

Table of Contents

Main Rebuttal Technical Report

1.0	Introduction	1
	About the Author	1
	Approval of the North-South 400kV Interconnection Development by An Bord Pleanála	1
	Purpose of the Main Rebuttal Technical Report	3
	Appendices	3
	Rebuttal Technical Reports	4
	Preliminary Matters	5
2.0	Policy and Technical Objections	8
	Armagh Banbridge and Craigavon Borough Council Policy Objections	8
	SEAT Policy Objections	9
	Principle of Development	12
	Other Policies	13
	Applicability of PCI Requirements for the Proposed Tyrone-Cavan Interconnector	15
	Strategic Environmental Assessment	15
3.0	Need and Alternatives Objections	18
	Need	18
	Alternatives	22
4.0	Environmental Objections	27
	Health/EMF	27
	Ecology	28
	Geology and Soils	30
	Water	32
	Noise	32
	Cultural Heritage	33
	Landscape and Visual	36
	Traffic	39
	Social Cultural Heritage	39

Impacts on Farms	40
Air Quality	43
Tourism Impacts	44
Other Objections	45
Summary on Environmental Objections	50
5.0 Conditions	51
6.0 Conclusion	52

1.0 INTRODUCTION

About the Author

- 1.1 This Main Rebuttal Technical Report (MRTR) has been prepared by Eamonn Loughrey. My qualifications and experience are set out in the Overarching Technical Report paragraphs 1.1-1.2.

Approval of the North-South 400kV Interconnection Development by An Bord Pleanála

- 1.2 At the outset, it is appropriate to inform the Planning Appeals Commission (PAC) that An Bord Pleanála has unanimously approved the North-South 400kV Interconnection Development on 21 December 2016, notwithstanding objections closely comparable to those raised by SEAT and other objectors in this Public Inquiry. A copy of the Board Order and the Inspector's Report is at Appendix A¹. The Board found that the "*proposed development*:"
- *would support the core objectives of European and national energy policy of sustainability, security of supply and competitiveness,*
 - *would address existing restrictions that limit cross border electricity flows between Ireland and Northern Ireland, which would enhance security of supply and facilitate the more efficient operation of the single electricity market on an all-island basis and a wider integrated European electricity network,*
 - *would facilitate greater penetration of renewable energy allowing both Ireland and Northern Ireland to meet legally binding greenhouse gas emission targets, and provide benefits to the economies of both Ireland and Northern Ireland and for individual consumers,*
 - *would be the most appropriate and cost effective solution to satisfy the current requirements of the proposed North-South Interconnector development,*
 - *would be in accordance with national policies and guidance, and with regional and local development policies,*

¹ <http://www.pleanala.ie/casenum/VA0017.htm> - general case file; <http://www.pleanala.ie/documents/reports/VA0/RVA0017.pdf> -Inspector's Report; <http://www.pleanala.ie/documents/orders/VA0/DVA0017.pdf> - ABP Order; <http://www.pleanala.ie/documents/directions/VA0/SVA0017.pdf> - Board Direction

- *would not seriously injure the amenities of, or properties in, the wider area through which it is routed,*
- *would not seriously detract from the character or setting of features of architectural or archaeological heritage,*
- *would not have unacceptable impacts on the visual or landscape amenities in the wider area through which it is routed,*
- *would not seriously injure the ecology of the area, including bird life, protected species and habitats, and areas designated for environmental protection,*
- *would not adversely affect the hydrology or hydrogeology of the area,*
- *would not give rise to the risk of, or exacerbation of, flooding,*
- *would be acceptable in terms of traffic safety and convenience,*
- *would not be prejudicial to public health or safety, and*
- *would not result in significant transboundary impacts.*

In conclusion, it is considered that, subject to compliance with the conditions set out below, including compliance with the mitigation measures set out in the environmental impact statement, the Natura impact statement and the 'Response to the Issues Raised in the Submissions/Observations' document, the proposed development would be in accordance with the proper planning and sustainable development of the area" (Board Order 02/VA0017 pages 20-22)."

- 1.3 This is a fundamental decision in support of the proposed Tyrone-Cavan Interconnector, and confirms the need for the entire interconnector, the technology used and the approach taken to the route as well as finding that the environmental effects this form of proposal would have are not unacceptable in Republic of Ireland planning terms. It is notable that the Inspector also endorsed the Joint Environmental Report (JER) submitted with the application, finding that *"Having regard to the consideration of likely impacts arising as a consequence of the proposed development in this State, and the similar nature of the proposed development in Northern Ireland, I*

would generally concur with the key findings of the report” (page 577 section 5.19.4.2).

- 1.4 While the proposed Tyrone-Cavan Interconnector has its own policy basis to be assessed against and its own site specific environmental effects, the PAC and the Department for Infrastructure (DfI) should have regard to the material consideration that the southern element of the interconnector has been judged to be acceptable in planning and environmental terms and can now be constructed.

Purpose of the Main Rebuttal Technical Report

- 1.5 This MRTR is submitted on behalf of SONI. It addresses the Statements of Case (SOC) submitted by Safe Electricity for Armagh and Tyrone (SEAT), Armagh Banbridge and Craigavon Borough Council (ABC) and individual parties who are mostly residents in the area.
- 1.6 It also comments on the SOC submitted by the DfI and the Department for the Economy (DfE). A number of supportive SOC's and over 100 letters of support for the proposed Tyrone-Cavan Interconnector have been submitted.

Appendices

- 1.7 The MRTR is supported by the following appendices:
 - a) Decision of An Bord Pleanála for the North-South 400kV Interconnection Development and the Inspector's Report;
 - b) EirGrid Response Document;
 - c) Extracts of SONI and DfI Submission on SEA submitted to Stage 1 of the Inquiry;
 - d) Agenda NI October 2016 Extract of Interview with the Utility Regulator; and
 - e) Summary Matrix of Supporter Letters Submitted to PAC.
- 1.8 These appendices are included to inform the Commissioner of the information that was before An Bord Pleanála when it made its decision; to allow

convenient reference to the material which responds to contentions on SEA and have been repeated by SEAT despite the findings of the PAC and DfI at Stage 1 of the Public Inquiry and to place in context the quotes included by SEAT attributed to the Utility Regulator (the “Regulator”). The final appendix summarises the letters of support provided to the PAC from third parties.

Rebuttal Technical Reports

1.9 This MRTR is informed by the following appended Rebuttal Technical Reports (RTRs):

- RTR 1 General Points Raised
- RTR 2 Need
- RTR 3 Alternatives: Transmission and Technology
- RTR 4 EMFs
- RTR 5 Water Environment
- RTR 6 Soils and Geology
- RTR 7 Ecology
- RTR 8 Noise and Vibration
- RTR 9 Cultural Heritage
- RTR 10 Landscape and Visual
- RTR 11 Land Use
- RTR 12 Socio-Economics
- RTR 13 Traffic and Transport
- RTR 14 Air Quality and Climate Change.

1.10 This MRTR provides an overview of the RTRs response to the SOC's submitted by objectors. Consequently, this MRTR should be read in conjunction with the SONI SOC and associated OTR, TRs and the RTRs. Where an issue is considered, the reader should have detailed regard to the relevant RTR and all other documents to understand fully the applicant's response to an issue.

1.11 Having regard to the issues raised by objectors and the response from the various technical experts as set out in the RTRs, and applying the

requirements of planning policy, it is my judgment that the proposed Tyrone-Cavan Interconnector is clearly acceptable.

Preliminary Matters

- 1.12 SEAT (SEAT SOC Section 1.0 Introduction pages 2-3, paragraphs 3a to 3e) takes issue with a number of preliminary matters which SEAT (SEAT SOC page 2 paragraph 3) claim has seriously impeded their ability to properly analyse the planning applications.
- 1.13 SEAT (SEAT SOC page 2 paragraph 3a) states that the application is “*out of date, is in contradiction with many aspects of the actual North-South Interconnector Application submitted by EirGrid*”. As explained above the endorsement of the JER by the Inspector and An Bord Pleanála demonstrate that there is no contradiction between the applications. The example it uses is that the project name is misleading. As explained in RTR 1 (Section 1.6) the Consolidated Environmental Statement (CES) Addendum Volume 2 sets out the definition of the names being used for the various elements of the project and notes that the planning application site description in the application forms is accurate and acceptable.
- 1.14 SEAT (SEAT SOC page 2 paragraph 3b) states that no account has been taken of the “*designation of the project as an EU Project of Common Interest PCI, falling under the new regulation EU347/2013*”. This is addressed in RTR 1 paragraphs 47-55.
- 1.15 SEAT (SEAT SOC page 2-3 paragraph 3c) objects to the absence of named authors in the CES. It is not necessary to name individual experts in the publication of an Environmental Statement. The evidence in the CES remains open to interrogation by the DfI, its statutory consultees and third parties. Witnesses are named in the TRs provided in the SOC and the RTRs and will be present at the Public Inquiry where they can be questioned by third parties (See RTR 1 paragraphs 18-19).

- 1.16 SEAT (SEAT SOC page 3 paragraph 3d) states that the application contains no original science or specific analysis but instead falls back on the ROI application. This is simply incorrect, not least for the obvious reason that the application preceded the ROI application. The SONI evidence base is based on site specific surveys wherever possible. The CES provides details of the application, the extent of its environmental impacts in construction and operational phase terms are considered and much of this is necessarily focused on Northern Ireland. It is necessary to have regard to the entire proposed interconnector, having regard to the North-South 400kV Interconnection Development as necessary, for example in regards to the need, technical alternatives and route selection and transboundary issues. To provide an overview of the entire project the JER was submitted, but evidence submitted in the application documentation is focused on the implications for the Northern Ireland environment. Moreover, as explained in the RTR 2 on Need (paragraph 17) the specific assessment and analysis behind the proposed interconnector has been developed jointly by EirGrid and SONI (previously Northern Ireland Electricity up to April 2014) (See also RTR 1 paragraphs 21-24).
- 1.17 SONI notes that SEAT appends North East Pylon Pressure Campaign's (NEPPC) evidence (SEAT Appendix 15 and Appendix 16), and provides numerous comments on the objections to the EirGrid application, the comments on the consultation process carried out in the Republic of Ireland, and the evidence presented by NEPPC. The NEPPC evidence has already been addressed by EirGrid and a copy of the EirGrid Response document is included at **Appendix B**.
- 1.18 While the RTRs address the evidence of SEAT, it should be noted that the statutory approach to strategic infrastructure projects in the Republic of Ireland is procedurally different from Northern Ireland and the PAC's jurisdiction is only within the legal remit of Northern Ireland. Importantly, as An Bord Pleanála has now granted the North-South 400kV Interconnection Development, the evidence provided by NEPPC has not been accepted in the Republic of Ireland as sufficient to warrant finding that proposal unacceptable.

