

Ratheniska, Timahoe & Spink Substation Action Group,
The Secretary, Eamonn Brennan,
Loughteague, Stradbally,
Co. Laois

19 June 2013

Eirgrid,
The Oval, 160 Shelbourne Road,
Ballsbridge, Dublin 4.

Attn: Mr Ray Niland

CC: ESBI Engineering Solutions,
Attn: Mr Simon Blackmore

Dear Sirs,

As you are aware, Eirgrid in an attempt to avoid preparing an EIS prepared and submitted an inadequate screening report claiming that an EIS was not required. An Bord Pleanala disagreed and in April 2013, requested Eirgrid in accordance with section 182A (5) (a) of the Planning and Development Act 2000, as amended, to furnish an environmental impact statement for the proposed project. The Board established that the proposed project is a development specified in Part 1 of Schedule 5 (Item 20) "*construction of overhead electricity power line with a voltage of 220kV or more and a length of more than 15 kilometres*".

Accordingly, Eirgrid is again incorrect in stating that public participation for this project was completed in June 2010, February, March and April 2012. We also note your continuing unwillingness to meet with members of our community for the purpose of EIS scoping. In compliance with the EIA Directive 2011/92/EC, the scoping procedure including public participation take place after An Bord Pleanala clearly established that the proposed development is an Annex 1 project referred to in Article 4 (1) of the EIA Directive 2011/92/EC.

The European (EIA) Directive 97/11/EC was amended by Directive 2003/35/EC, in order to strengthen certain core elements of the EIA procedure. In particular, by providing for public participation in respect to the drawing up of certain plans and programmes relating to the environment and improving public participation and providing for provisions on access to justice. The Directive 2003/35/EC on public participation, states that the EIA Directive should be amended to ensure that they are fully compatible with the provisions of the Aarhus Convention, in particular Article 6 and 9.

In addition, under the European Convention on Human Rights, the Irish authorities are obliged to **respect, protect** and **fulfil** human rights. The rights set out in the Convention have been added to by protocols that protect additional rights, such as the right to private property.

Concerning the proposed project, Eirgrid appears to be of the opinion that it can violate the **rights** of the Ratheniska, Timahoe & Spink Substation Action Group enshrined under the provisions of Article 10(r) Treaty of the European Union; the SEA Directive 2001/42/EC; the EIA Directive 2011/92/EC; The Charter of Fundamental Rights of the European Union; the Aarhus Convention or the Sixth Environmental Action Programme.

Under the provisions of Article 2 of the Treaty European Union and European Convention on Human Rights, Eirgrid is obliged to **respect, protect** and **fulfil** human rights in compliance with the rule of law. As Eirgrid has decided to ignore the above rights of the RTSSAG, we will now prepare a complaint for the European Court Human Rights. When Eirgrid submits the EIS, the group will establish if has complied with the SEA and EIA Directives and if nor register another complaint with the European Commission.

In the meantime any attempt to trespass on the following landowner's lands by Eirgrid and/or ESBI prior to their permission will be a further violation of their rights under Article 1 of Protocol 1 to the European Convention on Human Rights and contrary to Article 6 of the Convention. In addition, we will be establishing if Eirgrid is receiving any European funding for the proposed project. Unlike Eirgrid, the European Commission cannot ignore European Union law and could not grant funding to be used to violate the rights of citizens enshrined in European law.

The following landowners wish to make Eirgrid and ESBI aware that the Ratheniska, Timahoe & Spink Substation Action Group speaks on their behalf.

Geard Lowry

Ciaran Fingleton

Liam Wall

John Wall

Thomas Doyle

John Mahon

Joe Quigley

Bill Fisher

Matt McDonald

Yours sincerely,

Eamonn Brennan,
Secretary RTS Substation Action Group

