



Reviewing and improving our public consultation process

Appendix 6



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Appendix 6

Review of EirGrid
Consultation Process

*Chartered
Institute of Arbitrators*

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CIArb

Review of EirGrid Consultation Process

Chartered Institute of Arbitrators - Irish Branch

November 2014

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Acknowledgements

The Chartered Institute of Arbitrators (Irish Branch) Review Team would like to thank all parties who met them. The Team was met with courtesy and a genuine desire to assist in the review. The Report reflects the views expressed to the Team by all parties, in an honest manner and in the spirit in which such views were given.



Note:

The Review Team will not be providing legal or physical planning / engineering advice on EirGrid projects or related consultations and EirGrid is expected to indicate that it will accordingly obtain independent professional advice on such matters, as required.

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1. Executive Summary

The Chartered Institute of Arbitrators Irish Branch (CI Arb) was appointed by EirGrid to conduct an independent Review of its Stakeholder Consultation Process, as part of EirGrid's recently announced review of its consultation process on grid infrastructure projects. The CI Arb selected a Review Team from CI Arb's Irish members, based on their relevant skills and experience in alternative dispute resolution, engineering, law, consultation best practice, ethics and project management.¹

The Review Team holds a neutral stance on issues concerning Ireland's electricity market and transmission system. The aim of this review is to make rational and sensible comment on existing consultation practices, and to make recommendations to EirGrid on how to enhance future stakeholder consultation and meaningful public engagement.

Chapter 3 sets out the history, governance and remit of EirGrid, so as to explain our understanding of the background and function of EirGrid and to give context to our Review. We provide an overview of the main EirGrid projects followed by a summary of Irish government energy policy.

EirGrid plc, a state owned company, is the independent electricity Transmission System Operator (TSO) in Ireland and the Market Operator (MO) of the wholesale electricity trading system. EirGrid is responsible for the grid infrastructure required to support economic development, to deliver quality connection, transmission and electricity market services, as well as to connect the Irish Grid to the European Grid. EirGrid says that since it launched its grid development programme (Grid25) in 2008, it has undertaken the planning and development of a large number of electricity transmission projects, which are aimed at improving services provided to both domestic and industrial users, and at facilitating the growth of new industries and economic investment in Ireland. By their unprecedented nature and scale, such projects attract high levels of public interest and scrutiny. These projects require interaction with communities and landowners along the routes, which necessitates comprehensive engagement and collaboration with all parties concerned if the projects are to be successfully realised.

Chapter 4 gives a synopsis of EirGrid's Consultation Process from the company's perspective. Public consultation requirements have grown since 2006, when EirGrid became the TSO in Ireland. While the company confirms that it took more of a 'consultant-led, engineering approach' to consultation in its early years, international best practice has developed considerably since the Strategic Infrastructure Act was introduced in 2007 and EirGrid has aimed to improve its consultation policy in line with these developments. The Grid25 programme comprises the largest strategic infrastructure development in Ireland since the 1980s. Throughout our meetings with EirGrid staff, they went to great lengths to

¹ The review team will not be providing legal or physical planning / engineering advice on these projects or related consultations and EirGrid is advised to obtain independent professional advice on such matters, as required.

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show that they have in their view, in recent years, endeavoured to go above and beyond the basic consultation requirements of the planning process, and to adhere to the highest standards of international best practice, such as those outlined by the Aarhus Convention and other international guiding principles on consultation. EirGrid asserts that 'meaningful public consultation is an indispensable element of the development of the Grid25 programme, so this Review examines why many problems have nonetheless emerged from EirGrid consultations.

The Review Team was tasked with engaging with representatives of agencies, community groups and others, as so as better to understand issues raised in relation to EirGrid's consultation process. This engagement was necessarily limited to a representative sample of stakeholders and qualitative analysis of the feedback is included in this Review. Several clear themes have emerged from the feedback we have received from stakeholders. These themes are as follows:

1. Expectations of being consulted and/or of the consultation process
2. The conduct of the consultation process
3. Community Gain issues
4. Participatory Design issues
5. Place attachment & the deeply ingrained landowner views about land ownership
6. Addressing concerns & impact issues:
 - a. Health
 - b. Environment & Ecology
 - c. Tourism
 - d. Heritage & Landscape
 - e. Farming
7. Breakdown of trust: Lack of communication & public presence
8. The need for a national debate & the 'Zero Option'²

Chapter 5 discusses each of these themes based on our evaluation of stakeholder feedback. Much of the feedback appears to be negative and highlights the need to bridge the emerging gap between EirGrid's consultation process in theory and in implementation.

Chapter 6 provides an analysis and best practice evaluation of stakeholder feedback, where we also record the concerns of parties surrounding the consultation process and the issues arising from it. We highlight problems with communication and flawed communication tools, such as the Road Map and 'EirGrid Talk' documentation. The Report goes on to examine the Project Management Approach applied in the EirGrid Consultation Process, and

² The 'Zero Option' refers to debate on whether or not the development projects are needed.

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notes the problems which stakeholder feedback shows that this caused. A transmission infrastructure programme such as Grid25 is so complex and on such a large scale that, in addition to the traditional project management 'iron triangle' of budget, time and quality, it now needs a fourth social pillar of 'collective public collaboration'. This does not appear to have been envisaged by EirGrid, but now needs to be built into all project processes from initial consultation all the way through to project implementation / construction.

This Review discusses NIMBYSM and notes that international research by environmental psychologists and sociologists on community acceptance of linear energy infrastructure³ has identified a classic destructive cycle of NIMBYSM ('*not in my back yard*'). If EirGrid, as developer of Grid25, interprets local opposition to its projects as NIMBYSM, it will risk undermining the social consent for development that often exists in communities, and public NIMBYSM may become a self-fulfilling destructive prophecy. This has emerged as a big risk for EirGrid.

Examination of EirGrid's consultation strengths and weaknesses shows that public expectations may not have been managed appropriately.

After examining EirGrid's consultation process from all perspectives in the earlier chapters of the report, Chapter 7 offers our recommendations. We recognise that EirGrid is tasked with developing strategic infrastructure development in Ireland on an unprecedented scale. Despite considerable public criticism, the Review Team has seen evidence in EirGrid's team of a sincere desire to meaningfully engage with the Irish public, beyond its statutory consultation obligations and in line with international best practice.

EirGrid needs to do considerable work on a number of fronts to clarify what is and what it does. Clarification of EirGrid's mandate to implement government policy will help EirGrid to be better understood and, by developing an accurate public profile, to establish its integrity as a company, and to achieve a more positive image in the minds and hearts of the Irish public.

The responsibility to justify government energy policy does not rest solely with EirGrid and it is the opinion of this Review Team that more needs to be done on a political level to support EirGrid in addressing the calls for a 'Zero Option' debate⁴. Likewise, government should play its part in addressing fundamental concerns of the Irish public in relation to health, bloodstock, landscape, tourism, etc. EirGrid needs the support of other state bodies to tackle these concerns. EirGrid would also benefit from addressing the confusion between its role and the role of ESB / ESBI in the provision of infrastructure development and electricity supply. There is considerable scope for greater cooperation between these bodies, particularly in managing the recent changes to the Irish energy sector and building on the goodwill that ESB still has with the Irish public.

³ Patrick Devine Wright and others.

⁴ The 'Zero Option' debate addresses the question of whether there is a need for the projects at all and challenges national energy policy.

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Notwithstanding hard work by EirGrid, a lack of public trust has emerged as an acute issue affecting EirGrid's consultation process and the fulfilment of its mandate. EirGrid needs to address this urgently if it is to succeed in realising the ambitious Grid25 programme. We consider that the analysis of EirGrid's consultation process contained in this report, and our recommendations will go some way to assisting EirGrid in achieving a more successful implementation of best practice consultation and meaningful public engagement. We hope that EirGrid will take this opportunity to hear what the 'ordinary people of Ireland' have to say, and that this Review report will encourage EirGrid to afford the public greater ownership of the consultation process going forward, so that all can input into the development of Ireland's strategic infrastructure for the collective benefit of the whole country.

KEY RECOMMENDATIONS ARE DISCUSSED UNDER 3 HEADINGS:

- A. Strategic:** Helping EirGrid to Implement Public Policy
- B. Operational:** Consultation Improvement Techniques
- C. Consultation Tools:** RoadMap

A. STRATEGIC: HELPING EIRGRID TO IMPLEMENT PUBLIC POLICY

1. EirGrid should publicly acknowledge that it has learned lessons from the past and that it is working to enhance and improve the consultation process for the future.
2. The Chairman of EirGrid should publicly commit to improving the organisation's capacity for and approach to public consultation in the future.
3. In conjunction with Nos. 1 and 2 above, a statement of good intent should be made, setting out plainly how EirGrid intends to improve its consultation and participation process in the future.
4. EirGrid should engage in a substantial initiative to create a new national independent discussion forum so as to hear and give voice to the key concerns expressed by landowners, community groups, business interests, public representatives, individual citizens generally and EirGrid.
5. While EirGrid cannot be held responsible for the unfortunate lack of connectedness between government policy and national ownership of the grid development mandate [what/whose mandate is this?], it must now take the lead in filling this gap if it is to achieve the support it requires from government and improve the public perception of EirGrid. EirGrid should seek to strengthen formal channels of communications and cooperation with all relevant State Bodies, Agencies, Local Authorities and public representatives to clarify its role and gain the support it needs in fulfilling its mandate.

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6. EirGrid should review the EirGrid Project Management approach to the Grid 25 programme to include a more comprehensive stakeholder engagement strategy on all projects and learn from agile Project Management⁵ with a core goal of building and maintaining relationships with all stakeholder groups and host communities.
7. EirGrid should create new opportunities at or in high level networks to achieve the necessary support for EirGrid in realising its mandate. EirGrid should take full advantage of the supports available from membership of the Chairpersons' Forum and the Association of Chief Executives of State Agencies in Ireland.
8. EirGrid should encourage greater responsibility and support among national politicians for the implementation of EirGrid's mandate.

B. OPERATIONAL: CONSULTATION IMPROVEMENT TECHNIQUES

9. EirGrid should invest in simplified, meaningful communication. All communication should be in 'Simple English'; it is imperative that EirGrid move away from technical and legal terminology in their general communication. EirGrid should also commit to respond to submissions and queries from the public in a timely manner.
10. EirGrid should develop a new Corporate Policy for stakeholder engagement in line with international best practice. EirGrid should ensure it addresses all aspects of corporate and social responsibility and engagement.
11. EirGrid should develop a Community Consultation Handbook in consultation with community representatives and selected others
12. EirGrid should focus on building local *relationships* and not confuse this with local *presence*. Encourage public participation in projects from the earliest stages.
13. EirGrid should introduce conflict resolution tools and techniques to deal with impasses, and build these into the new consultation Road Map.

⁵ agile Project Management is an iterative and incremental method of managing the design and build activities for engineering, information technology, and new product or service development projects in a highly flexible and interactive manner, for example agile software development. It requires capable individuals from the relevant business, with supplier and customer input - <http://www.versionone.com/agile-project-management/>

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C. CONSULTATION TOOLS: ROAD MAP

In this section, we give our final recommendations for an improved Consultation Roadmap, under the following headings:

14. STAGE 0: "PUBLIC FIRST": WHAT YOU SHOULD EXPECT FROM EIRGRID

Information Giving vs. Information Gathering

15. SUPPORT FOR STAGE 0:

Commitment to Improve Staff Consultation Competence

16. STAGE 1: PUBLIC INTRODUCTION & INVOLVEMENT

"A Good Start is Half the Work"

17. STAGE 2: INFORM THE PUBLIC OF ALL THE OPTIONS

Maintaining the Momentum

18. STAGE 3: PUBLIC OWNERSHIP OF CONSULTATION PROCESS

Coming to Terms with Preferred Options & Preparing for the Planning Process

19. STAGE 4: CONFIRM DESIGN WITH PUBLIC CARE & ATTENTION

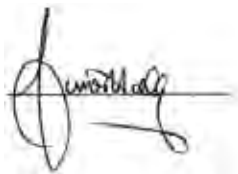
Moving to the Statutory Consultation Process

20. STAGE 5: PREPARE PLANNING APPLICATION & PROVIDE PUBLIC WITH ONGOING INFORMATION

Complete Consultation Reports & Finalise Planning Application

21. STAGE 6: CONSTRUCTION STAGE – ONGOING PUBLIC ASSURANCE AND QUALITY OF APPROACH

Way-leaving & Construction Phase



Jim Halley

Chairman

CIARB Review Team

November 2014

2. Terms of Reference

Under their Grid25 *Initiatives* published on 28 January 2014, the fifth *Initiative* listed by EirGrid was to:

‘Review our consultation process to enhance future public engagement’

EirGrid stated at the time that the projects would affect a large number of people and, ‘At the outset, we outlined the roadmap for developing these projects, and the opportunities for public participation throughout. We have received feedback that the consultation process could be improved. We are keen to respond positively to this feedback and will conduct a thorough review of our consultation process to enhance future public engagement’.

EirGrid has appointed the **Chartered Institute of Arbitrators – Irish Branch (CI Arb)** to carry out the independent review of the company’s consultation processes, under the Terms of Reference outlined hereunder. CI Arb is the world’s leading professional membership body for arbitration and alternative dispute avoidance and resolution, and operates in over 120 countries with over 12,500 professionally qualified members. CI Arb is regarded and promoted as an organisation with a global capacity to stand independent and neutral with regard to Alternative Dispute Resolution, Facilitation and the Assessment of Consultative Design and Processes. All CI Arb members satisfy minimum qualification requirements, are independent and impartial, and are obliged to operate under a very strict code of professional ethics.

2.1 TERMS OF REFERENCE

EirGrid has undertaken in its contract⁶ with CI Arb that the independent Review Team will be provided with:

- a. ‘Details of the consultation and engagement process undertaken;
- b. ‘A report on the submissions received which addressed, or highlighted issues with, the consultation process itself;
- c. ‘Access to EirGrid personnel involved in the consultation and engagement on the major projects; and
- d. ‘Other information from within EirGrid relevant to the Review, e.g., internal audit of compliance with established procedures, report on best international practice.’

⁶ As contained in the EirGrid-CI Arb (2014) contract - Appendix A.

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The Terms of Reference of the Review⁷, which CI Arb agreed to follow, set out the following aims and objectives of the Review:

1. To review and evaluate the consultative processes and feedback from them with respect to external stakeholder consultation to date;
2. To put forward reasonable and sensible recommendations, if required, to enhance public engagement and trust in future consultations.
3. To engage with representatives of agencies, community groups and others in order to fully understand issues raised in relation to EirGrid's Consultation Processes (engagement will be limited to a representative sample of groups and individuals as selected by the reviewer);
4. The External Review Team will have no role whatsoever in commenting on any aspect of the review, its stakeholders' comments or its own recommendations in the public domain;
5. The final report will be submitted to the EirGrid Working Group for incorporation, as appropriate, into the EirGrid Report.



⁷ As contained in the EirGrid-CI Arb (2014) contract - Appendix A.

2.2 CIARB REVIEW TEAM

The CIARB Review Team are accredited and experienced mediators and are panel members of the CIARB Special Interest Group in Planning Environmental and Community Conflict Mediation*. They are senior members of the Institute with appropriate backgrounds in engineering, project management, law, physical planning, conflict resolution and stakeholder consultation.

The Review Team consists of the following members:



James P. Halley MCIArb

Jim is the immediate past Chairman of CIARB Irish Branch. A qualified engineer and accredited mediator, Jim specialises in Corporate and Workplace Mediation, Investigation, Consultation and Change Management. Jim is the Managing Director of 2-Collaborate and with decades of conflict resolution experience, has developed an excellent reputation throughout Ireland and internationally for successful outcomes across a wide selection of conflict settings.



William Morrissey FCIArb

Billy is a CIARB Accredited Environmental Mediator, Member of the Consultation Institute, a chartered civil engineer and commercial manager with over 35 years' experience at management level in both the public and private sector in Ireland, UK and international. Billy holds a masters in Construction Law and Arbitration & Adjudication, post graduate diplomas in health and safety management, physical planning and mediation /ADR. Billy withdrew from the Team in October 2014.



Rory deBruir FCIArb

A former Army officer with substantial overseas experience, Rory has been a practising barrister for 27 years and is a member of the Bar of Ireland, Northern Ireland and England & Wales. A chartered arbitrator and accredited mediator, Rory specialises in alternative dispute resolution. Rory withdrew from the Team in June 2014 due to court commitments.



Naoimh McNamee MCIArb

Naoimh is a CIARB accredited mediator (MCIArb), has a BA in International Relations from DCU and an MSc in International Security & Global Governance from Birkbeck University in London. Having formerly worked for CIARB head office in London and as manager of the Dublin Dispute Resolution Centre, Naoimh specialises in governance, project management administration and alternative dispute resolution facilitation. Naoimh is currently an Associate with 2-Collaborate Ltd.



Dr Karina O'Shea MCIArb

Dr Karina O'Shea graduated from the Department of Philosophy, Trinity College Dublin with a PhD in Ethics. Karina has lectured and conducted ethics training, facilitation, and mediation workshops and seminars in major public and private organisations across Ireland. Karina has conducted research in the field of ethics with a special interest in medical, business and environmental ethics and has provided expert ethical advice to research ethics committees in various institutions. Karina is an accredited mediator with significant exposure to the professional dispute resolution environment.

3. Introduction



In this chapter, the Review team discusses the history, governance and remit of EirGrid. The aim here is to introduce the reader to the background and function of EirGrid and to give context to our Review. An overview of the main EirGrid projects is provided. This is followed by a summary of Irish government energy policy. This chapter is based on publicly available information.

3.1 EIRGRID AND ITS HISTORY

EirGrid plc is a state owned company and is the independent electricity Transmission System Operator (TSO) in Ireland and the Market Operator (MO) of the wholesale electricity trading system. EirGrid's mission is to provide the grid infrastructure required to support economic development, to deliver quality connection, transmission and electricity market services as well as to connect the Irish Grid to the European Grid. As a public limited company registered under the Companies Acts, its shares are held by the Irish Government. EirGrid is regulated by the Commission for Energy Regulation (CER) and reports to the Minister for Communications, Energy and Natural Resources⁸, who is also responsible for appointing EirGrid's Board of Directors.

3.1.1 BACKGROUND

EirGrid was established in 2000 to facilitate competition in the Irish power sector. EirGrid was issued a TSO Licence in June 2001, pursuant to Section 14(1)(e) of the Electricity Regulation Act, 1999, as inserted by Regulation 32 of Statutory Instrument (SI) No. 445 of 2000 - European Communities (Internal Market in Electricity) Regulations 2001⁹. SI No. 60/2005 of the European Communities (Internal Market in Electricity) Regulations 2005 came into effect on 5th February 2005 (containing amendments to SI 445/2000 and the 1999 Act). EirGrid took over operation of

⁸ Currently Minister Alex White (Labour), who was preceded by Pat Rabbitte (Labour), Pat Carey (Fianna Fáil) and Eamon Ryan (Green); the latter was the incumbent Minister when EirGrid became the Irish TSO and MO in 2006.

