

Oral Hearing 15th Nov. 2013

Eirgrid Laois - Kilkenny reinforcement project ABP project reference - VA0015 / VC0035

Written summary & conclusion by Fand Cooney (To be read in conjunction with 4th Nov. presentation and written submission by FCooney, RTS Substation action group).

As I mentioned in my presentation and written submission at the beginning of the oral hearing, some of the key pieces of information that I and my neighbours were looking for from the start of the project were - why the project was needed, why here and what effect it would have. We have spent over four years now trying to get clear and unambiguous information. Collectively, our community has lost 1000's of hours of productive and private time trying to address this. That is time that we value, which we and our families have lost and will never get back.

The burden of proof that this project is justified and will not have a significant negative impact on the environment lies with Eirgrid. Had they engaged with the public and enabled effective public participation 'in the spirit of the law' then the EIS could have been completed correctly at the outset and this oral hearing and waste of everyone's time would have been unnecessary. Now at the end of the hearing I note for the record that these fundamental questions remain unanswered and our concerns have not been addressed. If anything, the hearing has served to confirm our worst fears.

We note that Eirgrid finally stood up and presented information to us, the public who will have to live with the permanent and significant effects from this project if it is constructed and the further significant effects of the developments that it will facilitate. What was most notable throughout those presentations was not what was said, but what was left out. This is a consistent theme and has been our experience with Eirgrid from the very beginning.

Ray Niland, project manager; started with a presentation that was rich in diagrams and photographs. As he confirmed to us, these are an excellent way to convey information. However, the non-technical summary which the public rely on to understand the project contained none.

Mark Norton: Despite being asked repeatedly about the excessive size of the proposed substation relative to it's stated purpose and the potential for extra lines (referred to as 'futureproofing' by Eirgrid), Mr. Norton stated that there were no plans or applications to connect renewable generation or additional lines to the Coolnabacca substation 'at this stage in the plan' or words to that effect. He did not say which plan he was referring to, or the lifetime of that plan, thus strategically avoiding providing information on the cumulative effects of the project. I note for the record that the current GRID25 Implementation Plan runs until 2016 and that we have shown an Eirgrid map of the grid as it is envisaged in 2020 which shows approx. 4 additional lines joining the Coolnabacca area.

I am thankful to Mr. Fitzsimons for explaining that for public participation to be effective, information is to be provided to the public concerned early in the decision-making process when all options are still open to the public!!

Summary of options that were never real alternatives:

- Choice of substation as a solution to Kilkenny's needs

The evaluation of the other technical alternatives to a substation were never subject to public participation and were an 'internal decision to expedite a reinforcement project in the region ... made in April 2008'. (Phase 1 lead consultants report 1.1.1)

This choice was never open to the public (an SEA of the GRID 25 Programme with public participation could have potentially addressed this).

- Choice of original study area:

We were originally told that the reason the super-substation had to be in our area was because this was where the 110kV line crossed the 400kV line. Mario Duarte presented an area of interest that specifically excluded another location where a 110kV line crossed the 400kV (Ikerrin).

This original study area was an 'internal decision to expedite a reinforcement project in the region being made in April 2008'. (Phase 1 lead consultants report 1.1.1).

This option was never open to the public (an SEA of the GRID 25 Programme with public participation could have potentially addressed this).

- Choice of substation study area:

We have demonstrated that the location for the substation at Loughteogue was specifically identified as the chosen location in a number of reports and correspondence before the public were ever informed and indeed correspondence showing that the route options were well progressed and had been presented to An Bord Pleanála at that stage....
(ref ENTSO-E map & table July 2009 - slide 3, note HVDC report commissioning mentioned in Oct 2008 GRID25 brochure - slide 4, note final version of that report Oct 2009 - slide 6, note pre-consultation letter with ABP Aug 2009 naming Loughteogue and referring to 9 route corridor options that had already been identified - slide 24).

This choice was not open at the outset of the project and was never truly open to the public.

- Underground / overhead lines

We have demonstrated that transmission technology is ultimately moving in the direction of creating a European DC super grid (slide 13 - 'a reality, but not yet'). (Supporting background info. - Mainstream renewables have a report on this setting out approx. a 15 year timetable to achieve this.) We have demonstrated that Eirgrid through their 2009 HVDC report are aware of this trend in technology and have identified strategic route corridors (slide 10) for future upgrading to DC operation. This future upgrading is

premised on the easy conversion of AC overhead lines with minimal modifications (slide 7-9). Putting lines underground would complicate this conversion.

We have also heard of how Eirgrid took Laois County council to the high court to prevent the undergrounding requirement being put in the county development plan with respect to only 1.4km of 400kV line.

The choice of underground lines was not open to the public as Eirgrid have a plan to create / upgrade strategic overhead line routes when the technology is ready.

