


To: Board.

From:  Diarmuid Collins, Senior Administrative Officer, PCI Unit.

Re: Celtic Interconnector/Concept for Public Participation.

Date: 22nd June 2020.

The Project

The Celtic Interconnector project involves the construction of an electrical circuit between Ireland and France using High Voltage Direct Current (HVDC) technology. I refer to a previous memo dated 28/8/19 (attached) concerning this project and a concept for public participation. In the interests of brevity, I do not detail the project or the PCI process as it is contained in that memo.

UK Consent

When EirGrid, the project promoter, originally notified An Bord Pleanála as competent authority of the project, it also notified the competent authority in France. EirGrid's position at the time was that no consent was required from any UK authority and, therefore, it did not notify the UK competent authority. This was, as I understand matters, on the basis that the marine cable route ran outside of UK territorial waters and there is no requirement under UK legislation for any consent for the laying of submarine cables in the Exclusive Economic Zone of the UK. However, following survey work, EirGrid concluded that the protection of the cable requires the placement of rock at some locations on the seabed. This placing of rocks requires a marine licence. Hence, Eirgrid has notified the UK competent authority of the project.

The Celtic Interconnector project was accepted into the PCI permit Granting Process by the French competent authority on 28/9/18, by An Bord Pleanála (as competent authority) on 21/3/19 and by the UK competent authority on 31/1/20.

Under Article 10.1. (a) of E.U. Regulation 347/2013, where two or more Member States are concerned, the date of the acceptance of the last notification by the competent authority concerned shall serve as the date of

the start of the permit granting process. The later UK date (31/1/20) is, therefore, the start date of the permit granting process. The PCI Unit had met with EirGrid on 9/1/20 to discuss this matter and the Regulation requirements.

Concept for Public Participation

EirGrid had submitted a concept for public participation in 2019 at a time when it was of the opinion that no consent was required from any UK authority. In the interests of procedural clarity, it was regarded as legislatively and procedurally correct to require EirGrid to submit a concept for public participation within 3 months of the start of the process which date was now set by the date of acceptance by the UK Competent Authority. Accordingly, An Bord Pleanála, as competent authority, informed Eirgrid by letter dated 23/3/20 that a concept for public participation should be lodged within an indicative date of three months. Eirgrid submitted a Concept for Public Participation (Concept) on 24/4/20.

Article 9.3 of the Regulation provides that the competent authority shall request modifications or approve the Concept within 3 months i.e. by 23/7/20. Note that the Regulation does not refer to refusal of a Concept.

Following receipt of the Concept from Eirgrid, the PCI Unit circulated the Concept to the relevant consenting authorities. Responses were received from Cork County Council, the Department of Agriculture, Food and the Marine, and the EPA. Cork County Council welcomed the document and had no issues in relation to it. The EPA noted that should certain consents be required, public participation is an integral part of the consenting process. The Department of Agriculture, Food and the Marine referred to comments on the previous Concept and had no observations on the current Concept.

When the Board considered the Concept submitted in 2019, it modified that Concept as follows:

| Modifications | |
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| 1. | The information leaflet should be re-written to include all of the items referred to in (5) of Annex VI. The leaflet to remain written in a Plain English format. Any web address given should also list the home page/landing page of the relevant authority. |
| 2. | The re-written information leaflet should be more prominent on the project website and be placed on the home page of the site for ease of |

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| | public access. |
| 3. | The project website to be modified to more clearly display the contact details and to provide a named individual(s) that might be contacted in relation to the project/application documents. |
| 4. | Publish brief details in two national newspapers of the PCI project and give the project website before any consent application is lodged. |

While this Concept for Public Participation stands on its own merits and falls to be assessed in relation to the requirements of the Regulations, I consider that it is reasonable to refer back to the modifications directed by the Board in relation to the previous Concept as an aid.

In relation to modification no.1, the information leaflet has been amended to include greater details on the national grid development plan, alternative routes considered, impacts, possible mitigation measures and the relevant home page details of web addresses.

In relation to modification no.2, the leaflet is now prominently identifiable on the project website home page (Project of Common Interest).

In relation to modification no.3, the contact details are now clearly available.

In relation to modification no. 4, this remains to be done but I do not regard it as an issue as no consent application has been lodged.

The Concept before the Board states that the envisaged public participation measures relating to the project in the UK and France are detailed by way of separate concepts for each jurisdiction (page 2).

The main elements of the project are given on page 4 of the Concept which details the cable route passing approximately 30km west of the Isles of Scilly and approximately 75km west of Land's End on the UK mainland. Page 20 states that an information leaflet will be available for UK stakeholders including those in the Isles of Scilly.

Regulation Requirements

Article 9.3 of the Regulation provides that the Concept shall be in line with the Guidelines set out in Annex VI.

Paragraph (3) of Annex VI gives principles to be applied to increase public participation and dialogue with the public. Section 4 (pages 11 to 23) of the Concept deals with public participation. Eirgrid has a six-step approach to grid

development projects. The Concept submitted in 2019 showed that the project was at Step 3: What's the best option and what area may be affected? whereas now the project is at Step 4: Where exactly should we build?

I consider that Eirgrid has taken a very reasonable approach to public participation and its actions and proposals are very detailed and it has identified stakeholders in Section 6.

The Guidelines in Annex VI list the information the Concept should at least include. I list these requirements and state whether these requirements have, in my opinion, been met.

Annex VI
Guidelines for Transparency and Public Participation
Concept Information

| Item | Concept Reference pages | Comment |
|---|-------------------------|--|
| The stakeholders concerned and addressed. | 26 to 28 | I consider the Concept satisfies this requirement. |
| The measures envisaged, including proposed general locations and dates of dedicated meetings. | 12 to 23 | I consider the Concept satisfies this requirement. |
| The timeline. | 24 | I consider the Concept satisfies this requirement. |
| The human resources allocated to the respective tasks. | 30 | I consider the Concept satisfies this requirement. |

Public Consultation Before Application

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| Information Leaflet of no more than 15 pages giving: overview and timetable, national grid development plan, alternative routes considered, impacts (including cross-border), possible mitigation measures web address of transparency | A six-page leaflet has been published and complies with the requirements. |
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| platform, and web address of PCI Manual. | |
| Inform all stakeholders through a website. | The website is set up. |
| Invite in written form all affected stakeholders to dedicated meetings. | Page 15 of Concept. I consider the Concept satisfies this requirement and this is also a matter to be addressed as the project develops. |

Project Website

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| The Information Leaflet. | Is available on the website. |
| Non-technical and regularly updated summary of the project. | Is available on the website under: What's Happening Now? and Related Documents (Project Update Brochure) pages of website. |
| Dates and locations for public consultations and hearings. | Yes. |
| Contact details for obtaining application documents. | Yes. |
| Contact details for comments and objections during public consultations. | Yes. |

Recommendation

I consider that the Concept for Public Participation meets the requirements of Regulation (EU) No. 347/2013 and recommend that it be approved by the Board without modification.