⁹ Further amendments have been made by the Energy (Miscellaneous) Provisions Act 2006, Electricity Regulation (Amendment) (Single Electricity Market) Act 2007, Electricity Regulation (Amendment) (EirGrid) Act 2008 and SI No 59 of 2009, European Communities (Internal Market in Electricity) (Amendment) Regulations 2009.

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the national power system from the Electricity Supply Board (ESB) from July 2006, assuming the role of TSO and MO.

The Electricity Regulation (Amendment) (Single Electricity Market) Act 2007 provided for the establishment of the Single Electricity Market on an all-island basis. Following this, EirGrid together with System Operator Northern Ireland (SONI) Ltd¹⁰, MO in Northern Ireland, began to operate the wholesale electricity market in Ireland known as SEMO (Single Electricity Market Operator).

In October 2008, EirGrid launched its long-term strategy for developing the transmission system, called **Grid25**. The Grid25 strategy aims to double the capacity of the transmission grid, to support economic growth and local development, and to incorporate more renewable energy into the grid supply. EirGrid bought SONI in early 2009, following regulatory approval by the Irish Government, the British Government and the Northern Ireland Executive. EirGrid went on to complete the 500MW East–West Interconnector submarine cable between Ireland and the Great Britain mainland, which came in to service in September 2012.

3.1.2 WHAT IS EIRGRID'S FUNCTION?

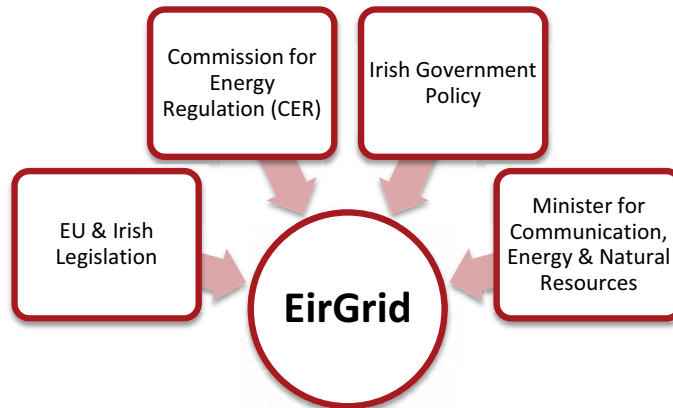
EirGrid says that its primary function and responsibilities are as follows:

- **The daily management of the Irish national grid**
EirGrid operates and maintains a safe, secure, reliable, economical and efficient transmission system, and also develops key infrastructural projects which are seen as vital for the socio-economic development of the State.
- **The operation of the wholesale power market**
Under the Single Electricity Market, EirGrid operates the wholesale power market throughout all of Ireland, with the assistance of SONI, which it now owns.
- **The development of high voltage infrastructure to serve Ireland's economy**
The purpose of establishing a high voltage transmission system is to provide electricity in high quality and high volume to every part of Ireland. High quality transmission is considered a crucial factor in facilitating inward investment and in increasing capacity for renewable energy.

¹⁰ SONI Ltd has the responsibility of ensuring the safe, secure and economic operation of the high voltage electricity system in Northern Ireland. It is regulated by the Northern Ireland Authority for Utility Regulation (NIAUR).

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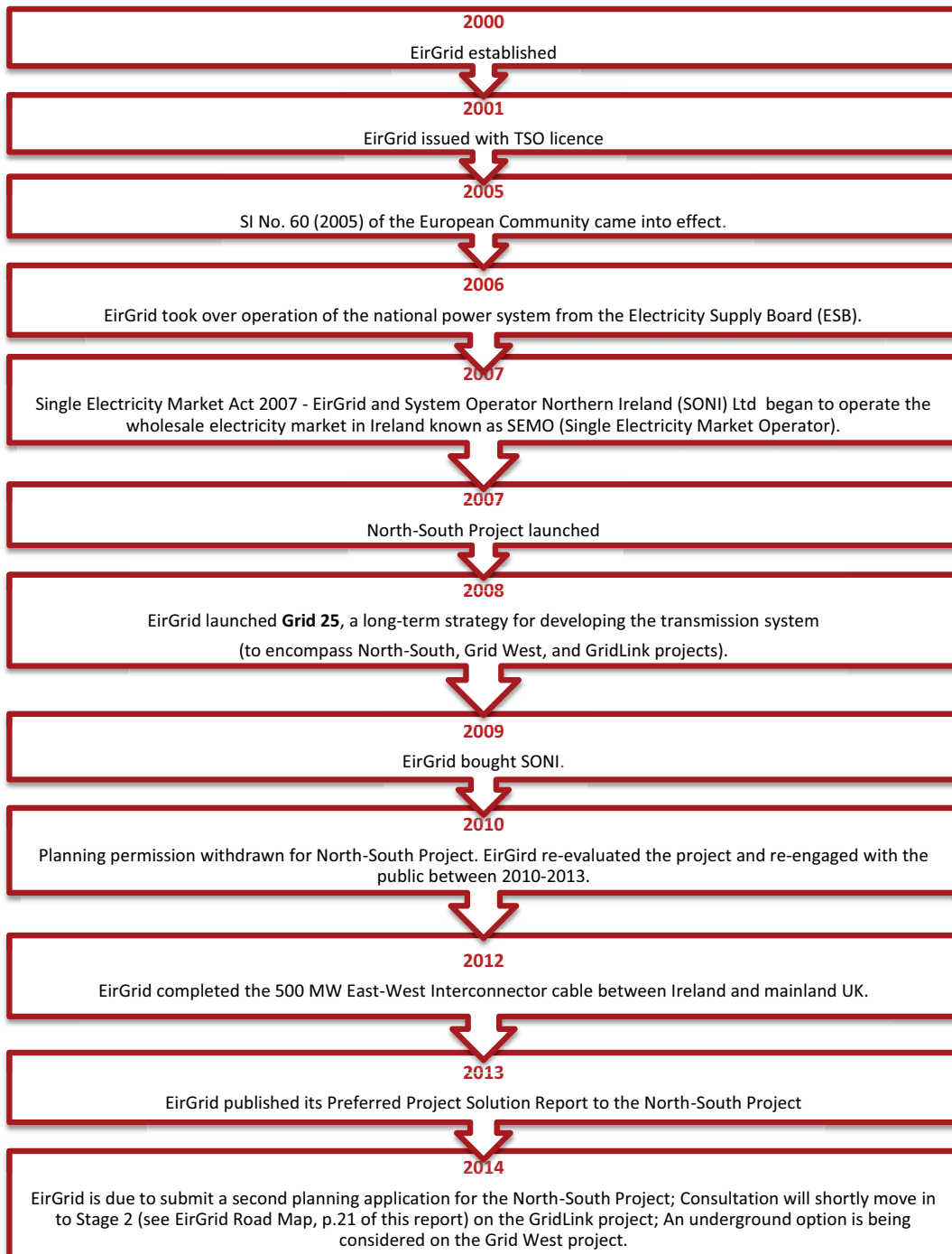
3.2 EIRGRID GOVERNANCE



As the TSO and MO in Ireland, EirGrid is bound by European and Irish legislation. It must apply Irish government policy and adhere to the direction of the Minister for Communications, Energy & Natural Resources. The activity of EirGrid is also regulated by the Commission for Energy Regulation (CER). EirGrid's Board of Directors is appointed by the Minister for Communications, Energy & Natural Resources.



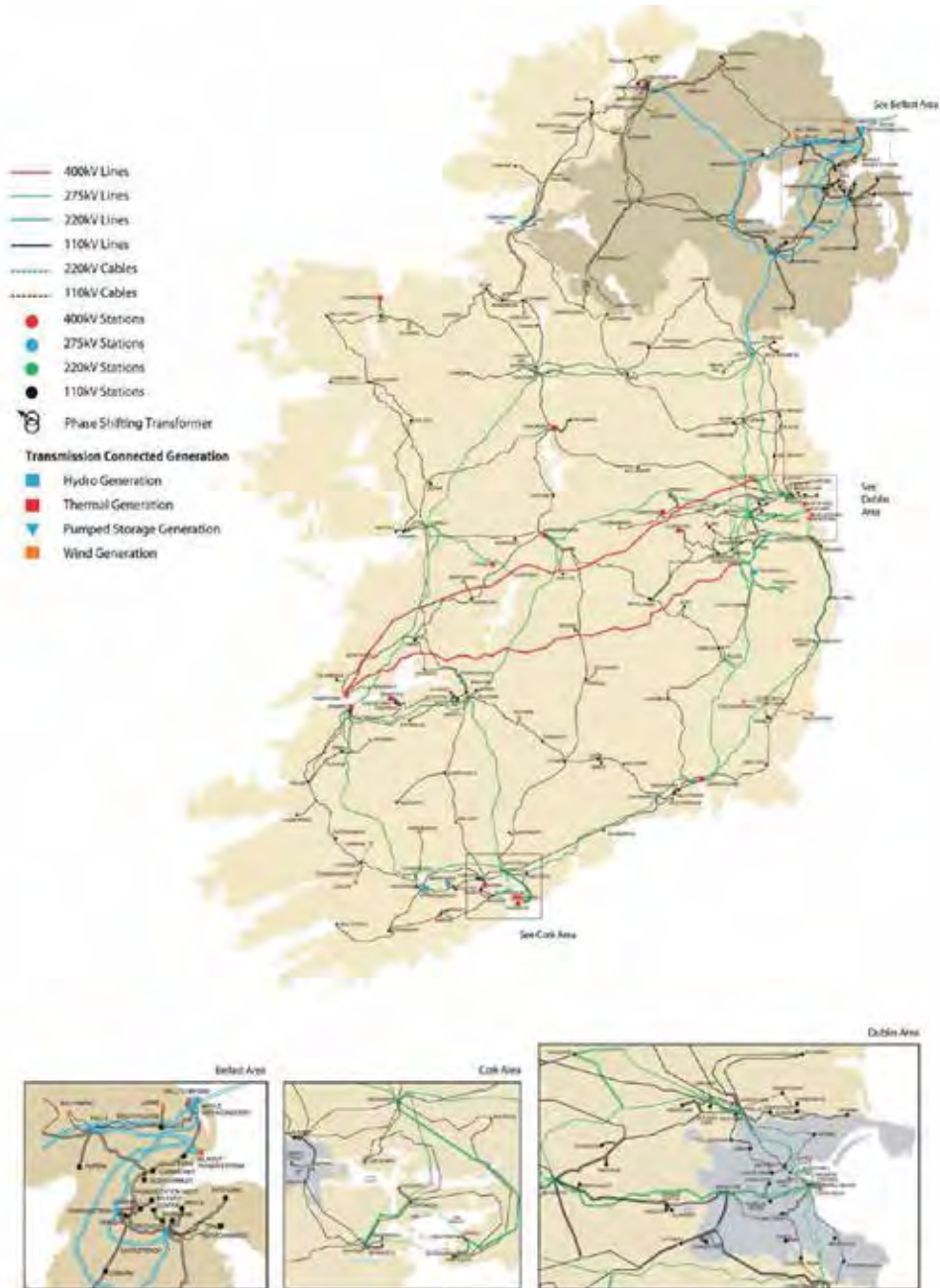
3.3 TIMELINE - EIRGRID'S DEVELOPMENT



3.4 EIRGRID PROJECTS OUTLINED

3.4.1 Map of Transmission System

Transmission System 400 kV, 275 kV, 220 kV & 110 kV
January 2012



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3.4.2 Single Electricity Market

The establishment in 2007 and subsequent operation of the all-island Single Electricity Market (SEM) has been hailed as a model of regional co-operation by the European Union. EirGrid believes it has provided cost effective wholesale electricity, competition, transparency, greater consumer choice, diversity of generation, security of supply and increased renewable penetration, and that it has exerted downward pressure on electricity prices and has also attracted new market entrants.

3.4.3 East-West Interconnector

It is asserted by EirGrid that the East-West Electricity Interconnector is a strategically vital energy project for the island of Ireland, linking it with the UK and broader European energy markets. The Review Team was informed that it was delivered on time and within budget by EirGrid and was financially supported by an EU grant of €110m.

3.4.4 Grid25 Programme

The Government has endorsed the major investment underway in the high voltage electricity transmission system under EirGrid's Grid25 Programme. EirGrid asserts that Grid25 is the most important investment in Ireland's transmission system for several generations and claims that it will position the nation's energy system for decades to come. EirGrid says that Grid25 projects, including Grid West (Mayo), the North-South (Tyrone - Meath) transmission line and Grid Link (South and East) are vital developments for the regions, and for Ireland's economy and society as a whole. The benefits expected by EirGrid include:

- Securing future electricity supply for homes, businesses, farms, factories and communities
- Underpinning sustainable economic growth and new jobs in the regions
- Enabling Ireland to meet its renewable energy targets, reduce the country's dependence on imported gas and oil, and reduce CO2 emissions.
- The Grid25 investment programme is expected to sustain nearly 3,000 direct and indirect jobs up to 2025.

In the Government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure (July, 2012), it is noted that:

"The Government in underlining the need and urgency for new energy infrastructure in the national interest and in the interests of individual consumers is equally conscious that public acceptability of such infrastructure is a major challenge. Social acceptance and understanding of the need for new infrastructure is critical."¹¹

¹¹ [Government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure \(July, 2012\)](#)

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3.5 GOVERNMENT POLICY

With the establishment of EirGrid as the Irish TSO, pursuant to the Planning and Development (Strategic Infrastructure) Act 2006, EirGrid became bound to implement the government policies which followed:

- [Government White Paper: Delivering a Sustainable Energy Future for Ireland \(The Energy Policy Framework 2007-2020\)](#)
- [Government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure \(July, 2012\)](#)
- [Green Paper on Energy Policy in Ireland \(May 2014\)](#)

Throughout these policy documents, the government focuses on the need to develop Ireland's Grid and emphasises that energy is essential to Ireland's economic and societal development. If Ireland is to be successful in rebuilding its economy, attracting Foreign Direct Investment (FDI) and creating jobs, the government says our energy infrastructure must be able to meet demand.

"Electricity demand for business and for households must be met safely and securely on a continuous basis 365 days a year. Our ability to attract and retain Foreign Direct Investment and sustain Irish enterprise depends on guaranteeing energy supply at competitive cost at all times. Our ability to rebuild the economy, deliver regional development, create jobs and growth and ensure the wellbeing of everyone as well as realising the economic potential of Ireland's own renewable energy resources requires significant energy infrastructure. And starting now, over the coming years, Ireland needs to deliver a world class electricity transmission system in all the regions which meets the needs of Ireland in the 21st Century."¹²

Government energy policy also focuses on the environmental need for development of the Grid infrastructure:

"... where we get our energy from and how we use it raises many issues and important societal questions. Ireland is dependent on imported fossil fuels, with limited influence on the price of these fuels, and with the environmental implications of their use. Policy must find ways to reduce these risks while ensuring plentiful and affordable energy supply, and must strike balances between the pros and cons of different energy sources".¹³

¹² [Government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure \(July, 2012\)](#)

¹³ [Green Paper on Energy Policy in Ireland \(May 2014\)](#)

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3.5.1 Why is energy policy needed?

The Green Paper on Energy Policy (May, 2014) says that Irish energy policy is shaped by three key pillars or needs, and an additional fourth focus, as follows:

1. Security of energy supply – self-sufficiency, reliability
2. Competitiveness – price, efficiency, choice and affordability
3. Environmental responsibility – reduction of harmful emissions, minimising the negative effects of energy sourcing and use
4. Creation of jobs and enterprise development – new business models, new products and services, new skills.

3.6 CONTEXT OF REVIEW

EirGrid, in implementing its Grid25 programme of grid development initially launched in 2008, has undertaken the planning and development of a large number of electricity transmission projects. By their nature, such projects attract high levels of public interest, scrutiny and concern, particularly as EirGrid claims that it carries out various public and stakeholder consultations on these projects and thereafter applies for statutory consent by proceeding through a physical planning permission process, regulated by national and EU planning and environmental legislation, amongst other public law and corporate responsibility requirements. The design and construction phases of implementing these proposed new projects will require interaction with communities and landowners along the routes, which will necessitate comprehensive engagement and collaboration with all parties concerned if the projects are to be successfully realised.

Sustainable project decisions require technical and economic feasibility, environmental compatibility and social acceptability. Effective public participation and stakeholder consultation and engagement are critical requirements for the sustainability and success of the decisions to be made on such major infrastructural power transmission projects.

An external independent evaluation of strategic project consultation processes is an essential element of any consultation process. This review of the processes aims to increase the confidence in future consultations of all parties concerned and to help to mitigate the risk that faults or inconsistencies will arise in these processes.

4. EirGrid's Consultation Process

4.1 EIRGRID'S CONSULTATION PROCESS: HOW IT WORKS FROM EIRGRID'S PERSPECTIVE

In this chapter, the review team discusses the consultation process from EirGrid's perspective. Specifically, we outline how the consultation process has changed over the past eight years. We also introduce EirGrid's principles of consultation, the Project Development and Consultation Road Map¹⁴, and EirGrid's approach to communication with stakeholders. This chapter is based on information provided to the Review Team by EirGrid. The following chapter, Chapter 5 will focus on Stakeholders' experiences of the EirGrid consultation process.

EirGrid is mandated by the Irish government to engage in a meaningful consultation process with the public, in line with international best practice. The government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure (July 2012) states the following:

"The Government underlines the imperative for early and ongoing engagement and consultation with local communities and all stakeholders before entering planning. This is essential for building public confidence ensuring a more balanced public debate and a more timely delivery of projects. The consultation process as well as the planning and consent process needs to ensure timely sustainable and acceptable outcomes for all stakeholders.

EirGrid, ESB Networks and BGE are fully committed to early and transparent consultation and engagement with local communities and stakeholders. As part of this engagement the companies will communicate the local and national socio-economic benefits from the investment and projects. The Government will keep under close review the effectiveness of the consultation processes at local level as well as the Strategic Infrastructure Act in delivering the necessary outcomes which balance the concerns of local communities with the economic, social and energy security benefits of other projects".¹⁵

4.2 EIRGRID'S MODEL OF CONSULTATION

4.2.1 Background to EirGrid's Approach to Consultation

Following the interviews and review of literature conducted by the CI Arb Team, it appears that public consultation was a lesser requirement in 2006, when EirGrid became the TSO in Ireland. While the company confirms that it took more of a 'consultant-led, engineering approach' to consultation in its early years, international best practice has developed considerably since the Strategic Infrastructure Act was introduced in 2007 and EirGrid asserts that it has improved its

¹⁴ Please see Page 26 for a copy of EirGrid's Consultation Road Map.

