

Ref VA0015  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

20-3-13  
Cash £50  
B120623

RTS Action Group  
Eamon Brennan, The Secretary,  
Loughteague,  
Stradbally,  
Co. Laois

Date: 19th March 2013

AN BORD PLEANÁLA	
TIME _____	BY <i>h</i>
20 MAR 2013	
DATE _____	FROM <i>P</i>
PL _____	

RTS Substation Action Goup - Objection to Proposed Super Substation

Dear Sir / Madam,

We object in the strongest terms to the project proposed by Eirgrid namely, the application for permission to construct a supersubstation in Coolnabacky, Co. Laois and the associated works. Our grounds for objection are summarised in the accompanying pages.

Further to this we believe it is important to state in very clear terms that we consider this entire 'consultation' has been a waste of everyone's time and resources and has been a constant source of stress and worry in our community for the last 3 1/2 years.

We do not believe that Eirgrid have been open or honest with us or that they would have accepted any deviation from their own plan. Due to this and the significant absence of adequate and honest project information it should be recorded that we have been prevented from participating in the planning process.


Consequently, we request that An Bord Pleanala deny permission to Eirgrid to build this supersubstation as the 'consultation' process has been flawed and substandard from the very beginning. This lack of transparency and the minimal information provided makes it very difficult for us to have any confidence in either Eirgrid or the information that they supply. As you can see from our submission, the planning application has raised more questions than it answers.

In the event that the Bord considers it necessary to continue with this farce of a 'fair and equitable' planning process, We request that an EIS is carried out for this project. We cannot understand why it was not identified as a requirement in the first instance given the size and permanent negative impact of this project on it's surroundings and on our community. There is also the issue of the future electrical connections that the station is built to accommodate - these should be fully included as part of this EIS.

We further request that an oral hearing be held such that the public voice of concern is at least heard and recorded as we do not believe that has been the case to date or that any real and honest attempt to achieve 'public participation' has been made.

We look forward from hearing from you in due course.

Yours Sincerely,

  
Eamon Brennan

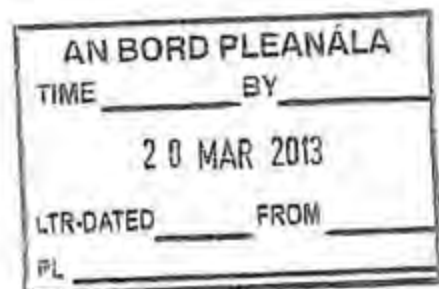


Main Headings	Sub Heading	Comments
1.0	Justification	<ul style="list-style-type: none"> <li>Technical reasons</li> <li>Security of supply</li> <li>Stability of supply</li> </ul> <p>Other than stating in the most general and basic terms that 'stability and security of supply must be assured', the submission gives no convincing evidence that this infrastructure is even needed.</p> <p>The total absence of evidence i.e. detailed information regarding the operation of the grid and the supposed reasons why Kilkenny needs to be reinforced - combined with the lack of funding apportioned to the local community means that an independent and objective analysis of the need of this project is impossible.</p> <p>Without this information, even An Bord Pleanála would not be in a position to carry out such an analysis - this situation does not support transparent planning procedures.</p> <p>The stated reasons for the project vary depending on which Eirgrid document you read - how can there be public consultation let alone participation if even Eirgrid are unable to decide what problem they are trying to fix with this infrastructure?</p>
1.1	Justification	<ul style="list-style-type: none"> <li>Energy requirements</li> <li>Current trends</li> <li>Grid25 predictions</li> <li>Population growth</li> </ul> <p>The current recession that Ireland has been put into as a result of unregulated or poorly regulated sectors of industry has resulted in a significant reduction in the energy requirements for the island of Ireland. The Grid25 strategy was based on building a boom-time energy grid. The energy requirement predictions have altered significantly since then and are now much lower than the Grid 25 predictions.</p> <p>Due to the significant unemployment in the country, there are many people emigrating to secure work abroad and thus the population growth figures are also no longer following the same trajectory.</p> <p>These two points along with the governmental strategy to focus on cutting energy wastage at the outset by moving to more energy efficient practices has resulted in an electricity supply demand projection that is significantly less than that originally predicted by Eirgrid as justification for this development. The current and up to date figures for energy consumption, demand and population growth should be supplied by Eirgrid as part of this submission in order to justify the infrastructure they are proposing. The information should be presented in a manner that allows it to be independently checked and verified. This information has not been supplied and therefore we cannot accept or comment on the need for the project.</p>
1.2	Justification	<p>criteria for choice of alternatives.</p> <p>There was no consultation on the alternatives considered let alone public participation - these were considered 'in-house' only. This cannot be considered an open and honest system.</p> <p>There were no criteria given for choosing possible alternatives, as such, no independent review could have been undertaken by any party and could not be undertaken by An Bord Pleanála if they so wished, how can this be called participation if the basic criteria are not shared?</p>

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1.3	Justification	<p data-bbox="375 235 478 264">Alternatives</p> <p data-bbox="582 235 885 264">Need for the Project not Established</p> <p data-bbox="582 280 1444 331">The project description and/or need are not clearly established. This project was advertised in our local press as the proposed Laois – Kilkenny electricity reinforcement scheme described as follows.</p> <p data-bbox="582 353 1444 427">Demand in the greater Kilkenny area has placed continuing pressure on the transmission network with the result that the existing 110 kV network is approaching its technical limit and additional reinforcement is now required.</p> <p data-bbox="582 450 1444 524">This described differently in the planning report in paragraph 2.2.2. which includes Counties. Carlow, Laois, Kildare, Kilkenny and Wicklow as areas of concern this is a completely different project to the project advertised in 2009.</p> <p data-bbox="582 546 774 575">No Public Participation</p> <p data-bbox="582 598 1444 649">There was no Strategic Environmental Assessment carried out and the public were no involved in the screening for the EIA or the Appropriate Assessment.</p> <p data-bbox="582 672 1444 745">According to the first proposal advertised in 2009, this project is about reinforcement of electrical supply in the Kilkenny region serious consideration was not given to meaningful alternatives to the site selection in our area.</p> <p data-bbox="582 768 1444 842">The 400kv line runs from Moneypoint to Dunstown Kildare and Woodland in Meath so this makes any point along the line between Moneypoint and Dunstown, as a viable option for tapping into to take power to Kilkenny.</p> <p data-bbox="582 864 1444 938">The options that were considered in the planning report do not consider other alternative points along the 400kv line as areas where this upgrade could built. Four options were considered for reinforcement of the area of concern</p> <p data-bbox="582 960 1412 990">Option 1 400/110KV Substation and line to Kilkenny and 110 circuit to Alhy and Portlaoise stations.</p> <p data-bbox="582 1012 1300 1041">Option 2 Upgrade to al the Dunstown station injecting power into the area of concern</p> <p data-bbox="582 1064 1444 1137">Option 3 Upgrades in Kildare and Carlow and new line to Kilkenny from Lisheen via Ballyragget. This option could have being explored in more detail as the 400kv line from Moneypoint to Dunstown passes near Lisheen.</p> <p data-bbox="582 1160 1444 1234">The 110kv substation at Lisheen could be upgraded to 400kv/110kv substation to reinforce the area of concern. The Lisheen substation is in a sparsely populated area at the edge of bog. This option would have a less impact on people and the environment.</p> <p data-bbox="582 1256 1412 1330">Option 4 Upgrade Kilkenny with a loop into Great Island and upgrade to Carlow – Portlaoise 110kv circuit.</p> <p data-bbox="582 1352 1444 1404">Any of options 2 to 4 would serve to reinforce the power within the area of concern with out having to build a large infrastructure 400kv substation by utilising existing stations and power lines.</p> <p data-bbox="582 1426 1444 1500">Planning report 2.5 preferred reinforcement option states that option 1 created the greatest amount of additional capacity. Option 1 is preferred to option 2 as it involves the least new circuit length and adds the greatest amount of spare network capacity for future growth.</p> <p data-bbox="582 1523 1316 1552">Option 3 at Lisheen could also give the same out come with least disturbance to people.</p> <p data-bbox="582 1574 1444 1648">As concerned citizens this leads us to believe that this substation will become a main distribution hub for electricity into the future, this will destroy our scenic area, turning it into a spider's web of lines into and out of the substation. As part of the public participation process we should have been made fully aware of what future development are considered likely. Eirgrid plans the transmission network requirements well into the future and as such must have this information which they have withheld from this process. .</p> <p data-bbox="582 1671 1444 1722">Note that, as a community we were not asked to participate on the SEA for grid 25 which our project comes under, also we were not consulted on the EIA screening process.</p> <p data-bbox="582 1744 1444 1818">Also in the planning report 3.2 lead consultants report it states in appendix F-2 Assessment of alternative 400/110kv substation study areas, these alternatives were carried out within the study area Laois - Kilkenny reinforcement project and no areas outside the study area were considered at that time.</p> <p data-bbox="582 1841 1444 1915">As a community we were not consulted in the site alternative selection, as there was no public participation in this part of the process.</p>

Main Headings	Sub Heading	Comments
1.4	Justification Undergrounding	<p>Design alternatives</p> <p>Under-grounding of the electrical substation was not considered. Examples of electrical substation underground are in Leister square London and Anaheim Underground Electric Substation In California. Schneider electric have technology developed for under grounding of electrical substations called ICEBERG - Underground MVA/V Substation with Concrete Enclosure - up to 1000 Kva. Under-grounding of the electrical cables was considered only on the 110kv line to Ballyragget and no explanation given why this could not be done only to it was post prohibitive. No consideration was given to under-grounding the 400kv line from existing moneypoint to dunstown line to the proposed new substation.</p> <p>See also reference to the hearing with the Direachtas in Feb 2012 to review the case for undergrounding of powerlines (see Consultation-Timeline further on in our submission). There is no evidence in the Laois - Kilkenny project submission that the information from that hearing was incorporated into their analysis. If Eirgrid do not constantly amend and adjust their processes to include the newest information then how can they claim to adhere to 'best practice'?</p>
1.5	Justification Location How wide the initial area was (ref. Gridlink taking in 1/3 of the country)	<p>The submission does not provide any evidence to understand how Eirgrid arrived at the chosen study area stating only that 'an internal decision' was taken. This sums up most of the 'process' to date.</p> <p>Kilkenny was clearly identified in the initial consultation phase as being the area that required strengthening of the supply...this would suggest a study area being chosen with Kilkenny at it's centre. Notably, this is not the approach taken by Eirgrid; the study area actually chosen drew a box centered around the pre-determined route for the new line from Lough Teague to Ballyragget. It appears that from the first instance, there has been no intention from Eirgrid to consider any other alternatives. This leads us further to the conclusion that Eirgrid have decided to made this location 'fit the requirements' no matter what.</p> <p>So much for public participation!!</p>
1.6	Justification Size of station Future proofing (have to have a prediction model or vision in order to know how to prepare)	<p>We think the design allows for up to 16 lines but this does not seem to be clearly stated anywhere in the text. The non technical summary appears to make no mention of the maximum number of lines that the station can accommodate. This is important information and should have been stated clearly and repeatedly throughout the process as it has a direct bearing on the magnitude of the adverse effect this piece of infrastructure could have on our area. This critical information has not been disclosed in an open and honest way. To not state this openly has the effect of 'hiding' or playing down the risks and impacts from this permanent piece of infrastructure and is likely to reduce public participation as people are unaware of the magnitude of the potential impacts.</p> <p>This supersubstation is clearly significantly oversized for the purpose that is currently being declared. The submission does not provide information on what purpose the additional 'future proof' connections will serve. Without this, we do not have enough information to comment on the negative impact that the project would have on our area. Again, we view this as non-disclosure of information that Eirgrid must have some reasonable knowledge of.</p>
1.7	Justification GIS vs AIS technology	<p>We have been advised anecdotally that AIS substation technology is viewed as old technology and that GIS's represent modern industry best practice. This would indicate that the entire analysis of AIS versus GIS was for the benefit of public perception only and to put a 'spin' on the facts by trying to convince us that our views have been listened to and acted upon.</p> <p>We note that Eirgrid have not done anything to 'appease' our views and that they have clearly indicated at all stages that they will decide what is to be built and not us. If they have chosen GIS technology it is because it best suits their objectives and budgets and not because of any argument that we have put forward.</p>



