



An
Bord
Pleanála

Inspector's Report

PCI0004/ABP- 26.VC0102

To: Director of Planning

Report following submission of 'Missing Information' for Draft Application File for proposed Greenlink Interconnector which it is proposed to lodge under S. 182A of Planning and Development Act 2000, as amended.

Regulation (EU) No. 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-european energy infrastructure

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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 pursuant to the request received from An Bord Pleanála's PCI Unit dated 18th September 2020 to the Director of Planning. The correspondence from the PCI Unit states that Greenlink submitted a response on 10 September 2020 to the Missing Information which was identified by the SIDS unit in correspondence dated 24th July 2020. The SIDS Unit is now requested to provide a response to the information submitted by Greenlink.

1.2. The following Article from the Regulation is outlined 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.”

1.3. You should also be aware that since the correspondence was sent from the SIDS Unit on 24 July 2020 regarding the Missing Information, pre-application consultation procedures under s.182E of the Planning and Development Act 2000, as amended have been completed (26.VC0102). The Board determined on 29 July 2020 that the proposed development is Strategic Infrastructure. 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. These matters are outlined in the records of the five pre-application consultation meetings undertaken. 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 the 'missing information' identified has been provided.

1.4. As noted in my report of 24 July 2020, 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). As previously advised, I would recommend that any response to Greenlink in respect of the response to the missing information should include further reference to this and emphasise this important consideration.

1.5. Finally, as part of this 'Missing Information' Stage, the PCI Unit's PCI Manual references the following in respect of the response to the Missing Information:

"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.

For clarity, where an issue of Missing Information arises and the Missing Information is supplied the prospective applicant will be invited to submit one copy of all documentation comprising the documentation submitted as the original draft application file and the missing information and this will be acknowledged as comprising the application file.

Given that there may be a passage of time since the original draft application file was submitted any changes or amendments if not material in nature may be accepted if accompanied by a covering letter detailing the changes.

For the avoidance of doubt it is accepted that applications made subsequently to the relevant authorities may contain updated information or completed reports, surveys and assessments which have been previously identified”.

2.0 Revised Draft Application File

2.1. In addition to the cover letter addressing the matters set out in the missing information report, the following information has been provided where changes have been made to documents originally submitted with the Draft Application File:

- Environmental Impact Assessment Report – Ireland Onshore
 - Volume 1 – Part A – Non-Technical Summary
 - Volume 1 – Part B – Main Chapters
 - Volume 2 – Appendices
- Natura Impact Statement – Marine
- Environmental Impact Assessment Report – Marine
 - Volume 1 – Non-Technical Summary
 - Volume 2 – Main Chapters
 - Volume 3a – Appendices A-G
 - Volume 3b – Appendices H-L
- Route Maps – C-RM-002_PL3, C-RM-003_PL3 and C-RM-004_PL3.
- Letter outlining Permits and Consent Confirmation
- Consents Applications Overview
- Planning Report

3.0 Assessment of Response to the ‘Missing Information’

The single matter to be dealt with in this report is to respond to the request for comments from the Board’s PCI Unit on the missing information submitted on the draft application file as identified in my report of 24 July 2020. My report addressed two matters. Firstly, the Checklist (Section 3.1) set out in Section 4.2.2 of the PCI

Unit Manual and secondly, a review of the documentation (Section 3.2) submitted with the draft application file. I will address both in turn.

3.1. CHECKLIST

Section 4.2.2 of the Manual sets out a Checklist which, as I previously suggested, 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 response to the checklist is addressed as follows.

3.1.1. Schedule of permits/consents required to realise the project

SID Unit Request

The request stated that schedule of permits/consents to realise the project were outlined in Section 1.7 of EIAR for the jurisdiction of the Irish State. It was stated that the consents in the jurisdiction of the United Kingdom should be provided and that it would be useful to include same in a separate planning report

Project Promoter Response

It is stated that a planning report is provided as part of the missing information. It further states that ‘*Section 6 – Schedule of Permits Required and Status of Each*’ includes a schedule of permits/consents in both the Irish State and the United Kingdom. I consider that this matter has been satisfactorily addressed.