¹⁵ [Government Policy Statement on the Strategic Importance of Transmission and other Energy Infrastructure \(July, 2012\)](#)

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consultation policy in line with these developments. The Grid25 programme, launched in 2008, comprises the largest strategic infrastructure development in Ireland since the 1980s; the scale of the programme is unprecedented. By EirGrid's own admission, it learned some hard lessons from the flaws of its earlier consultation process on the North-South project. When EirGrid withdrew its planning application for the project in 2011, EirGrid 'took a step back' and asserts that it redefined its approach to consultation, adopting the key principles of best practice.

In our meetings with them, EirGrid staff stated that they have attempted to do much more than meet the basic consultation requirements of the planning process. They have aimed to meet the highest standards of international best practice, including the standards within the Aarhus Convention and other international consultation principles. EirGrid asserts that 'meaningful public consultation is an indispensable element of the development of the Grid25 programme' and has outlined its company consultation strategy as follows:

- To pursue positive regional and community engagement alongside the timely delivery of the grid development programme
- To establish EirGrid as a respected and trusted organisation
- To ensure appropriate community engagement, including establishing local presence
- To be socially responsible in all its activities.

4.2.2 Context of EirGrid's Consultation

The Irish government has determined the necessity for the current grid development programme and EirGrid is bound to deliver it within the confines of government policy. While it is not in EirGrid's gift to offer alternatives such as the 'Zero Option', other legitimate community interests and concerns have arisen, which EirGrid asserts it is attempting to address. EirGrid claims that it has accepted that the development of national strategic infrastructure has a significant impact on local communities, which is often perceived negatively by the general public. EirGrid and its staff claim that they are mindful that it can be difficult for the public to recognise any local community or regional benefit from the national development of strategic infrastructure. As a result, EirGrid says that it recognises that it has a role to communicate and engage effectively with all stakeholders and ensure their views are appropriately addressed. EirGrid categorises its responsibility to communicate with the public in the following respects:

1. The need and rationale for a project
2. Consideration of alternative options
3. To provide clarity surrounding the input stakeholders can have into the decision-making process.

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EirGrid states that its “intention is to ensure that consultation and engagement with communities and other local stakeholders occur, insofar as is reasonably practicable, in an open, structured, accessible, and transparent manner”.

4.3 PRINCIPLES ASSERTED BY EIRGRID IN THEIR CONSULTATION PROCESS¹⁶

1. EirGrid will engage with stakeholders in an open and transparent manner, will seek to provide honest information in a timely manner
2. EirGrid will be clear as to the purpose of any consultation and engagement which it undertakes. Where the process is effectively information-giving, this will be made clear, along with the reasons for this. Where consultation can influence aspects of the proposal, the nature of these aspects will be made clear, as will any boundaries of such influence.
3. EirGrid will clearly identify those aspects of its work upon which it has an agreed position. It will make clear the basis on which it has adopted such position, the limitations of the influence that consultation and engagement can have on such position, and the extent of variation from such position that is possible in respect of a particular project.
4. EirGrid will engage with communities and other stakeholders as early as appropriately and reasonably possible in the process of project development, in order to ensure that meaningful and productive engagement occurs.
5. EirGrid will evaluate on an ongoing basis the extent of the success of the consultation and engagement strategy it is following in respect of a project, and will seek to enhance its strategy on an ongoing basis as deemed to be necessary and appropriate.
6. EirGrid will primarily seek to engage through community groups, or organisations and groups of stakeholders that are representative of, or within, a community. EirGrid will also seek to engage with all members of communities, to ensure an optimum level of engagement.
7. EirGrid will devote appropriate time and resources to facilitate and ensure meaningful engagement with communities and other stakeholders.
8. EirGrid acknowledges that the interests and positions of Local, Regional and National stakeholders in respect of a project may not be the same as public and community interests. EirGrid will seek to ensure that the interests.

4.4 HOW DOES EIRGRID APPROACH CONSULTATION?

EirGrid’s consultation process appears to have evolved considerably since the Strategic Infrastructure Act of 2007. As a company, it recognises that mistakes were made in the past, when limited precedents were available and international best practice was not as developed as it is now. Since then, EirGrid claims it has endeavoured to create greater opportunity for stakeholder

¹⁶ EirGrid Community Engagement Strategy – Principles of Consultation; provided to the Review Team during internal EirGrid workshops.

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participation and increased transparency of the decision-making process. EirGrid has produced extensive reports on the consultations it has carried out and is vocal in its attempts to continuously improve its consultation process to encourage more effective stakeholder engagement.

EirGrid has produced the document: "Approach to the Development of Electricity Transmission Lines"¹⁷, which outlines EirGrid's approach to strategic infrastructure development. It presents the EirGrid "Project Development & Consultation Road Map"¹⁸ and asserts that it describes in detail the five stages of consultation used by EirGrid.



¹⁷ [Approach to the Development of Electricity Transmission Lines, www.eirgrid.com/media/EirGrid%20Roadmap%20Brochure%20July%202012.pdf](http://www.eirgrid.com/media/EirGrid%20Roadmap%20Brochure%20July%202012.pdf)

¹⁸ Last reviewed in 2012.

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4.5 OBJECTIVES OF EIRGRID'S CONSULTATION PROCESS

EirGrid maintains that the objectives of its Consultation Process are as follows¹⁹:

1. Engage early.
2. Ensure that the consultation is effectively brought to the attention of the public and wider stakeholders.
3. Effectively and accurately present the information on the project and the aspects that are being consulted on.
4. Facilitate queries and submissions.
5. Respond to feedback received during the consultation.
6. Report on what respondents said during the consultation, highlight changes and proposals as a result of the feedback, and explain why/how decisions were made.
7. Continuously build relationships and strengthen engagement.

4.6 EIRGRID CONSULTATION PERSONNEL AND TEAM STRUCTURE

EirGrid employs a project management (PMO) staff of approximately 60 people, along with a team of external communication consultants for each project. EirGrid claims that the team of consultants is chosen following an in depth procurement process. EirGrid also asserts that it assigns a dedicated Communications Specialist and a Regional Manager to each project to encourage consistency of approach. EirGrid reports that its personnel receive regular training in consultation best practice and specific consultation techniques with the Consultation Institute.

4.7 COMMUNICATIONS & CONSULTATION PLANNING

EirGrid asserts that a bespoke communications plan is designed for each project and includes detailed 'Stakeholder Mapping', which involves identifying the target audience of each project, the key stakeholders who will be affected by the projects, the key objectives of the projects, the required activity to accomplish the project aims, and deciding on the most appropriate consultation techniques to use. These communication plans evolve throughout the projects' life cycles and are revised by EirGrid every six months. EirGrid notes that a bespoke communication plan is designed for each project as they are all different, encompassing different geographical areas, different stakeholders / stakeholder groups with different concerns, etc. EirGrid asserts that early public engagement on each project is fundamental to the design of each consultation and the input gleaned from this early engagement feeds into the final communications and

¹⁹ "Communication & Consultation" – EirGrid (presentation made to Review Team by EirGrid on 9th June 2014)

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consultation plans. Separate consultations are carried out and individual reports are produced for each stage of consultation. EirGrid conducts an extensive advertising and communication campaign through local and national media (radio and press). This process started on the Grid West and Grid Link projects and was also used on the 'back end' of the North-South project.

4.7.1 EirGrid Communication & Consultation Plan Outline²⁰

- Extensive plan designed for each stage of consultation
- Stakeholders are identified, mapped and the appropriate communication requirements for each group are agreed
- The required 'Project Messaging' is agreed and communication material is developed accordingly and made available to the public. Dedicated consultation websites are also developed to provide information
- EirGrid claims that its staff meet with stakeholders / stakeholder groups and members of the public to seek their input. It also maintains that a wide range of options are offered to stakeholders for engaging in the consultation
- EirGrid asserts that it engages with representative groups, political representatives, County Councils, Statutory Bodies, etc., and is careful not to elevate any particular group of stakeholders over another
- A series of information open days are held along the line study areas and proposed line routes, and recently, information stands at marts and supermarkets, letter drops, text messages, and appointing Community Liaison Officers have been used as tools to increase public participation and to enhance the EirGrid Consultation Process
- EirGrid reports that it endeavours to respond to all communication and correspondence from stakeholders. EirGrid claims to provide dedicated enquiry phone lines and email addresses to answer questions about the project proposals and consultation process. The company asserts that all submissions are individually reviewed, read and coded by an external analyst and logged for a response from EirGrid
- Consultation reports are produced to capture stakeholder / public feedback, which is categorised and weighted in terms of 'strength of opinion'. This enables EirGrid to 'consider all factors (and consequences) in making their decisions and / or responding to issues raised'

²⁰ "Communication & Consultation" – EirGrid (presentation made to Review Team by EirGrid on 9th June 2014)

5. Stakeholder Views of EirGrid's Consultative Model and their Experiences of Engaging with the Consultation Process in Practice

5.1 TERMS OF REFERENCE

The Review Team were tasked with engaging with representatives of agencies, community groups and others, as required, in order to fully understand issues raised in relation to EirGrid's consultation process. Our engagement with stakeholders has been limited to a sample, which the Team considers is representative of stakeholders; but this report should not be interpreted as a comprehensive meta-analysis of all stakeholder feedback received by EirGrid. The stakeholders we met fell into three 'pillars' of society:

- Public & community groups
- Public representatives
- Public bodies

Please see Appendix A for a full list of those interviewed. We have also outlined the question topics we posed to interviewees in Appendix B.

5.2 METHODOLOGY

The Review Team contacted stakeholders in writing and invited them to be interviewed regarding their views on EirGrid's consultation process and their own experience of engaging with that process. We wish to emphasise that the task of the Review Team was not to make findings or judgements on the feedback from stakeholders. Rather the Review Team has taken the following approach:

- Examining the feedback carefully
- Selecting prominent themes which emerged from this examination
- Reflecting and analysing the feedback under those themes.

In the interest of transparency and completeness, full reports of our interviews can be found in Appendices D-Q.

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5.3 NOTE

The Review Team wishes to point out that certain stakeholders who were invited to participate in this review chose not to take part. The reasons given for this tended to focus on concerns about the independence of the review. The general view of these particular stakeholders was that since EirGrid has engaged CI Arb to conduct this review, this review is EirGrid's own review and is therefore not independent. CI Arb disagrees with this view and has aimed in the review to be impartial, objective, professional, honest, candid and independent. We nevertheless respect the right of a stakeholder not to participate in this review process.

5.4 FEEDBACK FROM STAKEHOLDERS: RESPONSE THEMES

As we note above, there are several clear themes that have emerged from the feedback we have received from stakeholders. These themes are as follows:

1. Expectations of being consulted or of the consultation process
2. The conduct of the consultation process
3. Community Gain issues
4. Participatory Design issues
5. Place attachment & the deeply ingrained landowner views about land ownership
6. Addressing concerns & impact issues:
 - a. Health
 - b. Environment & Ecology
 - c. Tourism
 - d. Heritage & Landscape
 - e. Farming
7. Breakdown of trust: Lack of communication & public presence
8. The need for a national debate & the 'Zero Option'.

5.4.1 Expectations of Being Consulted or of the Consultation Process

A strongly recurrent theme in the feedback we received during the review process concerns the expectations stakeholders have of the consultation process and their understanding of just what it means to be consulted on a project. Stakeholders have varying levels of expectations. Those who have high expectations of the consultation process expect to be given the opportunity to be involved in the decision-making on a project, often including a role in deciding whether or not a project goes ahead (as opposed to the question of how to proceed with a project). For example, one of the farming representative bodies considered that EirGrid should prioritise the wishes of landowners over other stakeholders/members of the community. We discuss this

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issue further in Chapter 6 with regard to best practice and the principles of consultation. Many groups expect to experience a participatory type of consultation, in line with the principles set out in the Aarhus Convention, Gunning and others, from the earliest stage of policy development. Those groups with the highest levels of expectations of the consultation process wish to discuss such issues as the energy policy directing the development, the need for infrastructural development and the method of transmission. Some go further and expect affected communities to be able to make the decisions about what happens in their areas. A fundamental point raised by several stakeholders was that it was important for information to be made clear and relevant to them.

Several stakeholders expressed the view that they doubted that the public consultation would actually affect EirGrid's decisions. If stakeholders had a negative experience of EirGrid's consultation process a number of years ago, it tended to influence their level of trust in EirGrid today.

5.4.2 EirGrid's Consultation Process in Implementation

During our discussions with stakeholders, we asked them about their experiences of going through the EirGrid consultation process. We were interested in finding out how they felt about the different aspects of it, such as public meetings, information sessions, the approachability of EirGrid staff on the ground, responses to submissions, the use of various types of media to keep people informed, etc. These practical considerations generated a great deal of varied feedback. There appear to be differences in the experience of the consultation process not only on different projects but depending on when stakeholders engaged in consultation. It appears to be the case that consultation has improved during the last number of years. Certain stakeholders found EirGrid's consultation process to have worked reasonably well in practice and found it to be comparable with consultation practices for other similar projects.

There are concerns that the EirGrid Consultation Road Map is not comprehensive enough. When private contractors are employed by EirGrid, this has led to confusion about who is responsible on the ground (i.e. EirGrid or the private contractors). A number of stakeholders reported that EirGrid has not responded to their submissions. In general also, stakeholders would have liked to see more detailed information on how route corridor options were selected. Some stakeholders assessed that from the outset people were presented with 'choices' which were significantly circumscribed by the strategic and technical choices that had already been made by EirGrid. The current 'overhead-underground debate' is an example of this.

Certain politicians observed that EirGrid could do more to alleviate misunderstandings and misinformation which has circulated among the public. Other politicians held the view that EirGrid did not reach out enough to engage with communities who had genuine concerns.

5.4.3 Community Gain Issues

Another set of issues evident in the feedback received concerns community gain. Many people have expressed concern about a lack of understanding of the real cost to a community impacted by major infrastructural development in comparison with the community gain from the project. One point frequently made on this issue is that it is unfair to ask one community to bear the brunt of transmission development that is for the benefit of another community. This issue has been addressed by EirGrid recently in the Grid25 Initiatives of 28th January 2014.

There also appears to be uncertainty among stakeholder groups about what compensation will be payable to affected parties and landowners for all the possible requirements of the projects, such as access, maintenance, pylons, siting of lines, proximity, severance, required health and safety measures, loss of crops, etc., for both underground and overground options. There is also considerable concern amongst farmers regarding taxation and EU grant status after possible compensation and annual payment frameworks for pylons and or underground infrastructure (the effect under CAP of a change from agriculture to 'commercial uses').

5.4.4 Participatory Design Issues

Participatory design is the integration of three interdisciplinary concerns:

- the politics of design
- the nature of participation
- the method tools and techniques of participation.

Community attachments are dynamic and may change in unanticipated ways. The Review Team believes that effective and transparent participatory design would be welcomed by the public. EirGrid should take more time to consider the public input they receive in their design consultation, though incorporating design responses to inputs from the public in participatory design is a lengthy process. It is widely accepted in infrastructure planning and development that 'the designer' is the key to resolving problems with landowners by moving infrastructure or designing mitigation measures for landscape or screening, etc. The Review Team noted that this participatory design interaction with the public and with stakeholders should be a major part of the consultation, before applying for planning consent and would lead to better relationships, better solutions and a more sustainable infrastructure. This initiative by EirGrid would allow communities and EirGrid to collaborate more readily to address community concerns and build some much needed trust and social acceptance.

One prominent issue which emerged from our interviews with stakeholders concerned the language used in EirGrid documentation. Some groups considered that the language was overly technical. Therefore ordinary people could not understand it easily. Access to information was also difficult for those without internet connections in their homes.

5.4.5 Giving Due Weight to the Strongly Traditional and Deeply Ingrained Landowner Views about Land Ownership

From the feedback from landowner stakeholders in particular, there is a recurrent theme concerning landowner fears that EirGrid is not giving sufficient weight to the strongly traditional and deeply ingrained views about land ownership, in the design and delivery of consultation processes. Many landowners and members of the farming community see themselves as trusted custodians of the land from each family to family and generation to generation, rather than as commercial users of the land, as may be the impression formed by those in larger urban areas.

The two main Irish farming organisations we interviewed noted that they had little or no pre-consultation engagement with EirGrid. According to one stakeholder group, the critical factor is that landowners are the only stakeholders that will be required to make a commitment other than the programme sponsors; as a result, the land owners will need to be committed. EirGrid's projects may prove difficult to build without landowner 'buy in'. If EirGrid is to obtain planning consent, it will need effective participation and engagement with affected parties, as per Aarhus.

Farmers and their families are attached economically and emotionally to their land. Feedback from stakeholder groups reflect that many landowners feel that EirGrid has ignored their consultation needs and have discarded the 'farm gate arrangement' previously operated by ESB and, in their minds, crucial to achieving an effective compromise. Farmers have also expressed concerns about the methods employed by EirGrid in mapping constraints; particularly how they allegedly fail to take in to account the 'good fields' and the potential disruption to farmers' work cycles. As traditional custodians of the land, many farming landowners also feel deeply concerned at the possible effects on the integrity of the land by high voltage electrical transmission.

5.4.6 Addressing Concerns & Impact Issues:

- a. Health
- b. Environment & Ecology
- c. Tourism
- d. Heritage & Landscape
- e. Farming

We have received a great deal of feedback on this cluster of issues during our stakeholder interviews. It is not possible to discuss each issue in detail here. However from a consultation perspective, stakeholders have frequently expressed dissatisfaction with both the consultation on and responses to submissions on these issues. Regarding the health issue for example, there is a strong popular call for a nationwide debate on the link between electromagnetic fields (EMF) and health implications. There are serious concerns about the over-ground transmission proposal and the possible resulting effects on human and animal health (e.g., dairy and bloodstock industries). One group raised the issue of a possible link between childhood leukaemia, high voltage overhead lines and areas of high population density. This group and several other groups reported that they have not received satisfactory responses from EirGrid to

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several queries and requests for information about the source of some of EirGrid's material. It is clear that stakeholders would prefer if the information on health would come from an independent source rather than from EirGrid itself.

In relation to Heritage and Landscape, potential effects on the landscape as a result of EirGrid's activities were at the forefront of many stakeholders' minds. A prominent issue for many stakeholders was also the possibility of land devaluation resulting from the implementation of the over-ground transmission proposal. One politician reported that EirGrid did not analyse the impact of the existing 400kv lines from Moneypoint to Dublin on local communities and landowners. Such an analysis could have been extremely useful in relation to concerns (health, property devaluation, tourism, etc.) about EirGrid's *current* proposed projects.

5.4.7 Breakdown of Trust: Communication & Public Presence

The feedback indicates that many communities feel that there has been a breakdown of trust between them and EirGrid. Many groups hold the view that EirGrid did not engage sufficiently with members of their communities. They also considered that EirGrid did not have a constant presence in their communities. They suggest that as a result of this, communities felt disengaged from EirGrid. One of the farming representative bodies raised the point that farmers had built trust and made agreements with the ESB. They are deeply concerned that these very positive developments may be lost. There are indications that the street-side information centres for the previous consultations were not particularly welcoming to members of the public. A number of stakeholders held the view that the public were not given all the necessary information about underground and over-ground options. The fees for accessing information were also a concern. Again the importance of clear and accurate communication emerged very strongly from our interviews with stakeholders.