Main Headings	Sub Heading	Comments
1.8	Justification	<p>Regulation</p> <p>Who is responsible for the independent technical supervision or regulation of Eirgrid's activities? The submission does not indicate this. As our country has been almost deconstructed by unregulated industries, it defies belief that the Electricity transmission system would be unregulated at a time when it is receiving huge funding for massive grid expansion.</p> <p>What aspects of Eirgrid's day-to-day technical operations are regulated?</p> <p>Has the appointed regulator.....:</p> <ul style="list-style-type: none"> <li>- reviewed and acceded that reinforcement to Kilkenny is needed at this point in time and</li> <li>- based on the information provided to the public (or held by Eirgrid...as we know there are two sets of information) , agreed that all reasonable alternatives have been exhaustively and objectively assessed?</li> </ul> <p>We have written to the European Commission with some queries regarding regulation and are currently awaiting their response. We are concerned that Ireland is being subjected once again to a scourge of unregulated development.</p>
2.0	Property Values	<p>It is without question that property devalues as a result of substations and pylons in it's vicinity (whether or not Eirgrid accept this does not change this fact).</p> <p>This significant effect has not been acknowledged or dealt with as part of the submission. We will shortly be expected to pay tax on our homes - the submission must make allowances for the devaluation of property in a transparent manner that allows us to value our homes and provide revenue with an amount and reason for the devaluation.</p>
3.0	Health	<p>Health effects</p> <p>The World Health organisation has classified Electromagnetic fields as class 2b carcinogens, meaning 'possibly carcinogenic to humans'. This classification was based on pooled analyses of epidemiological studies demonstrating a consistent pattern of a two-fold increase in childhood leukaemia associated with average exposure to residential power-frequency magnetic field above 0.3 to 0.4 <math>\mu T</math>. It begs the question, if cancer can be caused by magnetic fields of this magnitude, what other health effects could be occurring at levels below this?</p> <p>We note that Ireland has no guidelines for minimum distances between powerlines and buildings where people spend significant amounts of time. Any distances used are purely arbitrary and have been arrived at by Eirgrid themselves. This is a clear conflict of interests.</p> <p>Given the strength of the Health and Safety culture in Ireland, it would be reasonable to expect that as with any other risk based activity, the risks to individuals must be controlled and minimised.</p> <p>Relevant extracts from Appendix 3.1 - Electromagnetic Field (EMF) Report Page 18 <i>"There is limited scientific evidence of an association between ELF magnetic fields and childhood leukaemia. This does not mean that ELF magnetic fields cause cancer, but the possibility cannot be excluded."..... "the evidence should not be discounted and so no or low cost precautionary measures to lower people's exposure to these fields have been suggested (DCMNR, 2007, p. 3)"</i></p> <p>Page 20 <i>"Where possible new power lines should be sited away from heavily populated areas so as to minimise 50 Hz field exposure. Where major new power lines are to be constructed, there should be stakeholder input in the routing. This could take the form of public hearings or meetings with interested parties (DCMNR, 2007, p 5)."</i></p> <p>We reject the assertion above that the EMF exposure has been minimized by Eirgrid as a result of stakeholder input. How was the stakeholder input incorporated into this project so as to reduce exposure to EMF's as stated in page 20?</p> <p>In this report which is purely office based, the current and voltage of all transmission lines were assumed to be in phase....but what is the effect if they are out of phase?</p> <p>The scale chosen in the diagrams showing the EMF strength relative to distance from the powerlines is inappropriate given the link to cancer through values as low as 0.3-0.4 micro Tesla. The Graphs would be more appropriate if they clearly dotted a line showing this threshold and the distance away from the line where this measurement could be expected under normal operating conditions and also in the worst case scenario.</p> <p>A more appropriate means of graphically demonstrating the electric and magnetic field strengths to ordinary citizens would have been to show a plan view topographic map or satellite image with the powerlines marked as well as existing dwellings and circumscribe a contour line of magnetic / electric field strengths indicating the 0.3-0.4 micro Tesla distance. We request a map showing this information.</p>



Main Headings	Sub Heading	Comments
3.1 Health	Monitoring	<p>How will effects on Health be monitored? This could only be reliably achieved by setting clear and measurable health indicators. Who will set these targets? Who will monitor them?</p> <p>We note the comment that the calculations are based on certain information that is provided by Eirgrid and is outside the control of those compiling the information. Who has independently verified the input data as this is key to the correct results being arrived at?</p> <p>We also note that the calculations are based on the system being 'in-phase' and operating within defined parameters. The calculations should address any scenarios and provide information on the worst case exposure conditions that could ever arise on the system. It does not do this and this information is required in order to allow people to assess the impact.</p> <p>What programme of on-site measurement is planned to demonstrate to locals on a periodic basis that the predicted values bear any resemblance to actual exposure conditions? How will the independence of this monitoring be ensured and how will the results be communicated to the local affected population? Where will the historical records of this monitoring be stored / recorded and how can the public access this?</p>
4.0 Heritage		<p>The area contains many key heritage assets in the proximity of the project. This project will permanently degrade the historical character of the area.</p> <p>Tourists might not be drawn to an area that has few smaller heritage assets however, a valley steeped in history such as ours combined with beautiful scenery and areas of natural woodland has significant potential to develop a sustainable tourism industry, particularly if it can evoke a sense of a different era - then it has something different to offer.</p> <p>Geographically, our valley is located close enough to the main motorway for easy access, but far enough away to be sheltered from it's impact and noise. The motorway linking major tourist attractions of the south and south west to Dublin, makes it a natural stop off for tourists.</p> <p>Some examples of the heritage assets in the area to which tourists are/whould be drawn include the Rock of Dunamaise (a popular tourist destination, this is a ruined fortress that stands on a rocky outcrop high above surrounding low lying plains and providing spectacular view of the surrounding countryside), Dysart Enos, Cullenagh mountain and Timahoe Round Tower (the Timahoe tower is a complete tower, though without floors or ladders. It has one of the finest four-order Romanesque doorways in Ireland, with elaborately carved and decorated with interlaced, human heads, chevrons and capitals. It is unique in round tower architecture.) etc. The photo-montages supplied by Eirgrid do not show the impact of the project on these view, as such - the impact cannot be assessed.</p> <p>Furthermore, the Laois Garden trail, Laois Heritage Trail &amp; Gordon Bennett route all travel through or near this area.</p> <p>Whilst there is already a steady stream of tourist visitors to the area, there is great potential for further expansion of a sustainable tourism industry which provides badly needed income to all local hotels, restaurants, B &amp; B's, and all forms of retail.</p> <p>There was actually a thriving tourist business, Kivehan horse drawn carriages, that was based between Cullenagh and Timahoe. When they started out, many locals were sceptical how they could attract visitors from abroad to spend a week or 2 tracking slowly around the countryside. But it was a huge success. Europeans living fast paced lives in big cities absolutely loved the idea. The slower pace of life, the natural gentle beauty of the valley, the warm and welcoming community. Sometimes you need to take a step back from where you live to really appreciate what a fabulous place it really is.</p> <p>Turning this beautiful rural valley into an industrial hub for power lines and building a huge industrial development in it will destroy any of the existing tourist industry, and certainly all of the potential for its development.</p> <p>We do not believe that the impact on the tourist industry in this area has been addressed as part of this submission.</p>

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Main Headings	Sub Heading	Comments
5.0	Aquifer incl. flooding	<p><b>Water supply</b></p> <p>The application grossly understates the number of private wells and the significance of the regional water supply from the aquifer at Coolnabacky. 14 private wells in the immediate proximity (townlands of Coolnabacca and Kyle) are not noted in the study (desk top) submitted by Eirgrid.</p> <p>From the Eirgrid Hydrology and Hydrogeology report of Oct 2012 Page 5 "A comprehensive database of Groundwater supplies should be completed as part of the EIA(Environmental Impact Assessment ) process." This did not take place.</p> <p>The percolation studies and core studies carried out by Eirgrid were carried out at the end of a dry period in March 2012 when the Rainfall in the area had been 42% of the mean rainfall for Feb and 28% of the seven year average for March as per Met Eirsann figures.</p> <p>The proposed site is in an area with a very high water table where combined with the gravel esker any surface water contamination runs quickly into the water supply to all the local wells.</p> <p>There are many springs in the surrounding area feeding the various streams bordering the site reflecting the high water table in the area</p> <p>Laois Co.Co. reflected by their actions in the past have been very concerned at the vulnerability of the aquifer. Incidents and accidents would contaminate the surface water supply to the regional water scheme for which there is no back up.</p> <p>Laois Co Council commissioned a significant report on protecting the water supply from this aquifer .This is not referred to in the Eirgrid application.</p>
5.1	Aquifer incl. flooding	<p><b>Flood risks</b></p> <p><b>Flood Risks</b></p> <p>The applicallon does not comprehensively address the flooding risk or flooding history of the site. There is no robust scientific justification in the application that the proposed site can be rated as a flood Zone C.</p> <p>The site at Coolnabacky, known in recent decades as part of Lowry's bog, depends on arterial drainage to make it fit for agricultural purposes</p> <p>The six foot drain around the field was required to manage the water table on the site and to remove the water from the spring at the esker 50 m to the SE of the site.</p> <p>The site has a history of flooding with the last serious flood arising due to human and agricultural activity downstream in the 1980's.</p> <p>At times of heavy ,never mind extreme, rainfall the water from the surrounding hills flows into this low lying area causing dramatic changes in river water heights (8 to 10 feet overnight). Changes in the water table are also dramatic but are not quantified.</p> <p>From the application "In addition OPW indicative flood risk maps and www.floodmaps.ie were reviewed.</p> <p>The site lies within the catchment of the Timahoe River. Preliminary indications are that there is a minimal risk of flooding to the site at Coolnabacky. It is reasonable to say that the site lies within Flood Zone C as defined by the guideline document to Planning Authorities in relation to Flood Risk Management<sup>14</sup>. Essential infrastructure, including electricity substations should be located within Flood Zone C. Zone C is at low risk. In any one year, Zone C has less than 1 in 1,000 year (&lt;0.1%) chance of flooding."</p> <p>The use of such phrases as "Indicative", "Preliminary", "Minimal risk", and "reasonable to say" are not very reassuring in assessing such an important part of this project and suggest a lack of scientific rigor in the study of the flooding vulnerability.</p>



