An Taisce
The National Trust for Ireland

20140107-EIRGRID-GRIDLINK

The Grid Link Project Manager,
EirGrid,
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07.01.14

Re: Gird Link - Consultation on the Stage 1 Report

Dear Sir/Madam,

An Taisce has considered the Stage 1 Report provided for this consultation period and has identified the lack of integration of the proposal with:

1. National energy policy (where an over-arching strategy has yet to be drafted and subject to an assessment including provision for a public consultation)
2. The European Landscape Convention
3. EU and national policy and legislation on natural and built heritage
4. Compliance with International Conventions and the Environmental Impact Assessment Directive

We further note the lack of compliance of the approach taken on this project to date with the Aarhus Convention[1] (and arguably the Espoo Convention[2]), both of which Ireland is a signatory to, and has ratified.

Please acknowledge receipt of our submission.

Yours Sincerely,

Tomás Bradley
Planning & Environmental Policy Officer
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[1] UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998.
[2] Convention on Environmental Impact Assessment in a Transboundary Context done at Espoo (Finland) on 25 February 1991.

Grid Link - Consultation on the Stage 1 Report



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1 National energy policy (where an over-arching strategy has yet to be drafted and subject to an assessment including provision for a public consultation)

This application, which is for a major public investment in energy infrastructure with significant environmental impact, is being put forward in the absence of any national energy strategy. Key facets of such a strategy would be how the use of fossil fuel will be decreased, the timeline for reduced emissions, and the expanded role of interconnection.

The legal remit of Eirgrid is limited to the maintenance, management and development of the national electricity transmission grid, and to make provision for the interconnection of the national grid with other systems under EU energy policy. While Eirgrid has an obligation regarding the efficient management of the transmission network, it does not have a function in the reduction in the primary demand for electricity in Ireland at consumer level.

However, if Ireland is to reduce emissions to the per capita levels required by developed countries (to meet a minimum 2 Degree global atmospheric temperature warming), demand reduction through efficiency must play a very important role, as must decarbonisation of energy production.

The energy issue is being shaped by a whole host of interwoven and over-lapping documents / initiatives:

- the current Grid Link proposal (consultation)
- climate legislation being drafted by the Oireachtas
- renewable energy export strategy (consultation)
- Energy Efficiency Directive implementation (consultation)
- Reducing emissions from electricity generation (consultation), and
- Wind energy guidelines (Feb consultation deadline)

What is vital here is a national energy strategy for Ireland to shape the above outlining the overall balance between efficiency savings, renewable generation and so on. Proceeding with individual energy projects / initiative is ill-advised without such a strategy which would identify and address the question of how much energy Ireland will require in future years, the sources of this energy, the ongoing role of efficiency savings priorities, in parallel with effective national climate legislation with legally binding targets for annual reduction of emissions across all sectors.

As An Taisce has already pointed out in previous submission, a number of key elements must be included in an overall energy strategy, for example:

- Reducing Primary Energy Demand - retrofitting the national building stock for energy efficiency with an annual target of 100,000 homes to be upgraded to best achievable international standards;
- Eliminating the most carbon intensive energy sources – ending the use of coal and peat for electricity generation and domestic heating; and
- Reducing Fossil Fuel Import Dependence - progressively reducing the current level of Irish fossil and biofuel import bill of 6.5 billion euro per annum, and integrating any future wind renewable energy export with this objective.

The Grid Link project is being justified on three grounds:

1. The integration of renewable generation from the south of Ireland into the national grid;
2. Security of supply *"to ensure that demand in the south east can be securely supplied at all times, regardless of where the power is generated"; and*
3. Facilitation of possible future connections with Britain and France.

The first objective is part of wider grid development programme to secure the meeting of Ireland's 40% renewable target by 2020. However, no strategic planning is in place to cap demand at current levels and achieve progressive reductions in consumption through efficiency. (Hence, this target is a 'moving' one, based on a percentage of total electricity generation in 2009 and does not address the risk of future increase in primary energy demand; electricity use has levelled in recent years only because of recession.)

Again, the provision to enhance security of supply ignore the issue of potential rises in demand – unless energy efficiency is adequately pursue delivered. *Without putting energy efficiency first, the cart is being put before the horse.*

Similarly, interconnection to Britain and France is being proposed in a vacuum. Interconnection needs to have regard to the impact of parallel measures to reduce peat and fossil fuel use and greater wind energy generation in Ireland.

These issues have already been raised by An Taisce in the November 2013 consultation submissions to DCENR regarding the Energy Efficiency Directive and Renewable Energy Export, and must now be addressed in relation to Grid Link.

For example, Ireland's exit from coal-burning with the closure of Moneypoint and the peat burning power stations is required to achieve decarbonisation of electricity generation. And when this happens it frees up very significant east-west grid capacity, with a considerable impact on the master-planning of the distribution of electricity in Ireland.