5.4.8 The Need for a National Debate & the 'Zero Option'

In our meetings, stakeholders appeared to identify two distinct problems regarding the need for a national debate and the 'Zero Option': one problem at national political level and the other at constituent local level.

1. At national level, stakeholders report there is an absence of government connectedness; for example:
 - a. They say they want national debate on the priority for projects that are considered to be of particular importance for the country. The rationale for the projects needs to be properly explained, and opposing views and solutions should be invited from Non-Governmental Organisations (NGOs) and members of the public; these should be appropriately addressed in public consultations. Members of the public need to be informed of the importance of developing Ireland's energy structures and connectedness. We need a clear energy strategy at governmental level. EirGrid needs the support of a strong, unified position of the Irish government.

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- b. They say EirGrid, as an agent of the state, has not been directed to carry out a review of the evidence for the alleged risks and causes of health damage to citizens because of Electro Magnetic Fields (EMF) and related health concerns. This should be carried out for both the overhead and underground options.
- c. They say the state has not initiated a health specific survey of the existing 400Kv line installations which have now existed and performed a function in Ireland for the past 20-30 years. This could provide a meaningful comparison for concerned communities affected by proposed projects.

A key question for our Review arising from this feedback is - whose job is it to promote the above debate, review and survey? If EirGrid carries out these activities, it may be seen by many stakeholders to have a conflict of interest.

- 2. Stakeholders consider that there is a similar a vacuum and need as regards debate at local level. In the absence of structured debate, local representatives fear that defending the concerns of their local communities can be interpreted as public representatives failing to support national government policy. A clear need has emerged for comprehensive, constructive and meaningful communication at a local level between all stakeholders and representatives of the state, including, but not limited to EirGrid.

One group would like to see a full and representative nationwide consultation, starting with a full 2014 Review of the NREAP, which delegates from all the community organisations would attend and which would be chaired by an independent facilitator (someone like Mary Robinson for example). This would like EirGrid to participate in the process like any other delegate to the process, and would like this new consultation to take into consideration the specific needs of particular communities.

5.5 PUBLIC PERCEPTION OF EIRGRID IN THE MEDIA

There has been considerable media attention to EirGrid's consultation process and to stakeholders' views of it. We have included a note in the Appendices section (Appendix C) which summarises the media's coverage of EirGrid's consultation process. Appendix C shows the impact of this media coverage on the public and serves to illustrate the public mood towards EirGrid.



6. Evaluating EirGrid's Public Consultation Model and Processes

There are numerous expressions of best practice when it comes to public consultation. Some are concerned with specific issues only and others are concerned with consultation in its own right more generally. Rather than a lengthy chapter reviewing all possible guidance on consultation the Review Team has decided to focus on what it sees as the over-arching principles of good consultation on high impact strategic infrastructural developments. We have focussed here on what we see as the core values of best practice in consultation on the issues under EirGrid's remit. Interestingly, these core values emerge as recurring themes throughout consultation literature.

There is no one size fits all evaluation method that provides the necessary insight into a public or stakeholder consultation exercise, due to the diverse range of objectives possible. There is however, a number of guiding principles (Gunning, Aarhus, CIGRE) that establish best practice, which the Review Team refers to throughout this report.

6.1 INTERNATIONAL BEST PRACTICE AND THE GUIDING PRINCIPLES OF GOOD PUBLIC CONSULTATION

For strategically important infrastructural projects such as transmission system development, current best practice in public and stakeholder consultation is underpinned by particular core values that are supported by legislation and government policy.²¹ These core values broadly fall under three headings:

²¹ The most influential piece of governance is the United Nations Economic Commission for Europe (UNECE) [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#), 30 October 2001 (The Aarhus Convention) and ratified by Ireland in June 2012. Other

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Information: transparency and full disclosure in the provision of information

Participation: comprehensive and accessible public participation from the very earliest stage of project development

Justice: the provision of clear review and appeal pathways for interested parties to challenge decisions made.

6.2 METHODOLOGY

6.2.1 Models of International Best Practice:

This report aside from the requirements of the Aarhus Convention relies on various reports from European bodies such as the Renewables Grid Initiative document *‘European Grid Report – Beyond Public Opposition: Lessons Learned across Europe’*, and its subsequent *‘Update 2013’* and *‘CIGRÉ WG c3.04 Report’*, all of which recommend the use of “*new customised participation approaches*”. We also reference models of public consultation best practice, such as the Consultation Charter, Gunning, CIGRÉ, Aarhus and others. Throughout our Report, we focus on the principles of consultation that are based on the most widely accepted and relevant standards.

6.2.2 Consultation Charter – Principles of Consultation

1. Integrity	Must be have honest intention; listen/influence
2. Visibility	Those with the right to participate are made aware
3. Accessibility	Stakeholders have reasonable access to process
4. Transparency	Publish all consultation data (with permission)
5. Disclosure	Where decisions have effectively been taken
6. Fairness of interpretation	External, objective primary assessment of data
7. Publication of consultation	Be transparent about both output and outcome of process

The Consultation Institute published the Consultation Charter in 2010 based on the Gunning Principles and best international practice which outlines key principles for assessment of consultation processes. The Review Team has assessed the EirGrid consultation processes

best practice articulations include: UNECE, *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters* (ECE/MP.PP/2014/8); The Planning and Development (Strategic Infrastructure) Act 2006 (Ireland); Renewables Grid Initiative document *European Grid Report – Beyond Public Opposition: lessons learned across Europe*, and its subsequent *Update 2013*; CIGRE (International Council on Large Electrical Systems), ‘Stakeholder Engagement Strategies in Sustainable Development – Electricity Industry Overview’ Working Group No. C3.04, August 2013.

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according to these principles in the Consultation Charter. We also comment on how the existing consultation processes measure up to the CIGRE best practice recommendations in the context of the EirGrid Chairman's wishes to keep consultation practices in line (or better than) international best practice amongst similar TSO organisations.

6.2.3 Gunning Principles

Related stakeholder consultation principles established in UK called the Gunning Principles²² are generally accepted as relevant propositions to be adhered to. They are persuasive, relevant and dovetail neatly with the Aarhus and participatory principles outlined in other models of best practice, such as Aarhus. The emphasis of the Gunning Principles is on 'fairness'.

The Gunning Principles state that:

- ***Consultation must take place when the proposal is still at a formative stage:***

Decision-makers cannot consult on a decision that has already been made. If the outcome has been pre-determined, the consultation is not only unfair, but it is also pointless. This principle does not mean that the decision-maker has to consult on all possible options of achieving a particular objective. A decision-maker can consult on a 'preferred option', and even a '*decision in principle*', so long as its mind is genuinely open - '*to have an open mind does not mean an empty mind.*' If a decision-maker has formed a provisional view as to the course to be adopted, or is '*minded*' to take a particular course subject to the outcome of consultations, those being consulted should be informed of this 'so as to better focus their Responses'.

- ***Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response:***

Consultees should be made aware of the basis on which a proposal for consultation has been considered and will thereafter be considered. Those consulted should be aware of the criteria that will be applied when considering proposals and what factors will be considered 'decisive' or 'of substantial importance' at the end of the process.

- ***Adequate time must be given for consideration and response:***

Unless statutory time requirements are prescribed, there is no necessary time frame within which the consultation must take place. The decision-maker may adopt a policy as to the necessary time-frame. And if it wishes to depart from that policy it should have a good reason for doing so. Otherwise, expectations may not be adhered to.

²² *R v Brent London Borough Council, ex parte Gunning* [1985] 84 LGR 168 at 169. These principles were subsequently approved by the Court of Appeal in *R v North and East Devon Health Authority, ex party Coughlan* [2001] QB 213 at 108.

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• ***The product of consultation must be conscientiously taken into account:***

If the decision-maker does not properly consider the material produced by the consultation, then it can be accused of having made up its mind; or of failing to take into account a relevant consideration.

6.2.4 CIGRE Recommendations

During the Review, the Chairman of the EirGrid Plc board, Mr John O'Connor, requested that the Review Team consider the CIGRE key best practice recommendations for stakeholder engagement strategies. CIGRE in their Report No. 548 entitled '*Stakeholder Engagement Strategies in Sustainable Development – Electricity Industry Overview*' produced by Working Group No. C3.04 in August 2013 came to the following conclusions:

1. Consistent Approach: Establish trust among all stakeholders /groups /projects
2. Clarify consultation scope: what elements of project subject to engagement?
3. Early stakeholder pre-consultation: Their views on '*a proportionate approach*'
4. Stakeholder mapping / identification and clear commitment to community engagement
5. Get early endorsement from stakeholders to approach / their influence on engagement
6. Targeted mix of consultation methods; bespoke independently facilitated, workshops
7. Target '*hard to reach*', digital divide, voiceless, literacy, mobility problems, isolation etc.
8. Create an open and transparent process; clearly state objectives and scope from start
9. Provide feedback to demonstrate how engagement has been effective and influential
10. Approach should be proactive accessible and meaningful engagement of communities
11. Stakeholder management should be integrated fully into project management
12. Use independent external experts to consider options and information at meetings
13. Present as much targeted information as possible about best case
14. Allow some choices and provide adequate information
15. Use stakeholders to scope EIA, options, corridors, route selection criteria, alternatives
16. Allow opinions on mitigation measures
17. Embrace and suggest use of '*best practice*' mitigation measures and specify in contracts
18. Use latest ICT like '*virtual reality modelling*' for EIA and mitigation measures
19. Make plans for social communication during construction phase
20. Find the right balance between consultation and requirement for landowner agreement.

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CIGRE states that many organisations go beyond the minimum required by legislative requirements as they recognise the benefits of engagement; it states that *'if consultation activities are driven principally by legal or regulatory requirements, there is a risk that organisations will not fully recognise stakeholder or customer drivers in their business, and not optimally respond to the needs of the societies they serve'*.

6.2.5 Aarhus Recommendations

According to recent recommendations of the Aarhus Task Force on Public Participation in Decision-making, public consultation ought to be interpreted in the strong sense of *'participation in decision-making'*. The Task Force point out that while there are no clear set of best practices that will uniformly suit all situations, there are certain core principles that underpin best practice generally. In brief (and this is not exhaustive):

- 'The aim should be to provide for the most comprehensive, broad, active and accessible public participation possible.
- The public have a right to be consulted not only on a project at the earliest stage of development but also on the 'zero option' regarding whether a project should go ahead at all.
- There should be ongoing review of public consultation processes to ensure that these processes are truly participatory.'

6.3 PRINCIPLES OF BEST PRACTICE

6.3.1 Information:

Best practice regarding access to information has established the duty of TSOs to provide the public with all the information necessary to fully engage with, and meaningfully participate in, decision-making on proposed project(s).

Although electricity is widely considered to be a benefit and enhancement to communities throughout the world, the development of new networks can have an impact on the environment, landscape and heritage, and can be a disturbance to those individuals and communities affected, particularly during construction. This point is now widely recognised by TSOs and has been discussed notably by CIGRE in their report *'Stakeholder Engagement Strategies in Sustainable Development – Electricity Industry Overview'*. This report, in its Introduction, recognises the growing desire within communities to be heard and to seek to influence the decisions of state owned organisations. In this context, access to information on environmental matters affecting one's community is now broadly considered to be a *right*. If the public and stakeholders have a right to information, then TSOs have a corresponding *duty* to provide that information.

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Having examined information documentation on many of EirGrid's projects around the country, we find that there is always a very substantial amount of information provided to the public and stakeholders.²³ Various media outlets are used, such as printed brochures, posters, video, detailed maps, face-to-face and telephone opportunities for discussion; a comprehensive website with access to a wide range of documentation is also available. The information, as data, is of a high quality and serious efforts have been made to make the content understandable and clear, but it is not enough. In Chapter 5 of this report, we discussed the stakeholder experience of engaging with EirGrid's information, their views on access to information and their views on the consultation experience more generally. We evaluate our findings on these matters in the second part of this chapter.

Two questions emerge which we will answer as this chapter progresses:

1. Is the information provided at the appropriate time or stage of a project?
2. Does this engagement regarding information lead to or facilitate active and meaningful public and stakeholder participation?

6.3.2 Best practice: providing access to information:²⁴

Current best practice regarding the provision of information is uniformly clear that the earlier in a project the information is made available to the public the better the engagement quality will be. It is accepted that access to information is an essential prerequisite for effective public participation.²⁵ Guidance sources recommend the following (this is a list of some of the most important principles of information provision rather than an exhaustive list of guidelines):

1. All information relevant to the decision-making required by new decision makers that is available to public authorities should be made available to the public concerned²⁶ regardless of its quality and regardless of whether or not the public authority considers it to be accurate, comprehensive or up to date.²⁷
2. The information provided should be balanced. It should present different aspects of the topic and avoid any manipulation. All expert opinions relevant to the decision-making should be available to the public (subject to legally established exceptions).²⁸

²³ For example, the Grid Link project information brochures, the Laois-Kilkenny Reinforcement Project documentation, documentation on the North South 400 kV Interconnection Development.

²⁴ It is important to note here that when we talk about best practice we will not engage in any discussion where basic legal requirements are distinguished from some aspirational concept of best practice. We assume that EirGrid welcomes the opportunity to be measured against the standards of best practice rather than against minimal legal requirements.

²⁵ See p.30, UNECE, *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters* (ECE/MP.PP/2014/8).

²⁶ Except information exempted from public disclosure.

²⁷ Ibid. para.85.

²⁸ Ibid. para.89. See also: CIGRE Working Group B2, 'Consultation Models for Overhead Line Projects' (2005, TB 274), Renewables Grid Initiative, 2013 (2nd edition), European Grid Report: beyond public opposition; lessons learned across Europe.

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3. Barriers to access to information should be addressed:

- a. Information should be widely available at convenient locations and electronically.
- b. It should be understandable, easily accessible, use non-technical language and should be mindful of linguistic difficulties experienced by some.
- c. Non-technical summaries should be made available (for convenience and not as a substitute for the full technical information).
- d. Measures should be taken to ensure that impartial guidance is made available to the public in examining the information relevant to the decision-making.²⁹
- e. Information should be free of charge. Engagement should not be at a cost to the public or stakeholders.

6.3.3 Best Practice: Providing Information Early:

There are two main positions on what constitutes best practice concerning the right stage at which to bring project information to the public.

On the one hand it can be argued that information should be provided to the public when a preferred route corridor for transmission lines or method of delivery (e.g., over-ground wires or underground cables) emerges. It has been found by many TSOs that the public and stakeholders engage more meaningfully when there is a debate about one clear option. It is easier to identify affected people, land, heritage sites and environmental issues along one designated route corridor and this provides a focus point for discussion and avoids the difficulty of continuously explaining the technically complicated aspects of route selection to the lay person.

On the other hand it can be argued that strategic infrastructural projects are of such significance that it is crucial to engage with the public and stakeholders at the earliest point of project development. Such projects affect large numbers of people as well as future generations and have consequences for the environment. This position holds that there is a fundamental connection between human rights and environmental rights; that sustainable development can be achieved only through the involvement of all stakeholders. The UNECE Task Force on Public Participation (providing guidance on implementing the Aarhus Convention) express the following view:

“Public participation enhances the quality and the effective implementation of decisions concerning the environment. Affording the public the opportunity to express its views and requiring public authorities to take due account of those views in the decision enhances the accountability and transparency of environmental decision-making and may strengthen public

²⁹ See p.33, para.98, UNECE, *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters* (ECE/MP.PP/2014/8).

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support for the decisions taken. In the process, it contributes to greater awareness of environmental issues among both the public and public authorities.

For the above reasons, public participation should be seen by all parties as a prerequisite of effective action and an opportunity for real influence, not merely as a formal procedural requirement. To this end, public participation should be fully incorporated into the decision-making on all decisions....³⁰

Given that Ireland has ratified the Aarhus Convention we assume that the Irish position on this issue is that the right course of action is to provide early access to information prior to route corridor selection, prior to selection of the method of electrical transmission and prior to decisions on sources of electrical power. It is the understanding of the Review Team that EirGrid fully supports the concept of early engagement. We note the experiences of other TSOs with regard to the difficulties involved in engaging people prior to clear options on route corridor selection.

6.3.4 Best Practice on the Provision of Information: How Does EirGrid Compare on the Provision of Information?

The willingness of EirGrid to provide information compares favourably with international best practice, though the ability of the wider community to understand this information, based on how it is presented, is a separate issue. On current projects, information is readily available and effort has been made to provide non-technical summaries of projects as well as general information. Nonetheless, the Review Team notes perceived shortcomings: see 5.4 above. As we have discussed in Chapter 4, the consultation model used by EirGrid provides the public and stakeholders with opportunities to receive information, view it in different formats, ask questions and give feedback. In theory, all of this can be done on the same occasion at an open session within a community setting, if an individual or stakeholder so wishes.

The Review Team has examined the Road Map for public consultation devised and used by EirGrid and while we acknowledge the appropriateness of using such a tool, we have some observations which will be discussed below and some specific recommendations for improvement which will be discussed in Chapter 7 of this report.

At this point we should return to the question regarding information raised earlier: Is the information provided at the appropriate time or stage of a project?

EirGrid contends it is committed to what it sees as its duty to provide information at the earliest possible stage of a project. As we have discussed, finding the best point in time to inform the public about a project is the subject of debate internationally. However, given Ireland's ratification of the Aarhus Convention, it is reasonable to expect EirGrid to inform the public

³⁰ P.6, UNECE, *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters* (ECE/MP.PP/2014/8).

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about a project before a preferred route corridor has emerged. This is indeed what EirGrid has attempted to do.

6.4 INFORMATION ON THE METHOD OF ELECTRICAL TRANSMISSION

The Review Team is aware of much debate throughout the country on the issue of underground cables. Many community groups are demanding this method of transmission and see it as a feasible alternative to overhead cables. This opposition is often summed up by people claiming themselves to be anti-pylon but not anti-project.

This is an area where we believe EirGrid has not until recently taken the opportunity to engage with the public in greater depth. We recognise that some of the issues here may indeed be quite technical and pose a significant public education challenge for EirGrid. However, EirGrid should credit the capacity and interest of the public by having the technological debate. Given the growing clamour for underground cables in many of the Grid25 project study areas, we believe this is an area of information provision which requires development.

6.5 ENGAGING WITH THE PUBLIC AT THE EARLIEST POSSIBLE STAGE: HOW IS THIS INTERPRETED AND WHY DOES IT CAUSE CONFUSION?

If it is accepted that the most appropriate stage at which to inform the public of a project is at the earliest possible stage, then what does this actually mean in practice?

The Review Team has found that there is often confusion about just what *earliest stage* means, and this confusion is partly responsible for some of the difficulties experienced by EirGrid in engaging with communities on the ground.

From our review of international best practice and both European and Irish legislation, *earliest stage* can be interpreted in two ways:

1. As referring to discussions of infrastructural development at a government *policy* level. For any given infrastructure development project, one could legitimately ask whether the proposed infrastructure is needed at all. For example, we might hold a national policy debate about whether an interconnector between two regions is necessary for economic development. Or similarly, we might debate whether a new technology, such as renewable energy using wind turbines, has a place in energy policy going forward.