The relevance of, and weight given to, the NEPPC evidence in Northern Ireland must be very substantially diminished as a result in so far as SEAT seeks to rely on it here in relation to the proposed Tyrone-Cavan Interconnector.

- 1.19 SEAT (SEAT SOC page 3 paragraph 3e) suggests that the “*conclusions on the impact of undergrounding on ecology, landscape, soils and geology etc are entirely useless because they refer to a very wide underground route running through the heart of farming enterprises and across countryside, rather than the realistic option which would be along public roads*”. Undergrounding does not form part of the planning applications before the PAC. Again this argument was rejected by An Bord Pleanála as a reason to find the North-South 400kV Development unacceptable.
- 1.20 The prospect of running this proposal along public roads is addressed in RTR 3 paragraphs 89-100 and advises that local and regional roads are not sufficiently wide to accommodate the proposed Tyrone-Cavan Interconnector.
- 1.21 There are no preliminary matters highlighted that would in any way significantly impede SEAT or the public understanding of the application and the information provided in the CES and the CES Addendum.

2.0 POLICY AND TECHNICAL OBJECTIONS

Planning Policy

Armagh Banbridge and Craigavon Borough Council Policy Objection

- 2.1 ABC (ABC SOC page 2 paragraphs 3 and 4) states that it finds the proposal unacceptable and contrary to the Strategic Planning Policy Statement (SPPS) and the Planning Strategy for Rural Northern Ireland (PSRNI) policy PSU 11 *“in that the proliferation of proposed towers along with the size and scale of the proposed towers and associated overhead cables will be visually intrusive in the landscape”*. ABC considers that the proposed Tyrone-Cavan Interconnector *“would have a detrimental impact on the natural features of the landscape and through visual intrusion that could not be adequately mitigated against”*. ABC states *“Officers are also of the opinion that the proposed towers and overhead cables will remain as significant visual elements in the landscape in the long term, thereby causing demonstrable harm to the wider rural landscape”*.
- 2.2 ABC does not quote which aspect of the SPPS that it relies upon. There is no policy in the SPPS that the applications offend. In terms of PSU 11, ABC fails to recognise that pylons and overhead wires are an aspect of modern life. ABC fails to note that the proposed Tyrone-Cavan Interconnector avoids designated landscapes wherever possible and areas of natural and built heritage. The design has sought to minimise visual intrusion and follows natural features of the environment. The proposal will not result in a proliferation of towers and the 102 towers will be spread (at roughly 400m intervals) across the full length of the application site (some 34km). ABC fails to have regard to the full extent of policies PSU 2, PSU 8, SPPS paragraph 6.250, PPS 21 and the strategic need for the proposed Tyrone-Cavan Interconnector as set out in the Regional Development Strategy. Nor does ABC have regard to wider Government strategies including the ‘Energy - A Strategic Framework for Northern Ireland’, the draft programme for Government 2016-2021 and the Investment Strategy for Northern Ireland and the support of the DfE. ABC has failed to have regard to all the relevant

policies and has failed to carry out the necessary balancing exercise in reaching their objection to the proposal.

SEAT Policy Objections

- 2.3 SEAT (SEAT SOC Section 4.0 pages 5-7, paragraphs 6-21) sets out the planning policies provided in the PSRNI and the SPPS. SEAT (SEAT SOC paragraph 6 and paragraph 21) describes the policy as being ‘*an extremely high one*’ and a ‘*very tough, pro-environment policy that places a heavy burden on the applicant to demonstrate a compelling need for the proposal, to thoroughly evaluate alternatives*’.
- 2.4 The quoted text by SEAT is taken directly from PSU 2, PSU 8 and PSU 11 policies. The text SEAT (SEAT SOC paragraph 7x) fails to note is that ‘The Department will consider not only the immediate needs and benefits but the wider long term environmental effects of the proposal’ [emphasis added].
- 2.5 The policy therefore does not stipulate a ‘no harm test’. The policy is one of balance that requires the benefits and need for the proposal to be weighed with its impact and the availability of alternatives. That balance has been carried out in this case as demonstrated in the SONI SOC. The DfI (DfI SOC paragraph 2.18) notes that PSU 2 does not establish a ‘no harm test’ with regards to impacts on the environment because of the development. I agree with this interpretation. SEAT’s interpretation of policy is therefore unbalanced and the incorrect approach in this case.

The Purpose of the Environmental Statement

- 2.6 SEAT’s quoted policy references exclude the references to the possible need for an Environmental Statement as set out under all 3 policies.
- 2.7 The final paragraph of PSU 2 policy (not mentioned by SEAT) sets out the requirement that some major proposals will have to provide an Environmental Statement. Similarly, SEAT (SEAT SOC page 6 paragraph 9) fails to acknowledge that PSU 8 also states “*An Environmental Statement will normally be required for such major schemes*”. SEAT (SEAT SOC page 6

paragraph 15) fails to note that PSU 11 policy states “*Proposals for the development of new power lines or alterations to existing powerlines may require to be accompanied by an Environmental Statement*”.

- 2.8 The three key policies highlighted by SEAT each make clear reference to the need for an Environmental Statement. An Environmental Statement is the key tool for the DfI, PAC, consultees, interested parties and the applicant to use to understand the environmental effects of the proposal. A full CES and CES Addendum have been submitted as part of the applications and the proposed Tyrone-Cavan Interconnector is consistent with policy in this respect.

SEAT Policy Analysis

- 2.9 SEAT’s partial repetition of the PSU policies fails to engage in a proper interpretation of the policies, and the compliance of the proposed Tyrone-Cavan Interconnector with those policies.
- 2.10 The only clue we have about what SEAT considers to be the important aspects of the policy is through the ‘underlining’ given to the policy as set out in the SEAT SOC. The aspects of policy underlined by SEAT are addressed below:
- “*an overriding national or regional reason for the development*” (SEAT SOC page 5 paragraph 7viii) “*The Department will wish to be satisfied that there is an overriding regional or local requirement for the development*” (page 6 paragraph 11).
- 2.11 The evidence submitted by SONI in the CES, CES Addendum and the SOC clearly provides the overriding national and regional need for the proposal. The DfI has regard to the draft Programme for Government 2016-21 (DfI SOC paragraph 2.11), the Regional Development Strategy 2035 (DfI SOC paragraphs 2.12-2.13), the development plans in Armagh and Dungannon (DfI SOC paragraph 2.14) and the SPPS (DfI SOC paragraph 2.15) and finds (DfI SOC paragraph 2.16) that ‘*strategic planning policy is supportive of the*

proposed development'. I agree with this position and would consider this to clearly demonstrate an overriding national or regional need for the proposed Tyrone-Cavan Interconnector.

- *"A thorough exploration of alternatives has been made and that the alternatives are unsuitable" (SEAT SOC paragraph 7ix) and "that a thorough exploration of alternative sites has been carried out" (SEAT SOC page 6 paragraph 11).*

2.12 The DfI (DfI SOC paragraph 6.5) notes that the policy PSU 2 does not require the consideration of alternatives in every situation and that PSU 8 states that one criterion of importance to applications falling within its scope is the *"existence of alternative sites or routes"*.

2.13 Alternative sites and routes have been considered for the proposed Tyrone-Cavan Interconnector as set out the CES (Chapter 4), CES Addendum (Chapter 10) and SOC (TR 3). The applicant has considered alternatives and thoroughly explored these and found these to be unsuitable. There is no policy requirement to consider the undergrounding of cables, or running cables along a public road. Policy PSU 11 states that there is a preference in 'urban' areas to underground services. That does not apply to rural areas such as the application site.

2.14 Moreover, in addition to the route selection, as explained below and in RTR 3, SONI has considered alternative transmission technology as well and concludes that a 400kV AC overhead line is the best technical solution.

2.15 SEAT (SEAT SOC page 6 paragraph 14 and page 7 paragraph 17) emphasises *"particular reference being given to designated areas of landscape or townscape value"* and that *"in designated areas of landscape or townscape value, for example Conservation Areas or AONBs, Planning Service will seek to enhance the visual amenity of the area by encouraging the removal of all unnecessary overhead wires and wires on building elevations"*. This emphasis is inappropriate as the proposed Tyrone-Cavan

Interconnector is not in an AONB or a designated area, and it could not be described as 'unnecessary'. While SEAT provides no meaningful commentary on policy, their emphasis implies that they are misinterpreting policy.

- *“Explore all environment impacts both local and of wider consequence” (SEAT SOC page 5 paragraph 7x) “significant impact on the environment and on the amenity of local communities” (SEAT SOC page 6 paragraph 9), “Normally the Department will wish to see the development sited to minimise the environmental effects ... designed to achieve the maximum possible degree of integration into the landscape” (SEAT SOC page 6 paragraph 12)*

2.16 As set out above, there is clearly no 'no harm test' in the policy. Environmental impacts will occur as a result of major projects, and the objective of policy is to seek to minimise these. The proposed Tyrone-Cavan Interconnector has been designed to minimise its environmental effects and maximise as far as practical its integration into the countryside. The route chosen for the proposed Tyrone-Cavan Interconnector is not in an area designated as being of landscape or townscape value.

2.17 SEAT (SEAT SOC page 7 paragraphs 19-20) sets out verbatim the SPPS paragraphs 6.249 and 6.250. However, SEAT does not provide any interpretation of the policies. As explained in the SONI SOC (OTR paragraphs 6.25-6.26) the proposed Tyrone-Cavan Interconnector is compliant with Government EMF exposure guidelines and (OTR paragraphs 6.31-6.34) the proposed Tyrone-Cavan Interconnector avoids AONBs.

Principle of Development

2.18 It is noted that the DfI (DfI SOC paragraph 2.17) finds that operational policy in the form of PPS 21 policy CTY 1 identifies that certain types of non-residential development such as this may be acceptable in principle in the countryside. I agree with this position.