Main Headings	Sub Heading	Comments
5.2	Aquifer incl. flooding	Ground Investigations
		<p>Ground Investigations</p> <p>Ref Factual Report on Ground Investigation Coolnabackey 400kv Substation</p> <p>Report carried out July 2012.</p> <p>All bore hole test showed ground water level at between 0.8m and 1.5m, trial pit holes also showed water inflows.</p> <p>No soak away test passed the bre 365 test only 3 of the trial pits had a soak away test carried out.</p> <p>This is concerning due to the fact of the water level being so high at the driest time during any given year. It is not stated in any reports how construction methods will be taken in to consideration during the construction phase as all the structures use a large amount of steel and concrete in their construction and may cause contamination of the ground water.</p> <p>As a community we feel that EIS is required for this project as it states in this report that wells in the area may be at risk.</p> <p>It is worth noting that all bore hole, and trial pits at Ballyragget showed no inflow of water in any test, all soak away tests with the exception of one were completed and passed the bre 365 test, this shows that the soil structures of both sites are completely different.</p> <p>It is our opinion that the site at Coolnabackey is completely unsuitable for any substation let alone one of the size proposed in this planning application.</p> <p>The loop line between the existing moneypoint to dunstown line to the proposed substation has not being geologically surveyed. The proposed structures are up to 58m high, these structures require large foundations (in construction methodology report it states these foundations will 5.1m*5, 1m*4, 1m), which questions the suitability of the ground in this area for such structures.</p> <p>Note there is no technical or engineering drawings of how the 400kv line structures or substation buildings are going to be built, we feel that this information is critical to understanding the level of risk this planning application will introduce to our area especially since all excavations in the area of the aquifer have the potential to damage this vulnerable but far-reaching resource.</p>
5.3	Aquifer incl. flooding	Site suitability
		<p>The site selected seems to be entirely unsuitable for a development of this nature given it's history of wet boggy ground and flooding, it's location over a regionally important aquifer and the high water table level. We suspect that Eirgrid are trying to force an unsuitable site to qualify as suitable as it suits their objectives and is the only land that they have been able to acquire.</p> <p>We are not confident that Eirgrid have carried out appropriately stringent investigations and checks to confirm site suitability. We have significant concerns about the permanent risks that the project would pose to this vital resource. It should be noted that this vulnerable aquifer serves approx. 1,500 homes and a number of schools, this information is either not known by Eirgrid or has been omitted from the application in order to minimise the apparent risks.</p>



Main Headings	Sub Heading	Comments
6.0 Construction	400kV Substation General Construction	<p>The submission provides practically no detail of the construction process and the potential materials and risks that could arise through the construction, operation and demolition of the installation. This lack of detail makes it impossible to gain any real understanding of the risks posed to the area by the project.</p> <p>Many of the drawings refer to an 'engineer's detail that has not been provided, and thus we cannot assess the project fully.</p> <p>It is noted that Eirgrid have supplied fully detailed drawings of items such as the post and rail fencing to be used around the station compounds but there is an alarming lack of detail when it comes to the more critical elements such as foundation bases for the pylons or in particular the 400kV substation itself. Why is this detail not provided? What level will the foundation excavations go down to? Details such as this should be clearly outlined in graphic format along with a description of the construction process such that ordinary citizens can understand the construction and thereby be in a position to comment on the impact. You will note from the number of questions raised below that there is insufficient detail in the application to allow us to make any comment on the risks and impacts posed.</p> <p>The site is very wet and always has been. How will the foundations be constructed and how will they avoid contaminating or damaging the aquifer with the water table being so high?</p> <p><b>General Construction:</b></p> <ul style="list-style-type: none"> <li>• What risk assessment has been done for the construction of this project?</li> <li>• What plans are in place for accidents?</li> <li>• Who is responsible for the ongoing monitoring of the build process?</li> <li>• Who do they report to?</li> <li>• What are their qualifications to do this?</li> <li>• Have they adequate experience in monitoring such an extremely dangerous project, with the constant threat of contaminating a regionally important aquifer?</li> <li>• Have they a track record of successfully completing a project such as this?</li> <li>• Have all the sub-contractors a proven track record in competently adhering to strict building regulations, strict safety procedures, and best professional practice?</li> </ul> <p><b>Toxic Chemicals will have to be transported onto the site for the transformers</b></p> <ul style="list-style-type: none"> <li>• Is there a specific safety plan for this?</li> <li>• How are the materials going to be transported and installed safely with out risk of spillage / accidents / fire?</li> <li>• Who is responsible for making sure this work is carried out to the highest possible safety standards?</li> <li>• When construction is completed, will there be an independent report commissioned to show that the build process has not caused any lasting damage to the aquifer and the water supply?</li> <li>• If this investigation shows that damage has indeed been done to the water supply, what is the plan to rectify the damage?</li> </ul>

Main Headings	Sub Heading	Comments
6.1	Construction Foundations & Walls	<p>The integrity of the Raft foundation whilst being prepared is a critical aspect of the build process. Presuming a heavy grade polythene barrier is going to be installed between the dug out site and the concrete and steel foundation. (will it?)</p> <ul style="list-style-type: none"> <li>• How is this barrier going to be 100% sealed so no toxic residue from the concrete penetrates into the ground?</li> <li>• Because the scale of the site is so large, and the barrier will have so many joints, how can you be 100% guaranteed that nothing will leak through the joints?</li> <li>• When the barrier is laid down, the ground workers will have to install the cage. Seeing as the site is so wet, and the dug out area is bound to be filling with water, how will they stop the barrier from being lifted from below by rising water levels?</li> <li>• If they are going to pump out water constantly, can they guarantee that this will take all the water from the site?</li> <li>• If the barrier rises, what are the implications for where the barrier is joined?</li> <li>• Will it come apart at the seams?</li> <li>• When the steel goes in, it will be installed very close to the barrier, and by its nature will have sharp edges. How can they guarantee that in the inevitable event of an accidental tear or cut, will it be spotted? Will it be reported and repaired? Who's going to be there to make sure it is?</li> <li>• How, when concrete is actually being poured, and after, can the penetrability of the barrier be monitored and deemed correct? How can they tell for sure no toxic chemicals have accidentally come through the barrier?</li> <li>• Has there been a thorough study done on what effect residue from concrete would have on the aquifer?</li> <li>• What plans are in place to deal with such an eventuality?</li> <li>• Who is responsible?</li> <li>• Are there plans in place for a separate area dedicated to washing out of the concrete trucks and the pumps somewhere away from where the wash-off would get into the aquifer?</li> <li>• If there is rain during / soon after the pour, how will they contain the run-off that will have been contaminated by the chemicals in the fresh concrete?</li> <li>• How will the residue from this activity be contained?</li> <li>• When concrete is poured into the shutters for the mass concrete walls and a vibrating poker is introduced to the concrete, a liquid of concentrated chemicals and concrete fat comes out through the gaps in the shutters. How will this be contained and stopped from entering into the ground water?</li> <li>• When the shutters are being struck and moved they will be covered in a semi solid concrete sludge. How are they going to control this material?</li> <li>• In wet weather. The fresh mortar from the block and stone walls will partly dissolve and form a toxic liquid. Is there a containment plan for this?</li> <li>• Who is responsible for monitoring all this?</li> <li>• Will there be ongoing and constant monitoring / testing of the aquifer to make sure it isn't getting, or has been contaminated?</li> </ul> <p>If they discover that their activities have caused damage to the aquifer, what plans are there to firstly identify where the damage has been done, and can it be mitigated / repaired? Who will be responsible for this?</p>

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Main Headings	Sub Heading	Comments
6.2	Construction	Risks
		<p>Operation:</p> <ul style="list-style-type: none"> <li>• Dangerous, hazardous toxic chemicals have to transported in and out of the station on an ongoing basis. Who will be responsible for managing this safely. Who will audit the process? How will the results of those audits be communicated to the public?</li> <li>• What safety procedures will be put in place to ensure the best possible standards and practice are adhered to?</li> <li>• Who is going to be responsible for ongoing maintenance of the station and its buildings and structures.</li> <li>• How often, in the lifetime of the buildings and structures, will the integrity of the buildings and structures be checked and monitored?</li> <li>• If they are compromised, who is responsible for repairing the damage? And consequently, if the damage results in destroying the aquifer, what is the plan for identifying the damage and repairing it?</li> <li>• What is the contingency plan to advise locals of the damage and to provide an interim alternative supply?</li> </ul> <p>Fire: Brief research reveals numerous instances worldwide of fire in similar stations.</p> <ul style="list-style-type: none"> <li>• What plans are there for the possibility of a major fire?</li> <li>• How will it be contained?</li> <li>• What level of risk does this scenario pose to the nearby Esker?</li> <li>• Who will be responsible for doing this?</li> <li>• Who will have the responsibility of containing / putting out a fire?</li> <li>• Who in the immediate area is sufficiently qualified / trained / experienced to deal with such a fire?</li> <li>• How will they get to the area in time to contain the fire before it does significant damage?</li> <li>• Who will be responsible for covering the cost of such an occurrence?</li> <li>• What level of danger is there to the public in terms of noxious fumes in such an event.</li> <li>• If there is significant damage to the station and consequently the aquifer, what plans are there in place to investigate the damage / repair it?</li> </ul> <p>Demolition</p> <p>Demolition - What is the design life for such a structure. What is the intention when the design life has been reached? In order to de-commission and remove the structure, what are the plans for its demolition and what residual impact might remain.</p>
6.3	Construction	Procurement of competent contractor
		<p>The documentation indicates that many of the mitigation measures will be passed down the Line to the contractor, how will contractor competence be ensured, measured, monitored and who is accountable if something goes wrong?</p> <p>What is the process in the event of an accident that results in pollution of the aquifer - how can it even be dealt with if the worst case scenario materialises?</p> <p>How long and how frequently will the water supply be monitored as a result of a new risk being introduced? (This is a permanent installation, as such any monitoring will have to be implemented on a permanent basis and not just during construction.)</p> <p>How will it be ensured that the results of any monitoring are accurate, independent and regularly communicated to the public to assuage their concerns?</p> <p>None of these issues are dealt with, but they are important as this is how the public will be protected if and when anything goes wrong - what risks are we being exposed to? How will they be monitored and independently managed?</p>
7.0	Tender process for acquisition of land	<p>We note that no detail has been given regarding the tendering process to obtain the land for the 400kV super-substation. In an open and transparent process the procurement of this site would have been achieved through open and public advertising but it would instead appear that shady deals have been reached behind closed doors. We request that the details of the procurement process and it's results be included in the submission.</p>
8.0	EU Law	<p>We have engaged the assistance of Environmental Action Alliance- Ireland to assist us in the relevant aspects of EU law with which we cannot be expected to be familiar. It underlines the inadequacy of the entire process that we had to even consider such a step in order to try to have our concerns heard and objectively dealt with.</p>