2. European Landscape Convention

The European Landscape Convention (ELC) was signed into force by thirty member states of the European Council in Florence, Italy on 20 October 2000. In the convention it was noted that the 'protection, management and planning' of landscape can aid in job creation, cultivating and maintaining local identity, achieving unity and cooperation between member states, human well-being, quality of life, and responsibility.

Furthermore the concept of 'landscape' now represents natural, rural, urban, peri-urban, outstanding, every day and blighted landscapes. Under the Planning and Development Act 2010 landscape has the same meaning as it has in Article 1 of the ELC.

Under the convention, it not enough to consider landscapes which are simply outstanding or beautiful as, unlike many past attempts to create a suitable landscape strategy, the ELC does not stick to the traditional methods of protectionism; rather, it sets a requirement to survey, record and understand the everyday landscape.

It is considered that Ireland has failed to comply with the Convention. Most notably, Ireland has failed to put in place the implementation measures set out in Article 6E of the Convention:

> *To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.*

No national legislation, policy or guidelines have been produced by the State to respond to the ELC. Whereas local authorities have placed certain designations on landscapes as a result of Section 204 of the Planning & Development Act 2000, as amended, this is discretionary and largely fragmented across councils, often with the subjective influences of vested interests instead of the public interest, and in the interest of complying with the ELC.

The State has failed to set a clear methodology for how landscape should be assessed, protected and managed. With no more than vague policies, and lacking legislative tools, it is difficult to guide the process. To date only a small number of outstanding areas have been designated. Covering only limited pockets, this protection of isolation sites has not aided the protection of Ireland's landscape as a whole.

With the failure to comply with the ELC, Eirgrid has been left with no basis to assess the impact of the proposal on the landscape.

3 EU and national policy and legislation on natural and built heritage

The impact on the built and natural environment needs to be fully considered, and designed and constructed in a manner sensitive to those landscapes. In this regard An Taisce is conscious of:

- Special Areas of Conservation;
- Special Protection Areas;
- Natural Heritage Areas (incl. proposed Natural Heritage Areas);
- County Development Plan designations (incl. archaeological, architectural; landscape; views);
- National Monuments;
- Historic Houses, their demesnes and associated landscapes and views;
- Historic Gardens and their associated landscapes and views;
- All records / structures on the National Inventory of Architectural Heritage;
- Protected Structures, and
- Cultural heritage

Serious consideration must be given to all of the above. Also, there is the issue of the interaction of e.g. a protected structure with landscape to be considered, namely, the relationship between the historic house and its surrounding landscape in this instance.

4. Compliance with International Conventions and the Environmental Impact Assessment Directive[3]

The failure to facilitate public consultation in accordance with Art 6(4)[4] of the Aarhus Convention on the preliminary decisions made in relation to the current tabled proposal not limited to, but including the requirement for the project in the first instance (and moving to select study corridors without a more fundamental analysis; see below) constitutes a failure to "provide for early public participation, when all options are open and effective public participation can take place"[4] as required by the Aarhus Convention.

This presents a fundamental legal issue for the project at the outset. Specifically, with a more inclusive consultation process at the earlier stage, organisations such as An Taisce would have *highlighted the primacy of energy saving / efficiency, and pointed to the consequences of decarbonisation*, all of which would likely re-shaped the project.

Furthermore, a realistic consideration of alternatives, as required by the Environmental Impact Assessment Directive of the European Union, is undoubtedly compromised by the failure to provide a considered strategic context and assessment necessary for this initiative.

This lack of a considered energy framework and plan also presents issues in relation to the transboundary impact assessment of Ireland's approach, and consequently brings obligations under the Espoo Directive and Art 7 of the Environmental Impact Assessment Directive into sharp focus.

Arguably, also this lack of a sound strategic context will provide an issue for An Bord Pleanála in considering this initiative under the Strategic Infrastructure provisions.

While An Taisce appreciates that some of these matters to a certain extent are outside of Eirgrid's remit, Eirgrid, in its capacity as an advisor to Government, is bringing this specific project forward. We trust that Eirgrid will work with us and all stakeholders to ensure that Eirgrid, together with Government and the various authorities and agencies involved, address the deficiencies highlighted so that an appropriate context and strategic requirement can be properly and lawfully established for Ireland's energy requirements.

The extent of expenditure and environmental impact of a project of this nature cannot be justified in the absence of a sound evidential basis (see above regarding energy efficiency and decarbonisation), particularly in light of the negative socio-economic effects on local amenity and tourism and, which are critically important to indigenous employment.

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[3] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, codified version of 85/337/EC as amended.
[4] Article 6 (4). "Each Party shall provide for early public participation, when all options are open and effective public participation can take place"; UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998.