

Transboundary Party Statement of case for the Curraghinalt 33Kv Project (including both LA10/2019/1386/F and LA11/2019/1000/F)

1. Introduction

- 1.1. This is the statement of case of Fermanagh and Omagh District Council, filed following the transboundary consultation in connection with applications LA10/2019/1386/F and LA11/2019/1000/F. The Council is the local planning authority for a part of the area and is a statutory consultee (article 113 and schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015).
- 1.2. The Council opposes the applications and invites the Planning Appeals Commission to recommend to the Department for Infrastructure that the applications be refused. The Council considers that the applications do not accord with the local development plan and that material considerations do not indicate that a decision should be taken contrary to the local development plan (section 6(4) Planning Act (Northern Ireland) 2011).
- 1.3. At the outset, two caveats must be made about the contents of this statement.
 - 1.3.1. The Council does not consider that it is procedurally fair for existing inquiry participants to be denied an opportunity to respond to the transboundary evidence, including any further written submissions, in writing before the reopening of the inquiry sessions. As a result, the Council reserves the right to add to or amend its case at the hearing sessions in response to points made by other parties.
 - 1.3.2. The Council reiterate its concerns with the adequacy of the environmental information provided and trust that the detailed submissions made in this respect will be considered in due course. Experts instructed by the Council clearly identified a number of instances where the information provided was deficient. This is clearly set out in our statement of case and rebuttal evidence.

2. Summary of concerns

- 2.1. The Council continues to be supported in its role as a statutory consultee by a team of expert consultants and parts of the statements of case prepared by the experts deal with these applications and have informed the Council's Statement of Case (SOC) and Rebuttal Statement (RS) for these applications. The Council has set out in some detail its substantive concerns in relation to these applications within its SOC and RS. The Council will not repeat its substantive concerns again as part of this submission and would invite DfI and the Planning Appeals Commission to read all these documents in full.
- 2.2. The Council has consistently raised concerns in relation to transboundary matters. It is unnecessary for the Council to summarise its concerns again. DfI

and the PAC is already in receipt of its concerns, which include transboundary concerns. These concerns should be taken into account during the reconvened inquiry and during the determination of the applications.

- 2.3. This statement draws out some of the key issues raised in relevant transboundary consultations.

Transboundary submission by Donegal County Council (DCC)

- 2.4. DCC explain that they concur “...with the Loughs Agency’s submission in relation to the erection of the 33kV overhead power lines given the no. of proposed fresh watercourse crossings and the absence of site specific Risk Assessment Method Statements, and Construction Environmental Plans to mitigate any deterioration in water quality in the Foyle Catchment as a result of associated works”.

Transboundary submission by Loughs Agency

- 2.5. The Council notes the comments of Loughs Agency, in particular paragraph 4.1 of their submission which states that “Loughs Agency have no objection in principle to the powerline’s applications with any site-specific details being dealt with through Loughs Agency’s Section 46 application process”.
- 2.6. The Council has set out its concerns in relation to these matters, in detail within its SoC. The Council also explained in its rebuttal at paragraph 4.28 that “Conclusions reached by consultees have been based on general assumptions which are incorrect. Also, the Council notes that Loughs Agency have raised concerns in relation to the damming of watercourses”. The Council will await the discussion of these matters at the inquiry sessions, within the context of the concerns that the Council and other parties have raised.

Conclusion

- 2.7. The Council remain of the view that planning permission should be refused. There are a number of legal impediments to permission being granted and thirty one draft Reasons for Refusal set out the concerns that the Council has with the applications for planning permission.