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

SID Unit Request

The request stated that this information should be provided.

Project Promoter Response

The documentation submitted includes a letter dated 1 September 2020 from the project promoter confirming same. I consider that this matter has been satisfactorily addressed.

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

SID Unit Request

The request stated that this information should be provided.

Project Promoter Response

The details are set out in Section 6.4 of the Planning Report which outlines contacts details for the relevant consent Authorities in both the Irish State and the United Kingdom. I consider that this matter has been satisfactorily addressed.

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

SID Unit Request

The request stated that this information should be provided.

Project Promoter Response

The information is outlined in the report entitled '*Greenlink – Consent Applications Overview*'. I consider that this matter has been satisfactorily addressed.

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

SID Unit Request

The request stated that details are included where relevant in the documents.

Project Promoter Response

The response states that all reports and surveys required are complete with details of such included in the EIAR and NIS as appropriate. I consider that this matter has been satisfactorily addressed.

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

SID Unit Request

The request stated that this information should be provided.

Project Promoter Response

Section 6 of the Planning Report – *Schedule of Permits Required and Status of Each* – outlines the status and/or intended dates of lodgement of relevant applications for consent. I consider that this matter has been satisfactorily addressed.

3.1.7. **Contact details for the project promoter**

SID Unit Request

The request stated that this was provided in the application form.

Project Promoter Response

No further action was required which is satisfactory.

3.2. **REVIEW OF DOCUMENTATION**

In addition to addressing the inclusions on the checklist, I undertook a review of the documents submitted with the Draft Application file as it related to the SID Unit and outlined any other information which I considered would be required/useful to the process and could be considered to comprise missing information. The response to matters which I requested further consideration of is outlined as follows.

3.2.1. **Draft Environmental Impact Assessment Report – Ireland Onshore**

The draft application was accompanied by an EIAR in 2 volumes. The non-technical summary was included in the first Volume (Part 1 of 2) with the Main Chapters. It was stated in my report of 24 July 2020 that the request provided an outline of matters which were considered to constitute missing information or require clarification. It was stated that only chapters where such missing information exists or clarification is required are referenced.

3.2.1.1. **Contents**

SID Unit Request – A point of clarification was raised which requested a 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.

Project Promoter Response – the table of contents has been revised and the Non-Technical summary has been separated into a separate document. This matter has been addressed and I consider that the presentation of the document has been significantly improved.

3.2.1.2. **Introduction and Background**

SID Unit Request – Section 1.7 was referenced and it was considered that consents in the jurisdiction of the United Kingdom should have been provided and the up to date status of consents within the Republic of Ireland and the United Kingdom should have been provided. It was considered that the absence of this information constituted Missing Information. Two further points of clarification were raised, firstly, at Section 1.6.2, an update of details on the pre-application stage was requested. It was also stated that 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.

Project Promoter Response – the planning report submitted includes a schedule of permits required and the status of each at Section 6. The schedule includes permits consents in both Ireland and the UK. This matter has been addressed.

3.2.1.3. **Construction Strategy**

SID Unit Request – it was requested, as a point of clarification, that Figure 4.11 be provided in colour.

Project Promoter Response – Figure 4.11 in the EIAR submitted has been edited and provided in colour. This matter has been addressed.

3.2.1.4. **Environmental Factors - Population and Human Health**

SID Unit Request – First a point of clarification was requested. It was stated that the population and human health chapter should be the first environmental factor to be considered in the EIAR rather than being one of the last. Secondly, it was requested that documentation should confirm whether there are any relevant extant planning permissions, or current planning applications as appropriate, along the route of the proposed development. This second point was considered to constitute Missing Information.

Project Promoter Response – in relation to population and human health it is stated that it remains as Chapter 15 with all environmental chapters' given equal analysis and weighting regardless of order in the report. Information on the receiving environment with regard to air, noise and water quality, which has the potential to have effects on human health are provided in the preceding chapters. While I acknowledge the response, I consider that the consideration of population and human health as the first environmental factor is best practice. In relation to planning

history along the route, these are included in Chapter 15 of the EIAR, the planning report and Q7 of the application form. This is acceptable.

