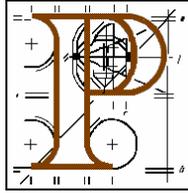


An Bord Pleanála



Inspector's Report

02.VC0054

Prospective Applicant:	EirGrid PLC
Planning Authority:	Meath, Cavan & Monaghan County Councils
Issue:	SID Pre-application – whether project is or is not strategic infrastructure development
Nature of Development:	Proposed 400kV North South electricity interconnector from Woodlands substation Co Meath to a proposed substation at Turleenenan, Co Tyrone, N. Ireland (potential S.I. development constitutes that part of the transmission line within the Republic to the State border). Separate applications have already been lodged by Northern Ireland Electricity (NIE) to the Northern Ireland Planning Service (NIPS) in N. Ireland for section of route within that jurisdiction
Inspector:	Philip Green

1.0 INTRODUCTION

- 1.1** The subject proposal relates to that part of a proposed 400kV AC single circuit overhead transmission line (OHL) within the Republic of Ireland (approx. 105km.) proposed as a North South electricity interconnector from Woodlands substation near Batterstown Co Meath to Turleenenan, Co Tyrone, N. Ireland (crossing the border into N Ireland at Lemgare, north east of Clontibret Co Monaghan). The routing of the proposed development is stated by the prospective applicants to be broadly similar to that which was proposed in the previously withdrawn application lodged direct to the Board as S.I. – 02. VA0006 (see relevant history section below) with however localized modifications taking into account of construction of one off houses, exclusion of the intermediate sub station near Kingscourt (stated not to be required for a period of approx. 10 years and which would then be subject of further application and environmental assessment) and due to modifications arising from technical and environmental considerations during EirGrid’s re-evaluation process including removal of structures away from sensitive ecological receptors and where access for survey was not permitted.
- 1.2** Five pre-application consultation meetings with the prospective applicants and their representatives were held on 2nd December 2010, 31st July 2013, 14th October 2013, 18th December 2013 and 23rd December 2013 (see signed Records on file). The primary purpose of these meetings was to address the issues of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act as amended by the Planning and Development (Strategic Infrastructure) Act, 2006, to consider matters relating to the proper planning and sustainable development of the area or the environment which may have a bearing on the Board’s decision and procedures involved in making the application.
- 1.3** The Board should note that the prospective applicants have requested a determination as to whether an EIS is required to accompany any application for the proposed development. In addition as a result of potential transboundary issues arising the Board is required to formally conclude on whether the project is likely to have significant effects on the environment in another Member State of the EC (this will initiate certain statutory notification and consultation procedures by the applicants and the Board under the Act/Regulations should a planning application subsequently be lodged). Further there will also be certain requirements under the EIA process for the potential transboundary environmental effects of the entire project to be considered.
- 1.4** The North South Interconnector project has been designated as a Project of Common Interest in the first Union List created pursuant to the requirements of Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure. The Board will be aware that it has

been designated the Competent Authority to issue the Permit required for PCI's within the State. EirGrid have written to the Board under the provisions of that Regulation informing the Board of such. This report however only seeks to address the specific determination to be formally made by the Board on the subject matter of this pre application consultation request lodged under the provisions of s. 182E of the Act and whether or not this proposed development constitutes SI for the purposes of s. 182A requiring an application for approval direct to the Board (and related EIA matters).

