of the individual national environmental reports.
- Chapter of same address: project description, alternatives assessed, terrestrial project in Ireland, terrestrial project in France, Offshore project, impact assessment.
- Following EC Guidance, the JER covers specific assessments and information required under EU or national legislation on other issues such as nature protection (with focus on transboundary Natura 2000 sites likely to be affected).
- Includes a high level Non-Technical Summary (NTS) which addresses a number of matters including strategic details about the proposal.

Section 8 refers to the Appropriate Assessment Screening and Natura Impact Statement (NIS) for Ireland onshore and offshore which is set out as follows:

- Section 6A assesses Ireland Onshore, and Section 6B assesses Ireland Offshore the proposed structure of which includes an introduction, screening for AA and the NIS with references and maps:
- Section 6C summarises the conclusions of Article 6(3) assessments across jurisdictions in Ireland (onshore and offshore), UK (offshore only i.e. a Habitats

Regulations Screening Assessment) and France (onshore and offshore i.e. Évaluation des incidences Natura 2000).

Section 9 details the proposed Foreshore Licence Plans and Particulars which include:

- Cover letter, application form, Company memo and Articles of Association, public notices (Vol 7A)
- Maps, plans and sections (Vol 7B).

Section 10 provides the details of the Additional Foreshore Licence Related Assessment as follows:

- Planning and Consultation Report (Vol. 8A).
- Marine Strategy Framework Directive (MSFD) Assessment (Vol. 8B).
- Water Framework Directive (WFD) Assessment (Vol. 8C)

4.0 **CONSIDERATION OF SCOPE OF MATERIAL**

4.1. **Overview**

As per the request from the PCI Unit, the single matter to be addressed within this report is to identify any scope of material or detail of information which is not referred to in the attached documents which the SID Unit consider is required in relation to the consent for which the SID Unit is the relevant authority. In this regard, I propose to firstly, address the requirements listed in respect of the Board's PCI Manual Checklist and then address those other matters included within the Project Promoters Proposal which I have summarised above. I note that at Section 1.3 of the Project Promoters Proposal It is stated that the proposal has been prepared with reference to the requirements of Article 10(4)a) of Regulation 347/2013, the measures set out in the Board's Manual of Procedure for the Permit Granting Process (May 2014), and in accordance with Annex VI of Regulation 347/2013 (which sets out the Guidelines for Transparency and Public Participation in respect of projects designated as Projects of Common Interest).

4.2. **Board's PCI Manual Checklist**

4.2.1. As outlined above, the Board's PCI Manual includes a Checklist which I would suggest reflects the Checklist referenced in Annex VI.1(e) of the TEN-E Regulation. As I note above, Section 1.3 of the Project Promoters Proposal states that it has been prepared with reference to the requirements of, amongst other matters, the measures set out in the Board's Manual of Procedure for the Permit Granting Process (May 2014). I note that the PCI Manual available on the Board's website includes the date 15th July 2019 in the footnote and I am therefore not clear whether the Project Promoter has been made aware of the Checklist at Section 4.2.2 of the Manual which I intend to address in this section. Notwithstanding, I will address each of the requirements of the checklist in turn.

Schedule of permits/consents required to realise the project.

While reference made to Consents required within the three jurisdictions, it is considered that there are other permits/consents which are required for the overall project which should be outlined.

Letter confirming that the project promoter has included details of all permits/consents that are required to realise the project in the Schedule.

Not included or referenced.

Provision of contact details for each of the relevant consenting authorities.

Not included or referenced.

Document detailing all the information and plans and particulars that are required for each separate application for consent required to issue the comprehensive decision.

Provided.

Details of any documents such as reports or surveys that are incomplete together with an estimated timeline for completion.

Not included or referenced.

A schedule of the intended dates for lodgement of all the relevant applications for consent required.

Not included or referenced.

Contact details for the project promoter

These details have been included within the documentation.

4.2.2. The documentation provided does not include all of the necessary information which would be required to positively respond to the majority of the requirements of the Checklist above. I note that the proposal does detail all the information and plans and particulars that are required for each separate application for consent required to issue the comprehensive decision and the project promoters details are provided. I recommend that the PCI Unit inform the Project Promoter of the Checklist in the PCI Manual and request that the information within same is responded to in the Draft Application File.

4.3. **Other Documentation and Details**

Extent of Information

The information proposed to be submitted with the Draft Application File is very comprehensive and appropriately laid out.

I consider that the proposal to submit Volumes 1-6 as outlined above to the SID Unit with any application is appropriate given that Volumes 7 & 8 relate to the foreshore licence application. However, it would be useful if the Draft Application File included details as to what licences were required and when they might be sought/obtained.

EIAR Layout

The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 transpose the requirements of Directive 2014/52/EU into Irish planning law and by so doing amend Section 171A of the Planning and Development Act 2000, as amended.

Section 171A(b)(i) requires *“an examination, analysis and evaluation, carried out by the planning authority or the Board, as the case may be, in accordance with this Part and regulations made thereunder, that identifies, describes and assesses, in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of the proposed development on the following:*

(I) population and human health;

(II) biodiversity with particular attention to species and habitats protected under the Habitats and the Birds Directive;

(III) land, soil, water, air and climate;

(IV) material assets, cultural heritage and the landscape;

(V) the interaction between the factors mentioned in clauses (I) to (V)”

As the factor of population and human health is the first environmental factor addressed, as outlined above, it is considered that it should be the first environmental factor to be considered in the EIAR rather than being one of the last.

5.0 CONCLUSION

5.1. It is my opinion that the 'proposal' lodged by EirGrid sets out a comprehensive structure on which the application file can be based. Notwithstanding, I would recommend that the PCI Unit should advise EirGrid of the following:

(1) Strategic Infrastructure legislation allows for requests for additional information to be made by An Bord Pleanála should it consider this necessary during the period of the formal strategic infrastructure planning application process.

(2) An Bord Pleanála's PCI Manual (15 July 2019) includes a Checklist at Section 4.2.2 and the Draft Application file to be submitted should address the requirements of same.

5.2. I therefore recommend that the Board's PCI Unit be advised that it is the opinion of the SID Unit of An Bord Pleanála that the proposal presented is acceptable as the basis for the scope of material and level of detail of information to be submitted with the SI application and would therefore fulfil the requirements of the TEN-E Regulation - Article 10(4)(a) and Annex VI.1(e) save for the information required in the Checklist as detailed above.

Una Crosse

Senior Planning Inspector

1 February 2021