- AIS versus GIS technology:

Please see attached appendix 1 from my earlier written submission. This is an extract from a Cigre report dating back to 2007. (This was before the GRID25 plan was developed and launched and as such, at that stage plans for such extensive upgrades and extensions to the national grid were not on the cards or were only being developed). However, the ESB had identified a programme of 110kV substations that needed to be built and had carried out a pilot study to determine the most cost-effective solution for this programme. This 1 page summary confirms that GIS substations were the technology of choice having been evaluated against a full range of cost factors and that the ESB made a decision to standardise on the use of this equipment for new 110KV substations and also to use this equipment as far as possible in extensions or refurbishment of existing AIS substations.

The option of AIS / GIS was not open to the public.

The options simply were not open and as such, there was never the possibility of effective public participation being achieved.

Des Cox presented Eirgrid's colourful project development and consultation roadmap but as we have seen, the options were not open to the public and so, there hardly seems any point in having a consultation roadmap.

Aidan Geoghegan referred to the Ecofys report and in 3.4 of his submission explains that because a fault on an overhead line can be fixed in hours and a similar fault on an underground line can take up to 25days, that 'an OHL will have a much better level of "availability" than an UGC' giving us the impression that it would be silly to suggest undergrounding as this would add more risk to security of supply. However, through questions it was eventually established that other countries manage to put lines underground (hence the existence of this Ecofys report), and that by building redundancy into the system which Mr. Geoghegan confirmed is 'exactly how it's done', any such fault would have no impact on service. It was also confirmed that in 25-30 years, the existing Moneypoint - Dunstown 400kV line had no such faults demonstrating that such faults also have a low probability of occurring.

William Mongey confirmed that landowners that have lines crossing their land are entitled to compensation even if no support structures are concerned. I wonder how effectively that particular piece of information has been passed on to the public and whether the compensation applies retrospectively?

Ciara Kellet confirmed that Eirgrid had never informed her of the additional powerlines planned for this area, as such her submissions could not and did not consider the real

long-term cumulative effects from the future powerlines. Her submission also did not consider the cumulative effects of the giant windfarms and associated substations and cables proposed for the area despite areas in the county development plan being zoned for wind, and both Mainstream and Element power having published their windfarm plans in mid-2012. Noting also, Eirgrid's constant and close contact with windfarm developers. Real concerns were raised in our submissions prior to the EIS being required and as such this information was supposed to be addressed, and still these issues were not considered.

Conor Skehan confirmed that Eirgrid had never informed him of the additional powerlines that the super-substation is 'futureproofed' for. However, in our submission we highlighted this. Again, the proposed Coolnacabca substation was already recognised as having a significant local visual impact which would have been compounded by the cumulative effects of the windfarms that were public knowledge. Again, real concerns were raised in our submissions prior to the EIS being required and as such this information was supposed to be addressed, and still these issues were not considered.

ESBI have confirmed in the past that it would be possible for a transmission line to pass directly over a dwelling and still comply with EU Council Recommendation 1999/519/EC. (Slide 25 shows the EU's recognition of limited evidence showing a consistent association between magnetic fields above 0.3-0.4 micro Tesla and the risk of childhood leukemia - this is clearly a health effect and we raised this in our original objections)

Dr. Bailey's submission stated that the magnetic field beneath the 400kV loop would be approx. 13.9 micro Tesla. He did not clearly set out how far away from each line you would have to be before the field dropped off to this threshold as we had asked in our submission and therefore did not address our very real concerns over health effects.

Dominica Baird

We have shown that the periods when the 2 site investigations took place coincided with uncharacteristic dry spells. Eirgrid have offered no evidence that they took steps to counter our claims that the site investigations are not representative of the true ground conditions and thus our concerns have not been addressed.

There are very real concerns about the number of boreholes carried out and their locations - again it appears that these were specifically selected to present a best case scenario with respect to the watertable and risk to the aquifer and this was combined with what Dominica advised us was a 'maximum' excavation depth shown on one of her slides. This excavation depth is information that we did not have previously and through the course of the hearing we have discovered that this is not the deepest excavation on the site or compound. Again, the depth to the bedrock aquifer is mentioned as being proven by only 1 borehole (on a site of 6.7 hectares this does not provide confidence). No mention is made of the adjacent vulnerable gravel aquifer. As such, our very real concerns for our water supply have not been addressed.

In the non-technical summary Eirgrid state that there will be 'no significant residual impact on the environment..... with regard to human beings and population'. The following known significant issues were not addressed at all so how is it possible to make such a statement?

- They know that significant windfarm developments in the order of approximately 500 giant turbines within a 10miles radius are planned but make no mention of these under cumulative effects. (note that the main node for Mainstream renewables Laois plan is centered on this Coolnacabca station - see slide 15)