Other Policies

2.19 SEAT fails to identify any policies out-with the PSRNI and SPPS. It does not consider whether the proposed Tyrone-Cavan Interconnector benefits from support from any other Government Strategies, which it plainly does. It does not have regard to the adopted development plans of the Dungannon and South Tyrone Area Plan, the Armagh Area Plan or the Armagh Plan Alteration No. 1 Countryside. DfI (SOC paragraph 2.14) confirms that *“Both plans are silent with regards this or any other project of this nature. It is not considered that this presents an impediment to the determination of, nor does it infer any form of unacceptability with, the proposed development”*. I agree with this position. As explained in the SONI SOC (OTR Section 4.0) the proposed Tyrone-Cavan Interconnector is in accordance with the Dungannon and South Tyrone Area Plan and is not in accordance with the Armagh Area Plan to a minor degree, but this does not act as an impediment to the proposed Tyrone-Cavan Interconnector given that material considerations of strategic need outweigh the minor non-accordance with the Armagh Area Plan.

2.20 SEAT fails to have regard to the regional planning policy statements of PPS 2 Natural Heritage, PPS 3 Access Movement and Parking, PPS 6 Cultural Heritage, PPS 10 Telecommunications, PPS 15 Planning and Flood Risk, PPS 16 Tourism and PPS 18 Renewable Energy. SEAT also has failed to have regard to the relevant caselaw and PAC judgments when assessing planning applications. It is my view that any objective assessment of the applications considering the relevant policy considerations would find the proposed Tyrone-Cavan Interconnector acceptable.

Gunning Principles

2.21 SEAT (SEAT SOC pages 7-8 paragraph 22) *“raises the issue of whether the process to date is compliant with the Gunning Principles”*. The application determination process is compliant with the Gunning Principles, which are principles governing consultation processes conducted by public authorities. RTR 1 (Section 1.9) provides an extensive summary of the scale of consultation undertaken by SONI. Moreover, RTR 1 paragraph 38 notes that SEAT’s Lead Counsel at Stage 1 of the Public Inquiry remarked that if

anything there had been excessive consultation in this case. The PAC Report on the First Stage of the Public Inquiry (report dated 19th July 2016) found that *“The successive press notices required interested citizens to take steps to apprise themselves more fully of the changes to the scheme. The Department received 2,990 additional representations in relation to the proposed development since it received the consolidated ES. That is an indication of the public’s ongoing interest in the development and engagement with the press notices and neighbour notifications. It does not support the objectors’ contention that third parties may have experienced consultation fatigue”* (paragraph 18).

2.22 In terms of the planning process, the applications have been submitted with all landowners and potential landowners notified for the associated works application. The overhead line application does not require formal landowner notification by SONI under the application process, but SONI has kept all affected landowners notified during the application process.

2.23 The DfI has neighbour notified affected residents and published advertisements in the local press for the applications and the updates. The DfI has consulted statutory and non-statutory consultees, and will take their views and recommendations into consideration. The Public Inquiry process is a further method of consulting and taking on board the views of all parties interested in the applications. It allows for a rigorous and thorough examination of the applications as required under policy PSU 2. The PAC will only make recommendations on the applications and the DfI (DfI SOC paragraph 1.1) is very clear that *“the Minister (and thus the Department) retains an open mind as to the merits of the application and will only reach his conclusions in light of the evidence presented to the PAC and the PAC’s conclusions; any views expressed within this statement on matters within the scope of the inquiry are therefore necessarily only provisional at this stage”*.

2.24 The DfI (and the applicant where relevant) has complied with statutory consultation requirements and overall the nature and extent of consultation in this case has been extensive and appropriate.

2.25 SEAT (SEAT SOC pages 22-24 paragraphs 130-143) also seeks to link the Gunning Principles and public consultation requirements under Regulation (EU) No 347/2013 of the PCI that EirGrid did not carry out proper public consultation. That objection has been rejected by An Bord Pleanála and the Inspector (Section 5.3.6 page 159) found *“the applicant’s approach to consultation is adequate to meet statutory requirements, including those of Article 6(4) of the EIA Directive”*.

Applicability of PCI Requirements for the Proposed Tyrone-Cavan Interconnector

2.26 RTR 1 paragraphs 47-55 respond to the duty to consult under the PCI regulations.

2.27 In so far as SEAT may have referred to Regulation EU 347/2013 when objecting to the EirGrid proposals, this is a matter which will have been discussed in respect of the application made to An Bord Pleanála, and debated during the Oral Hearing for that application; however, there was nothing found to justify the refusal the North-South 400kV Interconnection Development.

Strategic Environmental Assessment

2.28 SEAT (SEAT SOC sections 5.0-7.0 pages 8-10 paragraphs 23-44) seeks to re-open the SEA debate, which has already been ruled upon by the PAC. SONI’s and the DfI’s comments to the First Stage of the Public Inquiry on SEA are at **Appendix C**. We note that the DfI agrees with SONI’s position. We also note that there is no policy based prematurity reason to delay the Inquiry.

2.29 The PAC Report on the First Stage of the Public Inquiry (report dated 19th July 2016) paragraphs 22-28 address SEA considerations. The PAC found (Commissioners Report dated 19th July 2016 page 5 paragraph 28) that *“Network 25 does not purport to be plan or programme covering the Tyrone/Cavan Interconnector project. As the objectors accepted, there is nothing even approaching a plan or programme in preparation. We have no*

evidence that there are any plans or programmes which would constrain proper consideration of the SONI applications and to which the requirements of the SEA Directive apply. We are not persuaded that this legal and procedural issue represents an impediment to the continuation of the inquiry”.

2.30 It is also notable that the An Bord Pleanála Inspector (page 106 Section 5.1.4.6) found *“The current proposal is a project as distinct from a plan or programme. It is subject to the provisions of the EIA Directive and not the SEA Directive. Any lack of SEA for plans/programmes at national or European level is outside the remit of the Board, and must be addressed through a different forum. I note that the Preliminary Enquiry in respect of the SONI proposal in N. Ireland referred to by Mr O Donnell was held and the question of SEA was raised. I am not aware of any decision in this regard. However, it would be difficult to envisage how the proposal which involves an electricity line could be viewed as a plan or programme with a requirement for SEA”.*

2.31 SEAT (SEAT SOC page 8 paragraph 23 and page 9 paragraph 38) attempts to use PSU 2 policy to look beyond the application and the environmental impact assessment (which is specifically referred to in the policy) and require an SEA of the Network 25 document. This is an inappropriate interpretation of planning policy as planning policy is designed to provide direction and guidance to inform the assessment of the land use acceptability of planning applications. Policy PSU 2 makes no reference to SEA, which is under a separate legislative framework that came into being long after policy PSU 2 was adopted.

2.32 SEAT (SEAT SOC page 9 paragraphs 34-35) states *“It does not appear from the Department’s public files relating to this case that it has considered whether an SEA is needed for the development of the part of the NI transmission grid that involves the Interconnector. It has not sought one or considered whether the application is complete without it. This differs from the situation in RoI and for other elements of the NI transmission grid”.* There is no statutory requirement for the DfI to consider whether this planning application should be subject to a SEA.

2.33 Mr James Woods (page 2 Conclusion point 3) states that “*the Strategic Energy Framework should be subject to a full Strategic Environmental Assessment*”. This is not a matter for these applications or this Public Inquiry.

2.34 To conclude on this aspect, there is no policy based objection that has been raised that has not been considered in the SONI SOC. There is no policy based objection that would prevent approval of the proposed Tyrone-Cavan Interconnector given the overriding national and regional need for the proposed Tyrone-Cavan Interconnector.

3.0 NEED AND ALTERNATIVE OBJECTIONS

Need (RTR 2)

- 3.1 SEAT (SEAT SOC page 10-11 paragraphs 45-48) disputes the need for the proposed Tyrone-Cavan Interconnector. It is notable that SEAT does not identify any policy document that contradicts the strategic need for the proposed Tyrone-Cavan Interconnector, nor acknowledge the clear government support that exists for it.
- 3.2 RTR 2 provides the SONI response to the numerous issues raised against the need for the proposal. The response deals with the points raised about misinterpretation over the potential competition between SONI and EirGrid, arguments that the proposed Tyrone-Cavan Interconnector will not support wind energy projects, the argument that the proposed Tyrone-Cavan Interconnector will not deliver security of supply and that it will not derive benefits of energy savings because of limited energy demand growth. Each argument has been addressed directly and found to be groundless because the proposal will encourage competition in the SEM, will support wind energy and NI will benefit from energy savings.
- 3.3 RTR 2 also deals with the arguments of increasing capacity of the Moyle interconnector, which would not remove the inefficiency in the SEM caused by risk of separation, and restringing the Tandragee-Louth Interconnector, which still requires account to be taken of its fault outage and limit the flows on the interconnector in exactly the same way as at present.
- 3.4 Other arguments relating to local generation, whether there is a need for 1500MW capacity and new storage alternatives, new generation alternatives, decrease in demand from large business and emerging alternative energy sources are not measures that would remove the need for the proposed Tyrone-Cavan Interconnector. Statements by Dr Keatly, Mr Hayes and Ms Tully to the House of Commons Select Committee are also addressed directly and rebutted. It is noted that Dr Keatly has written a letter of support for the

applications which reconfirms his support for the proposed Tyrone-Cavan Interconnector. Dr Keatly's evidence to the NI Affairs Committee was that *"The north-south interconnector is in my view the priority in the system that really needs to happen, because the market does not operate properly without it"*. Similarly, Mr Hayes evidence was that *"it is absolutely essential that the north-south interconnector is built"* and Ms Tully's evidence was that *"we think the north-south interconnector is critical to the system"* (see response to Q245 of Oral Evidence of 6 July 2016 SEAT SOC Appendix 14).

- 3.5 In relation to Brexit, the RTR 2 (paragraphs 114-124) states that the potential implications of the UK leaving the European Union were fully dealt with in SONI Technical Report on Need (TR1). That Report provided evidence of commitment to the continuance of the Single Electricity Market and the introduction of the Integrated Single Electricity Market (ISEM) from the Prime Minister, the Northern Ireland First Minister, the Northern Ireland Deputy First Minister and the Northern Ireland Utility Regulator. This commitment would support strongly the continuation of the planning process, particularly since any deferral would result in the continuing burden of costs to electricity customers in Northern Ireland and Republic of Ireland. RTR 2 (paragraph 117) also states that TR1 considers the unlikely event of the establishment of separate electricity markets in Northern Ireland and Republic of Ireland and explains that the proposed interconnector would still allow similar benefits as applied for the Single Market, through bilateral arrangements enabling Northern Ireland to purchase cheaper energy from the Republic of Ireland. TR1 also explains that the existing Tandragee-Louth interconnector was planned and built when separate markets existed and brought benefit prior to the introduction of the SEM in 2007.
- 3.6 None of the objections raised on the strategic need issue are matters that SONI considers change the overriding national and regional reasons for the proposed Tyrone-Cavan Interconnector.