2.0 PLANNING HISTORY

2.1 The following is brought to the Board's attention:-

- **17. VC0010 and 02. VC0011 (SI pre application consultations):** Construction of new 400kV overhead transmission line from Woodland Station Co Meath to the border with Northern Ireland at the townlands of Lemgare/Coolartragh, Co Monaghan via a new substation at Moyhill Co Meath near Kingscourt Co Cavan. The project comprises that portion of the overall planned Meath – Tyrone 400kV cross border electricity interconnector arising within the Republic of Ireland. Board determined on 4th December 2009 that the proposed development was strategic infrastructure and that the planning application should be made directly to An Bord Pleanála.
- **02. VA0006:** S.I. Application lodged directly with the Board under provisions of s. 182A of the Act for Meath Tyrone 400kV interconnector including new sub station etc. Application withdrawn.
- **02. VS0002:** Scoping opinion issued by Board on 11th December 2013 pursuant to a request by Eirgrid on information to be contained in an EIS relating to the proposed development constituting the North – South 400kV interconnector. The Board should note that the Written Opinion was also informed by consultation with and responses received from the Department of the Environment (Northern Ireland). Copy of Written Opinion contained on the Board's pre application consultation file.

3.0 THE PROPOSED DEVELOPMENT

3.1 The proposed development proposed to be lodged direct to the Board as S.I. as set out in the final pre application submissions (see EirGrid's Preferred Project Solution Report dated July 2013) includes:

CMSA Section (towers 103 to 237)

- Single circuit 400 kV overhead transmission line supported by 134 towers (30 angle and 104 intermediate) for distance of 46.4 km. from border at Lemgare County Monaghan and Clonturkan, Co Cavan.

MSA section (towers 237 to 402)

- Single circuit overhead transmission line supported by 166 towers (46 angle and 120 intermediate) for a distance of 54.9km from Clonturkan, Co Cavan to Bogganstown Co Meath;
- Approx. 2.8km of new circuit will be supported on existing 400kv double circuit structures with one side of these towers currently used to support the existing Oldstreet to Woodlands 400kV circuit; the other side is spare and will be used for the N-S interconnector;
- Extension to existing Woodlands substation.

The proposed towers would be predominantly lattice steel IVI structures.

3.2 For the Board's information the Northern Ireland section as described (towers 1 to 102) includes

- New 275/400kV substation at Turleenan County Tyrone
- Single circuit 400kV OHL supported by 102 towers for a distance of 34.1km. from proposed substation at Turleenan to border;
- Approx. 200m. of OHL oversailing Northern Ireland between towers 106 and 107 in townland of Crossbane.

4.0 CONSULTATIONS – SUMMARY OF KEY ISSUES AND ADVICE

The key issues arising during consultations may be summarised as follows (the signed Records and associated documents provided by the prospective applicants should be consulted for further details). The Board should note that the pre application consultation process took place over a significant period of time. The submissions made and Written Records of the meetings reflect this and the applicants approach in 'refining' the project in light of emerging studies, assessments, research and policy.

- Prospective applicants re-evaluation of project having regard to matters arising from withdrawal of application 02 VA0006
- Background and continuing need for proposed development

- Support for project in Government policy and European context
- Established context of project within Grid 25 Strategy
- Status of Grid 25 document and need for its SEA (prospective applicants confirmed that SEA undertaken)
- Route re-evaluation and associated environmental assessments being carried out to inform the application supporting documentation/EIS
- Potential for scoping of EIS by Board (scoping sought and written opinion of the Board provided under ref. 02. VS0002)
- Potential difficulties in regard to access to lands to carry out development and to undertake necessary baseline surveys (any difficulties would be recorded in EIS). Applicants indicated that where access had continued to prove difficult alternatives were used including available baseline mapping, vantage point surveys from roads and fields, high resolution photography and LIDAR imagery and Department of Agriculture data
- Status of planning application lodged in Northern Ireland. Confirmed that original application lodged in December 2009 was subject to a Public Inquiry in March 2012 which was suspended as a result of a FI requirement. In April 2013 an additional application was lodged and in June 2013 a new EIS was lodged. A decision in 2014 may be expected and it may be that the proposed development will be under consideration both north and south at the same time
- Technological alternatives including alternative tower design and undergrounding of cables (not favoured by prospective applicants on grounds including environmental impact, cost and fault identification/servicing)
- Public and other consultations entered into in regard to the project and how evaluated including reference to Preliminary (2011) and Final Evaluation (2013) Reports and to publication of Preferred Project Solution Report (July 2013). The conclusions of the various assessments and consultations carried out were outlined and justifications for the design and routing was explained and reason for omission of the Kingscourt sub station given. This was based on grounds of demand for power in the economic circumstances and noting that the sub station was subject to considerably number of objections in the previous planning application. Clarification of why it had been omitted would be provided in the planning application
- Meetings discussed importance of explaining clearly in supporting documents the routing of line and siting of structures chosen and the balance and weighting achieved between avoidance of impacts on different receptors. An example was given in the northern section of the line where the route tended to follow higher ground thus potentially impacting to a greater degree on the landscape
- Given how application and EIS had been presented in the previous application it was confirmed that there would be a

