

An  
Bord  
Pleanála

**Inspector's Report**  
PCI0004/ABP- 26.VC0102

To: Director of Planning

Report further to instruction from Director of Planning by email dated 14 July 2020

**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 0004 / ABP- 26.VC0102**

**Project promoter:** Greenlink Interconnector Limited

**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.

**Nature of Development:** Proposed Electricity Interconnector between Ireland and Wales from Great Island, Co. Wexford

**Inspector:** Una Crosse

## 1.0 INTRODUCTION/BACKGROUND

1.1. This document is prepared following instruction dated 14th July 2020 from the Director of Planning pursuant to the request received from An Bord Pleanála's PCI Unit dated 23<sup>rd</sup> June 2020. The correspondence states that Greenlink 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 interpreted in the context of the request made to the Director of Planning on 20<sup>th</sup> March 2020 under Article 10.4(a) to identify the scope of material and level of detail of information to be submitted by the project promoter as part of the application file. It is further stated that Article 10.4(c) of the Regulation states that requests for missing information may only address subjects identified under Article 10.4 (a).

1.2. I will outline the aforementioned Articles from the Regulation for ease of reference.

Article 10(4)(c) of Regulation (EU) No. 347/2013 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.”*

Article 10(4)(a) of Regulation (EU) No. 347/2013 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;*

- 1.3. I am unaware of the contents of the PCI Unit's formal response to Greenlink on the 'scope of material and level of detail of information to be submitted by the project promoter' as part of the application nor am I aware if the SID unit responded to the request under Article 10.4(a), referenced in the correspondence dated 20<sup>th</sup> March 2020, as I did not receive an instruction to respond to a request under Article 10.4(a). I cannot therefore refer to the matters previously identified in those documents, as the basis for this response on the draft application file, which would appear to be the approach required in the Regulation as set out in Article 10(4)(c) in stating "... make further requests regarding missing information to be submitted by the project promoter, which may only address subjects identified under point (a)...". Notwithstanding, I will provide the following opinion on the material which I have received.
- 1.4. You will be aware that under s.182E(2) and the Strategic Infrastructure procedures the Board has yet to finally complete pre application consultation for the proposed development. (26. VC0102) however, the prospective applicant has sought closure of the process by way of letter dated 16 July 2020 and I discharged a report to the Board on same on 22 July 2020. 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.
- 1.5. These matters are outlined in the records of the five 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 soon to be complete 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 Greenlink in regard to the draft application file should include reference and emphasise this point.**

- 1.6. 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 Greenlink in regard to the draft application file should include reference to this and emphasise this important consideration.**
- 1.7. You should note that Greenlink have indicated at Section 1.7 of the EIAR that separate statutory consents other than approval under the planning (Strategic Infrastructure) provisions are necessary for the proposed development and include:
- Foreshore Licence under Foreshore Act 1933, as amended.
  - Consent under Continental Shelf Act 1968
  - A suite of other consents including Authorisation to Construct an Interconnector under Section 16 of the Electricity Regulation Act 1999 (CRU), various consents under Electricity (Supply) Act 1927 and other consents including Road Opening Licences.
- 1.8. Finally, as part of this 'Missing Information' Stage, there are two potential outcomes which the SID unit 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.

## **2.0 Draft Application File**

2.1. The following information contained within the documentation submitted has been provided as the SID Application Documentation in respect of the Draft Application File:

- Draft SID Application Form
- Draft Site and Newspaper Notice
- Draft Environmental Impact Assessment Report – Ireland Onshore, comprising EIAR Part 1 – Non-Technical Summary and Main Chapters & EIAR Part 2 – Appendices
- Draft Natura Impact Statement
- Draft Application Drawings including A3 pack.
- Schedule of pre-application consultations

### 3.0 'Missing Information' Assessment

- 3.1. 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 above, I was not requested to provide any 'opinion' on "*the scope of material and level of detail of information to be submitted by the project promoter*" under Article 10(4)(a). Notwithstanding, I would propose to review the documentation and provide an opinion on same as if an opinion had been provided on the previous stage, that being Article 10(4)(a) of Regulation (EU) No. 347/2013.
- 3.2. I note that the PCI Unit's PCI Manual states in respect of the Information Required (Section 4.2.1 of PCI Manual) 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. Any plans or drawings necessary to identify the site, scope and extent of the project should be exact enough to enable the relevant authorities to examine the context of the site in terms of its layout and relationship to adjacent, nearby or other relevant sites. Where a linear project is involved, the route should be shown as closely as possible with any potential variation identified including any ancillary service or access areas. Where any land is not in the ownership or under the control of the project promoter, details of the legal interests intended should be given without necessarily naming or identifying the existing owners in order to establish sufficient interest to make an application under the different legislative consent processes required. No commercially sensitive or personal information should be submitted unless accompanied by the express consent of persons involved*".
- 3.3. Section 4.2.2 of the Manual sets out a Checklist which I suggest is in response to Article 10(4)(a) of Regulation (EU) No. 347/2013 requirement which states that "*the*

*checklist referred to in Annex VI.1(e) shall serve as a basis for this identification”.*

The checklist is addressed in the following section.

- 3.4. In addition to addressing the inclusions on the checklist, I propose to undertake a review of the documents submitted with the Draft Application as they relate to the SID Unit and then outline any other information which I consider would be required/useful to the process and could be considered to comprise missing information.

#### 3.4.1. **Checklist**

*Schedule of permits/consents required to realise the project*

- Outlined in Section 1.7 of EIAR for jurisdiction of the Irish State.
- Consents in the jurisdiction of the United Kingdom should be provided.
- It would be useful to include in separate planning report

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

- Should be provided.

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

- Should be provided.

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

- Should be provided.

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

- Details are included where relevant in the documents.