DfI Initial Views on the Proposed Tyrone-Cavan Interconnector

- 3.7 As explained above the DfI (DfI SOC paragraphs 2.2- 2.10) reaffirms the views of DfE and both find there to be strategic policy support for the proposed Tyrone-Cavan Interconnector.
- 3.8 The DfI (DfI SOC paragraph 3.13) states that the Department's opinion is *"that the need of the proposed development should attract significant weight in the determination of the planning applications"*. The DfI (DfI SOC paragraph 3.12) also note that *"DfE fully supports the need for a second interconnector because of the major contribution it will make to increasing competitive electricity trading, encouraging new investment in generation and supply, and enhancing Northern Ireland's security of supply. It is also essential to leveraging the benefits of a successful policy to increase the contribution of power generation from renewable sources"*.

Views of the Regulator on Need

- 3.9 SEAT (SEAT SOC page 15 paragraph 72) includes a reference to the Regulator in respect of energy storage, however clearly the views of the Regulator need to be considered in context. A copy of the October 2016 Article is at **Appendix D** which shows that:

"Speaking about SONI's assessment that the absence of the second North South Interconnector will render capacity margins tight for 2021. Pyper dismissed 'easy chatter' about the System Operator being over pessimistic or cautious and instead emphasised that as experts, their assessment needs to be taken seriously and acted upon. I don't believe we have the option to tolerate or transfer such risks as keeping the lights on here" and "Pyper stresses that for the lights to stay on at the most affordable price for consumers and businesses, the interconnector is not just the best, but the only option."

And in respect of SEM that: *"An additional interconnector will incentivise investment from generators, lowering the cost for consumers and allowing Northern Ireland to access the full benefits of an enhanced all-island electricity*

market. It will also play a key part in ensuring Ireland can utilize the €2.8 billion I-SEM market, which is the integration of the Irish Single Electricity Market and the GB electricity market.”

3.10 Clearly, despite SEAT claiming support from the Regulator (SEAT SOC page 15, paragraph 72) the Regulator is in support of the proposed Tyrone-Cavan Interconnector. Indeed, the Regulator’s letter to the PAC (dated 9 December 2016) reaffirms the Regulator’s support. The Regulator confirms that the proposed Tyrone-Cavan Interconnector is critical in order to ensure supply and facilitate the efficient operation of the all-island electricity market. The Regulator states that, *“from 2021 onwards the absence of the North-South Interconnector could create a deficit in the supply required to meet the agreed adequacy standard. The North-South Interconnector is the most efficient way to mitigate that risk, by allowing Northern Ireland to obtain the generation needed from elsewhere in the electricity market”*.

3.11 Moreover, DfI (DfI SOC paragraph 3.3) notes that the Regulator considers *“the North South electricity interconnector to be crucial to handling demand within the SEM”*. The views of the Regulator (DfI SOC Annex D letter dated 30 July 2015) are that: *“The timely construction of the North-South electricity interconnector is critical for both promoting security of supply and ensuring a competitive and efficient all-island electricity market which will deliver cost reductions for consumers”*.

Supporters of the Proposal

3.12 The need for the proposed Tyrone-Cavan Interconnector is supported by EA Ireland, the Centre for Competitiveness, Chambers Ireland, Northern Ireland Independent Trade Association and Smart Grid Ireland who have submitted Statements of Case. All supporters highlight the key themes of need based on security of supply, supporting renewables and increasing competition. There are also over 100 letters of support submitted to the PAC from Councils, businesses, trade organisations, politicians, academics and individuals. A matrix has been produced at **Appendix E** that summarises the issues raised by the various parties. It can be seen that the majority of parties

support the proposed Tyrone-Cavan Interconnector because it allows the full implementation of the SEM and ISEM, exerts downward pressure on electricity prices, utilises renewable energy resources, and is required to help security of supply.

3.13 The Inspector's Report (Section 5.2.5 page 134-135) for the North-South 400kV Interconnection Development found in respect of need that:

"The strategic need for the proposed North-South Interconnector has been established at both EU and national level. It supports the core objectives of European and national energy policy of sustainability, security of supply and competitiveness. It has been established that it is a critical and strategically important transmission reinforcement for the island of Ireland.

It has been demonstrated that there is a clear and pressing need for the development. It will remove existing restrictions that limit cross border flows between Ireland and Northern Ireland. This will enhance security of supply throughout the island of Ireland and improve competitiveness. It will facilitate the more efficient operation of the single electricity market and a wider European electricity network. It will facilitate greater penetration of renewables allowing both Ireland and Northern Ireland to meet legally binding targets. It will provide benefits to the economies of both jurisdictions and for individual consumers.

The project is identified in Regulation EU 347/2013, as one that should be given priority status at national level".

Alternatives (RTR 3)

3.14 SEAT (SEAT SOC pages 11-17, paragraphs 49-85) argues that there are alternatives that SONI has not considered.

3.15 There is no policy requirement for every application to consider alternatives, nor is there any policy requirement that underground cables should be assessed. In fact, the DfE (set out at DfI paragraph 6.4) *"supports the*

construction of the interconnector in the most cost efficient and technically feasible manner to keep costs to consumers as low as possible and to mitigate risk of outage”.

- 3.16 As set out earlier, DfI (DfI SOC paragraph 6.5) notes that PSU 2 does not require consideration of alternatives in every situation and PSU 8 states that one of the criteria of importance is the “*existence of alternative sites or routes*”. In PSU 11, undergrounding is not a requirement to be tested and the preference is for undergrounding to be considered in urban areas. That does not apply to the rural area of Dungannon and Armagh.
- 3.17 In response to SEAT’s objection (SEAT SOC paragraph 51) that “*no proper consideration is given to possible alternatives to OHL*”, RTR 3 (paragraphs 42-44) set out the views of the Independent Expert Panel in the Republic of Ireland that found that EirGrid/SONI has applied a “proper” methodology for carrying out of a fair and transparent comparative analysis of the transmission options. RR 3 (paragraphs 58-63) sets out the objectives and design criteria used to determine the appropriate electricity transmission technology and compare the options of overhead lines and undergrounding such technology. As part of the undergrounding assessment, undergrounding was considered in multiple locations across the entire route of the proposed line. On this basis, the applicants have clearly given proper consideration to alternative technology.
- 3.18 RTR 3 also deals with the reliability of overhead lines and underground cables, running of HVDC underground cables along public roads, embedding a HVDC circuit in a small isolated transmission network, and consideration of using HVDC technology. RTR 3 (paragraph 90) notes that any option using HVDC technology is not an appropriate option for the intended nature and purpose of the proposed Tyrone-Cavan Interconnector.
- 3.19 RTR 3 also deals with issues including those relating to costs of alternative technologies, combining alternative options and reinforcement of the existing Louth-Tandragee interconnector. RTR 3 finds nothing in the objectors’ SOC

and representations that undermine the conclusions of the SONI SOC and supporting Technical Reports.

3.20 Further, as a matter of clarification, DfI (paragraph 6.3) states that the “*ES does not assess the environmental effects of an undergrounded interconnector; rather it outlines the feasibility of alternative technologies including undergrounding*”. The application does not propose an underground cable and as such there is no requirement to assess such a proposal. However, the CES Addendum (Appendix 10.1 and 10.2) does provide assessment of undergrounding issues and in particular partial undergrounding.

3.21 The Inspector’s Report (Section 5.4.6 page 194-195) for the North-South 400kV Interconnection Development found in respect of alternatives that:

“I accept, following the comprehensive re-evaluation process undertaken by the applicant, that the Board can be satisfied that EirGrid has justified the final line design as the optimum solution to meet the overall objectives of the development, having regard to strategic and environmental constraints and the technical requirements for the proposed development.

Following the consideration of alternative transmission and technology alternatives, I accept that it has been comprehensively demonstrated that the only way to meet the strategic and technical need for the proposed development is to provide a new and physically separate high capacity interconnector.

I accept, having regard to the strategic importance of the proposed interconnector as part of the all-island transmission network, the lack of strong interconnection between Ireland and Northern Ireland and the overwhelming need for reliability and security of supply in terms of the all-island electricity market, that notwithstanding the alternatives considered and the advancements in technology, on balance it would appear that the most appropriate and cost effective technology to satisfy the requirements of the

proposed North-South Interconnector development is an overhead high voltage alternating current power line”.

SEAT’s Reliance on Regulator Comments

- 3.22 SEAT’s (SEAT SOC Appendix 10) reliance on the views of the Regulator in terms of energy storage does not change the views of the Regulator on the crucial need for the proposed North-South Interconnector as explained earlier. If considered properly, the Regulator fully supports delivery of the proposed Tyrone-Cavan Interconnector as *“not just the best option, but the only option”* (Appendix D).

Fuel Poverty

- 3.23 The EA Ireland SOC (page 10 section 3.2) notes that: *“Retail members of EAI engage with almost every household on the island and these companies are acutely aware of the weakened financial circumstance of a significant proportion of electricity customers”.*

- 3.24 EA Ireland notes that *“the proposed development, if constructed as submitted, will directly affect energy prices because of the more efficient operation of the electricity system on the island. As noted above, it also has the potential to indirectly impact household income as it improves the competitiveness of the overall economy which in turn improves the employment environment”.*

- 3.25 EA Ireland also notes that *“As a consequence of the scale of the numbers of people affected by energy poverty and the Executive’s response strategies, it is appropriate for SONI to ensure that the proposed project is delivered at the lowest practicable cost. This, in our view, is the case with the current application”.*

- 3.26 In summary, the need for the proposed Tyrone-Cavan Interconnector has been fully set out in the SOC. The objections, when fully considered, do not alter the conclusions, supported by DfI, DfE, the Regulator, An Bord Pleanála and over 100 third party organisations that there is a strategic need supportive

of the proposal, which in my judgment equates to an overriding national and regional need for the proposed Tyrone-Cavan Interconnector.

