



An  
Bord  
Pleanála

## Record of Meeting

<b>Case Reference / Description</b>	Greenlink Interconnector PCI 0004		
<b>Case Type</b>	Project of Common Interest (PCI)		
<b>1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup> Meeting</b>	Forth meeting		
<b>Date</b>	31 <sup>st</sup> January, 2020	<b>Start Time</b>	2pm
<b>Location</b>	An Bord Pleanála	<b>End Time</b>	
<b>Chairperson</b>	Diarmuid Collins	<b>Executive Officer</b>	Sorcha Skelly

### Present

#### Representing Competent Authority, An Bord Pleanála:

Diarmuid Collins, Senior Administrative Officer

Chris Clarke, Board Secretary

Sorcha Skelly, Executive Officer

#### Representing Project Promoter (Greenlink):

Tom Brinicombe, Greenlink

Paul Hickey, Greenlink

Dan Garvey, Arup

Brendan Slattery, McCann Fitzgerald Solicitors

## **Introduction:**

Introductions were made and the Competent Authority (CA) stated that it would take a record of the meeting and the record would enter the public domain at the conclusion of the process. As such, no information that might be considered commercially sensitive should be presented.

The CA stated that these meetings were entirely separate from the SID meetings and process and that there would be no crossover in ABP staff between these processes. Under the PCI process, the CA said the merits or otherwise of the project would not be discussed.

The CA stated that while it considered the meeting last Thursday (23/1/20) was very amicable, it was unsatisfactory and it had sent Greenlink an email on 24/1/20 to clarify certain matters. The meeting today was offered because of the importance of ensuring an understanding and acceptance of procedures.

To recap on certain matters: the PCI Unit facilitated Greenlink with 3 meetings before the project applied to enter the permit granting process: 24/2/16, 16/8/16 and 15/2/18.

Greenlink applied to enter the permit granting process on 30/7/18. The project notification was rejected as not mature enough on 17/10/18.

Greenlink applied to enter the permit granting process on 22/5/19. The project notification was accepted on 16/7/19, less time than the 3 months given in the Regulation.

Greenlink submitted a concept for public participation on 7/10/19. On 9/12/19, the concept was modified, less time than the 3 months given in the Regulation.

With the letter dated 16/7/19 (accepting the project notification, which begins the permit granting process), the CA enclosed a copy of the responses received from the consenting authorities. The letter from the CRU pointed out that a required

consent from the CRU, under section 14 (1)(i) of the Electricity Regulation, Act, 1991 was omitted. At the meeting last Thursday (23/1/20), this consent was not included. Does Greenlink accept this consent is required? It has a procedural relevance as well as a timeline relevance. Is Greenlink satisfied that it has identified all consents (not just CRU consents) necessary?

The implementation plan has been sent to the consenting authorities. Note that an implementation plan is required under Article 5 of the Regulation. An implementation plan is not "the detailed schedule" referred to in Article 10. 4. (b). The Regulation states that the detailed schedule shall as a minimum specify the matters set out in Annex VI (2) of the Regulation, which includes matters such as stakeholders likely to be concerned. The CA does not consider these stakeholders were sufficiently identified in the concept for public participation-refer to point 1 of our letter of 9/12/19 (letter modifying the concept for public participation). The Competent Authority does not accept that an implementation plan is the same as a "detailed schedule" required by the Regulation.

The Welsh Government Guidance states (page 14 of Guidance) the detailed schedule "will be finalised once the concept of public participation is drafted and agreed". We, as the Irish Competent Authority, take the same approach. Irrespective of that we consider that we are taking the correct procedural approach.

In relation to the permit granting process and applications to the consenting authorities, please refer to the flowcharts on pages 24 and 27 of our published PCI Procedures Manual to see the sequence of the PCI process and when applications to the various authorities should be made. For comparison, please look at the flowcharts on page 17 and on page 19 of the Welsh Guidance. There is no difference in the procedural approach.

In relation to the application for a foreshore licence, Greenlink proceeded with this and informed the PCI Unit this had been made. That is not the procedure in our Manual or the type of process we would outline to project promoters. We accept that

we might have responded differently in November 2019. We have factored that into our procedural approach.

The meeting noted that An Bord Pleanála (CA) operates in a highly litigious environment, which is probably unlike the UK/Welsh experience. The need for procedural correctness could not be overstated.

The CA requests that Greenlink address our concerns about the procedural implications stated and address the issue of Greenlink having made a foreshore application at this stage.

In relation to the consent under section 14(1)(i) of the Electricity Regulation Act, 1991, Greenlink said it intended to proceed on the basis that this consent is required and comply with the CRU procedures.

In relation to the application made for a foreshore licence, Greenlink have already proceeded with this and informed PCI unit that this application had been made. CA noted that is not the procedure in the Manual or the type of process we would outline to project promoters. CA suggested that Greenlink ask the Department not to issue a decision on the application pending formal written contact from ABP(CA) concerning the scoping of material and detailed schedule for the permit granting process. Greenlink agreed to this proposed approach.

### **Further Communications between CA and Greenlink**

The next steps to be taken by Greenlink are to submit a detailed schedule of permits and a proposal for the scoping of the application which will be circulated to all consenting authorities by the CA. The CA will ask the consenting authorities to respond within a timeframe of 8-10 weeks. Following the receipt of the responses and consideration of the responses by Greenlink, Greenlink may then submit a draft application file to PCI unit.

The draft application file must include foreshore licence application, draft SID application and documents supporting the CRU permit applications. Any materials

which are not currently available to support the application must be outlined and explained.

Greenlink will send an email over the coming days to CA outlining their understanding of the next steps to be taken prior to the submission of the draft application file.



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Diarmuid Collins,  
Senior Administrative Officer,  
21<sup>st</sup> May, 2020.

