

REBUTTAL STATEMENT

Introduction

1. This Rebuttal Statement provides the overarching rebuttal case for the proposed Tyrone-Cavan Interconnector¹.
2. Given the policy requirement for a rigorous examination of this major proposal, the applicant has prepared a “Main Rebuttal Technical Report” (MRTR) dealing in detail with the policy objections and assesses the objections to the key issues of need, alternatives and environmental impact of the proposed Tyrone-Cavan Interconnector.
3. The MRTR has been further informed by 14 Rebuttal Technical Reports (RTRs). Having regard to the evidence and planning policy the proposed Tyrone-Cavan Interconnector is clearly acceptable. The MRTR and RTRs provide specific reference to the Statements of Case (SOC) provided by objectors and the Department for Infrastructure (DfI) and Department for the Economy (DfE) as well as supporters of the proposal.

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

4. An Bord Pleanála has unanimously approved the North-South 400kV Interconnection Development on 21 December 2016². While the proposed Tyrone-Cavan Interconnector has its own policy basis to be assessed against and its own site specific environmental effects, the Planning Appeals Commission (PAC) and the 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.

¹The references in this Statement to the proposed Tyrone-Cavan Interconnector also incorporate the works associated with the proposed Tyrone-Cavan Interconnector.

² <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

DfI and DfE Positions

5. It is noted that DfI does not adopt a formal position on the applications, but acknowledge there is a demonstrable case for need for the proposed Tyrone-Cavan Interconnector established through the relevant energy policy from a European level to the NI Executive and at a strategic planning policy level, and that this need should attract significant weight in the determination of the planning applications. DfE supports the construction of the proposed Tyrone-Cavan Interconnector in the most cost efficient and technically feasible manner both to keep costs to consumers as low as possible and to mitigate risk of outage.

Preliminary Matters

6. SEAT raises preliminary matters that imply it has been seriously impeded in its assessment of the application. SONI disagrees with this on the basis that there is no conflict between the EirGrid and SONI applications, nor is the name of the project inaccurate, nor are authors required to be identified, and the science and analysis of the applications is site specific to the proposed Tyrone-Cavan Interconnector.

Planning Policy

7. Armagh, Banbridge and Craigavon (ABC) Borough Council advances general policy based arguments against the applications over the visual impact of the overhead line and towers. However, it provides no detailed evidence to substantiate its objection. SEAT identifies only the PSRNI and SPPS policies, but fails to explain why the proposal does not comply with these policies. Both parties fundamentally fail to have regard to detailed policies in support of the application that outweigh their concerns. The DfI accepts that *“strategic planning policy is supportive of the proposed development”*. The tests identified by SEAT of need, alternatives and environmental impact have been addressed in the SOC and on balance the proposed Tyrone-Cavan Interconnector is acceptable.

Consultation Objections

8. Objections based on inadequate consultation (having regard to the “Gunning Principles”) have been addressed. The approach taken by SONI in its consultation with landowners and the consultation procedures carried out by the DfI is compliant with all statutory requirements.

PCI Requirements

9. SEAT’s objections based on PCI Regulations were not accepted by An Bord Pleanála and are not applicable to the proposed Tyrone-Cavan Interconnector as the applications are exempt from the specific public participation requirements of the Regulations as they were submitted prior to the Regulations.

Strategic Environmental Assessment (SEA)

10. The SEA Directive does not apply in this case as there are no plans or programmes which would constrain the consideration of the applications.

Need

11. SEAT advances a number of arguments against the proposal ranging from limited electricity demands, Brexit and not supporting renewable energy to increasing capacity at the Moyle interconnector. Each has been considered and rebutted on the basis that none of these arguments when properly understood remove the need for the proposed Tyrone-Cavan Interconnector. The DfE, Regulator and over 100 separate parties have written in support of the applications based on need. DfI recognises that strategic policy supports the need for the applications.

Alternatives

12. SEAT objections based on alternatives range from alternative technology, undergrounding cables along public roads, costs against undergrounding, storage alternatives, uprating of existing interconnector and better utilisation

of the Moyle Interconnector. All suggested alternatives have been responded to and found not to provide a suitable alternative to the proposed Tyrone-Cavan Interconnector. Parties that SEAT relies upon in terms of alternatives (i.e. the Regulator, Dr Keatly, Mr Hayes, Ms Tully) support the proposed Tyrone-Cavan interconnector.

EMFs

13. Objections based on EMF and health concerns (for humans and animals including bees), as well as perception of fear, have been addressed and found again that the proposed Tyrone-Cavan Interconnector has been designed to comply with ICNIRP guidelines and the evidence also shows that there is no sustainable objection on grounds of perception of fear from EMFs.

Ecology

14. Objections raised against the proposal based on ecology (e.g. impact on whooper swans, barn owl, pheasants and Drumcarn ASSI) have been considered and rebutted. No objections have been raised that would alter the conclusions of the SOC on this issue.

