

Gas Network Ireland

Network Development Plan 2023

Screening for Appropriate Assessment

Reference:

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This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 299669-00

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1. Introduction

1.1 Overview

This report contains information for a Screening for Appropriate Assessment (AA) on a National Development Plan (referred to hereinafter as the draft NDP or, the draft Plan) currently being developed by Gas Network Ireland (GNI). Arup have been commissioned by GNI to prepare a Screening for AA report to assess the potential for likely significant effects arising from the draft Plan.

1.2 Purpose of the draft NDP

The draft Plan covers the gas network system operated and maintained by GNI and sets the scene for the future gas network and how it may develop over the coming ten-year period, based on current supply and demand for gas, as well as projected changes in gas consumption and development of infrastructure. The draft NDP is a strategic plan which is high-level and strategic in nature.

1.3 Appropriate Assessment

AA is a process required under Article 6(3) of the EU Habitats Directive which transposed into Irish legislation through the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011) as amended (hereafter referred to as the Birds and Natural Habitats Regulations) and by Part XAB of the Planning and Development Act 2000 (as amended).

An AA of a plan or project is required if it is likely to have a significant effect on a European site, either alone or in combination with other plans and projects, pursuant to the Birds and Natural Habitats Regulations (as amended) and the Planning and Development Act (as amended).

2. Screening for Appropriate Assessment

2.1 Legislative Requirement for Appropriate Assessment

Pursuant to the Birds and Natural Habitats Regulations (as amended) and the Planning and Development Act (as amended), a Screening for AA is required for a ‘plan or project’.

As defined in the Birds and Natural Habitats Regulations (as amended):

“A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site”.

As defined in the Planning and Development Act (as amended):

*“A screening for appropriate assessment of a **draft Land use plan or application for consent** for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site”¹.*

2.2 Screening for Appropriate Assessment Process

The Office for the Planning Regulator¹⁸ (OPR) provides guidance on the Screening for AA process and is defined below in Figure 1:

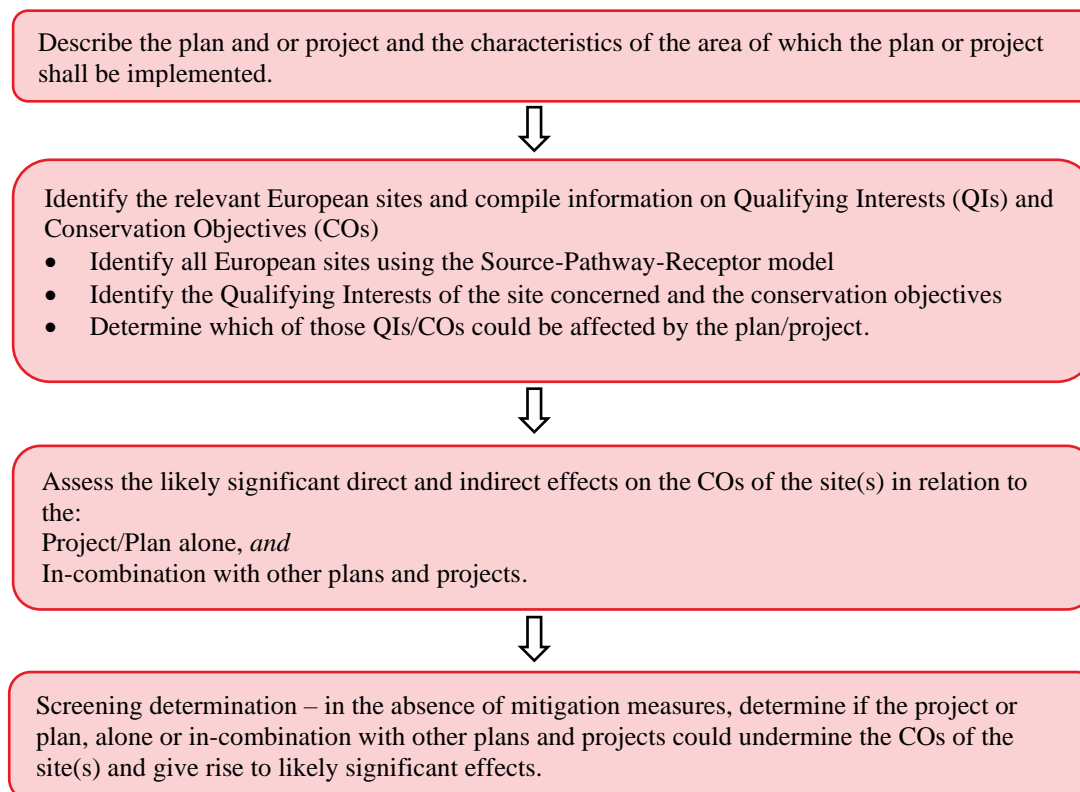


Figure 1 Screening for Appropriate Assessment Process

¹ A Screening for Appropriate Assessment as defined by the Planning and Development Act (as amended)

There are “Cases where no Appropriate Assessment issues arise” and as outlined within the guidance from the OPR. This is where the plan or project ‘could not have any conceivable effect on a European site. For example, where the nature, scale, timing, duration and location of a development is entirely unconnected to a European site’. The guidance further states that “The project should only be considered to have no appropriate assessment issues if it is obvious that the entire project, through all of its stages, could not possibly have any effect on any European site, and that no measures intended to avoid or reduce potentially harmful effects on a European site are included”.

The aforementioned process and guidance have been considered as part of this report.

2.3 Definitions

The definition of a ‘plan’, as defined within the Birds and Natural Habitats Regulations (as amended) is provided for below.

2.3.1 A plan

““plan”, subject to the exclusion, except where the contrary intention appears, of any plan that is a land use plan within the meaning of the Planning Acts 2000 to 2011, includes—

(a) any plan, programme or scheme, statutory or non-statutory, that establishes public policy in relation to land use and infrastructural development in one or more specified locations or regions, including any development of land or on land, the extraction or exploitation of mineral resources or of renewable energy resources and the carrying out of land use activities, that is to be considered for adoption or authorisation or approval or for the grant of a licence, consent, permission, permit, derogation or other authorisation by a public authority, or

(b) a proposal to amend or extend a plan or scheme referred to in subparagraph (a);”.

2.3.2 European Sites

European sites, as defined under the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011) (as amended) are part of the Natura 2000 network and include those designated as SACs, candidate SACs (cSACs), SPAs or proposed SPAs (pSPAs). These are sometimes referred to as Natura 2000 sites.

SACs are selected for the conservation of Annex I² habitats (including priority types which are in danger of disappearance) and Annex II³ species (other than birds).

SPAs are selected for the conservation of Annex I birds and all migratory birds and their habitats.

The Annex habitats and species, for which each site is selected, are termed the Qualifying Interests (QI) for SACs and termed Special Conservation Interests (SCI) for SPAs of each site.

2.3.3 Conservation Objective

Conservation Objectives (COs) for the European sites are defined for the relevant QIs and SCIs. In its most general sense, a CO is the specification of the overall target for the species and/or habitat types for which a site is designated in order for it to contribute to maintaining or reaching favourable conservation status⁴.

² Annex I habitats are habitats whose conservation requires the designation of Special Areas of Conservation

³ Annex II species are animal and plant species whose conservation requires the designation of Special Areas of Conservation

⁴ Commission Note on Setting Conservation Objectives for Natura 2000 Sites (November 2012) European Commission, Doc. Hab.12-04/06. Accessed at: http://ec.europa.eu/environment/nature/natura2000/management/docs/commission_note/commission_note2_EN.pdf

2.3.4 Source-Pathway-Receptor Model

The Source-Pathway-Receptor model is used to assess where a potential effect may result by examining the source, its pathway and the receptor. As per guidance from the OPR⁵ these can be defined as follows:

- **Source:** The origin of a potential effect which may include characteristics of a plan or project that have the potential to result in effects e.g. direct impacts such as loss of habitat;
- **Pathway:** How the potential effect may occur on the source. These are identifiable through linkages that may occur through the plan or project and European sites e.g. direct pathways such as physical proximity, hydrological connections or indirect pathways such as disturbance to migrating species; and
- **Receptor:** The European site network and respective QIs/SCIs, their ecological condition and sensitivities e.g. freshwater pearl mussel is sensitive to siltation in water.