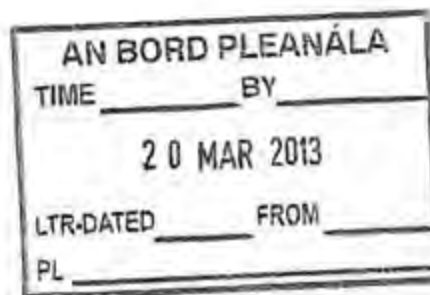
Main Headings	Sub Heading	Comments
9.0 Environment	Flora & Fauna	<p>We are concerned that the development will have a lasting and detrimental effect on natural habitats and the environment in it's vicinity and consequently on all Flora &amp; Fauna, Human Beings and other organisms that depend on it.</p> <p>No risk assessment appears to have been carried out to assess the types of accidents that could happen either during the construction or day-to-day operation of this development. What types of substances will be on-site, what is their effect on different aspects of the environment if they leach into the soil or groundwater. What is the effect if they combine with other substances or chemicals that may be used in the area e.g. fertilisers etc?</p> <p>How might such substances change or spread in the event of an accident such as fire or explosion? How can the effects be undone if such a worst case scenario occurs. How long would it take the area to return to it's current condition if such an event occurred? None of these aspects are addressed showing how incomplete the application is.</p> <p>We are concerned that the assessment of Flora and Fauna in the area has not been carried out adequately.</p>
9.1 Environment	Esker	<p>Ladis is lucky to have such a good example of an Esker in it's environs. The Timahoe esker is already protected as a nature reserve and is notable as geological asset of National importance as well as being the best example of an Esker in the county with significant native woodland coverage.</p> <p>It is worth noting that County Westmeath has plans to apply to have their Esker landscape recognised as a UNESCO Geo-park demonstrating the value in geological features of this type and quality but also demonstrating that the value in an esker lies not only with the geological feature itself but in combination with the landscape where it is situated.</p> <p>NPWS have also created an Esker walk. There is no way that a superstation will be beneficial to this geological feature or this area. It is hardly a tourist amenity worthy of advertising, and what local wants to finish their walk anticipating a view looking across the scenic valley only to see this super-industrialised structure at the end of your walk.</p> <p>The location of this substation approx. (250m away) will totally destroy the scenic and natural aspects of the Nature Reserve by clogging the countryside directly surrounding it around it with a myriad of powerlines (and this is before Eirgrid reveal the full extent of the number of lines to come).</p> <p>- Has the risk of fire / explosion been adequately assessed? We have not noted any mention of this in the application. Obviously, a fire in this proximity to native woodland would pose a significant risk and could cause damage from which the flora and fauna may not recover.</p>
9.2 Environment	Landscape character assessment	<p>Landscape - The landscape in the proposed location is scenic, rural / agricultural.</p> <p>The nature and scale of the project will permanently industrialise and have a significant and permanent negative impact on the landscape.</p> <p>The industrial nature of the proposed development is not in keeping with the scenic rural agricultural landscape character. Further, the additional line connection that have not been openly disclosed will have a permanent industrialising effect on the landscape.</p>

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Main Headings	Sub Heading	Comments
9.3	Environment Views	<p>Views -</p> <ul style="list-style-type: none"> <li>- The scenic views in the area will be permanently damaged by infrastructure of this scale and type (e.g. Views from "The Windy Gap", from Coolnacarrick, Fossy mountain etc.)</li> <li>- The local topography surrounding the 400kV substation site does not allow for sufficient screening to mitigate the visual impact of structures of this height and size.</li> <li>- The photomontages supplied by Eirgrid have made use of photos taken in high Summer when the vegetation cover is at it's best - this naturally minimises the visual impact of the station and the power lines / supports. This totally misrepresents and underplays the visual impact. It could only be deemed reasonable to use such photos if the submission clearly stated that they have shown a biased view and corresponding low vegetation season photos were included to show the variation in impact between the seasons. It is further worth noting that hedges are traditionally trimmed early in the year resulting in a general lowering of hedgerows during this period which is not reflected at all in the submission.</li> <li>- No map has been included showing the locations where photos were taken and the direction in which they are taken - thus there is no way that any member of the public can establish where the photos were taken or if they are in any way representative.</li> <li>- There were no photos included that were taken from natural viewpoints in the area and submitted as photomontages to show the impact the 400 kV station and it's lines would have on the natural scenery in the area. Once again, the impact is not being adequately assessed or demonstrated in the submission.....Indeed, all the above point towards a clear tendency to downplay or conceal the true extent of the impacts. (worth further consideration is the manner these views would change if all 16 bays were put to their full potential of allowing lines in and out through each).</li> </ul>
9.4	Environment County development plan	<p>The democratic process allows communities to elect their county councillors. Furthermore, through the county development plan, involvement of those elected councillors and public consultation, citizens are afforded an opportunity to comment on and thereby participate in the development of the plans and aspirations for their county. Through this process we engaged with our local councillors who secured a unanimous vote requiring that the development plan be amended so that any proposed 400kV lines in county Laois should be placed underground.</p> <p>This is something that has been included by other counties and the requirement to underground other lesser electrical equipment in urban landscapes is a given in the development plan. However, Eirgrid took offence to this step and initiated legal proceedings against the council even to the extent that they indicated their intention to overturn the entire draft development plan, in the face of such brazen bullying tactics, the council dropped the proposed amendment.</p> <p>Please note however, that Eirgrid had itself been busy writing to all county councils and providing them with suggested text for inclusion in the county development plans to the effect that they support the development of the National grid. I would seem that there is one rule for Eirgrid and another for the common citizen. As such, the wishes of the local community were prevented from being recorded in the county development plan - we note that this is not recorded in Eirgrid's record of consultation.</p>
9.5	Environment Impact of celtic tiger	<p>It is significant and worth noting that throughout the boom years of the celtic tiger - the area surrounding Stradbally / Ratheniska/ Timhoe etc. has successfully retained it's historic and scenic rural character. This gives us a strong case for developing the untapped amenity values of this area particularly with regard to the development of a sustainable tourism industry that relies heavily on unblemished landscapes and both natural and built heritage attractions. A development of the nature proposed in this location would destroy this future potential. The submission does not measure this future potential at all or comment on the fact that this part of Laois currently has significant untapped tourism potential and how that would be impacted upon by the development.</p>
10.0	Tourism Laois's Garden Valley	<p>This part of Laois is an untapped resource when it comes to sustainable tourism potential. The area chosen is probably one of the most scenic parts of Laois consisting of very picturesque valleys and low lying hills which has a mix of forestry, sensitively farmed agricultural land and some of the key heritage assets in the county. It is located in the vicinity of some heritage towns and villages that have successfully held onto their historic character throughout the development pressures in the celtic tiger years.</p> <p>It is not by accident that this area has been chosen for the yearly electric picnic festival .</p> <p>Likewise, the ploughing championship is scheduled to be held here in 2013. If this infrastructure was already in place it is unlikely that these events would have been attracted to this area.</p> <p>It is obvious that an industrial development of this size and nature will be detrimental to the future touristic potential of this scenic part of Laois. This does not seem to have been assessed in the submission.</p>



Main Headings	Sub Heading	Comments
11.0	Local Community and amenities	<p>Our locality is a vibrant area that is rich in community activities and local amenities that are actively used and appreciated by the local and wider communities.</p> <p>Samples of these are the GAA club Park/Ratheniska, GAA club Timahoe, Timahoe playground, Timahoe round tower, local walks, woodland walks and esker walks, local gatherings, fundraising events and festivals, very active toy towns groups, active and effective community alert schemes, the initiation of our own group water scheme, local mountain biking clubs (the council has indicated its willingness to expand mountain biking trails as a destination activity in this part of Laois), views (Clakvale woods / Windy Gap Stradbally, Coolnacarrick in Ratheniska, Fossy Mountain), horse drawn caravans etc. All of these serve to highlight the strength of community and pride in our local area.</p> <p>To locate such a supersubstation with such huge expansion capability in the middle of this community would be hugely detrimental to so many of the community aspects of our area on a permanent basis.</p>
12.0	Restrictions on farming practices	<p>We have been given no information on any restrictions in farming practices that may apply as a result of this development. Without this information how can we even begin to assess the impact of the project? If there are restrictions, what are they, when and how will they be communicated to the individuals likely to be affected?</p> <p>e.g. It is a known issue that the health of Farm Animals can be adversely affected by high Voltage powerlines.</p> <p>Does the orientation or material of fencing need to be adjusted?</p> <p>Is stray current corrosion going to be an issue for any metal farm structures?</p> <p>Will there be restrictions on Spraying of slurry or other liquids?</p>
13.0	GRID25	SEA
		There was no public consultation with us on the relevant aspects of the GRID25 SEA.



Main Headings	Sub Heading	Comments
14.0	Consultation process	Timeline
		<p>We consider the entire consultation process to have been an example of 'what not to do' in public consultation and would suggest that An Bord Pleanála use this project as the basis for drafting a 'what not to do' guide for future applicants. We provide the following points as partial example of this. It is worth noting that this trend continues throughout practically all aspects of the project to date:</p> <p>In the initial consultation the only notice of the project was a small advert in the newspaper.</p> <p>No information was issued to the households in the area. The only communication that took place between Eirgrid and the affected householders commenced when initiated by the householder.</p> <p>We submitted approx. 500 letters of objection from local individuals directly to Eirgrid, there is no record of these objections anywhere in the submission. As noted above, only those who contacted Eirgrid themselves received any information on developments, as Eirgrid did not record these submissions, these individuals were not contacted by Eirgrid to have their concerns addressed.</p> <p>Initially we met as a small group with Eirgrid to try and resolve any issues. At two meetings with Eirgrid, no indication was given of the size and full extent of the station and its 'future-proofed' plans.</p> <p>We found the meetings with Eirgrid staff to be unhelpful in resolving the many issues - we were given different stories by different staff.</p> <p>As part of the consultation process, newspaper adverts were used to publicise meetings, however one days notice cannot be acceptable for such a meeting if true participation is the objective.</p> <p>No-specific information is given out at these consultation days - they are merely events where Eirgrid attempts to extract information from the locals who attend. i.e. no line route options are given, capacity of substation etc.</p> <p>Eirgrid have consistently refused to have meetings with local community groups who have to live with the impact of their project - however we note that they were almost tripping over themselves to meet with the local councillors and the County Manager.</p> <p>Eirgrid have published photos and maps of residents' land/property online on their website without the owner's permission.</p> <p>Eirgrid staff have carried out surveys on land without permission and under false pretences.</p> <p>In February 2012, we attended a hearing in the Oireachtas regarding the case for undergrounding of powerlines. The transcripts are available online at - <a href="http://debates.oireachtas.ie/AG/V/2012/02/21/000005.asp">http://debates.oireachtas.ie/AG/V/2012/02/21/000005.asp</a> (see page 6 of 6). The report on that hearing is available online entitled - "Report of the Joint Committee on Communications, Natural Resources and Agriculture on the Meath/Tyrone Report: Review by the International Expert Commission - June 2012". The report officially recorded concerns relating to potentially subjective selection of alternatives, adversarial approaches by Eirgrid and poor flow of information.</p> <p>This significant part of the consultation process was not included in the consultation records - once again underplaying the level of objection to both the project and the aggressive and secretive manner in which Eirgrid do business. How can we have any confidence in Eirgrid's record keeping ability?</p> <p>The RTS substation action group has not been mentioned in the consultation records which shows that the accuracy is sorely lacking in their record keeping - this completely undermines any confidence we have in Eirgrid or their objectivity.</p>
14.1	Consultation process	Little or no consultation with the farmers that are central to this process
		<p>Little or no consultation took place with the Farmers that own land surrounding the selected substation site - in the case of true public participation, these landowners would be critical to the success of this project as they will be subjected to the most invasive and negative impacts of the project.</p>
14.2	Consultation process	prescribed bodies
		<p>The documentation lists prescribed bodies that were consulted with, however the letters issued to these bodies are not included and more significantly, the responses which may have set out concerns or conditions were not included as part of the submission. Without this information, how are the public supposed to know the concerns or issues raised by the different prescribed bodies and whether they have been dealt with in a satisfactory manner?</p>
14.3	Consultation process	No confidence
		<p>We have no confidence in Eirgrid or their farce of a consultation process, their idea of public participation is to use the public in order to fill in the blanks resulting from their poor information gathering exercises. We have been told by Eirgrid that the substation will go in the location chosen by them unless we can provide a reason otherwise. This is not in the spirit of public participation or indeed the Aarhus convention which enshrines the principle in EU law.</p>

