

Sorcha Skelly

From: Eoghan.Tuite@Eirgrid.com
Sent: Thursday 13 August 2020 16:39
To: Sorcha Skelly
Cc: Diarmuid Collins; Valerie.Brennan@Eirgrid.com
Subject: Celtic Interconnector Project - Request for competent authority coordination meeting
Attachments: Celtic Interconnector - Competent Authority Coordination - Letter to ABP PCI Unit - 13082020.pdf

Hi Sorcha,

Please see attached letter from EirGrid and Réseau de Transport d'Électricité to request that a coordination meeting be held between the competent authorities. It would be greatly appreciated if this meeting could take place during week commencing 17th August if at all possible in order to provide clarity regarding the consenting process and associated assessment of environmental impacts for the project.

Regards,

Eoghan

Eoghan Tuite CEng PMP
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Séanadh:

Tá faisnéis (agus/nó ceangaltáin) a d'fhéadfadh a bheith faoi phribhléid nó faoi rún sa teachtaireacht leictreonach seo. Tá an t-ábhar uile beartaithe a bheith d'úsáid an duine aonair nó an aonáin chuig a ndírítear é amháin. Sa chás nach tú an faighteoir beartaithe, bíodh fios agat go bhfuil cosc ar aon nochtadh, cóipeáil, dáileadh nó úsáid d'ábhair na teachtaireachta seo. Is iad tuairimí nó barúlacha an údair amháin na tuairimí nó na barúlacha a léirítear sa teachtaireacht seo, agus b'fhéidir nach ionann iad agus tuairimí nó barúlacha EirGrid. Má shíleann tú go bhfuair tú an ríomhphost seo trí earráid, cuir é seo in iúl don seoltóir láithreach le do thoil. Cé go scanann EirGrid ríomhphoist agus ceangaltáin, ní thugann siad ráthaíocht go mbíonn ceachtar acu saor ó víreas ná ní ghlacann siad aon dliteanas as aon damáiste a dhéantar de thoradh víreas.

Ms. Sorcha Skelly,
Executive Officer,
Project of Common Interest Unit,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902,
Ireland.

Date: 13th August 2020 **Your Ref.:** PCI Project 1.6 **Our Ref.:** Celtic Interconnector Project

RE: Coordination of competent authorities to provide for joint procedures, particularly with regard to the assessment of environmental impacts of the Celtic Interconnector

Dear Ms. Skelly,

As joint project promoters (the 'promoters') of the Celtic Interconnector Project (the 'project'), EirGrid and Réseau de Transport d'Électricité (RTE) are writing to each of the competent authorities¹ in Ireland, the United Kingdom (UK) and France, to ask for a coordination meeting to be held regarding the approach that is taken to the securing of key consents that are required to enable the delivery of this important PCI project. The promoters are cognisant of the fact that, *inter alia*, in order to enable the aims of the Environmental Impact Assessment (EIA) Directive, the Birds and Habitats Directives and the Espoo Convention to be achieved, large-scale transboundary projects (such as the subject project) must be considered as a whole in terms of their potential environmental impacts and that there should be no artificial splitting of a project.

The promoters have been engaging with the Marine Management Organisation (MMO) since late 2019 in its role as the UK competent authority for PCI projects and as the relevant permit granting authority under the UK Marine and Coastal Access Act 2009 with responsibility for the issuance of Marine Licences associated with the placement of any object (other than the submarine cable itself) on the seabed of the UK's Exclusive Economic Zone (EEZ). This engagement took place as it is expected the project will likely require a Marine Licence in order to allow for the placement of rock at certain locations in order to protect the submarine cable from hazards within the UK EEZ.

During engagements in early June 2020 the promoters advised the MMO that they had given detailed consideration to the approach to environmental assessment in the UK, and intended to submit / prepare an EIAR for the UK EEZ element of the project particularly to mitigate against the risk of a potential judicial review in Ireland. Consequently the promoters informed the MMO that they intended to submit a screening request to the MMO.

The MMO subsequently advised the promoters on 23rd July 2020 that they consider that the element of the project within the UK EEZ does not constitute development subject to the provisions of the EIA Directive within the UK context and should the promoters submit a screening request to the MMO that they would issue a negative screening opinion on this basis. The MMO have advised the promoters that that they consider that the most appropriate approach to ensuring compliance with the EIA and Habitats Directives etc. would be to liaise closely with the Irish and French authorities in their

¹ As designated under the Trans-European Networks – Energy (TEN-E) Regulation (Regulation (EU) No. 347/2013)

assessment of the Irish and French EIARs and the Joint Environmental Report (JER) in order to facilitate the consideration of the project as a whole (including the UK portion). The MMO therefore considers that the competent authorities for the purposes of EIA in Ireland and France should consult with the MMO with regard to the assessment of impacts within the UK EEZ as part of their respective assessment processes.