Consulting the public at this *earliest stage* means engaging in more profound policy-level discussions about (in this case) energy usage and requirements at the point at which everything is up for discussion. The Aarhus Convention has done much to promote public engagement with government policy discussions. Transparency, openness and democratic accountability are all principles of good governance that are embedded in the Aarhus Convention and there is a focus

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therein on giving people a say on the ‘zero option’ of whether to proceed with a project or not.³¹

The second sense of *earliest stage* does not involve policy considerations at all:

2. Engaging the public at the earliest stage in this sense is interpreted to mean involving people at the beginning of the implementation of government policy. For example, it might be government policy that a high capacity interconnector between two regions is required for economic development and it is the role of the TSO to provide the interconnector and engage with the public about how best to do so. In this sense the public are being involved at the earliest stage *of the project*.

The Review Team wishes to draw attention to this distinction between these two senses of *earliest stage* because it is our view that this is causing confusion on the ground and is negatively impacting on EirGrid’s ability to progress projects through public consultation.

In our discussions with some stakeholders and from our examination of the campaigns of various groups around the country, it is clear that many people expect to engage in the type of consultation outlined in the first sense of *earliest stage* discussed above. Members of the public frequently questioned the need for the project that is presented to them. EirGrid staff have verbally reported to us that they often find themselves discussing the policy behind the projects when they would prefer to follow what they see as their mandate – discussing the projects themselves.

This confusion between consulting on policy on the one hand and consulting on the implementation of policy on the other is, we believe, causing difficulties in public consultation. This experience is not unique to EirGrid. Other European TSOs are experiencing similar difficulties with public expectation management when it comes to engagement and consultation.³²

While it is EirGrid’s responsibility to manage public expectations regarding how much of a role in decision-making people may legitimately expect to have, it is not EirGrid’s responsibility to defend and provide opportunities for debate on government policy as part of its public consultation process. A TSO is not a suitable or appropriate organisation to conduct engagement on government policy. Such engagement needs to happen both nationally and in stakeholder communities but not when those responsible for implementing policy arrive to discuss *how* to progress a project.

As a consequence of this confusion it is easy to see how stakeholder communities feel as though they have no meaningful role in decision-making. When one expects to be consulted on

³¹ The Aarhus Convention sees this as especially relevant in situations where there is a proposal to use new technologies that have not been used in a country before and may be considered to be high risk and/or have an unknown environmental impact.

³² RGI European Grid Report – *Beyond Public Opposition: Lessons learned across Europe, Update 2013*.

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whether *or not* a high capacity line should pass through one's community, to be told that consultation is sought on the selection of the route can feel like one is not being afforded a voice at all. Trust is the first casualty in this scenario. It is difficult for a TSO to build relationships with the communities and individuals its work affects without trust.

We will discuss specific recommendations to deal with these issues in Chapter 7.

6.6 BEST PRACTICE: PUBLIC PARTICIPATION

Best practice in the area of public participation in decision-making aims at creating comprehensive and accessible public participation from the very earliest stage of project development. The gold standard of public participation currently is to foster a sense of partnership in the participation with the public and stakeholders when it comes to making decisions about large infrastructural projects. This concept of partnership is in contrast with the concept of simply being consulted on one's views. Encouraging the public and stakeholders to actively participate in decision-making on a project increases the transparency and accountability of that project.

CIGRE outlines different levels of public engagement:³³

1. Informing people (awareness raising, communication, education)
2. Consulting people (obtaining feedback, gauging opinion)
3. Involving people (contributing ideas, identifying priorities, developing vision/aspirations)
4. Acting together (partnerships)
5. Empowerment (stakeholder-led decisions)

If we take this to be a sliding scale of engagement then those involved in creating public participation procedures should be aiming for a process that reflects (3) and (4) above.³⁴ This represents a move beyond simply informing people of a project in their area and seeking their feedback. Instead what is more preferable both in terms of democracy as well as the interests of the project is to enable people to contribute ideas, to be involved in decisions and to feel like they have been heard.

However, encouraging such active participation also creates expectations concerning the weight given to participants' views during the decision-making process. During a public participation procedure, many voices will be heard with differing opinions and concerns, and deciding how to

³³ ENTEC, 2007, *Local Development Frameworks – Effective Community Involvement*, (referenced in CIGRE) *Stakeholder Engagement Strategies in Sustainable Development – Electricity Industry Overview*, Working Group No. C3.04, August 2013.

³⁴ All currently in force expressions of standards iterate similar principles of participation (for example, the Aarhus Convention, the Strategic Infrastructural Act, industry standards such as the CIGRE report previously mentioned, recent case law from the UK now referred to as the Gunning Principles).

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proceed given all considerations is a difficult task that falls to the TSO. One key difficulty again involves expectation management: if the public understand that they have a role in the decision-making or that they are partners in the project, then it is important that just what that means be very clearly outlined. This does not mean that the public and stakeholders have a veto over a proposed project or that all decisions must be approved by a majority of stakeholders, for example. From our research on the topic, public participation does not mean (5) above, entirely stakeholder-led decisions. Allowing a false expectation of this level of decision-making would be very damaging to relationships with the TSO and the project progress.

The classic problem in consultations big and small is the problem of managing the stakeholders and the public's expectations. It is critical to set out clear objectives and ground rules of the consultation stating clear participation goals, i.e. defining the limits of participation by the stakeholder and identifying the decision maker and criteria it will use to make the decision. If the stakeholder is engaged and makes a submission, it must be seen to count and if not accepted in the decision an explanation must be given with details and quantity of the output of the consultation, not just the outcome and decision. The decision and the process have to be clear, fair and transparent.

6.7 PROJECT DEVELOPMENT & CONSULTATION ROADMAP

EirGrid's Project Development and Consultation RoadMap (as contained on page 18) provides, according to the company, a strategic framework for the development and progression of large projects up to and beyond the planning application and consent stage of the projects. It is intended to provide consistency, clarity, coordination of deliverables and an opportunity for public and stakeholder input.

It is apparent that no 'Stage 0' exists, allowing for public participation in pre-consultation planning. In terms of best practice, there is scope for the RoadMap to be developed to allow for a 'Stage 0' and to include the underground / part-underground option for consideration on each project.

On detailed examination of the RoadMap, stakeholder engagement is limited until after key decisions are made in Stage 1 (e.g. identification of technology, study area, constraints, etc.). Notwithstanding our earlier comments on the question of responsibility for debating national energy policy, opportunities should be afforded to the public to debate the rationale of projects, the type of technology used and particular concerns such as health, property devaluation, impact on farming industries (bloodstock, dairy, etc.), etc.

Landowners are not specifically engaged in Stage 1. The Review Team notes that broad study areas and the absence of a preferred route create a vast quantity of potential landowners to engage with. Nevertheless, early focussed engagement with this fundamental stakeholder group is considered vital to ensuring an effective consultation process and developing important relationships that will continue throughout the life-cycle of a project.

The tone and layout of the Road Map needs to be addressed in that references to the 'Public' are essentially tacked on to the end of each stage, and are easily misinterpreted as an

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inconsequential information gathering exercise with no real stakeholder power or participatory decision making. This has led many stakeholders to view the document as a planning consent RoadMap, without the provision for participatory consultation, but rather a constraint gathering exercise. References throughout Stages 3-5 to 'on-going public information' further compounds this view that stakeholders have no power in the decision making process and that communication with EirGrid is one-way.

Stage 5 of the RoadMap, after planning consent is obtained, when detailed design and access on to property is concerned, is totally devoid of consultation. For landowners in particular, this is the vital stage for dealing with disputes over property access rights and construction problems. A considerable problem with the RoadMap and the consultation is that the ESB have to build the asset and enter the lands after planning consent, while EirGrid must carry out the negotiations with the landowners. This has obvious difficulties and measures should be taken to resolve this complex anomaly with the ESB. The Review Team sees considerable merit in establishing a new working agreement or Code of Practice between EirGrid / ESB / IFA to aid with the successful engagement of landowners at the earliest possible stage and to mitigate issues in the Stage 5 construction phase. The Road Map should clearly set out the construction mitigation measures and construction procedures to assist the landowner. The issue of control over their lands and the construction process is generally far more important to landowners than compensation or other issues. As per the CIGRE principles, it is recommended that construction matters be set out clearly with full compensation to householder, landowners and communities from the contractor in the event of non-compliance with the farmers land entry agreements and other requirements. The compensation should come from EirGrid, with whom the landowner has the agreement, as there would be no agreement directly between the Contractor and the landowners. EirGrid should, in turn, claim from the Contractor if there was any non-compliance with land entry agreements. The liaison procedures with the land owners and other stakeholders should also be spelt out clearly on the Road Map.

Consideration should be given for inclusion in the RoadMap highlighted steps for tiered dispute resolution³⁵, including facilitated meetings and conciliation using neutrals and specialist procedures at every stage of the Road Map. In any large linear transmission infrastructure development project, stakeholder opposition is to be expected, particularly at the stage of accessing private property or while on private property; there is no procedure outlined on the Road Map for dealing with this and such disputes are being allowed fester and go to court or worse. This should be planned for and managed.

6.8 EVALUATION & LESSONS LEARNED

The Review Team explored whether stakeholder feedback indicates that EirGrid's consultation arrangements are adequate to inform both the decision makers and stakeholders, and it considered carefully the opinion of those who have been consulted. The Review addresses the following matters: the implementation of EirGrid consultations; the process and resources involved; the comparison of consultation processes against international best practice; the

³⁵ See Chapter 7: Recommendations for expansion of this suggestion.

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identification of strengths and weaknesses; the review of feedback and impact from these consultations, together with stakeholder evaluations; and the Review Team's suggestions for any improvements for the future.

The Review Team hopes that the evaluations and findings in this Review will inform and inspire all parties so as to secure enhanced stakeholder engagement for the ambitious programme of linear transmission infrastructure that is portrayed by EirGrid and government policy to be so vital to the people and economy of Ireland.

6.8.1 Pre-Consultation Planning

While EirGrid has rolled out a very extensive consultation programme for the various projects (particularly the large projects: North-South, Grid West and Grid Link), generally based on its framework Road Map for consultation, development and planning, there are extensive criticisms of its consultation process both externally and at political level; there were also some criticisms internally. The company has expended large resources on these consultations for new linear transmission infrastructure all over the country and has extensively used external engineering and communication consultants to assist them in this task. The company and its service providers appear to have professional and committed staff employed on these consultation projects, and at an initial glance, it is difficult to see why there is such a clamour about the consultation process.

A stakeholder consultation needs to be carefully planned. It must invite and provide ownership to its key participants. This starts with consultation about consultation. It must welcome and *be seen to welcome* its participating decision makers. Ownership by the participants means that EirGrid no longer owns the consultation process; it is a partnership with each substantial community and stakeholder category. It is essential that the decision makers are identified, trusted and supported. Building trust is difficult for a society in which there have been breaches of trust in the past. Communities need to be assisted to clarify the decision that needs to be made. Assistance is then needed to select the publicly acceptable level of community and stakeholder engagement required and to consider this in the light of the applicable legislative and corporate responsibility requirements. In order to do this, it is best practice to identify the key senior stakeholders prior to the consultation and encourage them to share their views while preparing the consultation plan. This helps to avoid any surprises later on and if genuinely carried out with both project champions and parties with alternative views, it serves as a type of pre-stakeholder engagement conflict audit. This would facilitate a better and more focussed consultation plan specific to the audience and the project issues concerned.

It is critical to state clearly the purpose and expected outcome of any consultation and above all, to be careful with the expectations of those being consulted. If the parties being consulted are given an impression that their input can directly influence a decision and they later either find or perceive that it does not count, they will perceive a breach of trust and will be often more annoyed with the consultation process itself than with the issue under consultation. This is a common mistake and it can lead to considerable outrage and emotion in communities as well as serious reputational damage for the consultor. This is an issue with the current EirGrid consultation process, as per the stakeholder feedback.

6.8.2 'Mega-Project' Engagement and Implementation - EirGrid's Approach to Communities:

A mega-programme of linear transmission infrastructure is complex. The feedback indicates that this complexity and its large scale require, in addition to the traditional project management '*iron triangle*' of budget, time and quality, a fourth social pillar of '*collective public collaboration*'. This does not appear to have been envisaged by EirGrid, but the feedback indicates it now needs to be built into all project processes from initial consultation all the way through to project implementation / construction.

EirGrid's initial approach to consultation and stakeholder engagement on the main Grid25 400KV projects was perceived by many stakeholders to be '*pushy*', naïve and not entirely fit for purpose³⁶. Feedback indicates that it underestimated the following key considerations:

- the sheer scale and nature of the projects
- the scope, breadth and duration of related consultations
- the participatory project design transparency expected by stakeholders
- the controversial nature of linear transmission infrastructure, particularly 44 metre high pylons
- the expectations of informed stakeholder groups and potential host communities in participatory design decision making
- related environmental psychology issues including:
 - o place attachment
 - o identity
 - o landscape / tourism
 - o an understanding of the rural way of life
 - o nature of farming and land ownership, including that of the bloodstock industry

Some key stakeholders saw this to have been a direct result of a failure to have pre-consultation discussions with them, discussions which should have flagged some of the main issues, avoided most of the surprises, and facilitated EirGrid in putting a plan in place for dealing with them when they surfaced. Instead, stakeholders felt EirGrid was left vulnerable to the public backlash against their consultations, which stakeholders felt failed to fulfil their potential, with a large question mark over the sustainability of the related development designs and decisions.

Stakeholders felt that this resulted in a negative reaction from concerned communities and stakeholder groups to EirGrid and its Grid 25 projects as a result of the individual fears and risk assessments of local communities regarding the proposed 'ugly and invasive' infrastructure and technology.

These stakeholders indicate that the errors made leave the company with a difficult task to re-establish public trust and engage fully with communities and their representative organisations, including NGOs, so as to have these lines of infrastructure accepted in 'their places'. Stakeholders such as farming organisations, and NGOs are aware of international best practice

³⁶ Please see the stakeholder feedback section later in this chapter for examples.

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as recommended by CIGRE and also carried out by NRA and Bord Gais. They believe that EirGrid needs to empathise with host community concerns, and to calm their fears, as far as possible, with evidence-based empirical information. These stakeholders indicate that the company needs greater understanding of these communities' high expectations regarding their participation in and the transparency of the consultation process, as it relates to their lives and their places.

6.8.3 Pre-Consultation Dialogue with Key Senior Stakeholder Groups

There has been very limited pre-consultation dialogue with the senior or key stakeholders, to help prepare a consultation plan or ascertain any possible conflicts, expectations or cultural differences that need to be catered for. Feedback from critical stakeholders suggests that this did not occur, despite existing long standing arrangements with some organisations for pre-consultation before planning and developing large infrastructure projects. The *International Review* refers to the 2013 *Update* recommendation for a:

“Strategic approach to stakeholder engagement – at the outset of a project, drawing up a strategy for who will be engaged with, and when, with what message....It may also be beneficial to engage key stakeholders (particularly those representing different community interests) at the start of a project to establish their views on what they would consider to be a proportionate approach....Early engagement in a scoped manner will help to build project awareness and understanding, so helping to reduce the risk of surprise later. Engage key stakeholders early in the scoping phase to enable them to contribute to the development of effective solutions. They may have information and views that will be of benefit to the proposal, and securing their endorsement for an approach to stakeholder engagement, and for securing data will be of considerable value.”

Stakeholders continue to refer to the Aarhus Task Force *participatory principles* and argue that the consultation process does not show these principles to have been followed. Concern is expressed by stakeholders about many of the questions asked during the consultation process. They claim that the questions were very specific and targeted. They considered that asking very targeted questions prevents the public from engaging on the bigger, macro issues such as the 'zero option'³⁷ on whether the project should go ahead or not, or what form it should take (e.g., the undergrounding option).

In the Working Group *Initial Assessment of Feedback on Consultation Process*,³⁸ it confirmed the absence of consultation on underground option as a major criticism; this we also found in our interviews with various stakeholders.

EirGrid in its recent Initiatives decided to investigate the underground alternatives on two of the projects only and are only now putting this alternative option to the stakeholders.³⁹

³⁷ See p.5, UNECE, *Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters* (ECE/MP.PP/2014/8).

³⁸ 'Initial Assessment of Feedback on Consultation Process' by Valerie Hedin, EirGrid 2014, hereinafter called 'Initial Feedback'.

6.8.4 Expectation Management

Expected Levels of Public Participation

The fundamental characteristic of public involvement in high impact strategic infrastructural projects is participation in decision making. This must be embraced and made real. Various stakeholders consider that the consultation process is concerned with dissemination and collection of information on the project; in effect, it is considered by many stakeholders to be just an expensive tokenistic exercise. The resulting public disillusionment, outrage and emotion have resulted in a serious loss of good will and trust with the public. This is not helpful for any programme. At best it is seen by some stakeholders as a semi-participatory consultation process where the decision-making is already well advanced and options are very limited. The perceived ambivalence of EirGrid about public involvement in decision-making has quickly given rise to problems and the proliferation of sometimes extreme alternative view groups (who are well mobilised) as a result of public outrage. **Transparent Engagement Plan Indicating Limitations** Stakeholder feedback indicates that clear project specific consultation plans, prepared by the decision maker, are not transparent or accessible to the public. The public at large are clearly not aware of the extent of their influence on decision-making, or the outcome of their input into previous consultations. What is needed is a more focused and transparent engagement plan, which embraces the new decision makers, based on the target project stakeholder audience, and which sets out the following:

- The level of engagement required
- The criteria to be used in decision-making and by whom these criteria will be set
- Details of the decision maker
- Publicly stated clear limits beyond which a stakeholder as a decision maker cannot influence a decision or decisions to be made.

Expectations

Where there is a requirement or expectation to consult, a failure to do so properly may impair the ultimate decision, aside from the negative effects of public outrage and emotion.

The Review Team has found from stakeholder interviews that the public in different locations have different expectations of what is likely to happen:

- Expectations about the form and impact of a proposed transmission line development
- Expectations about EirGrid as a semi-state company
- Expectations about the public process including consultation and engagement
- Expectations about a proper and appropriate distribution of benefits from the project and what a community and landowner hosting the infrastructure should 'get out of it.'

³⁹ We acknowledge that this process was due to start in July 2014.

