

Celtic Interconnector EIA process

MMO meeting with Irish NCA – 7th September 2020, 10:00 – 10:30

Final Agreed Minutes

Attendees:

MMO – Abbey Coppin, Emma Dowson

Irish NCA – Diarmuid Collins, Stephen O’Sullivan, Sorcha Skelly

Discussion points:

- Regulatory requirements in each country, in particular EIA – the MMO are not looking to screen the project under EIA, as it does not fall within the EIA Annexes (Marine Works Regulations Schedules) and we would like to know what the other regulator’s thoughts are with regard to this. The applicant has raised concerns with regard to the potential for a judicial review in Ireland and the MMO want to understand what impact the MMO’s decision on EIA screening will have on any decision you make?
- How you will be considering the project as a whole under EIA – and anything you require from the MMO in terms of your assessment of the works within English waters.
- Current progress and proposed timescales with regard to both TEN-E Requirements and national consents (including EIA).

Minutes:

Irish NCA – if an applicant submits an Environmental Impact Statement in support of a project (even if it is not listed within the EIA Annexes), the Irish planning authorities and the national planning body follow EIA as standard process, applicants in effect screen themselves in. This approach is based on legal precedent.

MMO – explained that applicant is worried that if MMO don’t take same approach as Irish NCA that this could be an issue

Irish NCA – would understand if a different state has a different approach. Irish national planning authority approach may be to look at indirect effects that could arise outside Ireland’s jurisdiction that would be related to the works inside its jurisdiction which are the subject to the consent application before the authority. JER produced by project promoter should be comprehensive.

MMO – explanation of English law e.g. exemptions apply to cable works within UK waters, explaining why we are taking the approach not to go down EIA route – due to location of works, not within inshore waters, exemptions apply, meaning that the MMO are only licensing any additional cable protection (mattressing / rock protection) if required. Abbey highlighted that any potential gaps in knowledge regarding English waters the MMO can provide consultation advice.

Irish NCA – Project in pre-application stage, addressing adequacy of documentation.

MMO – when do you consult? Screening/scoping?

Irish NCA – The Irish planning system does give an opportunity to consult at the current pre-application stage. However, it would not usually consult until later in the process i.e. when an application has been lodged with An Bord Pleanála Strategic Infrastructure Division.

MMO – we are happy to be consulted at whichever stage you need re works within English waters, MMO will also make same offer to French authorities, can we arrange a more regular catch up e.g. quarterly NCA meetings? Would Irish NCA be open to this?

Irish NCA – The Irish system provides that An Bord Pleanála deals with the planning application and the PCI permit granting process, but they are administered separately within the same organisation. As we (NCA) work specifically on the PCI permit granting process, we are happy to be updated by the project promoter regarding the progress of the planning application in the English jurisdiction. We will keep in contact with MMO regarding the PCI process and would like to meet again with yourselves and jointly with the French CA. The administrative case officer who will be handling the planning application (An Bord Pleanála Strategic Infrastructure Division) may want to open contact with the MMO.

MMO – Could I have contact details of case team?

Irish NCA – will get you contact details of person administering the planning application (including EIA) on the Irish side, that person will be able to keep MMO up to date as required.

MMO – we take on board the points regarding JR and project promoter providing a robust JER, we will advise project promoter to seek as much pre-app advice from us as possible, MMO will send a letter to project promoter regarding EIA process and MMO decision that we will not be going down EIA route in English waters, if you need anything from us please let us know

ACTIONS:

MMO – draft and send letter to project promoter outlining MMO process regarding EIA for the project

Irish NCA – to confirm administrative contact for the Irish planning application (An Bord Pleanála Strategic Infrastructure Division).