Appendix A to this letter sets out the promoters understanding of the proposed consenting processes in each of the three jurisdictions concerned. In the interests of transparency, the promoters herein request that the contents of this roadmap be discussed during a tripartite meeting between the three competent authorities to establish whether the proposed process meets the requirements of all relevant EU and national legislation. Thereafter, the promoters request that any ambiguities be clarified such that a comprehensive cross-jurisdictional approach is adopted and shared amongst all parties concerned.

The request for this coordination exercise to take place now arises firstly from the provisions of Article 8(5) of the TEN-E Regulation which states that *"the respective competent authorities shall take all necessary steps for efficient and effective cooperation and coordination among themselves, including as regards the provisions referred to in Article 10(4). Member States shall endeavour to provide for joint procedures, particularly with regard to the assessment of environmental impacts"*. Secondly, it arises given the particularly tight timeframes that the project is working towards and our need for total clarity on this subject matter as a matter of urgency.

We would therefore greatly appreciate if this coordination meeting could take place as soon as possible during August 2020.

We eagerly await hearing from you and should you have any questions concerning the content of this request, please do not hesitate to contact us.

Yours sincerely,



Eoghan Tuite
Offshore Project Manager
Celtic Interconnector Project
EirGrid plc



Gaëlle Chevreau
Consenting Process Manager
Celtic Interconnector Project
Réseau de Transport d'Électricité



Co-financed by the European Union
Connecting Europe Facility

Copies sent to:

Abbey Coppin, Marine Management Organisation

Sidonie Blanchard, Ministère de la Transition Écologique et Solidaire

Appendix A: Proposed Roadmap - To be validated by the PCI competent authorities in France, Ireland and UK

The below table illustrates the promoters' understanding of the consenting process for the Celtic Interconnector Project. The promoters request that the competent authorities coordinate with one another and validate this understanding such that clarity of process can be shared amongst all parties concerned.

| | UK | France | Ireland |
|---|---|---|--|
| Project elements to be constructed | | | |
| Submarine cable (UK EEZ only) | Converter Station Terrestrial electric cable Submarine cable (TW and French EEZ) | Converter Station Terrestrial electric cable Submarine cable (TW and Irish EEZ) | Converter Station Terrestrial electric cable Submarine cable (TW and Irish EEZ) |
| Environmental Impact Assessment Report (EIAR) – document to be prepared by the promoters so as to comply with national legislation | EIAR (document that is referred to as an 'Environmental Statement') is not required according to national legislation. MMO does not wish to receive / examine an EIAR that is prepared on a voluntary basis; instead, an Environmental Report related to the Marine License will suffice – please see below. | EIAR is required according to national legislation. An EIAR is being prepared. | EIAR is not strictly required according to national legislation; however, an EIAR is being prepared on a voluntary and legally advised basis. |
| Joint Environmental Report – document to be prepared by the promoters so as to comply with EC Guidance | | | |
| Joint Environmental Report (JER) covering the whole project and each country, in line with the European Commission's Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects Formal opinion on the JER required from the three competent authorities | | | |
| Process proposed for permitting | | | |
| Marine License according to the Marine and Coastal Access Act 2009 Joint application submitted by both EirGrid and RTE. On the basis of an Environmental Report focused on the placement of cable protection on the seabed within UK EEZ only (excludes cable laying activities which are exempted from a Marine License). | Overall environmental permit according to the Environmental Code. Application submitted by RTE only. On the basis of the JER and national EIAR only. | Strategic Infrastructure Development (SID) Consent and Foreshore Licence. Application submitted by EirGrid only. On the basis of the JER and national EIAR only. | |
| Public participation in the consenting process (not including voluntary public consultation undertaken by promoters in advance of submission) | 4-week consultation period following the submission of the Marine License application. | Single public enquiry during Sept/Oct 2021 (duration to be decided by the designated Commission of Public Enquiry). | 10-week statutory consultation period (minimum) on SID Application in addition to possible Oral Hearing as part of that Application. 8-week statutory consultation period (minimum) as part of the Foreshore Licence Application. |