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Many consider that EirGrid already has information on the majority of the constraints and the resulting information gathering exercise is yielding very few substantial new constraints only increasing objections and anger at the projects in general. In the last 9 months, greater public outrage has spread from North-South project to the other two main projects in the South / East (GridLink) and the West (Grid West) by way of contagion, according to the consultants. This contagion is supported by the national linking up of stakeholder groups with alternative project views. The outrage and emotion within these groups has festered and no purposely designed attempts appear to have been made to properly engage them in the consultation or to use specialised facilitative ADR (Alternative Dispute Resolution) tools as recommended in the *International Review*.⁴⁰

6.8.5 Documentation

Consultation documents must be clear and present the issues in a form that stakeholders can understand and which facilitates an effective response. The questions asked in the public consultations are too narrowly focused and the language used in EirGrid publications is vague and gives the impression that consultations are non-participatory information gathering exercises. The excessive legal and engineering terminology used in EirGrid publications also prohibits clear and effective communication. This coupled with the extra wide study areas that do not really affect any stakeholder or community, are not well-received by stakeholder groups and are drastically affecting the credibility of the consultation and the reputation and integrity of EirGrid as the Consultor. The documentation made available to the public categorises the concerns of people regarding their property and interests as “constraints.” Many people believe that their concerns are simply more constraints to be considered often after other constraints such as natural habitats or rare species are considered. It has been expressed to us many times in stakeholder feedback that people feel like their concerns have little or no priority. We recommend a refocus of all communication documentation with an emphasis on listening and understanding people as a key priority.

Road Map: Control & Implementation:

We have discussed the urgent need to redesign the RoadMap, particularly to include early consultation with the farming and landowner sector, who according to feedback see themselves as having been excluded.

The main issue with farmers, many of whom would welcome pylon infrastructure and the compensation, is **control** over the activities on their farming enterprises and personal places, once agreement has been reached for land entry by whatever means. This applies particularly to intense high production dairy, grain and blood stock farms, where the farmer must have control over implementation phases of construction, including access and reinstatement of lands and drainage etc. This is one of the key issues for landowners and needs to be clearly embedded into

3. Renewables Grid Initiative, *European Grid Report – Beyond Public Opposition: lessons learned across Europe*, and its subsequent *Update 2013*. See also CIGRE (International Council on Large Electrical Systems) ‘Stakeholder Engagement Strategies in Sustainable Development – Electricity Industry Overview’ Working Group No. C3.04, August 2013.

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the Road Map, and a system put in place where specifications and bespoke works on each farm can be written into main contracts where contractors can be penalised if do not comply with the agreement, in combination with a local EirGrid liaison '*public face*', who will look after the landowner relationship / agreement at the start and be there for the implementation at the end. Farmer organisations have reported being caught in the middle between EirGrid, ESB, contractors, consultants etc.; they would like this to be clarified up front, alongside general compensation details. Late or delayed payment of agreed compensation and / or very strict legal requirements and associated costs to get payment has emerged as an issue for some landowners. EirGrid should consider an arrangement with farming organisations and / or local councils to speed up this process, with landowners being paid either before or during construction.

Because these issues and others are not dealt with up front in Stage 1 of the Roadmap, nor at in the implementation stage, farmers feel they have no option but to object at the beginning of the consultation and also to planning consent applications, as these details are not being dealt with; again, the trust issue surfaces. An improvement in this area and in earlier landowner engagement could improve the outcome of consultations significantly for EirGrid. Also, busy farmers do not have time to study the minutiae of all these complex matters and expect the general principles to be studied and dealt with by their own representative organisations; '*if the IFA have cleared this , its fine by me*' type of comments have emerged. This is the normal modus operandi by Bord Gais, in particular, with landowner engagement

6.8.6 COMMUNICATIONS DURING CONSULTATIONS

Communication is a very important part of stakeholder engagement and best practice indicates that there should be specific communication plans for each cohort of stakeholders, after they have been initially identified and categorised, including alternative view groups and project champions.

There is also an apparent disconnect between communications on the ground, consultant communications, corporate communications and political/ ministerial communications. This needs better coordination as there is evidence of different messages being sent out as well as the matter of project officers having to issue answers on an ad hoc basis, in busy programmes of consultation. We were surprised that there has not been a full meeting of all communication consultants and internal communication sections to confirm a consolidated communication plan. It is damaging to EirGrid's credibility when disjointed messages are being scrutinised very carefully by vigilant and angry groups of stakeholders.

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EirGrid's Responsibility to Communicate with the Public

1.	The need and rationale for a project	While some of this responsibility lies with government and politicians, EirGrid needs to improve the extent of its communication on the need for strategic infrastructure development. Early stakeholder engagement (possible Stage 0) and enlisting the assistance of project champions could help achieve this.
2.	Consideration of alternative options	EirGrid has been remiss in how it has failed to communicate the implications of alternative options (such as undergrounding). Public perception is that EirGrid made the decision to over-ground all projects as the cheapest option, without consideration of what is the 'best option' for all concerned.
3.	To provide clarity surrounding the input stakeholders can have into the decision-making process	Stakeholders and members of the public are unclear about how their input feeds in to decision-making. This has far-reaching consequences, as unmet expectations can cause stakeholders to feel patronised and lead them to disengage from the consultation process and form a negative view of the company.

6.8.7 The Self-Fulfilling Destructive Cycle of 'NIMBYSM'⁴¹:

International research by environmental psychologists and sociologists on community acceptance of linear energy infrastructure⁴² such as that proposed by EirGrid has identified a classic destructive cycle of NIMBYSM ('not in my back yard') as indicated on the diagram below. It relates to a flawed concept in spatial positioning by the developers and public authorities of the public as '*an ever present danger*'. This is generally caused by a streamlined planning process, deficits in factual information about risks such as health, one way engagement / information gathering and limited participation for communities. The classic destructive cycle which generally interprets local opposition as NIMBYSM, risks undermining the unqualified social consent that often exists in communities, and is a self-fulfilling destructive way of positioning the public. Developers often tend to play the 'blame game', limit participation opportunities and address only self-interest concerns. The public then get more discontent with limited participation, invalidation of their genuine emotional concerns and concentration on such matters as technology and financial compensation matters, etc. Developers need to '*go beyond*' NIMBYSM and stop this destructive cycle in order to gain acceptance for their infrastructure in people's places in host communities and deal with issues of place attachment and identity, perceived impacts, trust and procedural justice issues. Dealing with the

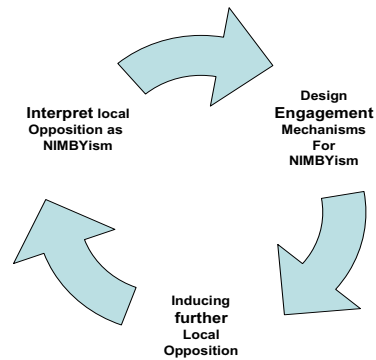
⁴¹ "Explaining "NIMBY" Objections to a Power Line: The Role of Personal, Place Attachment and Project Related Factors", Patrick Devine-Wright (April 2012), Environment & Behaviour (Sage Journals).

⁴² Patrick Devine Wright and others.

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phenomenon of place and socio-demographic characteristics in host communities is a specialised and growing field in environmental psychology, and is most relevant to the EirGrid programme of projects.

The Cycle of NIMBYism in Public Engagement



EirGrid does not appear to have taken '*going beyond this destructive cycle*' into account in its approach to stakeholder engagement processes and it is recommended that they do so for such a vast national and culturally / geographically diverse programme site. There are indications that there were shortcomings in this regard in various EirGrid consultations, such as:

- limited and confusing information feed
- no output or transparency on consultations and design decisions
- perceived lack of engagement when invited to large public meetings with public representatives⁴³
- not opening a local office for the Waterford region (the most affected county in the GridLink project)
- charging large fees for information and maps, excluding farming from list of stakeholders on consultation reports
- placing pylon lines 20 metres from hedges in Monaghan
- including micro-siting options in planning applications

As a result, there has been a rapid increase in large and often extreme protest campaigns, special techniques for signing up landowners (power of attorney), pre-prepared templates to object to projects and other systems to boycott consultation. It is fair to say that the Grid 25 programme needs an intervention by the developer.

⁴³ such as the incidence of the meeting of 350 people in Dungarvan.

6.8.8 GENERAL AWARENESS - DEBATE ON ZERO OPTION

There is criticism in the feedback that no 'zero option' consultation (as per the Aarhus Task Force principles) took place. There are indications that this indeed did not happen: there are questions about underground cables, tourism concerns and the concerns of special interest amenity groups, such as hill walkers and other recreational users. These and other issues indicate that either the 'zero option' debate did not happen or that debate on the ground has not really moved past the 'zero option' phase. This appears to have impaired the consultation process. Indeed, in the *Initial Feedback* it confirms clearly that *'there is a lack of awareness of projects.'* The *International Review* of best practice recommends:

"Proactive lead taken by policy-makers and Regulator in the development of plans: policy-makers taking a greater role in the debate surrounding need for grid infrastructure; facilitating and co-ordinating public input and consultation in the scoping and preparation of strategies and plans, including the generation and consumption scenarios upon which such strategies and plans are based; fostering greater political buy-in for policy-led grid development."

The European Grid Report concludes in this context (p.13) that, "Clear roadmaps would help to overcome concerns regarding the need for new grids and the increased contribution of energy from renewable sources"

Do we need it at all?

There is a clear campaign by many alternative view stakeholders groups that the 'Zero Option' needs to be considered and the entire Grid25 programme needs to be debated. The Review Team is aware of these emerging campaigns and arguments. Indeed, national economic commentators and journalists have raised this argument and one stakeholder commented on the current national debate on the Green Paper on Energy Policy.

It is recommended that EirGrid consider this debate carefully, particularly focusing on the change of public mood. One prominent stakeholder considers that EirGrid failed to see the tide shifting on the issue of underground cables. The stakeholder believes that EirGrid needs to have a sincere consultation and address the need for Grid25 at the outset, otherwise consultation will have failed.

This issue of a national debate on the basic policy issues emerged everywhere in our Review from all parties; it appears to be a major problem for the consultations on all projects, particularly Grid Link. These discussions are now being undertaken at local level and this is upsetting the consultation process. Politicians are not overtly supporting the project nationally and there is both a noticeable silence on the issues from some political quarters and a corresponding vocal support for those opposing EirGrid from other political sources. There was limited broad spectrum political support before the consultation began on all major projects and this appears to have resulted in limited popular support for the programme. Along with the broader debate on energy policy, these problems seem to be Europe-wide. There is a bigger issue here which is perhaps beyond the scope of this Review and that is the issue of who is responsible for conducting debate on the need for infrastructural development projects. We will only raise the questions here:

Should major infrastructural projects such as grid development be debated at national level as part of debate on energy policy or should it be the responsibility of the TSO to conduct such debate as part of its obligation to engage in consultation processes on all projects?

6.9 THE STRENGTHS AND WEAKNESSES OF EIRGRID'S PROJECT DEVELOPMENT AND PUBLIC CONSULTATION ROAD MAP: COMPARISON AGAINST BEST PRACTICE

6.9.1 Strengths of EirGrid's Consultation Process

1. The Provision of Information

One of the strongest aspects of EirGrid's consultation process is the provision of information at Stage 1 in any given project, notwithstanding evidence this Review saw that the information may not be fully understood by those receiving it. As discussed earlier, EirGrid provides a considerable amount of information to enable people to begin the process of evaluating potential impact upon themselves and their area. There are three rounds of consultation to identify the study area, the local issues with the study area (the 'constraints') and the route options. However, specific effort does not seem to be made to reach landowners / farmers and 'hard to reach' stakeholders, such as the elderly and those without access to modern communication technology.

2. Consultation before Route Selection

Another strength of the consultation process is that it begins *before* a preferred route corridor is selected and so is very much in line with the principle of early public engagement. We note that we discussed earlier in this chapter how choosing the right stage at which to begin engagement is a matter of debate. Notwithstanding the apparent difficulties in this area and the lack of a targeted approach to engage with landowners specifically, EirGrid is operating according to high standards in this regard at a corporate level; despite varying opinions on the ground.

3. Published reports on Stages 1 and 2

EirGrid publishes ongoing reports on public and stakeholder feedback at Stages 1 and 2 and goes on to engage with the public and stakeholders on those reports. Opportunity is thereby created for any interested parties to get involved in the process of identifying the preferred route corridor. It is very important that public input is recorded, acknowledged and fed back into the process. It appears that EirGrid's intention is to be open and transparent and this is in line with best practice. However, the experience on the ground indicates that transparency is not achieved in all cases, specifically that outputs are not published in the consultation reports.

4. Engagement-driven Consultation

Consultation designed for Stages 1 and 2 appears to be engagement-driven. EirGrid and/or their representatives go to the areas involved in the proposed project and meet with people on the ground at open information sessions as well as at stakeholder

meetings. These face-to-face interactions offer a greater opportunity to promote engagement and are in line with best practice. Unfortunately, there has not been much uptake from the public as there are perceptions of the consultation process being driven by 'planning consent'. There appears to be a gap here between consultation design and implementation.

5. Landowner Engagement

EirGrid's staff claim to be sensitive to the needs and concerns of landowners and when engagement has been successful with this group of stakeholders, it has developed into a face-to-face engagement process with clear terms of reference. There is a serious question about the appropriate timing of this engagement but the intention is in line with best practice. As one of the most important stakeholder groups, landowners should be engaged and informed from the earliest possible stages.

6.9.2 WEAKNESSES OF EIRGRID'S CONSULTATION PROCESS

EirGrid's Consultation Road Map illustrates some aspects of good consultation practices being regularly engaged in by EirGrid. However as previously discussed, the Road Map process also contains some weaknesses and gaps that need to be addressed.

1. "Information Gathering" is not an Appropriate Title for Stage 1.

Stage 1 of the consultation process is called "Information Gathering." This is a rather unfortunate phrase for what occurs during this stage of the process, as it suggests that EirGrid is gathering the information required to make decisions about issues that will ultimately impact on the communities they are consulting. The Review Team is quite aware that there is always a two-way flow of information going on during Stage 1, from EirGrid to the public and stakeholders, and from the public and stakeholders to EirGrid. However, the wrong message is being conveyed here. The public and stakeholders should be informed about the proposed project and a relationship-building process should begin. The Review Team acknowledges that EirGrid endeavours to pass a large amount of information to the public and stakeholders, however, Stage 1 policy needs to be redesigned to convey a message of engagement and partnership rather than the message that EirGrid are "here to gather and disseminate information" as it were. The Road Map graphic needs to be altered to reflect this change of emphasis.

2. "Constraint" is a technical term and not a 'plain English term'

Stage 1 is also concerned with the identification of what are termed "environmental and other constraints"⁴⁴ that might rule out certain routes from the selection process.

⁴⁴Very generally, a "constraint" is a reason why an area might not be suitable for development as part of a project. Constraints can involve many kinds of issues, such as (but not exhaustively) environmental issues, heritage concerns, personal issues of individuals, wildlife concerns, visual impact, etc.

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The term 'constraint' here is problematic. Tobins, consultants on the Grid West project, explain the term 'constraint' as follows:

'A "constraint" incorporates two strands: it includes factors which could comprise potential obstacles in the identification of substation locations, route corridors and line routes, and might best be avoided where possible or appropriate; it also includes considerations which will assist in the design of the project. Constraints are identified to ensure a comprehensive understanding of the study area.....'

Grid West Constraints Report 2012 (Tobins)

While it is understandable that this may be industry-standard terminology, it is nevertheless quite puzzling and technical for the lay person. The use of the word creates negative connotations and perhaps contributes to the perception that only certain types of issues qualify as legitimate reasons for objection or concern. The Review Team is of the view that another way to express the need to identify 'constraints' should be found and that Stage 1 policy needs to be redesigned to convey the message that all concerns expressed are taken seriously and that there is no fixed hierarchy of 'constraints'. The Road Map graphic needs to be altered to reflect this change.

3. The Phases of Consultation in Stage 1 are not Clear from the Road Map

It is not clear that there are three rounds of consultation in Stage 1. It is our understanding that Stage 1 is a lengthy and often costly process that requires a great deal of planning and resourcing. However, this is not evident in the Road Map. There is a missed opportunity here to clarify what happens during Stage 1. It is possible that Stage 1 itself may require its own Road Map so that the public and stakeholders can see just how many opportunities for participation are available early on in a project.

4. Consultation and Participation Need to be Clearly Distinguished

There is a lack of clarity in the Road Map when it comes to the distinction between *consultation* and *participation*. The Road Map makes no mention of participation in a process of decision-making; instead the focus is on consultation and the provision of feedback. Being consulted on an issue is not the same as participating in decision-making about the issue. Simply being consulted means that those who *have* the decision-making power are seeking the views of others who *do not* (or may not) have decision-making power. Telling someone that they are being consulted and that their feedback will be evaluated does not convey a sense of participation in a decision-making process.

Since there is no written policy underpinning the Consultation Road Map to provide further explanation of just what is meant by *consultation*, there appears to be an absence of focus on public and stakeholder *participation*. From our discussions with EirGrid staff and stakeholders, and from our examination of documentation, the Review Team is of the view that participation is actively encouraged and does indeed occur on the ground. However it is important that this participation is reflected in the Road Map and any future written policy accompanying it. The distinction between participation and consultation is not an empty or semantic one; rather it goes to the heart of both

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legal requirements and best practice in the area of strategic infrastructural development. The Road Map would be greatly improved if this sense of participation was developed and made explicit.

5. Consultation Requires its own Policy Document

The Consultation Road Map is published by EirGrid in the Grid25 document entitled 'Approach to the Development of Electricity Transmission Lines.'⁴⁵ This is a useful document that explains how each stage of the consultation process works in practice and what the public and stakeholders can expect from their interactions with EirGrid. While this document is entirely necessary, the Review Team believes that EirGrid ought to have a stand-alone written policy on consultation and participation. This policy document should explain the process and also provide information on the broader context within which EirGrid operates; namely legal requirements, international guidelines and best practice. This document could take the form of a code of practice on consultation and participation.

6. Taking Advantage of Opportunities for even Earlier Engagement

The consultation process formally begins at the Stage 1 "Information Gathering" phase. EirGrid in 'Approach to the Development of Electricity Transmission Lines' explains that the process begins once the technical need for new or enhanced grid infrastructure is identified.⁴⁶ The Review Team believes that there are opportunities for even earlier engagements explaining these technical needs before the process formally begins. Prior to Stage 1 beginning, EirGrid could consider reaching out to community leaders, local political representatives and those stakeholders most likely to be impacted by any project development. The Review Team notes the lessons learned by the European Grid Initiative in their *European Grid Report*⁴⁷ where they claim that early engagement with key stakeholders on the need for grid expansion can reduce the likelihood of lengthy discussions about the need later in the process. While there are very real challenges in engagement at early stages when interest is low, the Review Team believes that the real gain in very early targeted engagement is the relationship-building within communities and the creation of local presence.

7. Dispute Resolution Procedures for the Public and Stakeholders

These comments relate to the third pillar of principles governing consultation and participation – access to justice. Neither the Consultation Road Map nor the 'Approach to the Development of Electricity Transmission Lines' provides information on what a stakeholder may do in the event that they are unhappy with either their interactions with EirGrid or EirGrid's response to their written submissions. The Review Team

⁴⁵ www.eirgrid.com/media/EirGrid%20Roadmap%20Brochure%20July%202012.pdf - 2013-10-25, retrieved on 20/6/2014.