Main Headings	Sub Heading	Comments
15.0	Technical jargon	<p>Inadequacy of non-technical summary</p> <p>The information contained in the non-technical summary does not provide sufficient clear information to demonstrate a robust and even-handed analysis of the need for this project and the results arrived at.</p> <p>As we are not electrical engineers, hydrologists and ecologists etc, the information contained in the more technical areas of the report needs to be summarised in a clear and non-technical format while still containing the <u>key details</u> that justify and explain the project.</p> <p>The non-technical summary provided is essentially a 'dumbed down' cut and paste exercise that does nothing to explain the key decision making elements within the submission....without this information provided in such a format, how can the public be expected to even try to participate in the planning process.</p>
16.0	Personal / social impact	<p>group statement</p> <p>Countless members of our community have given over very significant amounts of their valuable time to trying to gain enough relevant information from Eirgrid to allow us to piece together what Eirgrid's intentions are.</p> <p>This entire process has been and is an ongoing constant cause of stress and worry among our community.</p> <p>There are no positive effects on our community or locality that we can identify as a result of this project. Our area and our community are being expected to carry the entire negative burden of a project that is designed only to benefit others. It is a negative cost to our area and community that cannot be measured in monetary terms and which we are not prepared to accept. Please note that our community are already suffering from the negative effects resulting from the lack of clear and honest information and concerns arising over the potential unfairness of the whole planning system.</p>
17.0	Unfairness of process	<p>There is nothing fair or democratic about this planning process. The entire system is slanted in favour of big business and the ordinary tax paying citizen has little or no voice in the process.</p> <p>Eirgrid have been preparing this project for nearly 4 years (that we know of). They have teams of consultants working for them and, relative to domestic household terms have a limitless budget in the order of €80million. We in turn have been given 7 weeks to review almost 250 technical documents online using low speed broadband and have negligible monetary resources.</p> <p>Local authorities, prescribed bodies and Councilors etc. have been spoonfed the information and been kept up to date with various in-house presentations while the common citizen is left to trawl through the technical jargon and the masses of repulsive text in search of the few clear facts that might give an indication of the true extent of the development and it's lasting risks.</p> <p>The supposed consultation process was meaningless as Eirgrid advised that anything in any of the reports could change right up to submission of the planning application....as such, there was little or no point in reviewing any information provided in advance.</p> <p>If a person wishes to comment or object to a planning application for a domestic house to the local authority the costs is €20 per submission. In this instance where there are almost infinitely more documents to review and they of a more technical nature, coupled with the fact that we have no appeals authority - the cost to the citizen is €50 - this cannot be considered fair or just by any means. It also discourages people from participating in the process which is further exacerbated by the current tough economic climate.</p> <p>The cost of obtaining a paper copy of the submission is prohibitive. It is estimated that no-one will use this option and will instead have to click through literally hundreds of documents online or travel to the offices of the county council during office hours (when many of us are also engaged with our own work).</p> <p>As tax paying citizens, it is difficult to have any confidence in a planning system that is so obviously geared in favour of big business and is stacked against the ordinary public.</p>
18.0	Funding	<p>The submission provides no detail of the sources of funding for this project. As the project has a European project number, we have written to the European Commission and are currently awaiting a response.</p> <p>Eirgrid has not provided any information regarding the sources of funding for this project and any conditions that may apply to how that funding is used. This could have a bearing on funds that could be allocated to local communities to arrange to have independent reviews carried out.</p>
19.0	Requests	<p>Deny permission to build</p> <p>We request that An Bord Pleanála deny permission to Eirgrid to build this substation as the 'consultation' process has been flawed and substandard from the very beginning. This lack of transparency and the minimal information provided makes it very difficult for us to have any confidence in either Eirgrid or the information that they supply. As you can see from our questions above, the submission has raised more questions than it answers.</p>

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 20 MAR 2013  
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	Main Headings	Sub Heading	Comments
19.1	Requests	EIS	In the event that the Bord considers it necessary to continue with this farce of a 'fair and equitable' planning process, We request that an EIS is carried out for this project. We cannot understand why it was not identified as a requirement in the first instance given the size and permanent negative impact of this project on it's surroundings and on our community, there is also the issue of the future electrical connections that the station is built to accommodate - these should be fully included as part of this EIS.
19.2	Requests	Oral hearing	We further request that an oral hearing be held such that the public voice of concern is at least heard and recorded as we do not believe that has been the case to date or that any real and honest attempt to achieve 'public participation' has been made.

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Stradbally,  
Portlaoise,  
Co. Laois

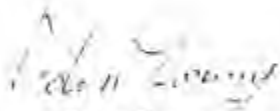
19.03.2013

Ref: VA0015

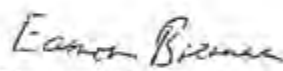
Dear Sir/Madam

On behalf of our group, residents and community here, we'd like to request that An Bord Pleanála, grant us an oral hearing in relation to EirGrid's Laois Kilkenny substation project in Coolnabacky, Co. Laois.

Yours Sincerely,



John Lowry  
Chairperson



Eamonn Brennan  
Secretary

RTS Substation Action Group







# EAAI Environmental Action Alliance Ireland

Implementing Community Environmental Laws

Environmental Action Alliance-Ireland

Submission to An Bord Pleanála

Re: Proposed Substation

at

Coolnabacky, Ratheniska, Co Laois

(Sector 2 of the Grid 25 Project)

SID Ref: Number VA0015

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*Prepared by:*  
David Malone EAA-I  
60 St Joseph's Terrace  
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## Introduction

Environmental Action Alliance- Ireland (EAA-I), wish to make the following submission to An Bord Pleanála, concerning the Eirgrid Strategic Infrastructure Development (SID) application Ref. VA0015. This development involves, inter alia connecting the existing 400kV Dunstown/Moneyport to a proposed substation at Coolnabacky, Ratheniska, Co Laois.

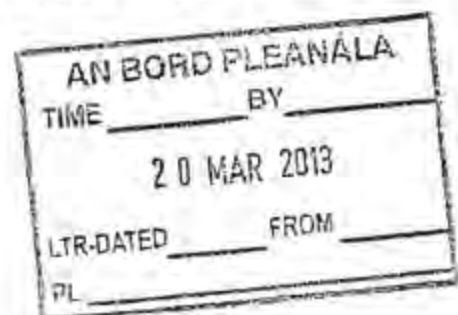
EAA-I, was formed in 1990 as a Non-Governmental Environmental Organisation. EAA-I only make submissions involving infringements of European Directives or violations of a Court of Justice of the European Union (CJEU) judgement. EAA-I have a partnership agreement with Justice and Environment, which is a European Network of Environmental Law Organisations, (European Law Lawyers) working for better legislation and implementing of environmental law on a National and European level.

EAA-I have drafted and registered over 200 complaints with the European Commission with regard to infringements of European Directives, and the CJEU has successfully prosecuted Ireland on numerous occasions as a result of the detail and scope of these complaints. The CJEU has ruled on six different occasions (Cases C-392/96; C-66/06; C-215/06; C-427/07 and C-50/09) that Ireland failed to fulfil its obligations under the EIA Directive. In December 2012, Ireland was fined €1.5 million for failing to implement the CJEU judgement in Case C-66/06 following a CJEU ruling in November 2008.

Article 191(2) of the Treaty of the Function of the European Union (TFEU), sets out the principles on which European environment policy is based<sup>1</sup>. This submission will show that the proposed Grid 25 is infringing the provisions of the following European Directives and CJEU rulings:

- Strategic Environmental Assessment Directive 2001/42/EC;
- Violation of CJEU Judgements concerning EIA Directive 2011/92/EU;
- Energy from Renewable Sources Directive 2009/28/EC;
- CJEU judgement in Cases C-392/96;
- CJEU judgement in Cases C-66/6;
- CJEU judgement in Cases C-427/07.

The submission will show that An Bord Pleanála in failing to request both an SEA and an EIA for Sector 2 of the proposed project is violating the above mentioned CJEU rulings and Directives. Accordingly the application for development consent is legally flawed.



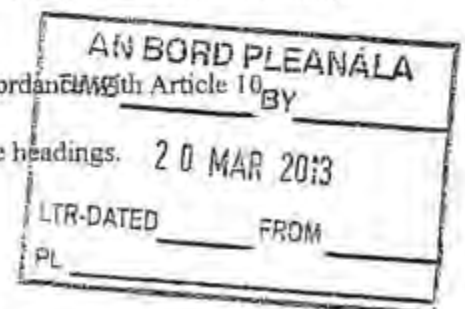
<sup>1</sup> Cf. in general De Sadeleir (2005) and on the way national courts apply the European environmental principles Mackry (2004).

## Infringements of the SEA Directive 2001/42/EC

The objective of the European Strategic Environmental Assessment (SEA) Directive 2001/42/EC, is the promoting of sustainable development by ensuring that an environmental assessment is carried out of certain plans and programmes, which are likely to have significant effects on the environment. This includes providing for a high level of protection of the environment, as defined in Article 191 of the TFEU. The Directive requires that all plans or programmes, which are prepared for certain sectors, which includes energy, set the framework for future development consent of projects listed in Annexes I and II to the EIA Directives.<sup>5</sup> Projects likely to have a significant effect on a site protected by the Habitats Directive or the Birds Directive ("Natura 2000" sites), or, which set the framework for future development consent of projects, which are likely to have significant effects on the environment are also subject to SEA.

Article 2 states that the "environmental report" shall mean the part of the plan or programme documentation containing the information required in Article 5 and Annex, I. The following is the information to be provided under Article 5:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;
- (e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way, those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
- (i) a description of the measures envisaged concerning monitoring in accordance with Article 10;
- (j) a non-technical summary of the information provided under the above headings.