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

- Should be provided.

*Contact details for the project promoter*

- Provided in the application form.

#### 3.4.2. **Documentation Submitted**

I will address each of the documents submitted in turn and where it is considered there is missing information this is highlighted.

#### 3.4.2.1. **Draft SID Application Form**

No comment.

#### 3.4.2.2. **Draft Site and Newspaper Notice**

The prospective applicant should consult with the Administration Section of the SID unit in respect of the requirements in relation to public notices including any requirements in respect of transboundary effects.

#### 3.4.2.3. **Draft Environmental Impact Assessment Report – Ireland Onshore**

The draft application is accompanied by an EIAR in 2 volumes. The non-technical summary is included in the first Volume (Part 1 of 2) with the Main Chapters.

The following provides an outline of matters which are considered to constitute missing information or require clarification. Only chapters where such missing information exists or clarification is required are referenced.

##### **Contents**

Point of Clarification - Separate Table of Contents from Non-Technical Summary within first section of Volume and indicate in Table of Contents that Appendices are included in separate Volume.

##### **Introduction and Background**

Missing Information - Section 1.7 - Consents in the jurisdiction of the United Kingdom should be provided and the up to date status of consents within the Republic of Ireland and the United Kingdom should be provided.

##### **The absence of this information constitutes Missing Information**

Point of Clarification - Section 1.6.2 – update details on pre-application stage.

Point of Clarification - It would be useful to include all of the consents/schedules in a section within a separate planning report with an up to date status on same.

##### **Construction Strategy**

Point of Clarification - Figure 4.11 – provide in colour.

##### **Environmental Factors**

## **Population and Human Health**

Clarification - This Chapter should be the first environmental factor to be considered in the EIAR rather than being one of the last.

Missing Information - Documentation should confirm whether there are any relevant extant planning permissions, or current planning applications as appropriate, along the route of the proposed development.

**The absence of this information constitutes Missing Information.**

### **Other Matter**

Clarification - A complete review of the document should be undertaken for typographical errors.

### **Appendices**

- A table of contents at the start of the document indicating the location of each of the reports within the document is recommended.
- A review of the contents of each of the Appendices document should be undertaken as a number of dividers did not contain any document, and therefore it is not clear if information is missing, and other sections appeared to have multiple documents but with no table of contents.
- The draft Construction Environment Management Plan (CEMP) should be prepared based on the most up to date information available at the time of making the application.

**This is a matter of clarification/review.**

#### **3.4.2.4. Other Matters Arising in relation to EIAR**

##### Joint Environmental Report

It is noted that the European Commission document *Guidance on the Application of the Environmental Impact Assessment Procedure for Large Scale Trans-boundary Projects* (2013) is referenced in Section 1.9.2 of the EIAR. This requires that the entirety of environmental effects of the Interconnector project is assessed and dealt with in the application documentation and requires the production of a Joint Environmental Report (see section 5 of the Guidance). A Joint Environmental Report does not form part of the information that I have been forwarded and the applicant is

advised to consult the Guidance in this regard and to submit a Joint Environmental Report (JER).

**The absence of this document constitutes Missing Information.**

#### 3.4.2.5. **Presentation**

- Each volume of the EIAR is provided with a Table of Contents.
- A complete review of the document should be undertaken for typographical errors.

**This is a matter of clarification.**

#### 3.4.3. **Draft Natura Impact Statement**

No comment

#### 3.4.4. **Draft Application Drawings including A3 pack.**

It is noted that only 4 site notices are proposed along the route of the proposed development. It is considered that additional notices should be included at road junctions and within Ramsgrange village.

**The absence of same constitutes Missing Information.**

#### 3.4.5. **Schedule of pre-application consultations**

It is recommended that the meetings held with the SID and PCI units of An Bord Pleanála should be detailed separately as they relate to two separate processes.

**This is a matter of clarification.**

#### 3.4.6. **Other Documents**

##### Planning Report

- While the information is contained within the EIAR, it is recommended that the application is accompanied by a comprehensive planning report, under separate cover, which brings together the development description, planning history, policy and planning policy context, need and justification for the proposal, schedule of permits required and an outline of the status of same. Reports on public

consultation undertaken and community gain proposals could be attached as appendices to this report.

#### Report on Electromagnetic Fields

- While addressed at Section 15.4.3.5 of the EIAR and Appendix 15.1 it is considered that a separate report on potential effects on the local environment from Electromagnetic Fields would be useful for the public and should be submitted.

#### Offshore Documents

- It is also considered that copies of the Offshore documents – EIAR & NIS – should be submitted for ease of reference.

#### Documents related to United Kingdom

- While outside the Irish State, an outline and review of the documents submitted for that part of the development within the jurisdiction of the United Kingdom should also be submitted.

#### **The absence of these documents constitutes Missing Information**

## 4.0 Conclusion

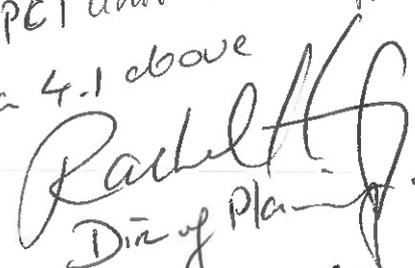
- 4.1. It is my opinion that the draft application file lodged by Greenlink contains 'Missing Information' as set out and highlighted in the above paragraphs. I recommend that the PCI Unit be advised accordingly and that the Missing Information should be requested prior to acceptance of the application file itself under the terms of Article 10(4)(c) of Regulation (EU) No. 347/2013.



Una Crosse

Senior Planning Inspector

24 July 2020

*Noted & agreed,  
Recommend PCI unit advise applicant  
as per para 4.1 above*  
  
Dir of Planning app.  
28.7.2020.