4.0 ENVIRONMENTAL OBJECTIONS

Health/EMF (RTR 4)

- 4.1 SEAT (SEAT SOC Section 10 pages 17-20 paragraphs 86-115) sets out their concerns on health effects and EMF. EMFs are also highlighted as a concern by Mr James Woods (page 1-2); Mr Fergal Woods (page 1, point 1); Ms A M Mallon (page 1 point 2); Mr Tom McNally (page 1 paragraph 2); Mr Fred and Mrs Isobel Todd (page 1 point 3); Mr Paul Hughes (page 1 point 1); Mr Jim Lennon and Mrs Laura Lennon (2012 submission pages 12-13); Mr Benson George (page 1 point 1); Mr Raymond Hughes (page 1 paragraph 6); Ms Liz Drew (page 1, bullet point 2), Mr Boyd Eagleson (page 1 bullet point 2); Mr Robert Whyte (page 1 point 3), the Armstrong family (pages 1-2) and ABC (page 2 point 1). The issues raised include health effects, impact on pacemakers and implanted defibrillators, impact on animals including livestock, poultry and wildlife in general.
- 4.2 RTR 4 sets out the detailed response to the issues raised by the objectors. SONI is guided in this matter by scientific assessments undertaken by the relevant independent authoritative scientific review bodies and which have informed government in its establishment of relevant policy and standards. None of those review bodies considers that the evidence establishes that magnetic fields cause childhood leukaemia or any other adverse health effects; they variously talk of the evidence establishing only a “possibility” of a risk, or of “weak evidence”.
- 4.3 A set of policies have been put in place by the UK Government (and explicitly also adopted in Northern Ireland) for the protection of the public from EMFs, principally a policy of compliance with the relevant exposure limits. The proposed Tyrone – Cavan Interconnector is fully compliant with those policies and specifically with the exposure limits.
- 4.4 Those policies were set after full consideration of the scientific evidence, including all the specific aspects of the scientific evidence referred to by the various objectors. Therefore, all the points raised by objectors are already

taken account of in consideration of the proposed Tyrone-Cavan Interconnector.

- 4.5 DfI (SOC paragraph 4.2) states *“The SPPS recognises that current Government policy on exposures to EMF from power lines is compliant with the 1998 ICNIRP guidelines. The SPPS states at paragraph 6.250 “any proposal for the development of new power lines should comply with the 1998 ICNIRP”. The Department consulted with the Public Health Authority (PHA) who is satisfied that the information submitted reflects compliance with current guideline limits”*. This supports the findings of the CES and CES Addendum. There is no objection on EMF matters raised that alter the conclusion of the SOC paragraphs 24-27 on this issue.

Ecology (RTR 7)

- 4.6 SEAT (SEAT SOC paragraph 116 and Appendix 16) objects on ecology grounds and impacts on certain species such as whooper swans and beehives. Ecology is identified as a concern by Ms Mallon (page 1, point 3) and Mr Robert Whyte (page 1 point 5) who is concerned about wildlife in general and Mr Benson George (page 2 point 6) who states that there are pheasants that roam his land and there has been a barn owl seen most nights.
- 4.7 RTR 7 (paragraph 50) sets out SONI's response to general impacts where it is stated that an extensive ecological assessment has been completed for the proposed Tyrone-Cavan Interconnector over many years. The habitats present within the survey area are generally of low value and there will be limited impacts on fauna. The routing of the overhead line and siting of the substation has avoided key ecological features, and with the proposed mitigation, there will no significant impacts. The proposed substation is a large site but will be located in an area of generally improved grassland (agricultural land). The proposed towers are spaced out roughly 400m apart and have a small footprint. The towers are also generally located on improved grassland (agricultural land). No recognised sites of international, national or local conservation value will be adversely affected. These limited

or non-significant impacts have been assessed in terms of policy and legislation and have been found to be in full compliance.

- 4.8 In terms of Whooper swans, RTR 7 (paragraph 20) finds that following extensive consultation with relevant statutory and non-statutory bodies, specifically NIEA – Natural Environment Division (NED) and the Irish Whooper Swan Study Group (IWSSG), it was concluded there were no known regularly used wintering whooper swan feeding and roosting areas either historical or current immediately in proximity to the proposed Tyrone-Cavan Interconnector.
- 4.9 On a single occasion in 2006 9 whooper swans were observed crossing the proposed line route over the Blackwater River. Whilst none have been seen crossing the line route for many years of surveys since, it is acknowledged that there must be some movement of whooper swans at some point in the season, albeit at a low incidence.
- 4.10 To reduce the unlikely collision risk to an absolute minimum, mitigation measures will be introduced to include flight deflectors along the line route, at the stretches where possible collision risk has been identified. This would include along the most northerly stretch between Moy and the Blackwater River.
- 4.11 RTR 7 (paragraph 58) notes that, in respect of the barn owl identified by Mr George Benson (page 2 point 6), the operational overhead line will not affect any known barn owl breeding sites. There is a potential for barn owls from elsewhere to disperse across or to winter in the vicinity of the overhead line route. However, barn owls typically fly below 4.5m when hunting, although they may fly at considerable heights when commuting between foraging areas and nest sites. In the absence of local nest sites, it is likely that any birds that may use the overhead line area will use predominately airspace lower than the height of the line. It is estimated from ring recovery data that around 3% of barn owl deaths are the result of collision with overhead lines.

- 4.12 RTR 7 (paragraph 56) responds to Mr Benson (page 2 point 6) and notes that pheasants are not protected species and are considered to be an introduced species, raised for shooting interest. Therefore, there is unlikely to be any significant effect to this species.
- 4.13 Mr James McNally (page 3) raises the issue of the potential impact of the scheme on Drumcarn ASSI. RTR 7 (paragraphs 38-46) deals with this in ecological terms and notes that due to the absence of any likely significant effects the Drumcarn ASSI in Northern Ireland was scoped out of the CES.
- 4.14 The DfI (SOC paragraph 7.1) notes that *“The applicant provided a detailed assessment of the impact of the development on ecology and nature conservation interests in Chapter 10 of the ES and Chapter 8 of the FEI. Both were reviewed and assessed by the Northern Ireland Environment Agency’s (NIEA) Natural Environment Division (NED) who also considered the proposed development in accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc) (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 for the likelihood of impact on Natura 2000 sites. NED have subsequently recommended planning conditions be included on any grant of planning permission having considered there to be no likely significant effect on a designated Natura 2000 site”*. This supports the CES and CES Addendum findings.
- 4.15 There is no objection on ecology matters raised that alters the conclusion of the SOC paragraph 44 on this issue.

Geology and Soils (RTR 6)

- 4.16 SEAT (SEAT SOC page 21 paragraph 118) questions the adequacy of the soils and geology assessment that was *“based largely on limited desk studies”* and claims that *“no in depth study has been undertaken”* in the ES. SEAT (SEAT SOC page 21 paragraph 119) claims to be informed by an *“Expert Witness that there are several geological issues which appear to have been generally overlooked”*, and claims there are *“a number of basic errors and omissions”* in the Geology Chapter. However, SEAT does not elaborate in

any detail about these criticisms so as to inform the Commissioner of their concerns.

- 4.17 RTR 6 (paragraphs 12-22) responds to this criticism and points out that ground investigation surveys were carried out for the substation and that a desk based study was carried out for the tower foundations and prior to commencement of each tower ground investigations will be carried out to confirm the ground and ground water conditions. There is no evidence of any contaminated land within the tower foundation areas and different tower foundation designs are proposed to cover differing ground conditions.
- 4.18 RTR 6 (paragraph 22) summarises that the desk study of the geological conditions carried out was sufficient to allow an appropriate and adequate assessment to be carried out of the ground conditions at the tower locations to assess the impact of the scheme on the soils and geology and to identify any constraints that the ground conditions posed on the construction of the proposed Tyrone-Cavan Interconnector.
- 4.19 The response to the objection that the Geology Chapter is poorly written is at RTR 6 (paragraphs 23-27) which sets out the qualifications and experience of the Chapter author and AECOM and the agreement of the statutory consultees to the Chapter findings. The RTR 6 (paragraph 27) states that the Geology Chapter is not poorly written or sub-standard as alleged by SEAT and that the Chapter contains all the information necessary to enable a robust assessment of the proposed scheme to be made.
- 4.20 Mr James McNally (page 3) raises the issue of the potential impact of the scheme on Drumcarn ASSI. Drumcarn ASSI is designated an area of special scientific interest because of its wetland flora and fauna. The RTR 6 (paragraph 29) response to this matter is that the ASSI is at least 2km east-south-east of the closest tower (No.102) on the SONI section of the proposed Tyrone-Cavan Interconnector. Should dewatering be required to facilitate the construction of the foundations to Tower 102, it is considered that any effects on the water table will not extend this distance. Accordingly, it is concluded

that construction of the scheme will have no adverse impact on Drumcarn ASSI.

- 4.21 There is no objection on geology, soil and groundwater matters raised that alters the conclusion of the SOC paragraph 46 on this issue.

Water (RTR 5)

- 4.22 SEAT (SEAT SOC page 21 paragraph 120) notes the potential for release of sediments into watercourses, but SEAT does not consider the mitigation measures proposed by SONI, or indeed the scale, likelihood or timescale for such occurrences.

- 4.23 RTR 5 (paragraph 3) sets out, that, as described in the Technical Report 6: Water Environment, the CES contains an assessment of likely impacts arising from the construction and operation of the proposed Tyrone-Cavan Interconnector. The assessment has considered potential adverse impacts on the water environment that may occur during construction including temporary deterioration of water quality from releases of fine sediment. Mitigation measures to avoid, reduce and minimise potential effects are outlined in the CES (Chapter 8 section 8.5 pages 241 - 247).

- 4.24 There is no objection on water matters raised that alters the conclusion of the SOC paragraph 45 on this issue.