Eirgrid carried out an SEA for the Grid 25 Implementation Programme (IP) 2011-2016, which was published in October 2008 and provides for the development of Ireland's Electricity Transmission Grid. A written submission on the scope of the SEA was received from the EPA dated 10 February 2010. Section 4 of the Environmental Report states that for parts of the baseline descriptions of the environmental components of ecology and the landscape, the country has been divided into three Sectors (see Figure 4.1) based on combinations of regions identified in the National Spatial Strategy 2002-2020, which included "Sector 2: The Midland, Mid-East, South-East and Greater Dublin."

However, the Environmental Report makes no mention of the proposed development substation at Coolnaback, Ratheniska, Co Laois, which involves connecting to the existing 400kV Dunstown/Moneypoint project. It also fails to identify the serious environmental pollution problems with the Moneypoint plant, which is the source of the energy for Sector 2.

The report claims that the Midland, Mid East, South East and Greater Dublin Region developments are primarily associated with the transmission reinforcements required to link the large amounts of new generation in the South West of the Republic of Ireland (that is predominantly wind related), to the largest load centre in Ireland, namely Dublin and to provide an adequate electrical connection to the East-West interconnector to support the possibility of exporting surplus wind generation to the United Kingdom.(p.153)

The report states that there are 91 SACs in this sector. In terms of extent, the Wicklow Mountains is the largest SAC; however, as many of the SAC designations in this sector are river-based, they tend to traverse long linear corridors which whilst being difficult to avoid represent only a relatively small area over which to traverse. River SACs include the River Barrow/Nore SAC, Slaney River Valley SAC, the Lower River Suir SAC and the Boyne and Blackwater SAC. In terms of the river SACs the main qualifying interests relate to species contained therein such as salmon, lamprey species, otters, Freshwater Pearl Mussel (and in the case of the River Nore, a unique species only found in this river catchment (*Margaritifera durovensis*). The Habitats Directive 92/43/EEC (Article 6 (3)) states that any plan or project connected with but not for the benefit of the SAC requires an ELA.

In 1998, EAA-I registered two complaints P98/4967 and P 98/5121 concerning non-compliance with the EIA Directive 85/337/EC to pig developments on the River Nore. The Commission in a reply dated 1/09/1990, stated that in the light of both Article 10 (ex-5) of the EC Treaty and Directive 92/43/EEC (habitats), details of the steps taken and being taken-since 1992 to avoid extinction and ensure favourable conservation status of the River Nore freshwater pearl mussel, *Margaritifera durovensis*, with particular reference to water quality.

In 2006, Moorkens, E.A carried out a preliminary assessment of River Nore tributaries for potential translocation areas for extant adult and captive bred Nore pearl mussels *Margaritifera durovensis*. The report assessment was carried out for the National Parks and Wildlife Service. It revealed that the current range of *Margaritifera durovensis* in Ireland is considered to be the known range within the main channel of its only extant population, i.e. in the Nore River. The Nore population stretches from Poorman's Bridge (S 407 859) to Lismaine Bridge (S 442 660), with most of the population found between Poorman's Bridge and the Avonmore Creamery above Ballyragget (S 440 722),

Moorkens, E.A report states that the assessment *Margaritifera durovensis* is critically endangered in world terms and in Ireland. That further survey work is required to check for potential outlying populations and habitats where rehabilitation may be successful within the lower stretches of the Nore catchment. This work is on-going as part of the Action Plan for the species.

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Accordingly, this should have been identified in the environmental report and considered as part of the Grid 25 programme. In particular, as it is of an International environmental importance and designated pursuant to the Habitats Directive 92/43/EEC.

The report failed to identify the environmental protection objectives, established at International, Community or Member State level. There was no description of the measures envisaged concerning monitoring of the 91 SACs in sector 2.

In compliance with Article 2, the "environmental report" shall contain the information required in Article 5 and Annex, I. Accordingly, as the SEA fails to contain a significant amount of this mandatory information, the overall SEA is legally flawed. In fact, it is evident that no SEA carried out for the Midland, Mid-East, South-East and Greater Dublin region (Sector 2) and An Bord Pleanála claims that an EIA is not mandatory.

Article 3 (1) of the SEA Directive states that an environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and programmes referred to in paragraphs 2 to 4, which are likely to have significant environmental effects. Article 3 (2) states that subject to paragraph 3, an environmental assessment shall be carried out for all plans and programmes:

- (a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or
- (b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.

As a result of 6 different CJEU judgements against Ireland, only have limited discretion with respect to the main objective of the EIA Directive (and therefore, by analogy of the SEA Directive), i.e. that projects (or plans/programmes) likely to have significant effects on the environment should be subject to an environmental assessment prior to their approval. As there was a considerable time lag (over 4 years) since the inadequate SEA for Grid 25 was carried there is a serious question as to what extent the information provided by the SEA assessment can be relied upon in preparing an EIA.

The EIA Directive refers to "human beings," the SEA Directive to "population" and "human health." The EIA Directive and the CJEU in Case C-50/09 explicitly refers an EIA in compliance with Article 3 on the to direct and any indirect effects among its list of significant effects, whereas the SEA Directive does not use the terms 'direct' or 'indirect' and only refers to a list of significant effects.

What is clear is that the Grid 25 SEA "environmental report" failed to assess the likely significant effects on the environment of implementing the 25 Grid programme, and as a result failed to consider reasonable alternatives taking into account the environmental effects.

The fact is in compliance with Article 4 of the EIA Directive subject to Article 2 (4) projects listed in Annex, I shall be made subject to an assessment and for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. The next section of this submission will clearly show that an EIA is mandatory for sector 2 of the Grid 25 project.

Accordingly, EAA-J is requesting An Bord Pleanála to request Eirgrid to carry out an SEA and EIA for the proposed project.

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Violation of CJEU Judgements concerning EIA Directive 2011/92/EU

The EIA Directive 2011/92/EU in Annex I includes in paragraph 20. "Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km." As a project in which is to be the subject of a mandatory environmental impact assessment pursuant to Articles 2(1) and 4(1) of the EIA Directive.

The proposed substation at Coolnaback, involves a modification of the existing 400kV Dunstown/Moneypoint. Accordingly, an EIA is mandatory for any change to a development that required an EIA to be carried out before development commenced. Member States must implement the EIA Directive in a manner which fully corresponds to its requirements, having regard to its fundamental objective which, as is clear from Article 2(1), is that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location should be the subject of an assessment with regard to their effects.

Paragraph 58, in the CJEU judgement in Case C-205/08 concerning the length of national section below the threshold. The Court ruled that Articles 2(1) and 4(1) of Directive 85/337 are to be interpreted as meaning that the competent authorities of a Member State must make a project referred to in point 20 of Annex, I to the Directive, such as the construction of overhead electrical power lines with a voltage of 220 k V or more and a length of more than 15 km, subject to the environmental impact assessment procedure even where the project is transboundary in nature and less than 15 km of it is situated on the territory of that Member State.

Section 7 of An Bord Pleanála Inspectors report states that the proposed development does not fall within the classes of development set out in Schedule 5 of the *Planning and Development Regulations 2001* ("the Regulations") as requiring assessment for the purposes of Section 176 of the Act. This is incorrect as Schedule 5 of the *Planning and Development Regulations 2001* Development for the purposes of Part 10 includes: 20. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.

Another reason why an EIA is mandatory is because a mandatory SEA was required for the Grid 25 programme in which sector 2 was included. Under the provisions of Article 3(2) of the SEA Directive, the programme set the framework for future development consent for projects listed in Annexes I and II to the EIA Directive.

Ireland has never correctly transposed and implemented the EIA Directive 85/337/EEC. As a result, the European Commission has taken 6 different Court cases against Ireland. At present, EAA-I have 4 complaints registered with the Commission for violations of several CJEU rulings pertaining to the EIA Directive. In December 2012, Ireland was fined €1.5 Million for failing to implement the CJEU judgement in Case C-66/06 following a CJEU ruling in November 2008.

In July 2012, the Commission informed EAA-I that it is referring Ireland back to the CJEU for failing to implement the judgement in Case C-50/09, and are seeking a €2 Million and €18,000 per day until it is implemented. Concerning this proposed development, EAA-I has submitted this submission to the Commission as further evidence that Ireland is still violating judgements in Cases C-392/96; C-66/06 and C-427/07.

In Case C-392/96 the CJEU ruled that Ireland, by not adopting, for the classes of projects covered by points 1(d) and 2(a) of Annex II to the Directive, the measures necessary to transpose Article 4(2) of the Directive correctly, and by not transposing Articles 2(3), 5 and 7 of the Directive, Ireland has failed to fulfil its obligations under the EIA Directive.

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*In Case C-66/06* the CJEU ruled that Ireland, by not adopting, in conformity with Articles 2(1) and 4(2) to (4) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997, all measures to ensure that, before consent is given, projects likely to have significant effects on the environment that belong to the categories of projects covered by point 1(a) to (c) and (f) of Annex II to that directive are made subject to a requirement for development consent and to an assessment with regard to their environmental effects in accordance with Articles 5 to 10 of the directive, Ireland has failed to fulfil its obligations under the Directive.

*In Case C-427/07* the CJEU ruled that Ireland, failed to adopt, in conformity with Article 2(1) and Article 4(2) to (4) of the EIA Directive 85/337/EEC, as amended by Council Directive 97/11/EC, all measures to ensure that, before consent is given projects likely to have significant effects on the environment covered by point 10(e) of Annex II of the EIA Directive 85/337, as amended by Directive 97/11, are made subject to a requirement for development consent and to an assessment with regard to their effects in accordance with Articles 5 to 10 of the EIA Directive.

Also in failing to adopt the laws, regulations and administrative provisions necessary to comply with Article 3(3) to (7) and Article 4(2) to (4) of Directive 2003/35/EC, providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice concerning the EIA and the IPPC Directives, Ireland failed to fulfil its obligations under the EIA Directive as amended, and Article 6 of Directive 2003/35.

Concerning the proposed project (Grid 25) the following will explain why the Irish authorities are violating all of the above-mentioned CJEU rulings:

1. *Paragraph 64* in Case C-392/96 states:

*"As far as the objection to thresholds is concerned, although the second subparagraph of Article 4(2) of the Directive confers on Member States a measure of discretion to specify certain types of projects which are to be subject to an assessment or to establish the criteria or thresholds applicable, the limits of that discretion lie in the obligation set out in Article 2(1) that projects likely, by virtue inter alia of their nature, size or location, to have significant effects on the environment are to be subject to an impact assessment (Kraaijeveld, cited above, paragraph 50)."*

The proposed project (Grid 25) was subjected to an SEA because it was deemed to be a project likely to have significant effects on the environment. Accordingly, an EIA is also required for this project.

The purpose of the EIA Directive cannot be avoided by the splitting of projects and the failure to take account of the cumulative effect of several projects must not mean in practice that they all cease to be covered by the obligation to carry out an assessment, when, taken together, they are likely to have 'significant effects on the environment' within the meaning of Article 2(1) of the EIA Directive.

In case C-227/01, *Commission v Spain*, the Court confirmed that a long-distance project cannot be split up into successive shorter sections in order to exclude both the project as a whole and the sections resulting from that division from the requirements of the Directive (paragraph 53). If that were possible, the effectiveness of the Directive could be seriously compromised, since the authorities concerned would need only to split up a long-distance project into successive shorter sections in order to exclude it from the requirements of the Directive (paragraph 53).

