

Nichola Meehan

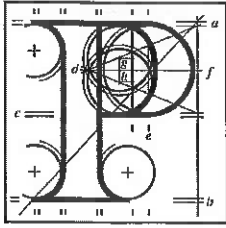
From: Ciara Kellett
Sent: Tuesday 15 June 2021 09:15
To: Nichola Meehan
Cc: Rachel Kenny
Subject: FW: Celtic Interconnector - Draft Application File Report
Attachments: RPCI003 DAF.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nichola,
Please see our Report on the Celtic Interconnector.

I will arrange hard copies etc today.

Thanks
Ciara



An
Bord
Pleanála

Inspector's Report PCI0003/ABP-302725-18

To: Director of Planning

Report 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 Draft application file lodged in connection with potential S.I, application under s.182A of the Planning and Development Act, 2000 (as amended) for that section of the project falling within the Irish State.
Stage:	Article 10.4(c) – Draft Application File
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. This document is prepared following instruction from the Director of Planning pursuant to the request received from An Bord Pleanála's PCI Unit dated 4th May 2021. The correspondence states that EirGrid have submitted a draft application file under Article 10.4 of Regulation (EU) No. 347/2013 and that as an authority concerned, the SID unit are requested to examine the draft application file and inform An Bord Pleanála's PCI Unit if any missing information should be requested. It is stated that missing information should be addressed in the context of Article 10.4(a) which relates to the identification of the scope of material and level of detail of information to be submitted by the project promoter as part of the application file. It further states that the SID Unit of An Bord Pleanála is only being requested to identify any omission of information in relation to the application file for consent that relates to the SID Unit's area of authority.

1.2. I will outline the aforementioned Articles from the Regulation for ease of reference. Article 10(4)(a) of Regulation (EU) No. 347/2013 (Scope of Application) states:

(a) 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;

Article 10(4)(c) of Regulation (EU) No. 347/2013 (Draft Application File) states:

“upon receipt of the draft application file, the competent authority shall, if necessary, and including on behalf of other authorities concerned, make further requests regarding missing information to be submitted by the project promoter, which may only address subjects identified under point (a). Within three months of the submission of the missing information, the competent authority shall accept for examination the application in written form. Requests for additional information may only be made if they are justified by new circumstances.”

- 1.3. As part of this Draft Application/'Missing Information' Stage, there are two potential outcomes which the SID unit of An Bord Pleanála can reach and I refer, in this regard, to the PCI Unit's PCI Manual as follows:

No Missing Information

Where there is no missing information, the Competent Authority will so inform the prospective applicant and state that the draft application file is being accepted as the application file with effect from the date of the letter issued by us. This will bring the pre-application procedure to an end.

Missing Information

Where there is missing information identified, it becomes a matter for the prospective applicant to address the matters raised and supply the missing information. No time limit will be placed on this by us. Prospective applicants should however be aware of the overall time limits involved and be aware that the Competent Authority may have to invoke the provisions of Article 10.2 of the Regulation and extend the time limit. Any time extension that might be invoked will be assessed on a case-by-case basis. When the missing information is supplied by the prospective applicant, that information will be circulated for assessment to the relevant authorities. Other authorities concerned may be given a copy for information only. The supply of the missing information should follow the same format as regards hard and soft copies for the original submission of the draft application file.

-
- 1.4. You will be aware that I prepared a report, dated 1 February 2021, in respect of the Scope of Application as per the requirements of Article 10.4 (a) which addressed the proposed Scope of Application received from the Project Promoter. I will address the matters raised in the next section of this report.
- 1.5. Prior to addressing same, I would note that to date the Board has yet to finally complete pre application consultation for the proposed development (ABP- 302725-18) however, the prospective applicant has sought closure of the process by way of letter dated 14 May 2021 and I discharged a report to the Board on same on 17 May 2021. Therefore, advice has already been given to the prospective applicants regarding the proposed (Strategic Infrastructure) application and in particular regarding:
- a) the procedures involved in making such an application, and

b) what considerations, related to proper planning and sustainable development or the environment, may, in the opinion of the Board, have a bearing on its decision in relation to the application.