Noise (RTR 8)

- 4.25 SEAT (SEAT SOC page 21 paragraphs 121-122) objects on the grounds of Noise. The concerns raised are addressed in RTR 8 which notes that operational noise due to corona discharge from the high voltage transmission line may be audible within 200m (not 200km as stated in the SEAT Statement of Case) of the overhead line particularly during rainfall or humid conditions. It has a broadband component subjectively described as hissing or crackling and pure tone components which can be superimposed on the broadband noise. The design of the proposed Tyrone-Cavan Interconnector has taken this into account and ceramic insulators on the towers are proposed, which

will minimise the occurrence of corona noise. It is accepted that corona noise may occasionally still occur and this has been taken into account in the noise assessment. The predicted noise levels from both dry and wet weather (corona noise) conditions have been found to be within the guidelines presented within BS8233:2014 and within the WHO guidelines 1999 and 2009 and is in-line with the Noise Policy Statement for Northern Ireland. There will be no likely significant noise effects resulting from the proposed Tyrone-Cavan Interconnector.

4.26 An assessment of noise, vibration or dust on residences in immediate proximity to proposed access routes has been undertaken and the results are presented in the CES and its Addendum. There will be no significant effects as a result of the proposed access tracks.

4.27 There is no objection on noise and vibration matters raised that alters the conclusion of the SOC paragraph 43 on this issue.

Cultural Heritage (RTR 9)

4.28 SEAT (SEAT SOC page 21 paragraph 123) raises the issue of cultural heritage and claims that undergrounding is accepted as having a lesser impact than the overhead line, particularly in respect of the impact on the listed Tullydowey House and gate lodge.

4.29 As RTR 9 (paragraph 13) explains cultural heritage was assessed in the undergrounding report for a section of the route in the Benburb area (Tower 29-33). This concluded that undergrounding in this area will reduce, but not remove, effects on Tullydowey House and its gate lodge, but that there is an increased risk of discovery of previously unrecorded archaeological remains.

4.30 The undergrounding of the entire route was assessed and ruled out in Chapter 4 of the CES and Chapter 10 of the CES Addendum. Full undergrounding would physically impact a number of recorded assets, and there would inevitably be an increased risk of discovery of previously unrecorded archaeological sites. This could result in large adverse impacts.

- 4.31 Cultural Heritage objection has been raised by Mr Tom McNally (page 2) (in the context of St Mochua's Holy Well and Church and Listrakelt Fort). As RTR 9 (paragraphs 19-21) notes, St Mochua's Well, also known as the Blest Well or St Malachy's Well, is assessed within the CES Chapter 12. It is not considered to be affected due to the topography and distance from the line (CES page 402, paragraph 93).
- 4.32 Mr Todd & Mrs Todd (point 2) object to cultural heritage issues (in so far as they live in a listed building at 73 Maydown Road). As RTR 9 (paragraphs 28-31) explains this is also known as Mullyloughan House or Glenaul House. The impact upon this asset is assessed (CES page 410, paragraph 139) which states: *"Mullyloughan House (35) is of high value. Although the house has some views over the surrounding landscape, including to the east and the area of the Proposed Development, these are limited by tree cover. This results in magnitude of change of minor negative, with the significance of impact of slight adverse."*
- 4.33 Mr & Mrs Lennon (page 1) and Mr Thomas Kelly (page 1) object in respect of the Man O'War in Dooskey, Co Monaghan and from other local viewpoints in Derrynoose such as the standing stone in Myllyyard (also called Mullyard). They suggest the route of the proposed Tyrone-Cavan Interconnector follows the path of an ancient route way which links sites of significant local history, a rath at Listrakelt, the site of a local monastery, ancient church and graveyard and a holy well. Mr & Mrs Lennon (page 1, last paragraph) consider the proposed Tyrone-Cavan Interconnector will have a significant adverse impact on the local countryside given its elevation and proximity to some important sites of historical importance.
- 4.34 RTR 9 (paragraphs 34-36) notes the standing stone in Myllyyard is assumed to be the Mullyard Standing Stone. This asset is located outside of the 500m immediate study area and did not fit the criteria for assessment of sites in the wider study area (CES page 391, paragraph 7). Any effect on an

undesigned asset at a distance of approximately 1km from the proposed Tyrone-Cavan Interconnector is not considered to be significant in EIA terms.

4.35 NIEA (now HED) does not have a record of an ancient route way in the study area. Previous correspondence has made reference to the Slighe Midluachra, which was referenced to in the “Annals of the Four Masters” (AD 123). The route was reported to have travelled towards Slane, through the Moyry Pass north of Dundalk, round the base of Slieve Fuaid, near Newtownhamilton in Co. Armagh, to Emain Macha (Navan Fort), ending at Dunseverick on the north coast of Co. Antrim. There are no recorded remains of this route and it would not be possible to determine the impact, if any, to it. However, it is unclear if this is what Mr and Mrs Lennon and Mr Kelly refer to.

4.36 RTR 9 (paragraphs 24-26) notes Listrakelt Fort was assessed in the CES (page 404, paragraph 103). The impact upon the setting of this rath from the proposed Tyrone-Cavan Interconnector has been fully assessed within the CES, and it is acknowledged that there will be a moderate adverse effect upon it. This includes views from the rath, and views of the rath with the towers and rath in the same view, however the rath will not be destroyed and the objector significantly overstates the impact.

4.37 The suggestion that the proposed development “*Fails to avoid sites of archaeological interest*” is incorrect. RTR 9 (paragraphs 40-41) notes that there are no physical effects upon any recorded heritage asset or archaeological site. It is stated in the CES (page 408 paragraph 127) that “*No recorded archaeological sites will be directly impacted by the proposed tower locations.*”

4.38 In any historic landscape, impacts upon the setting of all heritage assets cannot be avoided. If the line was to be moved to reduce effects on one asset, it could easily introduce new impacts on other assets. The route of the proposed Tyrone-Cavan Interconnector has been chosen to minimise these effects.

4.39 DfI (SOC paragraph 9.2) advises that “*The Historic Environment Division (HED) of the Department for Communities have considered the information submitted. Historic Buildings in HED are satisfied that the ES has identified and addressed the impacts of the development. Historic Monuments have not raised any objections to the development subject to planning condition*”. This supports the findings of the CES and CES Addendum.

4.40 There is no objection on cultural heritage matters raised that alters the conclusion of the SOC paragraph 34 on this issue.

Landscape and Visual (RTR 10)

4.41 SEAT (SEAT SOC pages 21-22 paragraphs 124-126) raises concerns over landscape and visual impact. SEAT states that no weighting was given to the fact that undergrounding would eliminate all the landscape and visual impact issues. This is not correct as the substation site would still be required. Further, landscape impact would still occur as the route of the line would be apparent from the excavation and tree and hedgerow loss. Similarly, partially undergrounding the route will have visual impacts as sealing end compounds will have a landscape and visual impact. Undergrounding is not an option that is a suitable alternative as explained in Section 3 above. (See also RTR 10 paragraphs 67-69).

4.42 In visual impact terms SEAT (SEAT SOC page 22 paragraph 126) states that “*427 houses within 500m of the line ... will have their landscape irreversibly damaged and their residence and properties significantly devalued*”. Mrs Mallon (page 2, point 5) objects on visual impact as they will be faced with an eyesore of the proposed pylons. Mr Tom McNally (page 1, paragraph 2) considered the proposed Tyrone-Cavan Interconnector will “*blight our beautiful landscape*”; Mr & Mrs Lennon (page 1, paragraph 4) consider the proposed Tyrone-Cavan Interconnector “*will have a significant adverse impact on the local countryside*”. Mr Benson George (page 2, point 5) objects to the proposed Tyrone-Cavan Interconnector for “*countryside reasons: the nature of the countryside is that it is outstanding beauty with acres & acres of green grass and woodland*”. Mr Thomas Kelly (page 2) suggests “*The route chosen*

is most detrimental in terms of visual impact", Mr Raymond Hughes (paragraph 6) considers they will have to live *"with this blot on our landscape"*, Mr James McNally (page 5) states that the *"trimming and looping of woody vegetation at hedgerows and tree lines"* will have an *"unsightly impact on the Drumlin topography"*. Ms Liz Drew and Mr Boyd Eagleson (page 1, bullet point 3) state that the proposal will have a *"significant visual degradation of the area, beautiful countryside destroyed by the proposed pylon"* and ABC (page 1, paragraphs 4-6) states the *"proliferation of proposed towers along with size and scale of the proposed towers and associated overhead cables will be visually intrusive in the landscape"*. Mr Robert Whyte (page 1 paragraph 5) states that *"the proposed pylons will destroy ... the visual beauty of our rural countryside, for miles along the route of the interconnector"*.

4.43 As stated in RTR 10 (paragraphs 27-28) no new issues concerning Landscape and Visual Impacts have been raised in the objectors' Statement of Case that were not already addressed in the CES and by the subsequent Addendum. The likely impacts from the proposed development on the landscape character and the visual amenity have been assessed and duly reported.

4.44 Individual receptor objections are addressed in detail in RTR 10 (paragraphs 47-65), wherein the properties owned by Mr Woods, Mrs Mallon and Mr Benson would experience moderate-major adverse effect on their property while Mr McNally (see RTR 10 paragraph 74) and the Armstrong family would experience moderate adverse effects on their property.

4.45 In respect of the impacts on Derrynoose RTR 10 (paragraph 78) notes that visual impacts in Derrynoose have been assessed as major adverse during construction and moderate-major adverse in the winter years of the operational phase.

4.46 Other general objections are addressed in RTR 10, but it is important to note that Policy PSU 11 acknowledges that power lines will have a visual impact, which should be kept to a minimum, and in response, in this case and stated

in RTR 10 (paragraph 21) the route determined was selected having regard to best practice guidelines through:

- Route selection was the primary means of mitigation.
- The preferred route was designed to keep the line as straight as possible, reducing the overall length of the line and to avoid the use of angle towers.
- Holford Rules were applied to ensure optimum route identified.
- Areas of designated landscape were avoided wherever possible.
- CEMP and replacement planting along the OHL corridor will mitigate plant losses.
- Landscape proposals for the substation site have been prepared to enhance the biodiversity of the area, ameliorate landscape and visual effects of the development in the receiving environment. Finishes to the infrastructure including lighting and colour facades have also been considered in mitigating adverse effects.
- Tree protection plans and replacement planting schemes will be provided for discharge of planning conditions.
- Tower selection sought to identify preferred tower by design to reduce visual intrusion.

4.47 RTR 10 also rejects objections that views from roads have not been assessed and demonstrates the Monaghan Way has been assessed.