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2. Paragraph 66 in Case C-392/96 states:

*"Even a small-scale project can have significant effects on the environment if it is in a location where the environmental factors set out in Article 3 of the Directive, such as fauna and flora, soil, water, climate or cultural heritage, are sensitive to the slightest alteration."*

Sector 2 of the proposed project has 91 SACs in which some are of International importance. The Republic of Ireland currently has stretches of 19 SACs designated for the pearl mussel, covering 27 sub-basins. 26 of these sub-basins hold *Margaritifera margaritifera* and one, the River Nore, contains *Margaritifera durrovensis*. The freshwater pearl mussel *Margaritifera margaritifera* (L., 1758) is on two red data lists, namely the IUCN Red Data List as Endangered (IUCN, 1996) and the Red Data (Ireland) as Critically Endangered (Moorkens, 2006)

3. Paragraph 82 in Case C-392/96 states:

*"It follows from all of the foregoing that, by setting thresholds for the classes of projects covered by points 1(d) and 2(a) of Annex II to the Directive without also ensuring that the objective of the legislation will not be circumvented by the splitting of projects, Ireland has exceeded the limits of its discretion under Articles 2(1) and 4(2) of the Directive."*

The overall Grid 25 project was considered pertaining to the SEA. However, it is now being split into several sectors in which An Bord Pleanála claim that some require, an EIA and the proposed substation at Coolnaback, Ratheniska, Co Laois does not require an EIA.

Concerning this proposed substation the Irish authorities have again exceeded the limits of its discretion under Articles 2(1) and 4(2) of the Directive concerning categories of projects covered by point 3 (b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex, I).

4. Paragraph 50 in Case C-66/06 states:

*"In deciding whether or not a development would be likely to have significant effects on the environment, the competent authority has regard to the criteria set out in Schedule 7 to the PDR, which corresponds to Annex III to Directive 85/337."*

Eirgrid submitted a report prepared by AOS Planning to the Board entitled EIA screening report AOS claim that the purpose of this report is to identify the considerations that may influence the decision of the competent Authority [An Bord Pleanála] in respect of its statutory obligation to make a 'screening' decision as to whether or not an Environmental Impact Assessment (EIA) should be required for the Laois-Kilkenny Reinforcement Project.

In compliance with the EIA Directive it is the designated planning authority, in this case Laois County Council and not the applicant and/or An Bord Pleanála that carries out a screening or establishes if an EIA is required. In this regard, the CJEU ruling in Case C-75/08 R (Mellor) v Secretary of State for Communities and Local Government Article 4 of the EIA Directive, as amended by Directive 2003/35/EC, must be interpreted as not requiring that a determination, that it is unnecessary to subject a project falling within Annex II to that Directive to an environmental impact assessment, should itself contain the reasons for the **competent authority's decision** that the latter was unnecessary.

However, if an interested party so requests, the **competent administrative authority** is obliged to communicate to him the reasons for the determination or the relevant information and documents in response to the request made.

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5. The CJEU in Case C-427/07 ruled that Ireland failed to adopt the laws, regulations and administrative provisions necessary to comply with Article 3(3) to (7) and Article 4(2) to (4) of Directive 2003/35/EC, providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, and by failing to adequately notify such provisions to the Commission of the European Communities.

Concerning sector 2 of the Grid 25 project, there was no public participation in the SEA or the screening of the EIA. An Bord Pleanála is claiming that an EIA is not mandatory, but has failed to identify or notify the public of their rights to access to Courts to challenge this decision.

It follows from Article 1(5) that, where the objectives of the EIA Directive, including that of supplying information, are achieved through a legislative process, the Directive does not apply to the project in question (see Case C-287/98 *Linster* [2000] ECR I-6917, paragraph 51, and *Boxus and Others*, paragraph 36).

That provision lays down two conditions for the exclusion of a project from the scope of the EIA Directive. The first requires the details of the project to be adopted by a specific act of legislation. Under the second, the objectives of the directive, including that of supplying information, must be achieved through the legislative process (see Case C-435/97 *WWF and Others* [1999] ECR I-5613, paragraph 57, and *Boxus and Others*, paragraph 37).

Under Section 182B (3) of the Planning and Development (Strategic Infrastructure) Act 2006, the Board shall, in granting an exemption under subsection (2), consider whether the effects, if any, of the proposed development on the environment should be assessed in some other manner, and the information arising from such an assessment should be made available to the members of the public, and it may apply such, and it may apply such requirements regarding these matters in relation to the application for approval as it considers necessary or appropriate.

Several of the CJEU judgements, including the most recent in Case C-50/09, ruled that Ireland had not properly transposed Article 5 (1) of the EIA Directive into Irish in order to give effect to the objective of the EIA Directive.

In compliance with Article 5 (1) of the EIA Directive, the EIS shall include *inter alia*, a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases. Section 182B (3) of the Planning and Development (Strategic Infrastructure) Act 2006, certainly does not give effect to Article 5 (1), as amended by Directive 2003/35.

Therefore, this means that the proposed project cannot be considered under the Strategic Infrastructure Act 2006, without submitting an EIS containing the mandatory information required under Article 5 (1) that is specified in Annex IV of the EIA Directive.

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Non-Compliance with European Renewable Energy Directive 2009/28/EC

Ireland's National Renewable Energy Action Plan to 2020, was submitted to the EU Commission as a legally required under the 2009, Renewable Energy Directive, and is the Framework within which Ireland has set out the detailed schemes, policies and measures underway and planned to deliver the trajectory of growth from renewable sources. In order to comply with the Renewable Energy Directive 2009/28/EC, the following must be implemented in both the SEA and EIA for the proposed Grid 25 project.

The definition of 'energy from renewable sources' means energy from renewable non-fossil sources, namely wind, solar, aerothermal, geothermal, hydrothermal and ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas and biogases. (Article 2)

Projects and actions receiving EU financing in the field of trans-European networks shall be carried out in conformity with Union law and shall take into account any relevant Union policies, in particular, those relating to competition, the protection of the environment and public procurement as provided for by the relevant article of the TEN Regulations. (Article 12)

The Regulations states that a guarantee of origin shall specify at least (a) the energy source from which the energy was produced and the start and end dates of production. Identity, location, type and capacity of the installation where the energy was produced (Article 15)

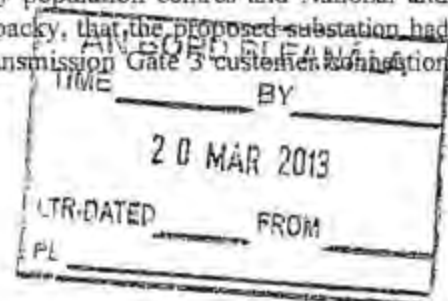
Member States shall recognise guarantees of origin issued by other Member States in accordance with this Directive exclusively as proof of the elements referred to in paragraph 1 and paragraph 6(a) to (f). A Member State may refuse to recognise a guarantee of origin only when it has well-founded doubts about its accuracy, reliability or veracity, The Member State shall notify the Commission of such a refusal and its justification (Article 15)

Where an electricity supplier is required to prove the share or quantity of energy from renewable sources in its energy mix for the purposes of Article 3(6) of Directive 2003/54/EC, it may do so by using its guarantees of origin. (Article 15)

The energy for the proposed substation at Coolnabacky comes from the Moneypoint plant which is not a renewable source and in fact, is violating several CJEU Judgements. This plant is violating the CJEU judgement in Case C-50/09, as it does not have development consent in compliance with Article 3 of the EIA Directive.

The Commission for Energy Regulation (CER), in keeping with the government targets directed Eirgrid to initiate the "Gate 3" process, which will offer connections to the Irish transmission network of approximately 4,000 MW of renewable generation. The Gate 3 process also allows for connection of approximately 2,000 MW3 of conventional generation, bringing the total amount to receive connection offers to 6,000 MW; to put this figure into context, the all-time peak demand of the Republic of Ireland's electricity system is 4,906 MW.

It is clear that the planned level of electricity generation, particularly from renewable sources whether offshore or onshore, must be assisted by enhanced high quality and high capacity transmission infrastructure across the island of Ireland, in order to deliver that generated electricity to key population centres and National and International markets. Yet, Eirgrid informed the residents at Coolnabacky, that, the proposed substation had nothing to do with the Wind Farms. This is incorrect as the first transmission Gate 3 customer connection offer was accepted for a 62.5MW wind farm in Co. Tipperary.



## Conclusion

This submission has shown that the proposed National Grid (Grid 25) is of a class that required both an SEA and an EIA. That Eirgrid carried out an inadequate SEA for the Grid 25 Implementation Programme (IP) 2011-2016, which was published in October 2008. The residents of Coolnabacky, Ratheniska were only informed of the SEA in October 2009.

The Grid 25 fails to include the proposed the Element Power wind farm project. If the demand alternative were considered in the SEA and EIA Directives, it would have identified that the demand could be met by the wind farm project. This company has signed a contract with Britam's electricity grid to supply it with renewable energy from its €8bn renewable energy wind farms. The wind farms are to be located in Meath, Westmeath, Kildare, Laois and Offaly.

The submission clearly identifies that the proposed development violates several CJEU judgements pertaining to the EIA Directives. That the Irish authorities are not implementing the National Renewable Energy Action Plan to 2020, was submitted to the EU Commission as a legally required under the 2009, Renewable Energy Directive.

Yours sincerely,

*David Malton*

Digitally signed by David  
Malton  
DN: cn=David Malton,  
o=EAA LEO,  
email=David.Malton@eaa.ie,  
c=IE,  
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**Section two -  
Over 500 signatures on letters and  
petitions**

AT GORDONVILLE LA	
TIME	BY
20 MAR 2003	
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# Park/Ratheniska GAA Club

Project Manager,  
Laois Kilkenny Reinforcement,  
EirGrid,  
The Oval,  
160 Shelbourne Rd.  
Ballsbridge,  
Dublin 4.

Straboe,  
Portlaoise,  
Co. Laois.  
24/11/09

Re; Proposed Electrical Sub-Station in Ratheniska area

To whom it concerns,

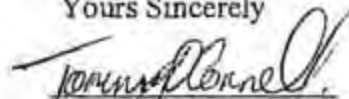
On behalf of Park/Ratheniska GAA we would like to voice our disapproval and raise our concern at the recent news of the proposed construction of an Electrical Sub-Station in the Ratheniska area.

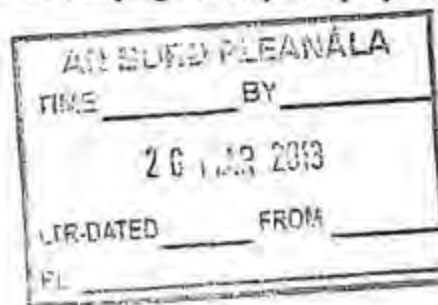
Our GAA club comprises of approximately 250 members the majority of which live in the local area that would be directly affected by this construction and have already signed a petition stating their opposition to it. Our facilities were developed within the last ten years with the tremendous help of all of the people in this small community be it financially or voluntary work. We take great pride from this and also in the very fine facilities we now have here.

This is a very close knit community that we have here and one of the most picturesque areas in the country with no stone left unturned to keep it that way. Only last year Ratheniska was runner up in its category in the nationwide Pride Of Place competition and we in the GAA club played a very active part in this.