1.6. These matters are outlined in the records of the seven pre-application consultation meetings undertaken to date. Any advice now given to the PCI Unit on the draft application file is therefore influenced significantly by the nature, purpose and content of the Strategic Infrastructure pre application consultation discussions. You will also be aware that Strategic Infrastructure pre-application consultation discussions are limited and do not address the planning merits of any case. Similarly, any comments set out below do not express an opinion on the merits or otherwise of the proposed development. Neither do they conclude on whether the applicant has adequately addressed any particular issue in the documents provided in order to conclude on the merits of the case. Such matters can only be fully assessed and finally concluded upon as part of the Board's determination of the formal Strategic Infrastructure application. The nature of this response is solely to conclude on whether there is 'missing information'. **I would recommend that any response to EirGrid in regard to the draft application file should reference this point.**

1.7. Whilst Article 10(4)(c) states that "*requests for additional information may only be made if they are justified by new circumstances*" I note that there are separate statutory provisions under the national Strategic Infrastructure legislation enabling the Board to seek additional information on a Strategic Infrastructure case should it be deemed appropriate. In my opinion these separate powers under the national Strategic Infrastructure provisions are not negated by the PCI permit granting process and Article 10(4)(c). **I would recommend that any response to EirGrid in regard to the draft application file should reference this important consideration.**

2.0 Draft Application/Missing Information Assessment

2.1 Context

2.1.1. 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 draft application file and whether there is 'missing information' within the documentation submitted with the draft application file which relates to a proposed application for approval under the strategic infrastructure provisions of the 2000 Act (as amended). As outlined in the correspondence from the PCI Unit, the request in this instance should address the matters identified in the Scope of Material stage (Article 10.4(a)). For ease of reference I will address the matters as they arose in my report on the scope of application dated 1 February 2021.

2.2. PCI Manual Checklist

2.2.1. Request – PCI Manual Checklist

"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.

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”.

2.2.2. Response – PCI Manual Checklist

The PCI Process Overview Report (April 2021) submitted by the project promoter with the Draft Application File addresses the Checklist requirements of Section 4.2.2. of the PCI Manual as follows:

Schedule of permits/consents required to realise the project.

Section 2.1 of the report outlines the permits and consents required to realise the project. This is comprehensively outlined.

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

Section 2.2 refers to a letter from the project promoter (included as Appendix A) confirming that project promoter has included details of all consents required.

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

Section 2.3 refers to Table 2.1 where the contact detail for each relevant consenting authority are provided.

This is comprehensively outlined.

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

Section 3.1 of the report and Table 3.1 outline the contents of the Draft Application File. Section 3.2 of the report outlines the information required for each separate application for consent with Table 3.2 – 3.4 outlining the contents of each application. Section 3.3 provides details of all the information, plans and particulars required for each separate consent. This is comprehensively outlined for each consent.

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

Section 4 of the report outlines the details of any documents that are incomplete/omitted in tabular format and is comprehensively outlined for each consent.

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

Section 5 provides a schedule of the intended dates for lodgement for each of the consents required. This is comprehensively outlined for each consent.

Contact details for the project promoter

The contact details of both project promoters (Ireland and France) are included in Section 6 of the report.

Conclusion – This matter has been satisfactorily addressed.

2.3. Other Documentation and Details

The following was outlined in the Scope of Application Report dated 1 February 2021

2.3.1. Request - 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”.

2.3.2. Response – Extent of Information

The report outlined above - PCI Process Overview Report (April 2021) – includes comprehensive information on the consent process for the consents referenced.

2.3.3. Request - 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.

2.3.4. Response - EIAR Layout

While this matter related to the layout of the EIAR document rather than any substantive matter, I would note that ‘population and human health’ is the first

environmental factor addressed in the EIAR (Volume 3C Part 2) which is satisfactory.

3.0 Conclusion

- 3.1. It is my opinion that the draft application file lodged by EirGrid does not contain any missing information and I recommend that the PCI Unit be advised of the acceptance of the statutory application file as per Article 10(4)(c) of Regulation (EU) No. 347/2013.

Una Crosse

Senior Planning Inspector

21 May 2021