4.48 DfI (SOC paragraph 5.4) provides the NIEA: Landscape Architects response which confirms that NIEA Landscape Architects considered that *“the proposal would have a significant visual impact on local environments but were satisfied that the proposed route had been determined through a process that avoided direct impacts on designated areas and areas with major environmental constraints. They considered that the proposed towers are sufficiently distant from identified views so as to not represent a major visual impact. They also recognised the inevitable loss of trees and hedgerows in accommodating the development but overall had no objection to the principle of the development subject to planning conditions to include the re-*

instatement of vegetation". This again supports the conclusions of the CES and CES Addendum.

4.49 There is no objection on landscape and visual impact matters raised that alters the conclusion of the SOC paragraphs 28-30 on this issue.

Traffic (RTR 13)

4.50 Mr Tom McNally's concern over traffic on Derrynoose Road is addressed at RTR 13 (paragraphs 14-15) which state that small temporary changes in traffic flows are expected which are minor and not significant in impact terms.

4.51 Mr Boyd Eagleson and Ms Liz Drew (page 1, bullet point 5) raise concerns about the impact of construction traffic and the effect on access and local roads. RTR 13 (paragraph 17) reiterates TR 15 paragraphs 50-51 and confirms that all traffic matters have been assessed.

4.52 There is no objection on traffic and haulage impact matters raised that alters the conclusion of the SOC paragraphs 32-33 on this issue.

Social Cultural Heritage (RTR 11 & 12)

4.53 SEAT (SEAT SOC page 22 paragraphs 127-129) discusses '*social cultural heritage*', however it is assumed this means the impact on local community amenity and socio-economic impacts. SEAT (SEAT SOC page 22 paragraph 128) claims the proposal will have a significant adverse impact on communities, individual households and businesses, but does not elaborate on these.

4.54 The objection letters at SEAT SOC Appendix 18 provide some evidence on effects.

4.55 Mr Tom McNally (page 1, paragraph 1) is concerned about the impact on the Dandy's retail shop; Mr Benson George (page 1, paragraph 4) is concerned about the impact on the future plans for his farm business (which is discussed

below in terms of farming), Mr Raymond Hughes (page 1, paragraph 2) states that the loss of a number of fruit trees reduces his already limited income.

4.56 RTR 12 (paragraph 67) deals with Dandy's Fuel Business and finds that Dandy's Fuel Business is located 200m from the centre line and 274m SW of Tower 94. There will be no likely significant effects to the business. The issue of potential EMF is dealt with in the CES and its Addendum as stated above and in the SOC.

4.57 RTR 11 (paragraph 75) responds to Mr Hughes concern over loss of fruit trees. Mr Hughes' land parcel is identified as LNI-0040 of the CES (Volume 4) and the very high sensitivity of the orchard enterprise is recognised in the CES Volume 3 (Annex 14.1). The residual impact on this enterprise is assessed to be moderate adverse due to the impact on the management of the orchard including the requirement to control the height of trees and spraying operations, along with other health and safety considerations (e.g. using ladders and other high reach equipment). It is noted that there is an existing low voltage OHL crossing the farm and that trees are grown underneath it. Therefore, in the context of the impact on the existing orchard from the existing OHL network, the proposed Tyrone-Cavan Interconnector is acceptable.

4.58 There is no objection on socio-economic matters raised that alters the conclusion of the SOC paragraphs 39-42 on this issue.

Impacts on Farms (RTR 11)

4.59 SEAT (SEAT SOC pages 24-25 paragraphs 145-147) sets out its concerns on the impact on farms.

4.60 RTR 11 (paragraphs 10-13) sets out that the residual impact on agriculture and land use along the proposed Tyrone-Cavan Interconnector route is assessed to be imperceptible and that farming and land use on the majority of land will not experience significant change. Some effects are proposed as set out in the SOC, and one major adverse residual impact and three moderate

adverse impacts are experienced in land parcels. In terms of disturbance during construction, RTR 11 (paragraphs 14-17) advises that low-medium impacts are predicted in terms of disease because good practice techniques will be employed. Potential spread of farm diseases during the operational phase is minimal because of the limited maintenance inspections. Disturbance from noxious weeds have been assessed as imperceptible.

4.61 RTR 11 (paragraph 18) advises that in terms of loss of income, most farm holdings can operate without significant interference. SONI understands that landowners / occupiers may be entitled to compensation in accordance with the general legal principles of compensation in Northern Ireland and the provisions of the Electricity (Northern Ireland) Order 1992 (as amended).

4.62 EMFs and health risks in farming are dealt with in RTR 4, while the safety risk for use of farm machinery in proximity to overhead lines is dealt with in RTR 11 (paragraph 21) which highlights the Health and Safety Executive publication "*Working safely near overhead electricity lines – Agriculture Information Sheet No 8*" which states that activity involving working at a height can continue as long as it is carried out 10m from overhead lines. The impact is considered to be imperceptible-slight adverse.

4.63 The individual objectors that raise concerns on livestock and poultry are Mrs Mallon (point 3); Mr & Mrs Todd (point 4); Mr Paul Hughes (point 2); Mr Benson George (points 2-4); Mr Thomas Kelly (page 1, paragraph 2) and Mr Raymond Hughes (point 4). In response to these concerns RTR 11 (paragraph 33) advises that there is no evidence of environmental effects on livestock or poultry and this is addressed in CES Volume 2 Section 7.4.4.1. There is no reference to high voltage OHL or effects from EMFs in DAERA/Defra publications on Codes of Recommendations for the Welfare of Livestock; Cattle, Pigs and Laying Hens. There is no reference to high voltage OHL affecting the quality, health or welfare of animals in the Northern Ireland Beef and Lamb, Dairy and Cereal Quality Assurance Schemes.

- 4.64 SONI will minimise impacts on affected land owners by using well established construction techniques and implementing mitigation measures, and construction activity will be for a relatively short time.
- 4.65 Mr and Mrs Todd's 101 hectare farm is dealt with at RTR 11 (paragraph 57) which notes it is affected by 5 towers, 4 stringing locations, one guarding location and new access roads. The overall impact on the farm is considered to be imperceptible due to the permanent restriction of <0.2% of the land at the base of the towers and, short-medium term damage caused to approximately 1% of the farm during construction and a low level of permanent disturbance due to the presence of the overhead lines and towers.
- 4.66 Mr Tom Canning (SEAT Appendix 18) gives several observations on claimed effects on Honey Bees due to Electric Fields. RTR 11 (paragraph 41) sets out that impacts on hives has been dealt with in Chapter 7 (EMF) of the CES, where it is explained, that the overhead line and the substation are compliant with UK policy, and that there is (with minor exceptions i.e. an effect of the electric fields on the structure of beehives) no effect on farming, flora and fauna. Chapter 7, Section 7.6, paragraph 250 identifies that impacts on beehive structure are readily eliminated by screening the hive by means of a grounded metal cover. Alternatively hives, which take up very little ground, could be moved to an alternative location.
- 4.67 Mr Boyd Eagleson and Ms Liz Drew (page 1 point 2) express concerns relating to the health of animals. This is addressed in RTR 4 Section 4.3.8.

Impact on Linwoods

- 4.68 The impact on the Linwoods business is given special consideration by SEAT (paragraphs 148-170). Mr Fergal Woods (page 1, point 2) also highlights his concern over the impact of the proposal on the Linwoods facility and Willow plantation.
- 4.69 RTR 12 (paragraphs 59-65) deals with the impact on these businesses and concludes that in respect of Linwoods and the Bioremediation area, with

mitigation measures, there will be no impact to the running of the Linwoods facility. The effluent that is produced by the facility can be discharged to the remaining area of the bioremediation area and any excess effluent can be tankered off and compensation will be determined in accordance with the general legal principles of compensation in Northern Ireland and in accordance with the Electricity (Northern Ireland) Order 1992 (as amended). In this way the operations at the Linwoods facility will be unaffected.

4.70 RTR 11 (paragraphs 24-26) addresses the impacts on Linwoods and the uncertainty of milk supply and states that there is no evidence to support a perception of risk to livestock or risk of contamination of milk or other food produce. On the contrary, the existing 400 kV network in the Republic of Ireland has crossed substantial dairy production areas in Counties Tipperary, Offaly and Meath for more than 30 years without any evidence of impact on dairy production. The 400 kV network in the UK and Republic of Ireland extends for more than 12,000 km and there is no evidence of any impact on farm livestock or farm produce.

4.71 There is no objection on land use and farming matters raised that alter the conclusion of the SOC paragraph 38 on this issue.

Air Quality (RTR 14)

4.72 SEAT (SEAT SOC page 21, paragraph 122) states “*There is no assessment of noise, vibration or dust on residences in immediate proximity to proposed access routes*”.

4.73 RTR 14 (paragraphs 13-17) states the potential effect of dust, generated through construction activity, is addressed qualitatively in the CES Addendum (Chapter 9), with reference to the Institute of Air Quality Management (IAQM) published ‘Guidance on the Assessment of Dust from Demolition and Construction’ (IAQM, 2014). It notes that of potential concern during construction is ‘track-out’, defined by the IAQM as, “*The transport of dust and dirt from a construction site onto the public road network, where it may be deposited and then re-suspended by vehicles using the network. This arises*

when heavy duty vehicles (HDVs) leave the construction site with dusty materials, which may then spill onto the road, and/or when HDVs transfer dust and dirt onto the road having travelled over muddy ground on site.”

4.74 Track-out may result in dust effects at locations, such as residential properties, within approximately 50 metres of a construction route, within approximately 500 metres of a construction site entrance. The potential for such effects are considered within the assessment, and appropriate measures to further control the effects are summarised in the CES Addendum (Table 9.16, Chapter 9, page 120). Residual dust effects due to track out are concluded to be not significant.

4.75 ABC (page 3 point 3) also notes that *“in terms of local air quality, the proposed development is not expected to cause the worsening of air quality to an extent significant to the management of this Council’s area as prescribed by the Environment (NI) Order 2002. It is noted that good construction management practice is proposed to be used to minimise discrete air quality impacts during the construction phase”*. This supports the view of the applicant.

4.76 There is no objection on air quality matters raised that alters the conclusion of the SOC paragraph 47 on this issue.