Geology and Soils

15. Objections to geology and soils are not based on any physical environmental evidence based objection that might find the proposed Tyrone-Cavan Interconnector to be unacceptable. No objections have been raised that would alter the conclusions of the SOC on this issue.

Water

16. Objectors have raised the issue of potential for release of sediments into watercourses, but they have not provided evidence as to the likelihood of this. A robust assessment has been undertaken in the CES and its Addendum and it has been found that, with mitigation measures, there will be no likely significant effects to the water environment. No objections have been raised that would alter the conclusions of the SOC on this issue.

Noise, Vibration and Dust

17. Objectors raise the issue of the need for updated noise and vibration evidence. These objections have been addressed. The noise and vibration evidence demonstrates that updated surveys were carried out and that the noise from construction and operation of the overhead line and the substation would be within British Standards. Dust generated through construction activity has also been assessed and is not considered significant. No objections have been raised that would alter the conclusions of the SOC on this issue.

Cultural Heritage

18. Objectors raise issues of harm to cultural assets (e.g. St Mochaus Holy Well, Mullyloughan House, Myllyyard Standing Stone, Listrakelt Fort etc) and suggest these have not been assessed. All assets identified by objectors have been considered and either assessed or scoped out of the CES. No objections have been raised that would alter the conclusions of the SOC on this issue.

Landscape and Visual

19. Objectors are concerned about the visual degradation of the area and the landscape and visual impact of the proposal. None take any specific issue with the approach to the Landscape and Visual Impact Assessment, rather are principally concerned that certain viewpoints will be adversely impacted. It is accepted in policy that overhead lines will have an environmental impact but that this should be kept to a minimum. The proposal would result in significant adverse effects on the landscape and visual amenity however it is considered that the landscape and visual resource of the wider study area would not deteriorate to a significant degree. No objections have been raised that would alter the conclusions of the SOC on this issue.

Traffic and Haulage

20. Objectors raise concerns about the impact of construction traffic on local roads, access and traffic flow. All traffic generation has been assessed along with the various access points required for the construction of the proposed Tyrone-Cavan interconnector. There is no objection on traffic and haulage impact matters raised that alters the conclusion of the SOC on this issue.

Socio-Economics

21. Two businesses (i.e. a local fuel business and an orchard enterprise) have raised concerns about the impact on their operation. These have been addressed in the RTRs and in the SOC and CES. Neither of the businesses are likely to be significantly affected by the proposed Tyrone-Cavan Interconnector.
22. Linwoods object because its willow plantation will be affected and that the operation of the Linwoods facility will be affected by uncertain milk supplies. Linwoods have been assessed in the SOC and CES and CES addendum. There is no objection on socio-economic matters raised that alters the conclusion of the SOC on this issue.

Impacts on Farms

23. Objectors raise concerns over the impact on farms from reduced land values, loss of income, constrained farming operations, potential disease and harm to animals. The issues have all been identified in the SOC and CES and CES Addendum, and have been addressed. There is no objection on impact on farms raised that alters the conclusion of the SOC on this issue.

Tourism

24. Objectors raise objections based on the perceived impact on tourism at locations such as St Mochuas Holy Well and Sacred site of the Church, the Monaghan Way, and an undefined geographic area around the location that one Objector resides, and whose land has the Ulster Canal through it.

Tourism assets have been considered as part of the SOC, CES and Addendum and found not to be significantly impacted. There is no objection on tourism matters raised that alters the conclusion of the SOC on this issue.

Property Devaluation

25. Objectors raise the issue of reduced property values, but none provide information not already included in letters of objection already submitted and addressed in the SOC.
26. 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. The evidence on this matter does not alter the conclusions of the SOC.

Planning Permission on Farms

27. Objections based on the effects on future planning applications on farms are not grounds to refuse the application. Future applications on farms will be determined on their merits having regard to the relevant planning policy.

Transboundary Issues

28. Objectors raise transboundary issues, including transboundary aviation issues. All statutorily required transboundary consultations have taken place. There is no objection from Directorate of Airspace Policy. An Bord Pleanála has accepted that there is no transboundary objection to the North-South Interconnection Development in the Republic of Ireland. There are no transboundary matters raised that alter the conclusions of the SOC on this issue.

Conditions

29. SONI has reviewed the conditions and is broadly content but will consider these further during the Public Inquiry to confirm whether they (and any additional conditions) are necessary to deliver the proposed Tyrone-Cavan Interconnector and secure appropriate environmental protection.

Conclusion

30. Given the foregoing, nothing in the various objectors' SOC's serves to undermine the conclusions set out in the SONI SOC and supporting TRs as to the acceptability of the proposed Tyrone-Cavan Interconnector in planning terms. The Commissioner is respectfully requested to recommend that the applications be allowed.