⁴⁶ P.5, *Approach to the Development of Electricity Transmission Lines*, www.eirgrid.com/media/EirGrid%20Roadmap%20Brochure%20July%202012.pdf, retrieved on 20/6/2014.

⁴⁷ Renewables Grid Initiative, *European Grid Report – Beyond Public Opposition: lessons learned across Europe*, and its subsequent *Update 2013*.

acknowledges that EirGrid staff are available for telephone discussions and face-to-face meetings at specified times and locations during project development and stakeholders can and do discuss their issues at this level. However there is a lack of an explicit policy on dispute avoidance, and on dispute resolution, with regard to stakeholder dissatisfaction with the consultation process. It is also noted that EirGrid consultation has no independent oversight or ADR procedures, which could also be a cause of criticism of the consultation process. Chapter 7 of this report will address these issues further and make recommendations for the development of the consultation process.

8. Timeliness of Response to Submissions

The Review Team notes that there is no established set timeframe for responding to written submissions from stakeholders. We understand that the sheer volume of submissions can cause difficulties with regard to timeliness of response.⁴⁸ However given the emotive nature of many of the debates on electrical transmission development, we believe it would be in the best interests of both EirGrid and stakeholders to establish a policy on responding to submissions in a reasonable timeframe. Should extra resources be required to achieve this, provisions should be made so as to help establish effective dialogue between EirGrid and the public.

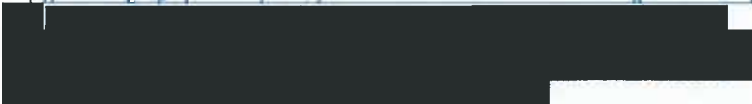
9. Taking Due Account of Public Feedback and Proving that this has been Done

The Review Team has noted that there is sometimes a lack of consistency of approach in the discussion on consultation in some Stage 1 Lead Consultant Reports. Some of these reports contain a detailed discussion of feedback analysis⁴⁹ but there are other reports which contain very little or no analysis of feedback at all. Taking due account of the outcome of public consultation and participation is crucially important to the integrity of the consultation and participation process itself. However it is insufficient to state that due account has been taken of all submissions received.. It must be transparently shown or proved that public submissions had a role to play in decisions made. Failure to document this could be taken to be a violation of a legal requirement to consult, so it is extremely important to provide some account or analysis of submissions received. EirGrid should take steps to apply consistent standards across all reports where public feedback is discussed.

10. The 'Public Face of EirGrid'

⁴⁸ For example, 35,000 submissions were received during the recent third public consultation on the Grid Link Project.

⁴⁹ For example, *The Grid West Project Phase 1 Lead Consultant's Report*
<http://www.eirgrid.rojects.com/media/Grid%20West%20Volume%201%20Stage%201%20Report.pdf>



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This is an important factor in all stakeholder engagement. The perceived 'tone from the top' is critical. There has been some negative feedback amongst stakeholders on this issue implying that senior management in EirGrid will not meet communities or stakeholder groups either proactively or by invitation. Some stakeholders found senior management to be project management orientated rather than genuinely listening to their concerns - genuine community worries relating to human and animal health, tourism, landscape and property devaluation. This aspect of the consultation needs to be considered. The company needs to achieve credibility and gain public trust from the top down; especially in rural communities. Considerations should be made for meetings at least with senior stakeholders.

In the communities where these proposed projects are undertaken, it is recommended that EirGrid appoint a company representative in the community; an informal face of EirGrid on the ground. EirGrid have excellent staff suitable for such positions, which could help to establish relationships and build trust in local communities. This critical consideration is in line with CIGRE and the international review of best practice.



7. Recommendations

7.1 INTRODUCTION

As a relatively new entity, EirGrid is tasked with the development of strategic infrastructure in Ireland on an unprecedented scale. Despite considerable public criticism, the Review Team has seen evidence of EirGrid's desire to meaningfully engage with the Irish public, beyond its statutory consultation obligations and in line with international best practice. But considerable confusion exists even among Grid25 stakeholders over what EirGrid is and what it does. To help EirGrid's efforts to fulfil its mandate to implement government policy it needs to clarify that mandate to the public in order to ensure that EirGrid develops an accurate public profile and achieves a more positive image in the minds of the Irish public.

The responsibility to justify government energy policy does not rest solely with EirGrid and this Review Team recommends that more be done on a political level to support EirGrid in addressing the calls for a 'Zero Option' debate. Likewise, government should weigh in on the task of addressing the fundamental concerns of Irish people in relation to health, bloodstock, landscape, tourism, etc. EirGrid needs the support of other state bodies to tackle these concerns and would benefit from the establishment of cooperation agreements with relevant bodies, such as ESB / ESBI, IFA, ICMSA, Teagasc, Fáilte Ireland, etc. EirGrid would also benefit from addressing the confusion between its role and the role of ESB / ESBI in the provision of infrastructure development and electricity supply. There is considerable scope for greater cooperation between these bodies, particularly in managing the recent changes to the Irish energy sector and building on the goodwill that ESB still has with the Irish public.

Despite the seemingly sincere intentions of EirGrid as a company, a lack of public trust has emerged as an acute issue affecting EirGrid's consultation process and the fulfilment of its mandate. EirGrid need to address this urgently if it is to successfully realise the ambitious Grid25 programme for strategic infrastructure development. It is hoped that the analysis of EirGrid's consultation process contained in this report and that the recommendations below will go some way to assisting EirGrid in achieving a more successful implementation of best practice consultation and meaningful public engagement. Our recommendations are indicative and should be developed in further consultation with EirGrid.

It is hoped that this Review will encourage EirGrid to afford the public greater ownership of the consultation process going forward, so that all can input into the development of Ireland's strategic infrastructure for the benefit of the whole country.

The recommendations below are divided into 3 categories, as follows:

7.2 Strategic: Supporting EirGrid in Implementing Public Policy

7.3 Operational: Consultation Improvement Techniques

7.4 Consultation Tools: RoadMap

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7.2 STRATEGIC: HELPING EIRGRID TO IMPLEMENT PUBLIC POLICY

1. We recommend that EirGrid publicly acknowledges that they have learned lessons from the past and that they are working to enhance and improve the consultation process for the future.
2. We recommend that the Executive and Board Members of EirGrid publicly commits to improving the organisation's capacity for and approach to public consultation in the future.
3. We recommend that EirGrid communicates to each of the concerned community groups that it wishes to welcome them into a collaborative and collective approach to resolving the current perceived difficulties in the consultation process, with a view to improving its consultation and participation in the future.
4. We recommend a substantial initiative to create a new national independent discussion framework so as to hear and give voice to the key concerns expressed by community groups, business interests, public representatives, individual citizens generally, and EirGrid.

We see this as a two phase process and attempt to articulate the concept in brief in this recommendation:

Phase One: The Scoping Process

The essence of the concept is that an independent body will be invited to facilitate and organise a Scoping Conference. A conference of this sort is normally designed in two separate parts.

Part 1: to invite parties in conflict with each other to identify and prioritise their issues on a "without prejudice" basis, so that they can agree to discuss these issues in facilitated meetings, which would happen in Part 2 of the process. In this case, the invitation to participate in the Conference would be extended to those all who contributed to the Consultation Review Process.

No preconditions should be imposed on any party with respect to the process. For example, "we will only talk to the other party if they agree to"

The conditions under which the process would be designed should be stipulated by the Chairperson of the process.

A normal design requirement is that all parties would set aside their history and activities with one another, and enter into Part 1 of the process, with the aim of arriving at an agreed agenda of issues to be discussed and agreed at Part 2 of the process; the facilitated meetings process.

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The normal agreed outcomes can be framed in a binding agreement, subject to the design of the process.

The conference should be chaired by an agreed, respected facilitator. The role of the Chair would be to ensure that key concerns are discussed and debated to a point where the framework for Phase Two (the facilitated meetings stage) of this recommendation can commence, and assist in bringing matters of concern to some point of conclusion. In essence, the conference would be an opportunity for those who feel that they were not listened to, to speak directly to EirGrid management, to identify and address concerns, and to hopefully resolve some if not all issues that currently exist.

The Conference Chairperson would be assisted by four nationally respected Facilitators, who would Chair four individual themed conferences as set out below. The Conference Chairperson and the four Facilitators would meet in plenary sessions with the all delegates including EirGrid to discuss and agree the key issues identified. The issues would then be brought forward to Phase Two; the facilitated meetings phase.

The facilitated meetings phase would be at both a local and national level, depending on the identified issues.

By way of an introduction to the concept proposed, we see some key themes to be examined, discussed and debated. They are grouped into the following areas:

A. Grid 25: Do we need it or not?

A facilitated discussion designed to understand the justification of the national energy policy and the different perspectives that have arisen around the need for these projects. Government representatives and relevant Department staff and cooperating community groups should be invited to participate.

B. EMF & Our Health: Who and what are we to believe?

A discussion to examine the need for clarity and credibility around the various statements issued by various bodies, both statutory and non-statutory, with a view to coming to an understanding on who and what we can rely upon with respect to our community health and wellbeing, including the wildlife and animals we share our localities with.

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C. Underground vs. Overground: whose problem are we solving and what problems are we causing?

A discussion to examine the issues raised by this topic. The aim of the discussion is to arrive at a clearer understanding of all issues associated with the underground vs. overground debate. This session should deal with the perceived mixed messages, the perceived violation of “place”, and the “Not in my back yard” issues.

D. Consultation, Corporate Social Responsibility & Human Rights

A discussion involving community groups, invited to speak to their experience of being consulted by EirGrid. The discussion would also hear from representatives of the EirGrid senior management team and or Board of Directors. The Chair of the conference would, with the assistance of a facilitator, seek to capture the elements of agreement and disagreement so that a more open efficient and transparent consultation process can recommence.

The above are the suggested four key themes of the scoping conference from where an agenda of defined issues should emerge and from where Phase Two – the **facilitated meetings** phase should be commissioned and begin. We anticipate that the agreed output from Phase One would form the basis of an agenda of issues to be resolved in community-based facilitated meetings.

We anticipate that to facilitate the integrity of the Scoping Conference, it must be accepted that there are many different perspectives on the key issues and opinions. Therefore, invitations to local communities (including those with alternative views), EirGrid, National and International bodies and experts are recommended to give full voice to the themes proposed above.

Standard ground rules should apply to the entire process. An emphasis should be placed on proper conduct and behaviour, including the signing up of participants to a pre-agreed code of conduct and confidentiality for the duration of the process.

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Phase Two: The Facilitation Process

This element of our recommendations needs to be understood in the context of two dimensions:

A: As part of the follow-up to the Scoping Conference discussed in brief above, we **expect** that issues identified in the scoping process would most likely need to be dealt with at both national and local levels. Therefore a listing of the agreed national issues and local issues would emerge from the scoping process.

B: Based on the content of the emerging lists in **A** above, we recommend that local and national bespoke conciliation be made available to facilitate resolutions of the agreed and identified concerns from **Phase One: the Scoping Process**.

We recommend that a professional community conciliation model be used and delivered by competent and nationally recognised dispute resolution professionals. Community conciliation is normally delivered with two people or more in the conciliator role.

We recommend the assembly of a panel of qualified independent community mediators from which Community Groups, EirGrid and other stakeholders can select mediators to progress matters identified at the scoping conference at a local level.

A process for agreeing the selection of mediators should be discussed and agreed at the scoping conference.

We recommend that a code of ethics and professional conduct from a professional dispute resolution body is signed up to and embraced to support the process.

The Review Team would like to emphasise that the key requirements for successful outcomes in this form of dispute resolution is “good faith participation” and a clear understanding of mutual expectations.

5. We note that EirGrid cannot be held responsible for any lack of connectedness between many government and state agencies regarding the grid development mandate.

However, EirGrid must now take the lead in filling this gap in order to achieve the support it requires from government.

We recommend that EirGrid takes steps to improve the public perception of its role and function, and that it seeks to strengthen formal channels of communications and

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cooperation with all relevant State Bodies, Agencies, Local Authorities and public representatives to clarify its role and gain the support it needs in fulfilling its mandate:

- a. We recommend that EirGrid must be willing to redefine what Grid25 is aiming to achieve, and be willing to clarify its mandate before engaging with state bodies, agencies and local authorities.

We recommend that EirGrid establish cooperation agreements with relevant bodies where appropriate and see such agreement translated into “on the ground” supportive action during a renewed consultation phase.

- b. Strengthen the support of Political System at highest level to promote a statement of mutual ownership of the Grid25 development programme and an understanding regarding the key concerns communicated by the public:

- i. **Electro-magnetic Field (EMF) Impact:**

This is one of the most challenging and controversial issues. It will require cooperation within the highest level in the state systems.

EirGrid must develop support for a statement on the issue of the health effects of EMF from Departments of the Environment and of Health, NGO’s, Community and Local Government and any relevant others. A high level public leadership statement should also be requested from the Government.

- ii. **Environmental impact:**

Seek the assistance of the Environmental Protection Agency and wider European and Global bodies in clarifying the impact of the proposed grid development (include European and international comparisons, where appropriate).

- iii. **Clarify and communicate the need for development:**

Engage with elected public representatives and engage project champions in clarifying and communicating the need for the proposed grid development. Ensure that EirGrid communicates clearly and continuously at all levels to acknowledge objections and address them so as to dispel misinformation and minimise negative perceptions.

- iv. **Relationship Building:**

Maintain, strengthen and develop key corporate relationships with other infrastructure providers. Work on those relationships which require building, rebuilding or improvement. Where appropriate, tap into existing positive working relationships between potential partner

organisations and the general public. Engage in strong collaborative visibility with potential partners, such as:

- a. ESB
- b. NRA
- c. Irish Water
- d. Bord Gáis
- e. Local Authorities.

6. We recommend that EirGrid reviews its Project Management approach to the Grid 25 programme to include a more comprehensive stakeholder engagement strategy on all projects leaning towards agile Project Management ⁵¹with a core goal of building and maintaining relationships with all stakeholder groups and host communities. We recommend that EirGrid's priorities must be to firstly understand the stakeholders and communities, and secondly to be understood by them; it needs to build trust and adequately inform communities why they are proposing the infrastructure and understand the resulting individual community concerns as they relate to their lives and their places. All EirGrid project managers, senior executives and external consultants should be trained to deal with this critical social enterprise and individual project management teams should be encouraged and resourced to spend at least 50% of their time building relationships with stakeholder communities and their representative organisations. The scale of the projects and the consultation required has been underestimated and it now needs to be adequately augmented and resourced to suit the task for the Grid 25 programme.
7. We recommend that EirGrid create new opportunities at or in high level networks to achieve the necessary support for EirGrid in realising its mandate; and that it should take full advantage of the supports available from membership of the Chairpersons' Forum and the Association of Chief Executives of State Agencies in Ireland.
8. We recommend that EirGrid should engage with higher level politicians too, in conjunction with the work at Recommendation 5, to encourage greater responsibility and support among them for the implementation of EirGrid's mandate.

⁵¹ Agile project management is an iterative and incremental method of managing the design and build activities for engineering, information technology, and new product or service development projects in a highly flexible and interactive manner, for example agile software development. It requires capable individuals from the relevant business, with supplier and customer input - <http://www.versionone.com/agile-project-management/>

7.3 OPERATIONAL: CONSULTATION IMPROVEMENT TECHNIQUES

Operational Principles	
COMMUNICATION:	open and effective communication ; listening and talking
TRANSPARENCY:	clear and agreed information and feedback processes
COLLABORATION:	work to seek mutually beneficial outcomes where feasible
INCLUSIVENESS:	recognise ,understand and involve stakeholders in the process
CONDUCT & INTEGRITY:	stakeholder engagement in a manner that fosters mutual respect and trust
Strategic Principles:	
SIGNIFICANCE:	deal with issues of significance to the stakeholders and the agency
COMPLETENESS:	understand the concerns, views, needs and expectations
RESPONSIVENESS:	respond coherently and appropriately

9. We recommend that EirGrid invest in simplified, meaningful communication:

- a. All communication should be in ‘Simple English’; it is imperative that EirGrid move away from technical and legal terminology in their general communication. The public can then be directed to the EirGrid website / further documentation for the legal and technical detail of projects.
- b. Efforts should be made to communicate the complexities of projects and the public should be trusted to comprehend the various arguments for and against different forms of technology (e.g., AC vs. DC systems; full breakdown of the underground vs. over-ground debate, cost implications, technological difficulties, risk to supply, etc.; how EirGrid makes decisions in the initial stages of project planning; etc.).
- c. EirGrid should commit to respond to submissions and queries from the public in a timely manner. While we recognise the lack of staff resources to cope with the volume of public submissions, it is vital that two-way communication is improved, because there is evidence that EirGrid’s poor response time has created a negative public perception of EirGrid, and dysfunctional relationships with stakeholders.

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- 10.** We recommend that EirGrid develop a new Corporate Policy for stakeholder engagement in line with international best practice; and ensure it addresses all aspects of corporate and social responsibility and engagement. We recommend that EirGrid change the policy emphasis to take account of the following:

 - a. Overtly acknowledge CIGRE, Gunning and Aarhus principles.
 - b. Shift emphasis in community from *presence* in to *relationships* in community.
 - c. Re-design Road Map to place greater emphasis on public participation at the early stages.

- 11.** We recommend that EirGrid develop a Community Consultation Handbook in consultation with community representatives and selected others so as to:

 - a. Communicate EirGrid’s sincere wish to conduct meaningful public consultation and engagement.
 - b. Develop and publish a Code of Practice for all persons working on behalf of EirGrid including a complaints procedure for issues arising from consultation processes.
 - c. Put in place procedures to facilitate feedback on consultation.

- 12.** We recommend that EirGrid encourage public participation in and ownership of projects from the earliest stages so as to:

 - a. Engage with landowners at the earliest possible stage.
 - b. Take steps to further improve the access to engagement of vulnerable groups (elderly, disabled, etc.).
 - c. Bring consistency to regional solutions.
 - d. Where possible, try to utilise local or regional staff to solve local problems.

- 13.** We recommend that EirGrid introduce conflict resolution tools and techniques to deal with impasses. Build these into the new consultation Road Map so as to:

 - a. Consider facilitated meetings and conciliation if and as appropriate.

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- b. Introduce an independent Dispute Resolution Board made up of neutral third party facilitation panels at national, regional and local levels and allow stakeholders to nominate or select from the panels.
- c. Train and accredit a wide range of EirGrid staff in conflict resolution skills and techniques.
- d. EirGrid’s consultation process has no independent oversight or independent mechanisms for addressing complaints. This is an area that could be assisted by the engagement of neutrals / neutral organisations to supervise and facilitate the consultation process.

7.4 CONSULTATION TOOLS: ROAD MAP

14. STAGE 0: “PUBLIC FIRST”: WHAT YOU THE PUBLIC SHOULD EXPECT FROM EIRGRID

We recommend that EirGrid develop and publish its consultation tools on the following lines:

This is an indicative model which if accepted in principle will require refinement and further design.