consistent approach adopted throughout in the supporting application and EIS documents

- Board were updated on the various studies including Government appointed International Expert Commission to review on case of undergrounding line, the related Hearing of the Joint Oireachtas Committee on Communications, Natural Resources and Agriculture (June 2012) and Government Policy Statements issued in July 2012 on the Grid25 projects including North South Interconnector that they are vital developments for the regions and for the economy and society as a whole
- Preference of applicants in this case was to remove structures from sensitive ecological receptors and where access to survey not facilitated and given progress of line design to seek permission for fixed tower locations. Should tower movements be required they would be subject of an application under s. 146B
- Confirmation that NIS will be submitted with application
- Gaeltacht areas to be identified along with noting associated procedures including for public notices in Irish. Certain parts of the supporting application/EIS documentation will be translated into Irish
- Meetings discussed extent and nature of documents, maps drawings including aerial photographs and information to be provided with the application and EIS including up to date base maps showing new M3 road
- Procedures reviewed with prospective applicants in regard to proposed developments likely to have significant effects on the environment of a transboundary State. Confirmation that the Board will conclude on this issue in addition to concluding on whether the proposed development constitutes S.I. A preliminary view was given that the proposed development was likely to have significant effects on the environment of a transboundary State. Prospective applicants were advised that no decision on the Board's S.I. application could be taken until such time as the views of the transboundary State had been received or the consultations had been completed
- Discussions on how entirety of environmental effects of Interconnector project would be assessed and dealt with in the application documentation. In this regard EirGrid indicated a Joint Environmental Report would be provided as proposed in the EC document Guidance on the Application of the Environmental Impact Assessment Procedure for Large Scale Trans-boundary Projects (2013)
- Applicants were advised of the Board's designation as Competent Authority for PCI's

5.0 STRATEGIC INFRASTRUCTURE – LEGAL PROVISIONS

- 5.1 Under section 182A(1) of the 2000 Act (inserted by section 4 of the 2006 Act) where an undertaker

intends to carry out development comprising or for the purposes of electricity transmission (hereafter referred to in this section and section 182B as ‘proposed development’), the undertaker shall prepare, or cause to be prepared, an application for approval of development under section 182B and shall apply to the Board for such approval accordingly.

Subsection 9 states that

In this section ‘transmission’ in relation to electricity, shall be construed in accordance with section 2(1) of the Electricity Regulation Act 1999 but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of

- (a) a high voltage line where the voltage would be 110 kilovolts or more, or
- (b) an interconnector, whether ownership of the interconnector will be vested in the undertaker or not.

In section 2(1) of the Electricity Regulation Act, 1999, “transmission” is defined in relation to electricity as meaning

the transport of electricity by means of a transmission system, that is to say a system which consists, wholly or mainly, of high voltage lines and electric plant and which is used for conveying electricity from a generating station to a substation, from one generating station to another, from one substation to another or to or from any interconnector or to final customers but shall not include any such lines which the Board may, from time to time, with the approval of the Commission, specify as being part of the distribution system but shall include any interconnector owned by the Board.

6.0 ASSESSMENT

- 6.1 **Is the proposed development S.I.?** Having regard to the above provisions I consider that this is a development for purposes of electricity transmission that falls directly within the terms of s.182A and requiring an application for approval direct to the Board. This is a conclusion previously reached by the Board under pre application consultation requests 17. VC0010 and 02. VC0011 and which resulted in the submission of (withdrawn) S.I. application 02. VA0006 direct to the Board for a similar development to that subject of this current pre application consultation.