3.2.1.5. Other Matter

SID Unit Request – as a point of clarification, it was requested that a complete review of the document should be undertaken for typographical errors.

Project Promoter Response – reference is made to the EIAR submitted. It is not practically possible to review the entire document for typographical errors and this is not the purpose of this process. The advice was provided such that the project promoter would satisfy themselves that the document was edited appropriately.

3.2.1.6. Appendices

SID Unit Request – the following information, which were considered matters of clarification/review were requested -

- 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 was not clear if information was 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.

Project Promoter Response – In response, it is stated that tables of contents are provided with the collation of EIAR reviewed prior to submission to ensure documentation within correct sections. It is also outlined that the CEMP has been prepared with the most up to date information and will be reviewed and revised as required prior to final submission. This is considered acceptable.

3.2.2. Other Matters Arising in relation to EIAR

3.2.2.1. Joint Environmental Report

SID Unit Request - 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). It was considered that the absence of this document constituted Missing Information.

Project Promoter Response – A joint environmental report has been included as Appendix 1.6 of the EIAR. This matter is considered to be addressed.

3.2.2.2. **Presentation**

SID Unit Request – It was requested that each volume of the EIAR was provided with a Table of Contents and that a complete review of the document should be undertaken for typographical errors. This was considered to be a matter of clarification.

Project Promoter Response – The EIAR volumes now have table of contents. The matter of typographical errors is addressed above at Section 3.2.1.5. The project promoter should be advised to undertake a further review in advance of the submission of the application.

3.2.3. **Draft Application Drawings including A3 pack.**

SID Unit Request - 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. It was considered that the absence of these documents constituted Missing Information

Project Promoter Response – revised drawings have been submitted which outline the location of additional site notices – C-RM-002_PL3; C-RM-003_PL3; C-RM-004_PL3. This matter is considered to be addressed.

3.2.4. **Schedule of pre-application consultations**

SID Unit Request - 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. It was stated that this was a matter of clarification.

Project Promoter Response – The Planning Report now replaces this document with section 1.7 of the Planning Report detailing the pre-application consultations with the SID and PCI units of the board separately. This matter is considered to be addressed.

3.2.5. Other Documents

3.2.5.1. Planning Report

SID Unit Request - 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.

Project Promoter Response – a planning report has been submitted which outlines the information requested and includes numerous appendices. This matter is considered to be addressed.

3.2.5.2. Report on Electromagnetic Fields

SID Unit Request - 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.

Project Promoter Response – The response provided refers to Appendix 15.1 of the EIAR which they state now includes a non-technical summary. While this is useful, I consider that it would be more user friendly if this document was submitted as a standalone document for ease of access for the public who may not be aware that it is contained in a volume of the EIAR. I would advise that the project promoter be informed of this advice.

3.2.5.3. Offshore Documents

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

Project Promoter Response – the documentation submitted includes the Marine NIS and Marine EIAR as part of the response to the missing information. This matter is considered to be addressed.

3.2.5.4. Documents related to the United Kingdom

SID Unit Request - 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. It was considered that the absence of these documents constituted Missing Information

Project Promoter Response – A document entitled 'Consent Applications Overview' has been submitted and provides a comprehensive overview of the planning process in the United Kingdom for that part of the development within that jurisdiction. Appendices attached to same include reports and decisions on the elements of the development. This matter is considered to be addressed.

4.0 Conclusion

- 4.1. It is my opinion that the response submitted by Greenlink on 10 September 2020 has substantially addressed the missing information identified in my report of 24 July 2020. I have underlined above a number of instances where I consider that the presentation of the material should be amended/reviewed but this is not considered to comprise missing information, it is a matter of clarification. Therefore, I recommend that the PCI Unit be advised accordingly and that the missing information should be noted and requested to allow for acceptance of the statutory application file itself as per Article 10(4)(c) of Regulation (EU) No. 347/2013.


Una Crosse

Senior Planning Inspector

15 October 2020