Information Giving vs. Information Gathering

- a. Focus on building relationships at the earliest possible stage of the design and planning processes
- b. The emphasis should be on information sharing and joint ownership of the consultation process
- c. Developing the relationship: **CIArb Key High Level Principles**

FOSTER

F: Freedom

O: Openness

S: Safety

T: Trust

E: Expectations

R: Relevance

- d. Stating with clarity the National Needs
- e. Absolute clarity on all health issues and general concerns

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- f. Clarify 'What's In It For Me?' (WIIFM) for all concerned, not just land and wind-farms owners. EirGrid should consult with stakeholders to define this for each group, and for EirGrid itself.

15. SUPPORT FOR STAGE 0:

Commitment to Improve Staff Consultation Competence

We recommend that EirGrid:

- a. Set out how EirGrid plan to consult the public at local and national level
- b. Invite a partnership approach to consultation with stakeholders at all levels
- c. Ensure nothing happens until each consultation phase is complete and all queries are dealt with (e.g. no plan is made, or adopted, or implemented)
- d. Partner with Local Authority (and others trusted by stakeholders) on joint hosting consultation processes
- e. Become consistent and vigilant about real communication, about follow up and about citizen service
- f. Establish facilitation and conciliation panels
- g. Equip staff at all levels with interpersonal skills training

16. STAGE 1: PUBLIC INTRODUCTION & INVOLVEMENT

"A Good Start is Half the Work"

- a. We recommend that EirGrid present communities its initial proposals with details of consultation plan and invite comment and "buy in" from local communities and other stakeholders. We recommend that EirGrid publish in that consultation plan a statement of how it sees the immediate needs; how it will finalise for acceptance the design of the initial consultation stage; and its own tasks of gathering required information for that and later stages.
- b. We recommend that EirGrid consider implementation principles and procedures for impacted communities and landowners, which could include:

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- maintaining contact
 - keeping promises
 - communicating progress
 - establishing conflict resolution mechanisms
 - updates on impact
 - measurement of stakeholder feedback as the programme progresses.
- c. We recommend that EirGrid should seek the involvement of local communities and others to commence the consultation plan, to provide shared ownership of consultation plan, and for how EirGrid should move to collect and gather all information required to put into initial proposals, to be shared with communities and individuals.
- d. We recommend that EirGrid should, after presenting its initial proposals to communities, continue with the consultation process, using Stakeholder forums and bespoke conflict resolution tools from the beginning stages of the Road Map, so as to continually develop and demonstrate EirGrid's consultation credibility and commitment to public participation from the design to implementation stages.

17. STAGE 2: INFORM THE PUBLIC OF ALL THE OPTIONS

Maintaining the Momentum

We recommend that EirGrid:

- a. Consider and publish all feedback, queries and responses from Stages 0-2
- b. Present options and seek feedback on the preferred route corridors; publish reasons, pro and con the main options, and give full explanations for EirGrid interim proposals
- c. Invite feedback and responses through all avenues of the consultation process
- d. Agree to independent public facilitation so as to present options and hear initial feedback
- e. Publish a full consultation feedback report, prepared by the independent facilitator and including responses to all queries, comments and expressed concerns

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- f. Establish and maintain a file of all submitted correspondence

18. STAGE 3: PUBLIC OWNERSHIP OF CONSULTATION PROCESS

Public Engagement with Preferred Options & Preparing for the Planning Process

We recommend that EirGrid:

- a. Identify indicative overhead or underground routes and options, including corridors, impacted site and boundaries
- b. Identify and meet all individuals directly affected by proposals
- c. Provide independent dispute resolution service to those who may wish to avail of it, for example, facilitated discussions and bespoke conciliation to resolve difficulties. A dispute resolution board comprising of agreed 3rd party neutrals could be set up to hear disputes.
- d. Make available all additional information requested by stakeholders
- e. Publish updated consultation report and unresolved objections. Consider which can be addressed at f. below, and which may need to be part of An Bord Pleanala process
- f. Embrace the concepts of participatory design, as discussed earlier in the report, so that stakeholder input into design, location and mitigation measures, gives EirGrid the option to 'design out' a high percentage of the problems.
- g. Embrace participatory design is an integral part of the consultation process and encourage it as the key to joint ownership of the solution.

19. STAGE 4: CONFIRM DESIGN WITH PUBLIC CARE & ATTENTION

Moving to the Statutory Consultation Process

We recommend that EirGrid:

- a. Consider all feedback from Stage 3
- b. Conduct environmental studies and surveys

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- c. Confirm design, sites, overhead lines or underground routes
- d. Confirm construction approaches, aftercare and remedial proposals
- e. Carry out a review and risk assessment of consultation with landowners, communities and individuals, recognising that any failure in the EirGrid public consultation process is a critical risk factor to be taken into account as outlined as part of the ongoing Risk Analysis ⁵²in the overall Programme Management for Grid 25.
- f. Review and improve as needed the transparency of approach and quality assured consultation with public, communities and individuals
- g. Acknowledgment of objections by others as the process moves forward and an openness to possible resolutions

20. STAGE 5: PREPARE PLANNING APPLICATION & PROVIDE PUBLIC WITH ONGOING INFORMATION

Complete Consultation Reports & Finalise Planning Application

- a. In parallel with preparing the statutory Environmental Impact Statements and the formal submission of the strategic planning application to An Bord Pleanála, we recommend that EirGrid continue to maintain and foster relationships with the host communities and stakeholders at this critical stage. We recommend that EirGrid protect and enhance relationships during this formal stage of the project so as to allow all parties to work together afterwards. We recommend that EirGrid should be careful to behave so as to avoid what may be seen by any party during oral hearings etc. as arrogant attitudes, recognising that formal processes and submissions may be insensitive to human relationships; and that great care is needed at this stage to protect and enhance those relationships at community level.

⁵² A flawed consultation process poses a serious risk to EirGrid projects. This should be addressed in the Project Management Procedure of the PMO (Project Management Office) under Risk Analysis and Risk Breakdown Structure. It should be noted that this consultation is a critical part of a wider and structured project management regime that is outside the remit of this Review [to comment on](#).

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- b. We recommend that EirGrid update all stakeholders on the process and status of the project as it proceeds, and should publish all relevant reports and process outcomes.
- c. If and when formal planning permission is granted, we recommend that EirGrid acknowledge both cooperation to date, and remaining unresolved issues; and should restate their commitment to consultation and communication.

21. STAGE 6: CONSTRUCTION STAGE – ONGOING PUBLIC ASSURANCE AND QUALITY OF APPROACH

Way-leaving & Construction Phase

We recommend that EirGrid:

- a. Prepare, update and publish transparent construction plans and programmes
- b. Serve appropriate way-leave notices on landowners and agents
- c. Provide ongoing community and individual updates and progress reports during mobilisation and construction periods of the projects
- d. Ensure continuity of consultation between design and construction phases
- e. Ensure that contractors are properly informed of overall project management consultation requirements, and of all protection and mitigation measures affecting individuals and communities, by establishing a training and monitoring process
- f. Provide ongoing information and review with stakeholders

8. Bibliography

- Approach to the Development of Electricity Transmission Lines, www.eirgrid.com/media/EirGrid%20Roadmap%20Brochure%20July%202012.pdf, retrieved on 20/6/2014.
- CIGRE Report No. 548 - Stakeholder Engagement Strategies in Sustainable Development – Electricity Industry Overview, Working Group No. C3.04 (August 2013)
- Additional CIGRE Recommendations Report No. 274 - Consultation Models for Overhead Lines Projects, Working Group b2.15 (June 2005)
- Consultation Charter, Consultation Institute (2010)
- Consultation data made available by EirGrid
- Devine-Wright, Patrick (April 2012), “Explaining “NIMBY” Objections to a Power Line: The Role of Personal, Place Attachment and Project Related Factors”, Environment & Behaviour (Sage Journals).
- East Kerry North West Cork 220/110kV Project Lead Consultant’s Report <http://www.eirgridprojects.com/media/East%20Kerry%20North%20West%20Cork%20Project-%20Stage%201%20Report.pdf>, retrieved on 20/6/2014.
- EirGrid internal and external reports
- The Grid West Project Phase 1 Lead Consultant’s Report <http://www.eirgridprojects.com/media/Grid%20West%20Volume%201%20Stage%201%20Report.pdf>, retrieved on 20/6/2014.
- ‘Initial Assessment of Feedback on Consultation Process’ by Valerie Hedin, EirGrid (2014)
- ‘International Review of Consultation for Transmission Infrastructure Development’ by EirGrid Senior Planning Consultant, Des Cox (2014)
- Laois-Kilkenny Reinforcement Project Lead Consultant’s Report <http://www.eirgridprojects.com/media/PHASE%201%20REPORT.pdf>, retrieved on 20/6/2014.
- Planning and Development (Strategic Infrastructure) Act 2006 (Ireland).
- Renewables Grid Initiative, European Grid Report – Beyond Public Opposition: lessons learned across Europe, and its subsequent Update 2013.
- Submissions from stakeholder groups
- United Nations Economic Commission for Europe (UNECE), Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 30 October 2001 (The Aarhus Convention).
- UNECE, Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (ECE/MP.PP/2014/8).

9. APPENDICES

The views and statements in the appendices to follow are those of the parties we interviewed as part of our review process. As third party neutrals we neither agree nor disagree with these views, but used them to support our assessment of the stakeholders experience of EirGrid's consultation process, as discussed in Chapter 5.

Minor edits have taken place to these notes to ensure that in as far as possible that no statement made to us in good faith can or should be interpreted as defamatory or abusive against Eirgrid PLC, its agents or employees.

We do not include in this report some additional documents provided to us where in our opinion such documents did not address the matters relevant to the form and quality of consultation experienced by the various stakeholder groups and Eirgrid PLC.

9.1 APPENDIX A: LIST OF EIRGRID MEETINGS & STAKEHOLDER INTERVIEWS

Date	Individual/Group	Other Information
March 2014	John O'Connor, EirGrid	Meeting
April 2014	Valerie Hedin, EirGrid	Meeting
April 2014	Interim Report Presentation, EirGrid	Meeting
April 2014	Irish Farmers' Association (IFA)	Meeting
April 2014	Irish Creamery & Milk Suppliers Association (ICMSA)	Meeting
April 2014	Monaghan Against Pylons (MAP)	Meeting
April 2014	North East Pylon Protest (NEPP)	Meeting
May 2014	John Fitzgerald, EirGrid	Meeting
May 2014	John Fitzgerald, EirGrid	Meeting
May 2014	John Fitzgerald, EirGrid	Meeting
May 2014	Meeting/Workshop: Niamh Cahill, Valerie Hedin and colleagues, EirGrid	Meeting / Workshop
June 2014	Meeting/Workshop: John Fitzgerald and colleagues, EirGrid	Meeting / Workshop
June 2014	Mark O'Mahoney-Chambers Ireland	Telephone Conversation
June 2014	Dr Graham Roberts, Carrigeen Against Pylons	Meeting

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July 2014	John Fitzgerald, EirGrid	Meeting
July 2014	John O'Mahony TD	Meeting
July 2014	Joint Committee on Communications and Transport-Daíl Éireann	Meeting
Date	Individual/Group	Other Information
July 2014	Martin Heydon, TD (Fine Gael)	Meeting
July 2014	Niamh Cahill, EirGrid	Telephone Conversation
July 2014	Neil van Dokkum-Comeraghs Against Pylons	Telephone Conversation
July 2014	Ciaran Byrne-Inland Fisheries Ireland	Telephone Conversation
July 2014	Fintan Slye, EirGrid	Telephone Conversation
July 2014	Neil van Dokkum, John McCusker-Comeraghs Against Pylons	Additional telephone conversation with John McCusker
July 2014	Niamh Cahill, EirGrid	Meeting
July 2014	Turlough O'Brien, Carlow County Chamber	Telephone Conversation
July 2014	Jenny Beresford, Dungarvan & West Waterford Chamber	Telephone Conversation
July 2014	Madeleine Quirke, Wexford Chamber	Telephone Conversation
August 2014	Brian Cleary, Clonmel Chamber	Telephone Conversation
August 2014	IFI Environmental Officers	Meeting
August 2014	Ian Lumley, An Taisce	Telephone Conversation
August 2014	Ian Lumley, An Taisce	Meeting
August 2014	Waterford Chamber	Telephone Conversation
August 2014	Cathal Hennessy, Jude Byrne, Coillte	Telephone Conversation
August 2014	Niamh Cahill, EirGrid	Meeting
October 2014	John O'Connor, Fintan Slye	Meeting

9.2 APPENDIX B: QUESTIONS WE PUT TO STAKEHOLDERS

During our interviews and in our correspondence, stakeholders were asked about the following types of issues:

1. Their earliest interactions with EirGrid and the relevant project in their area;
2. Their impressions of the consultation process at the early stages of interaction;
3. What expectations they had about how their input would be managed;
4. What happened in their area during the consultation process;
5. Whether their expectations were met;
6. How their correspondence was dealt with by EirGrid;
7. How face-to-face interactions were conducted;
8. Their evaluation of the consultation process;
9. Their recommendations for improvements in the consultation process;
10. Any other comments, issues or concerns they wished to discuss.

9.3 APPENDIX C: PUBLIC PERCEPTION OF EIRGRID IN THE MEDIA

Excerpt from “Summary of Feedback on EirGrid’s Consultation Process on Grid Infrastructure” (March 2014) by Valerie Hedin, EirGrid

The main topics on consultation that featured in the media may be summarised as follows:

- Insufficient consultation on an underground option. The main criticism was that EirGrid had ruled out such an option early on in the project development process. Therefore, meaningful consultation with communities could not take place it was claimed.
- Some members of the press criticised EirGrid for failing to provide a cost/benefit analysis specifically for Grid25 and other specified projects. Media reports expressed the view that there was a lack of detailed information in relation to the project cost and its benefits to society.
- There have been some references to criticism of EirGrid for not attending public meetings, the failure of An Post to deliver letters to some areas of the Grid West project and EirGrid seeking to bypass local authorities by utilising the strategic infrastructure board.
- Some commentators cited a failure to communicate the need for grid projects in the current economic climate in the context of the on-going debate on Ireland’s renewable energy policy and concern about the increase in wind farms.
- There was criticism of what some commentators described as a ‘divide and conquer’ strategy referring to the process of publishing many route corridor options. Some commentators accused EirGrid of presenting the image of a significant consultation process while dividing communities and pitting them against each other.
- Some columnists expressed the view that EirGrid had failed during its consultation to reassure communities in relation to health concerns, stating that more needs to be done to convince communities that the infrastructure is safe.
- There was criticism by the local media in Waterford that local newspapers in Dungarvan were not used to advertise Consultations No.1 & No.2 for the Grid Link project. There was also some criticism that a project information centre was not opened in Co. Waterford.

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9.7 APPENDIX G: MEETING WITH MONAGHAN AGAINST PYLONS (MAP) COMMITTEE

Date: May 2014
Venue: Carrickmacross, Monaghan

The Review Team met with six members of the group which included a Sinn Féin Member of Monaghan Co. Council. The group prepared some documentation for the Review Team and gave them copies of their surveys, submissions and their own consultation reports.

- The group has been dealing with this issue since 2007 and have been through one abandoned (by EirGrid) oral hearing in 2010, and are about to partake in another one. They say that the same corrected planning application is being submitted, but that EirGrid should have started afresh, like with any other planning application. The group believe that EirGrid is of the view that 'consultation', for planning purposes, is over for them in relation to this project, and the original consultation file is what has been submitted to An Bord Pleanála for the new application.
- The group has produced a full paper on the consultation, as a result of their dissatisfaction with EirGrid's consultation process
- The group had a considerable problem with 'visibility and access to information' and had to pay large fees for information (they say up to €2000 for a map).
- The group noted that the most recent attempt at consultation by EirGrid was a failure as the public refused to participate (only 12 people dropped into centres; mainly students doing a school project) and only 18 submissions were received. It was added that these submissions were mostly from 'competent authorities organised by EirGrid'.

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- The group was concerned that previous 'ineffective consultations' would be used by EirGrid at oral planning hearings, so they organised their own one and invited EirGrid staff to participate. They had engagement from over 600 people and have produced their own reports, including an exit poll, to support the findings of their consultation.
- The group criticised EirGrid consultation documentation, noting an abundance of 'EirGrid talk' and distinct lack of 'plain English'.
- The group noted that they had not been offered the consultation RoadMap.
- The group felt that the EirGrid consultation has not been clear or transparent from the outset. They criticised that no underground option had been offered, as under-grounding is a very popular option in Co. Monaghan because of drumlins landscape. The group felt that local concerns were ignored and that the EirGrid consultation was carried out in a 'very arrogant manner'. The group noted that they were given no criteria on how route and technology options were selected.
- The group is associated with the local landowner group (circa 25 landowners). They reported that this landowner group is united in their distress over what they see as EirGrid's attempt to pressure landowners, by threatening to put pylons in the middle of fields; particularly as the fields are very small in Monaghan, with the biggest field about 3 acres.
- The group noted the considerable community outrage in the area. They noted that Monaghan has been severely affected by the recession and people see their land as 'all they have left'; they feel that their space is being invaded.
- The group complained that elderly and isolated people were not being engaged or consulted; they claimed that no proactive attempt was made by EirGrid.
- They say the consultation is best described as a 'shambles' and the 'people have been given a weighting of zero in any determination'

9.8 APPENDIX H: MEETING WITH NORTH EAST PYLON PRESSURE CAMPAIGN (NEPPC)

Date: May 2014

- The North East Pylon Pressure Campaign was formed in 2007 and allegedly represents 45,000 people on the Grid North selected route, going through Co. Meath (approx. 10,000 families on the route).
- They are one of the longest established pressure groups and have been in consultation with EirGrid for 7 years.
- They organised the campaigns for Grid Link and Grid West by holding a national conference in November 2013.
- They have carried out extensive paid research on grid development in Europe and in particular, have travelled to Denmark where an equivalent scheme has been put underground, similar to the East–West interconnector in Rush
- The NEPPC group accepts that the Grid needs development but want it underground, as per the latest technology and precedents set elsewhere in Europe.
- The group noted that they had initial consultations from 2007 onwards, but claim that the recently re-launched consultation is no different to the original consultation, except for the correction of some minor errors as outlined at the oral hearing, such as pylons in the middle of the road, pylons in the way of a flying training school flight path etc.
- NEPPC believes that ‘the consultation has no relevance to EirGrid’s decision’.

Without Prejudice

- The group felt that there was a distinct arrogance at all levels, with the exception of one individual (noted by the group); 'EirGrid does not listen and people don't matter'.
- The street side consultation centres for the last consultations had security guards and numbers were limited to a maximum of ten entrants; all members of the public were photographed, which was considered very confrontational behaviour.
- They allege that 'the consultation was essentially questioning by EirGrid for landowner information'. NEPPC have effectively boycotted the last 'consultation' the group believed that the line was picked and the route decision was already made; the group claim to have written proof of this.
- The group described EirGrid as 'very devious for a public body'; 'EirGrid refuse to come to meetings and will not engage'
- The group claim that 'some of their very affected members have been purposefully excluded from consultation'.