2.3.5 Zone of Influence

A Zone of Influence (ZoI) within any assessment of projects and/or plans considers the area over which ecological features may be affected by biophysical changes as a result of the proposed plan/project and associated activities.

2.4 Guidance

The following guidance was used in carrying out the Assessment:

- Assessment of plans and projects in relation to Natura 2000 Sites: Methodical guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission Environment Directorate-General, 2021);
- Communication from the Commission on the precautionary principle. European Commission (2000);
- Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC (European Commission, 2007);
- Guidelines for Good Practice Appropriate Assessment of Plans under Article 6(3) Habitats Directive (International Workshop on Assessment of Plans under the Habitats Directive, 2011);
- Managing Natura 2000 Sites: The Provision of Article 6 of the Habitats Directive 92/43/EEC (EC Environment Directorate-General, 2019);

Republic of Ireland specific:

- Office of the Planning Regulator Practice Note PN01 - Appropriate Assessment Screening for Development Management (OPR, 2021); and
- Strict Protection of Animal Species Guidance for Public authorities on the Application of Articles 12 and 16 of the EU Habitats Directive to development/works undertaken by or on behalf of a Public authority (NPWS 2021);
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2010 revision);
- Appropriate Assessment under Article 6 of the Habitats Directive; Guidance for Planning Authorities. Circular National Parks and Wildlife Service (NPWS) 1/10 and PSSP 2/10;

Northern Ireland specific:

- Guidance explaining The Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

⁵ OPR (2021) Appropriate Assessment Screening for Development Management. OPR Practice Note PN01

The requirements for Screening for AA, and AA, for European sites, are set out in Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477 of 2011) with numerous relevant rulings and opinions issues in both Irish and EU courts. AA is a process required under Article 6(3) of the EU Habitats Directive as transposed by the aforementioned Regulations.

2.5 Data Sources

The ecological data reviewed to inform this report comprises:

- Environmental Protection Agency (EPA) Map Viewer⁶;
- EPA- Ireland’s Environment. An Integrated Assessment 2020 Article 12 web tool⁷;
- Joint Nature Conservation Committee UK Protected Areas⁸;
- Northern Ireland Environment Agency (NIEA) Protected Areas web viewer⁹;
- NPWS (2023) Conservation Objectives Series¹⁰;
- NPWS (2023) SAC and SPA Datasheets¹¹;
- National Parks and Wildlife Service (NPWS) Designations web viewer¹²;
- NPWS Protected Sites in Ireland¹³;
- NPWS The Status of EU Protected Habitats and Species in Ireland Web Viewer¹⁴;
- The Status of EU Protected Habitats and Species in Ireland. Volume 1: Summary Overview. Unpublished NPWS report¹⁵. NPWS (2019);
- The Status of EU Protected Habitats and Species in Ireland. Volume 2: Habitat Assessments. Unpublished NPWS report¹⁶. Edited by: Deirdre Lynn and Fionnuala O’Neil. NPWS (2019); and
- The Status of EU Protected Habitats and Species in Ireland. Volume 3: Species Assessments. Unpublished NPWS report¹⁷ (2019). Edited by: Deirdre Lynn and Fionnuala O’Neill (2020).