As you can see we are a very important part of the community here and this along with the interest of health and safety and protection and beauty of our environment is why we wholeheartedly lend our support to the campaign to stop this proposed construction in our local area.

Yours Sincerely

  
Tommy O'Connell  
Secretary  
086 8746460



*Chairman*     *Dir. Ratheniska*     087 8627079  
*Secretary*     *Tommy O'Connell*     087 8646557  
*Treasurer*     *Christy Fingleton*     087 8625500



Irish Countrywomen's Association - Ratheniska Guild

Petition Against Proposed Eirgrid 400/110 KV Substation and Lines

Name	Date	Membership
Margaret Bradley	16/11/09	I.C.A.
Maura O'Sullivan	16/11/09	I.C.A.
Mathewre Tindall	16/11/09	I.C.A.
Kathleen Comerford	16/11/09	I.C.A.
Francis O'Neil	16/11/09	I.C.A.
Mary White	16/11/09	I.C.A.
Mary Hanlon	" " 09	I.C.A.
Amy Delaney	" " 09	I.C.A.
Angela Fingleton	16/11/09	I.C.A.
Eileen Larkin	16/11/09	I.C.A.
Delores Stal	16/11/09	I.C.A.
Peggy Drennon	16-11-09	I.C.A.
MARIE Rankin	16.11.09	I.C.A.
Bridie O'Connell	,	
Mary King		

I.C.A.

ACCEPTED PRESENTED

TIME \_\_\_\_\_ BY \_\_\_\_\_

20 11 09

LTR-DATED \_\_\_\_\_ FROM \_\_\_\_\_

PL \_\_\_\_\_



Project Manager,  
Laois Kilkenny Reinforcement,  
Eirgrid,  
The Oval,  
160 Shelburne Road,  
Ballsbridge,  
Dublin 4.



Nov.17<sup>th</sup> 2009.

Dear Sir,

I writing on behalf of Members of Ratheniska ICA in regard to the proposed development of the Laois-Kilkenny Electricity Reinforcement Scheme and in particular the proposed siting of a very large substation in our locality. The Ratheniska Guild of the Irish Country Women's Association was founded almost fifty years ago and is an integral part of the rural community and social fabric of the area. It is with great dismay that we have learnt of the Eirgrid proposal, which we believe will have a serious negative impact on our community. We wish therefore to lodge our strongest objection at this time to the proposed development.

During our discussion on the proposal our members who live and work in the area many who have lived all their lives here raised the following concerns;

- Possible health implications owing to the high levels of radiation caused by the high voltages involved in the proposed development.
- The further destruction of the local land and skyline, already impacted by the existing 400 and 110KV power lines that dissect the area.
- The impact on the agricultural community through wastage of agricultural land tied up with both the substation and power lines.
- All negative impacts associated with the construction phase of such projects.
- The negative impact posed on potential rural tourism and/or outdoor activities in the area.

We would like Eirgrid to seriously review the proposed development and you are welcome to attend any guild meeting to discuss the proposed project and demonstrate how it will have no negative impact(s).

Yours Sincerely,

*Teresa Fingleton*  
Teresa Fingleton

Secretary of the ICA Ratheniska Guild

St Angus Hall Committee -Ratheniska

Petition Against Proposed Eirgrid 400/110 KV Substation and Lines

Name	Date	membership
Kathleen Bonaguidi	23/11/09.	Hall Committee
May B. Brindle	23/11/09	St. Angus -
Peggy Brennan	23/11/09	Hall Committee Chairperson
Mary Rose Bottom	23/11/09	St. Georges Club

AN BORD PLEANÁLA	
INC _____	BY _____
20 MAR 2013	
LTR-DATED _____	FROM _____
PL _____	

Project Manager,  
Laois Kilkenny Reinforcement,  
Eirgrid,  
The Oval,  
160 Shelburne Road,  
Ballsbridge,  
Dublin 4.

RECORDED PERMANENTLY	
TIME	BY
20 MAR 2013	
RETR-DATED	FROM
FL	

Nov. 17<sup>th</sup> 2009,

Dear Sir,

I am writing on behalf of the St Aongus Community Hall Committee, which manages the hall facilities for the benefit of the local community and organisations of the area. Our Committee wish to lodge our objection to the proposed development of a large substation and the continued proliferation of power lines in the local community.

It is our understanding that this is a very large substation development, the first of its kind in Ireland. We believe this to be a highly unsuitable development for the area as defined as the substation study area. This development would have severe negative impacts on the local environment, the well being of its residents and the value of community and private property. Our concerns are mirrored by others in the community and include possible health risks, environmental impacts visual and others, adverse affects to farmland during and after construction. We are deeply concerned that such a development could erode the overall appeal of the locality. This in the longer term could reduce the community population and also the involvement of others in the community whom currently enjoy our GAA facilities, primary school, church and our community hall and all that they provide.

Again we wish to reiterate our objection to this proposed development and associated powerlines

On behalf of the St Aongus Community Hall Committee,

Yours Sincerely,

*Peggy Drennan*  
Peggy Drennan.

Chairperson of the St Aongus Community Hall Committee



PREVIOUSLY SUBMITTED.



Principal - Pauline Dunne  
Rathniska N.S., Rathniska, Stradbally, Co. Louth  
T: 057 8625145 E: rathniskons@eircom.net

Ms. No. 10000

Project Manager,  
Laois Kilkenny Reinforcement,  
Eirgrid,  
The Oval,  
160 Shelbourne Road,  
Ballsbridge,  
Dublin 4

RECORDED FILED	
TIME _____	BY _____
20 MAR 2013	
LTR-DATED _____	FROM _____
PL _____	

Ms 17<sup>th</sup> 2009

Dear Sir / Madam,

I write to you on behalf of the Board of Management of the above school requesting that you provide the Board with some clarification / further information regarding the proposed Laois - Kilkenny Electricity Reinforcement Scheme. The school is a 14 teacher school catering for a current enrolment of 220 children.

The Board's concerns centre on the Health and Safety implications for our school population resulting from your proposed development.

The Board would welcome some direct communication from Eirgrid detailing the parameters of the development and the measures proposed to deal with Health and Safety concerns.

The school is currently without a Broadband service so any communication will need to be in writing to the Board. Alternatively, your Project Management can arrange to contact/meet with myself or a representative of the Board through the school office.

Yours Sincerely

Pauline Dunne (Principal)

# Section one -

## Letters from local clubs and organisations

AN BGRD PLEAVALD	
TIME _____	BY _____
20 MAR 2013	
LTR DATED _____	FROM _____
PL _____	

Powelstown Hse  
Stradbally  
Co Laois

ELECTRICITY REINFORCEMENT	
TO	BY
20 MAR 2013	
CCR-DATED	FROM

Date: 24 November 2009

Dear Mr. Niland,

Further to the advertisement in the Leinster Express in regard to the proposed Laois-Kilkenny Electricity Reinforcement Scheme we wish to lodge the following submission.

Our submission enclosed, includes documents in relation to the 400/110 KV substation proposed to be developed in the area as defined "Study area for the proposed 400/110kv substation on the advertisement map".

The submission is presented into two sections:

Section one - Letters from local clubs and organisations stating their objection to the proposed developments.

Section two - In excess of 500 signatures voicing their disapproval at the location of the proposed substation as presented on the letters and petitions enclosed.

We would request that all documents be returned to us on the 15 December at our next meeting as previously agreed.

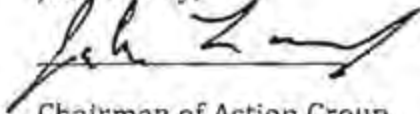
Yours sincerely,

Colm Fingleton,



Secretary of Action Group

John Lowry,



Chairman of Action Group

---

*Eamonn Brennan*

Loughteague  
Stradbally,  
Portlaoise,  
Co. Laois

19.03.2013



Ref: VA0015

Dear Sir/Madam

*20-3-13  
Cost £50  
B1 20621*

Please find enclosed submissions from 2009 which were sent to EirGrid, but have been excluded by them in their planning application.

This submission includes over 500 letters of objection from residents and community groups/organisations, which we requested they return to us (once copied for their files).

Yours Sincerely,

*John Lowry*  
John Lowry  
Chairperson

*Eamonn Brennan*  
Eamonn Brennan  
Secretary

RTS Substation Action Group

Project Manager  
Laois Kilkenny Reinforcement  
Eirgrid.  
The Oval.  
160 Shelbourne Road.  
Ballsbridge,  
Dublin 4.

13<sup>th</sup> November 2009

Dear Sir/Madam

With reference to the proposed Laois- Kilkenny Electricity Reinforcement Scheme.

We, the undersigned reject out of hand the proposed 400 110 kv substation and any additional infrastructure that may be connected to this project.

Our objection is based on the following issues.

**Health Concerns:** This is based on the high levels of radiation caused by the high voltages that are involved in the project. In the surrounding the area there are approximately 2,500 residents, a school catering for over 200 children and various clubs and organisations including a very large GAA club, Foróige Youth club, ICA, IFA and various other groups. For all of us, health is our priority.

**Visual Impact:** The area in question is a very picturesque, agricultural area, free of industry. This project would severely damage the landscape. There is little natural topography or plant-life to camouflage this project. Any artificial attempt to camouflage the project would look out of place in the local landscape.

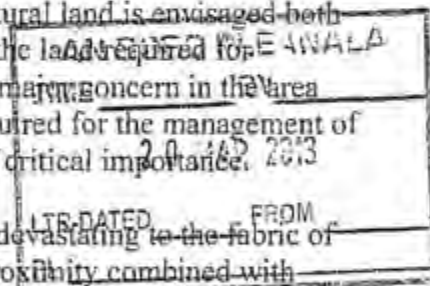
**Agricultural Impact:** A significant loss of prime agricultural land is envisaged both directly on the land required for the substation as well as the land required for poles/pylons to service it. Fragmentation of land is also a major concern in the area due to it being a tillage area where large machines are required for the management of crops, the free movement of these machines in fields is of critical importance.

**Social Environment:** It is feared that this project will be devastating to the fabric of this rural community. The sterilisation of lands in close proximity combined with peoples unwillingness to live in these locations greatly reduces the ability of landowners in the area to provide their children and other people in the area with land on which to build their homes. It is feared that these people will be lost to the area.

**Land/Property Values:** All of the above points would have an obvious effect on land and property values. Local land/property owners are angered that this project has placed a question mark over properties that have been carefully and sustainably managed by the same families for generations.

Regards

Eileen Larkin





Project Manager  
Laois Kilkenny Reinforcement  
Eirgrid,  
The Oval,  
160 Shelbourne Road,  
Ballsbridge,  
Dublin 4.

13<sup>th</sup> November 2009

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Regards

Deon Staal



Project Manager  
Laois Kilkenny Reinforcement  
Eirgrid,  
The Oval,  
160 Shelbourne Road,  
Ballsbridge,  
Dublin 4.

13<sup>th</sup> November 2009

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Regards

*Caroline Drenners*

Project Manager  
Laois Kilkenny Reinforcement  
Eirgrid,  
The Oval,  
160 Shelbourne Road  
Ballsbridge,  
Dublin 4.

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Regards