- They know that regional collector nodes and new grid independent powerlines are planned to take the power from these turbines to the East coast but make no mention of this under cumulative effects. An Bord Pleanála were also aware of the link between the Coolnabacca substation and 'other networks' prior to any public consultation (back in August 2009). I would suggest that this was why there would have been difficulties and delays in scoping the EIS i.e. due to the significant other projects planned for the area.
- They know of the planned developments to bring a HVDC line up from Cork (this would presumably also need a converter station). No mention is made of this.
- They know of the planned additional lines due to be connected into our area (up to a total of 17!!!) but again, this has not been addressed.
- They have a plan for further development of the grid up to 2025 but they won't let us see what it is. The impacts could be even more significant.
- They did not consider the impact on the Esker, stating that it was only a 'proposed' SAC. We know that the Parks and Wildlife department are under-resourced and have higher priorities to consider first. But this cannot be considered a valid reason not to assess the impact on the esker, e.g. visual, cultural amenity, fire risk etc. Surely that is not in the spirit of the law?
- They did not address the concerns we set out regarding the real risk of fire and the toxic byproducts that can result from such an event.
- We raised our concerns regarding flooding - and Eirgrid responded by referring to the OPW's floodmapping database showing no flooding issue. I would imagine that they would be aware that this database was only set up in the recent past and is only being populated with information at the moment. The initial focus being on mapping high priority areas such as the Shannon which only commenced last year - as such, this is a known unreliable source of information until such time that adequate data has been collected.

As recognised and highlighted by Eirgrid's barrister, Mr Fitzsimons during his presentation on the first day of the oral hearing, it is 'The spirit of the law.....that matters', I wonder if he would be able to adequately defend all of these omissions as 'minor mistakes made in good faith'? I see no evidence that any attempt was made to honor the spirit of the law.

I remain convinced the the proposed substation is a 'gateway' project which if allowed to go ahead would facilitate the progression of the other projects shown.

Mr. Fitzsimons was keen to point out many points of law to us. On that, as I understand from watching it in the movies, when in court witnesses are asked to swear to tell the truth, the **WHOLE** truth, and nothing but the truth. I suspect that this is because it would be difficult for a judge to make a correct or fair decision without having all the facts. I wonder did Mr. Fitzsimons even have all the facts before coming here to represent and defend Eirgrid? I suspect that not having access to the whole truth will make it impossible for the Inspector to carry out his EIA.

- Quote from Merrionstreet.ie (Irish Government News Service) Tuesday 12th Nov. 2013 'In an address to the Energy Institute in Dublin this evening Minister Rabbitte said: "The Minister for Communications, Energy and Natural Resources Pat Rabbitte said tonight that he would like to see "Eirgrid do everything it reasonably can to secure community acceptance". I would suggest that this is exactly what they are doing and are therefore directly following the boss's orders.

Why didn't he use words like "I expect them to operate, and be seen to operate, to the very highest standards of business ethics"?, or "I expect them not to undermine through action or omission the goals and objectives of EirGrid" (both extracted from EirGrid's employee code of conduct).

Or "I expect them to accurately and efficiently assess and address the concerns and fears of the people?" Maybe he didn't say this because this is not what he wants or expects. However, we expect better from our national grid provider and we believe that they have a duty of care to us to deliver all of this, and that this duty of care to the citizens supersedes their obedience to their master.

- Headline from Wednesday 13th Nov. 2013:

"The Oireachtas Committee on Transport and Communications has invited community groups with concerns about proposed EirGrid projects to a meeting in Leinster House next week. Committee Chair John O'Mahony said members wanted to hear the questions, fears and frustrations that were felt in many parts of the country before they spoke to representatives from EirGrid in the coming weeks."

Well, our group was at the Oireachtas in February 2012 setting out our concerns, fears and frustrations. These have been proven to be well founded in the meantime. What was the point in going to the Oireachtas? We've been there, done that and nothing changed.

Considering everything that I have laid out previously, I would like to convey my sympathy to the inspector for the situation that he is in.

He has Pat Rabbitte sending clear signals that he expects the Grid 25 objectives to be rolled out as quickly as possible however, given the extent of the information known but strategically omitted and other information not contained within the application I respectfully suggest that it is not a planning Inspector that is needed for this application - but a detective.

As I said at the beginning of the hearing, I believe very much in continuous improvement, that means acknowledging mistakes and learning from them so as not to make the same one twice. I would like to remind the inspector of my request that he acknowledge that this situation is not acceptable or fair to people and to address this issue specifically in his response. The inequality of this situation in terms of resources and the lack of information in the non-technical summary should be noted and I request that the Bord acknowledge this and explain how this imbalance can and will be addressed so that other members of the public will not be placed in this situation in the future.

- Headline from Irish Times Wednesday 13th Nov. 2013:

"Separately yesterday, Mr Rabbitte said engagement between Eirgrid and community objectors to the expansion of its electricity network must be 'reasonable', adding the Government should not have to bear costs to allay concerns that are not well founded".

This is our message back to Pat Rabbitte - the citizens of Ireland have paid their taxes and PSO levies to the state in trust, we have seen throughout this oral hearing and over the past four years of this project how these have been used against us. This is not fair or reasonable.

The Irish citizens and the Irish landscape should not have to bear significant costs and impacts to facilitate his wind energy export plans and the associated grid expansion plans neither of which are well founded, reasonable, proportionate or properly assessed.

There is nothing sustainable about this development and no positive effect for our area. Indeed, the project has already had significant negative impacts on the lives of the community affected but I am immensely proud of how our community has and will continue to defend our area.

Our slogan "Power to the people, not through the people" still holds true!!!
Please demonstrate to us that the system is not broken, because at this moment it is hard to place any trust in it.