⁶ EPA Map Viewer accessed at <https://gis.epa.ie/EPAMaps/> accessed November 2023

⁷ Article 12 of the Birds Directive Web tool accessed at <https://nature-art12.eionet.europa.eu/article12/> accessed November 2023

⁸ JNCC Protected Areas web viewer accessed at <https://jncc.gov.uk/our-work/uk-protected-areas/> accessed November 2023

⁹ NIEA Protected Areas web viewer <https://gis.daera-ni.gov.uk/arcgis/apps/webappviewer/index.html?id=bb721449cb8949e7a4f90c722bd2d80b> accessed November 2023

¹⁰ NPWS Conservation objectives accessed at <https://www.npws.ie/protected-sites/conservation-management-planning/conservation-objectives> accessed November 2023

¹¹ NPWS SAC and SPA Datasheets accessed at <https://www.npws.ie/maps-and-data/designated-site-data/sac-and-spa-datasheets-downloads> accessed November 2023

¹² NPWS Designations web viewer accessed at <https://dahg.maps.arcgis.com/apps/webappviewer/index.html?id=8f7060450de3485fa1c1085536d477ba> accessed November 2023

¹³ NPWS Protected sites accessed at <https://www.npws.ie/protected-sites> accessed November 2023

¹⁴ NPWS The Status of EU Protected Habitats and Species in Ireland web viewer accessed at <https://storymaps.arcgis.com/collections/1a721520030d404f899d658d5b6e159a> accessed November 2023

¹⁵ The Status of EU Protected Habitats and Species in Ireland: Volume 1 Summary Overview accessed at https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf September 2023

¹⁶ The Status of EU Protected Habitats and Species in Ireland. Volume 2: Habitat Assessments. Unpublished NPWS report https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol2_Habitats_Article17.pdf September 2023

¹⁷ The Status of EU Protected Habitats and Species in Ireland. Volume 3: Species Assessments. Unpublished NPWS report accessed at https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol3_Species_Article17.pdf September 2023

3. The draft National Development Plan

3.1 Overview

The purpose of the draft NDP is to assess the gas network's current capacity based on existing forecast and supply and demand in order to guarantee the adequacy of the gas transportation system and security of supply.

Gas Demand Forecasts

GNI has developed Low, Best Estimate & High demand scenarios which forecast gas demand across the Power Generation, Industrial and Commercial, Residential and Transport sectors. The scenarios aim to capture the potential impact on both annual and peak day gas demand with a view to ensuring adequate capacity on the gas network to meet customer demand.

The draft NDP looks beyond the ten-year adequacy assessment timeline to consider the role the gas network will play in decarbonising Ireland's energy system. During the time horizon of the draft NDP, there is a strong drive towards displacing natural gas in the network with renewable gases such as biomethane and green hydrogen.

All three gas demand scenarios forecast that annual natural gas demand will decrease between 2022/2023 and 2031/2032 while conversely the volume of renewable gases is forecast to increase in all scenarios. Demand across all three main gas demand sectors, i.e. Power Generation, Industrial & Commercial and Residential, are anticipated to decrease for 2022/23 vs. 2021/22.

Gas Network Capacity

As part of the forecast modelling, GNI compares the forecasted demands, and the forecasted supplies, of this report. This section of the draft Plan provides information on planned capital investment and future investment proposals for transmission system projects in order to comply with statutory and regulatory requirements.

The draft NDP explains that 10 projects were completed in 2022, including 2 AGI Capacity Upgrades, and 8 Reinforcements of the Distribution Network. A proposal to increase capacity gas flow rates through the two sub-sea interconnectors at both compressor stations in Scotland (Brighthouse Bay and Beattock) was subsequently approved and is currently underway.

3.2 Relationship with the Network Implementation Plan

As previously described, the draft NDP is an annual rolling document prepared by GNI each year, which provides a view of how the gas network may develop over a ten-year period. The draft NDP also outlines information on planned capital investment and future investment proposals for transmission system projects in order to comply with statutory and regulatory requirements. The draft NDP is a strategic plan which is high-level in nature. GNI has also prepared, the Network Implementation Plan (NIP) which covers the period of 2020-2023.

The purpose of the NIP is to set out in detail, the manner in which the short-term capital investment proposals identified for 2020-2023 may be developed in the Plan area. This includes greater detail on the capital investment, including their locations, nature, extent etc. The projects included in the draft NDP fall under the more detailed projects as listed in the NIP, for example capital investment projects including the upgrades to Above Ground Installations (AGIs) and reinforcement of the distribution network.