- 6.2 **Requirement for EIS/EIA:** I am of the opinion that an EIS and EIA would be mandatory for the proposed development as it would constitute a project for the construction of an overhead electrical power line with a voltage of 220kv or more and a length of more than 15 kilometres as specified in Class 20 of Part 1 of Schedule 5

(Development for the Purposes of Part 10 – (EIA) of the Planning and Development Regulations. The prospective applicants have indicated that an NIS would also be submitted with the application.

6.3 Is the proposed development likely to cause significant effects on the environment in a transboundary State (Northern Ireland)?

Having regard to the nature, scale, extent and potential impacts of the proposed development which itself constitutes an interconnector project between two member States of the EC I consider that the prospective applicants should be informed that the proposed development would be likely to have significant effects on the environment in a transboundary State (Northern Ireland). The prospective applicants in their submissions to the Board as part of the pre application consultation process have concurred with this view (see submission received 13th December 2013) and particularly in areas relating to human beings, flora and fauna, landscape and material assets.

RECOMMENDATION

I recommend that the Board serve a notice on the prospective applicant advising that it is of the opinion that the proposed development constitutes a strategic infrastructure development under the terms of s. 182A of the Planning and Development Act, 2000 (as amended) and that an application for approval should be made directly to the Board. In addition I recommend that the Board directs that an EIA is mandatory in this case and therefore the application must be accompanied by an environmental impact statement. Furthermore I recommend that the Board direct that it is of the opinion that the proposed development is likely to cause significant effects on the environment in a transboundary State (Northern Ireland).

Reasons and Considerations

1. It is considered that the proposed development comprising the proposed 400kV North South electricity interconnector constitutes development that falls within the definition of electricity transmission and strategic infrastructure having regard to the definitions contained in s. 182A of the Planning and Development Act 2000 (as amended). An application for permission for the proposed development must therefore be made directly to An Bord Pleanála.
2. The proposed development comprising the proposed 400kV North South electricity interconnector would constitute a project for the construction of an overhead electrical power line with a voltage of 220kv or more and a length of more than 15 kilometres as specified in Class 20 of Part 1 of Schedule 5 (Development for the Purposes of Part 10 – (EIA) of the Planning and Development Regulations 2001 (as amended). It is considered that an EIA would therefore be mandatory

in this instance and therefore any application for approval to An Bord Pleanála for the proposed development must be accompanied by an EIS.

3. Having regard to the nature, scale, extent and potential impacts of the proposed development which itself is intended to form part of an interconnector between two member States of the EC it is considered that the proposed development comprising the proposed 400kV North South electricity interconnector constitutes development that would be likely to cause significant effects on the environment in a transboundary State (Northern Ireland).

Prescribed Bodies

- Minister for Arts, Heritage and the Gaeltacht, Development Applications Unit
- Minister for Communications, Energy and Natural Resources,
- The Environmental Protection Agency,
- Meath County Council,
- Cavan County Council
- Monaghan County Councils,
- National Roads Authority,
- An Chomhairle Ealaíon,
- Fáilte Ireland,
- An Taisce - the National Trust for Ireland,
- Heritage Council,
- Irish Aviation Authority,
- Údarás na Gaeltachta,
- Health Service Executive / Environmental Health Service,
- Commission for Energy Regulation,
- Inland Fisheries Ireland ,
- Iarnród Éireann,
- Railway Safety Commission,
- Border and Mid-East Regional Authorities
- Irish Water

Also:

- Birdwatch Ireland
- Irish Peatland Conservation Council

Having regard to the potential of the proposed development to give rise to transboundary impacts, the comments of the Department of the Environment, (Northern Ireland), are required.

Philip Green
Assistant Director of Planning.

28th January 2014