Tourism Impacts (RTR 12)

4.77 Mr Tom McNally is concerned that the proposed Tyrone-Cavan Interconnector will undermine efforts to attract people to the St Mochua’s Holy Well and Sacred site of the Church and that tourism potential would be undermined. RTR 12 (paragraphs 15-28) provide a response to this issue and find that there already exists utility infrastructure in the area, and that having regard to visibility of the overhead power line, noise and vibration and EMF that the proposed Tyrone-Cavan Interconnector would have no significant impact on the baseline peace, tranquillity or spirituality conditions of the Holy Well and Sacred site of the Church, nor the tourism development potential of the site.

- 4.78 Mr Paul Hughes (page 1, point 7) states that his land has the Ulster Canal through it and that the proposal will “*stop visitors coming to this area*”. RTR 12 (paragraphs 41-47) explains that no tourist sites would be physically impacted by the proposed Tyrone-Cavan Interconnector, nor would there be any significant change to the baseline access and the use and the enjoyment of the visitor resources within the area.
- 4.79 In terms of the Monaghan Way (Mr James McNally’s concern page 5), RTR 12 (paragraph 49) advises that this is not over sailed by the proposed Tyrone-Cavan Interconnector, but that the Monaghan Way is over-sailed by the proposed North-South 400kV Interconnector Development. The impacts on the Monaghan Way by the North-South 400kV Interconnector Development have been found to be acceptable by An Bord Pleanála.
- 4.80 In terms of consultation with Northern Ireland Tourist Board, Fáilte Ireland, and local authorities in Northern Ireland and the Republic of Ireland, the planning authorities in the respective jurisdictions have consulted these bodies and they have not objected to the proposed Tyrone-Cavan Interconnector on tourism grounds.
- 4.81 There is no objection on tourism matters raised that alters the conclusion of the SOC paragraph 35 on this issue.

Other Objections

Property Devaluation

- 4.82 This matter has already been addressed in the OTR (paragraphs 6.118-6.121) and SOC (paragraphs 54-57).
- 4.83 It is noted that the Inspector’s Report dealing with the EirGrid application accepted that the proposed development may give rise to impacts on property values. However, it was found that “*any such impacts are likely to be highly site specific, debateable and difficult to quantify*” (section 5.7.5.4 page 267; see generally). The report referred to ex gratia payments being offered by EirGrid to residential occupiers near the overhead line, but recorded that the

proposed scheme was not offered as a consequence of impact (ibid) (and when reaching its decision, the Board concluded there was no need for a condition to secure it). Any perceived effect on property values was not considered in that case to outweigh the benefits of the scheme.

- 4.84 In this case, there is no substantiated evidence of harm to property values. In any event, for the reasons given in the SOC, in so far as effects on values are considered to arise from impacts on amenity, any such impacts are clearly outweighed by the overall benefits of the scheme, such that the proposals are not just acceptable in planning terms but involve no breach of Convention rights.

Planning Permission on Farms

- 4.85 Concern that the proposed Tyrone-Cavan Interconnector will prevent future planning permission from being granted for development on farms is a matter that can only be considered on a case by case basis. If proposals comply with relevant policy criteria, permissions can still be granted if a farmer wishes to locate buildings within close proximity to the overhead lines, as long as clearance distances and access is retained. Such site constraints are a normal consideration in the design and location of built development proposed through planning applications, and farmers and landowners often have to respond to changes in circumstances such as a new access or structure being built close to their land.

Transboundary and Aviation

- 4.86 Mr James McNally (page 2) raises the issue of transboundary aviation issues. RTR 1 (paragraphs 57-58) confirms that the Crossbane townland over-sailed by the proposed Tyrone-Cavan Interconnector is entirely within the responsibility of NIE Networks. In terms of aviation issues, the Directorate of Airspace Policy has advised that *'The overhead line and supporting structures would not constitute aviation en-route obstructions for civil aviation purposes. The Defence Geographic Agency (DGA) should be informed of the line route so that updates to aviation documentation can be initiated'*.

Impact on Monaghan Way

4.87 Mr James McNally (page 5) considers the Monaghan Way will be “highly impacted”. This is discussed above under tourism, however RTR 12 paragraph 54 notes that whilst the proposed Tyrone-Cavan Interconnector would be visible to users of the Monaghan Way within the transboundary section, the overall assessed visual impact when considering the entire section of the Monaghan Way that lies within the study area is not significant and the proposed Tyrone-Cavan Interconnector would not have “*the severe negative transboundary impact*” on the Monaghan Way that Mr James McNally contends would occur.

4.88 Again, the impacts on the Monaghan Way by the North-South 400kV Interconnector Development have been found to be acceptable by An Bord Pleanála.

Transboundary Consultation

4.89 Mr James McNally (pages 5 and 6) objects based on the Espoo Convention and the need for transboundary consultation. RTR 1 (paragraphs 45-46) addresses this point and notes that the Espoo Convention has been transposed into Northern Ireland legislation and the DfI has carried out extensive consultation in accordance with the requirements in Regulation 18 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 as modified and Regulation 27 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

Equality Impact Assessment

4.90 Mr James Woods (page 2) argues that there is a need for an equality impact assessment to be undertaken “*in respect of the line which disproportionately impacts persons with a medical condition which require implanted medical devices*”. The Northern Ireland Act 1998, Schedule 9 (4)(2)(b), requires public authorities to assess the likely impact of their policies on the promotion of equality of opportunity. In the event that Section 75/76 of the Northern Ireland Act 1998 applies SONI would have every confidence the DfI will have due regard to its provisions in reaching its final decision on these applications.

Jim Lennon Submission No 2.

4.91 Mr Jim Lennon provides a 15-page submission within the objection papers that is a copy of his 2012 submission made to the PAC prior to the 2012 Public Inquiry. In undertaking the CES, the objections made by Mr Lennon were considered and addressed. The responses to Mr Lennon are set out throughout the RTRs. Specific response to Mr Lennon's concerns that are planning-related are below:

- *Page 1 paragraph 1 that the planning application is not fit for purpose*

4.92 The PAC has undertaken a preliminary stage hearing and found there is no procedural objection to the application. The application documentation provides a robust and fully resourced set of information for the applications. The associated works application now provides significant detail of the construction works necessary for the proposal. In the absence of any specific criticism, there is no aspect of this historic comment that requires further rebuttal.

- *Page 9 last paragraph that policy conflicts with tripod of objectives*

4.93 This is not specific reference to planning policy and is an unclear reference to energy policy.

- *Page 10 paragraph 2 The lack of understanding of the relationship of the archaeological and cultural remains within the landscape, their links to present development patterns and their linkage with significant historical events in Ireland is completely absent.*

4.94 It is difficult to understand the grounds on which Mr Lennon suggests that there is a "lack of understanding of the relationship of the archaeological and cultural remains within the landscape, their links to present development patterns and their linkage with significant historical events in Ireland". The proposed Tyrone-Cavan Interconnector has avoided settlements, which in turn preserves existing and historic development patterns.

- *Page 11 Section 4 bullet 6 Planning Blight*

4.95 The proposed Tyrone-Cavan Interconnector does not result in planning blight. This is evidenced by the fact that despite the planning applications for the proposed Tyrone-Cavan Interconnector being with the DfI for over 3 years that planning applications for chicken sheds have continued to be allowed. Applications on farms for new dwellings and farm buildings will be considered in the context of PPS 21. In that respect integration with existing buildings is an important consideration. As the proposed Tyrone-Cavan Interconnector has avoided buildings, any future proposed buildings will have to be located away from the proposed Tyrone-Cavan Interconnector in order to first and foremost comply with PPS 21 policy CTY 13 on integration. That is not a consequence of the location of the proposed Tyrone-Cavan Interconnector. Of course, there are other rural area policies that would require to be satisfied as part of any application in the countryside, none of which have any relevance to the proposed Tyrone-Cavan Interconnector, but do restrict development in the countryside.

- *Page 12 PINS Appeal Decisions*

4.96 The appeal decisions referred to by Mr Lennon have been addressed in the OTR paragraph 6.30. They are also addressed in RTR 4 (paragraph 126).

- *Page 13 Section 7 No consistency with the planning history of the area.*

4.97 Mr Lennon relies upon planning decisions in the area to support his objection. However, every application needs to be treated on its merits. There is no objection in principle (PPS 21 policy CTY 1) to the provision of utility development. As there are no other proposals for an interconnector, previous planning decisions are not relevant. It is difficult to understand the grounds that Mr Lennon suggests that “*This proposal clearly and demonstrably deviated significantly from current practice*”. There is no ‘new development control policy’ for Derrynoose. The current policies as set out in the PSRNI, SPPS and PPS 21 provide the key overarching policy considerations for the proposal, and these do not prohibit the proposal.

4.98 There is no prospect of similar applications coming forward from local residents, and to suggest so would simply not be credible.

- *Section 8 The Planning context or lack of it.*

4.99 Mr Lennon objects that the Armagh Area Plan has been under review since the early 2000s and that the proposed Tyrone-Cavan Interconnector was not identified as an issue as part of the Issues Paper 2004. Any criticisms of the 2004 Issues Paper are not matters that SONI or indeed the DfI can address now as time has moved on significantly. The 2004 Issues Paper did not represent planning policy that could be considered as a material factor in this case. This is an example of the out of date evidence reissued by Mr Lennon in this case.

Summary on Environmental Objections

4.100 Having regard to the objections submitted and considered by third parties, none raise environmental issues that have not already been addressed in the CES, CES Addendum or the SOC for these applications. None of the environmental issues raise policy objections or material considerations that outweigh the overriding national and regional need for the proposed Tyrone Cavan Interconnector.

5.0 CONDITIONS

- 5.1 The DfI sets out draft conditions for the applications. SONI has reviewed the draft conditions and is broadly content with them, however they will be reviewed in the light of the evidence and prior to the conditions session at the Public Inquiry to confirm the full extent of conditions which are appropriate to deliver the proposed Tyrone-Cavan Interconnector and secure appropriate environmental protection.
- 5.2 In respect of the request by ABC for a planning condition regarding contaminated land, a commitment is made in the CES to include a procedure in the CEMP for the management of contaminated materials unexpectedly excavated during construction. The DfI's Condition 10 provides a contaminated land condition which addresses the ABC request.

6.0 CONCLUSION

6.1 Given the foregoing, nothing in the objectors' Statements of Case and representations serves to undermine the conclusions set out in the SONI Statement of Case and supporting Technical Reports as to the acceptability of the proposed Tyrone-Cavan Interconnector in planning terms.

6.2 I therefore respectfully request that the Commissioner recommends that the applications be allowed.