The 2023 NIP was subject to full SEA in compliance with S.I. No. 435/2004 – European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended (“SEA Regulations”) and S.I. No. 477/2011- European Communities (Birds and Natural Habitats) Regulations, as amended (“AA Regulations”).

Refer to Figure 1 for the relationship between the draft NDP and NIP.

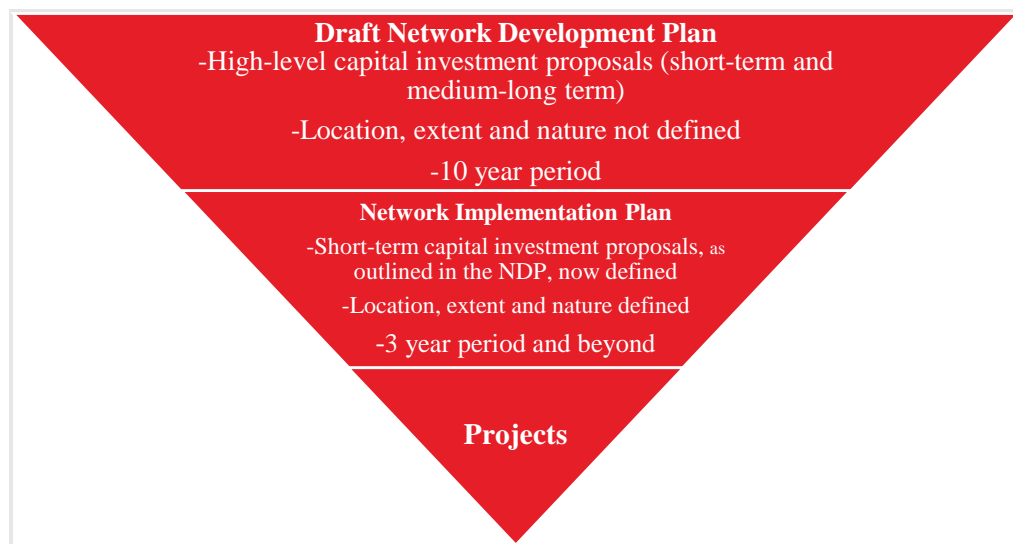


Figure 2 Plan Hierarchy (relationship between the draft NDP and NIP)

4. Requirement of Screening for Appropriate Assessment to the draft National Development Plan

4.1 Review of the draft NDP

The information within the draft Plan was reviewed for any material which could be defined as a source and a pathway for effect on European sites. These could take the form as actions, targets, measures, or material that could be considered to require development consent. Whilst the draft Plan contains detail in regard to the GNI network, assets, future demands and potential prospects for the future, it does not contain any detail which has been identified as an action, target, measure or material considered to require development consent.

4.2 Review Outcome

Following the review, it was determined that there was no material within the draft NDP that be determined as source nor could be defined as a pathway for effect on European site(s).

Therefore, in accordance with the relevant guidance set forward by the OPR¹⁸, there is no instance(s) for likely significant effect(s) on European site(s) contained within the draft NDP.

¹⁸ OPR (2021) Office of the Planning Regulator. Appropriate Assessment Screening for Development Management. OPR Practice Note PN01. March 2021. Accessed at <https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>

5. Conclusion & Recommendations

5.1 Summary & Conclusion

In accordance with the relevant legislation, the draft NDP has been assessed for material which may be considered to have the potential to result in a likely significant effect on a European site. The draft Plan contains a suite of information on the network, assets, operations, and future demands on the gas network within Ireland. A review of the draft Plan found there to be no material within which could be considered as a source or a pathway for effect upon a European site. Neither is there material contained within the draft Plan that could be defined as a framework for development consent.

Following an examination, analysis, and evaluation of the best available information, and applying the precautionary principle, it can be concluded that the possibility of any likely significant effects on any European sites, whether arising from the plan alone or in combination with other plans and projects, can be excluded, for the reasons set out in Section 4 above. In reaching this conclusion, the nature of the plan and its potential relationship with all European sites within the ZoI, and their conservation objectives, have been fully considered.

Therefore, it is the professional opinion of the authors of this report that this draft Plan does not require an AA.