

SUMMATION

ON BEHALF OF

CHASE (MONKSTOWN)

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9TH OCTOBER, 2003.

1.0 Introduction

Arising from this oral hearing, An Bord Pleanála is required to make a decision as to whether to grant permission to the development proposed by Indaver (Ireland) for a hazardous waste incinerator, transfer station and associated facilities in Ringaskiddy, Co. Cork. The application submitted by Indaver is to be considered under the Local Government (Planning and Development) Act, 1963 and its associated amendments. Because the activity is one requiring a Waste Licence, operational aspects of the facility licensable by the Environmental Protection Agency (EPA) are excluded from consideration by An Bord Pleanála.

In its deliberations, An Bord will have regard to the basic requirement of the 1963 Act that the proposed development should assist in *securing the objectives which are contained in the provisions of the development plan*. In accordance with the requirements of the European Communities (Environmental Impact Assessment) Regulations, 1989 and its amendments, all environmental aspects of the proposed development not licensable by the EPA will specifically be examined to see how they contribute to the securing of those objectives. Throughout their deliberations, An Bord will have regard to the principles of proper planning and sustainable development.

2.0 Overview of the proposed development

In doing the above, I would ask An Bord to be mindful of the approach taken by Indaver in the advancement of this project. Indaver NV is a Flemish company specialising in management of both hazardous and non-hazardous waste. Minchem Environmental Services is an Irish company and one of the principal players in the Irish hazardous waste transport and export market. In November 1999, Indaver NV purchased a 60% shareholding in Minchem.

It was also at the end of 1999 that Indaver began its site selection process for the establishment of what was proposed to be a national facility for the incineration of hazardous waste. EPA statistics published in the *National Waste Database* confirmed County Cork as being the largest producer of hazardous waste in the country. Backed by Minchem's intimate knowledge of hazardous waste generation patterns, Indaver began a desk-based study of areas zoned for industrial development by the County Cork Development Plan 1996. Because of the predominance of large-scale pharmaceutical and chemical manufacture in the area, this study focused in particular on Cork Harbour and its environs.

Five potential locations around Cork Harbour were identified as being industrially zoned and therefore potentially suitable for establishment of an incinerator. However, on contact with Cork County Council and the ESB, four of these five were ruled out. Only Ringaskiddy remained. Much of this land was found to be in the ownership of the IDA, which was unwilling to sell to Indaver. Of that land available, four potential sites were short-listed.

Having completed this first tranche of the desk-study, Indaver broadened its search to include industrially zoned lands in other areas of the county. However, all five zonings identified were close to sizeable towns and each was deemed to be unsuitable for the establishment of an incinerator for one reason or another. No detailed site investigation was undertaken in any of these five sites.

So Indaver returned to the four favoured sites in Ringaskiddy. An investigation of each site was undertaken with a view to applying a range of site selection criteria. These site selection criteria related to social, economic, transportation and environmental issues. This was the first time environmental criteria had been considered in the site selection process. Two of the four sites were in private ownership, while the other two belonged to Irish Ispat. One of these

sites was further away from sensitive receptors than any of the other four, while the other was close to sensitive receptors than any of the other four. However, that site which was furthest from sensitive receptors was believed to be potentially contaminated and to possibly involve considerable construction costs in piling.

In December 2000, Indaver purchased that site from Irish Ispat closest to sensitive receptors. In January 2001, Indaver commissioned a reputable firm of Cork-based consultants to prepare an Environmental Impact Statement for the chosen site. During that same year, the EPA published the *National Hazardous Waste Management Plan*.

The Indaver proposal for the site at Ringaskiddy is for two incinerators. The first is described as Phase 1 and is planned to burn both hazardous and non-hazardous waste. The second, known as Phase 2, will burn non-hazardous waste only. Both incinerators will be situated inside the same building. Both will use the same access road, the same transfer station, the same facilities and even the flues for both incinerators are encased within the one stack. That the two projects are indivisible in the Indaver personnels' own minds is evident in that the Environmental Impact Statement relates to both phases and, even at this hearing, the project manager's overview of the proposed development referred to both Phase 1 and Phase 2. Even though a Waste Licence application has been made for both Phase 1 and Phase 2 to the EPA, Indaver submitted a planning application to Cork County Council for only Phase 1. It is this Phase 1 of the proposed development which is now before An Bord Pleanála.

When Indaver first conceived this project in 1999, published hazardous waste statistics indicated that some 48,000 tonnes of such wastes suitable for disposal by incineration were exported from Ireland. The economics of hazardous waste incineration at this scale are borderline. So Indaver proposed a co-incineration facility with a nominal capacity of 100,000 tonnes. The technology type was carefully chosen. A post-combustion chamber would cater for some 40,000 tonnes of solvent, while the remaining 10,000 tonnes of hazardous waste would be incinerated in a fluidised bed. The 50,000 tonnes spare capacity in the fluidised bed would be used to dispose of problematic non-hazardous wastes generated by industry. Industries in the South Cork area have a particular difficulty with management of sludge at present. Fluidised beds are a proven technology for treatment of sludge, some 48,000 tonnes of which is documented as arising in the South Cork area (Cork County Council, 2000).

3.0 Compliance with the Cork County Development Plan 2003

The Cork County Development Plan 2003 is one of the first in the country to be made under the Planning and Development Act, 2000. This Act interlinks planning and sustainability such that they are indivisible and, consequently, sustainability is at the core of planning as outlined for County Cork in the County Development Plan 2003. Similarly, when considering the compliance of the proposed development with the County Development Plan 2003, the issue of sustainability cannot be ignored.

Sustainability involves a holistic approach to planning. And because the impact of the proposed development extends well beyond the proposed site at Ringaskiddy, compliance of the outcome of these impacts with the objectives of the County Development Plan for all impacted areas must be determined. Traffic associated with the proposed facility will affect all approach roads to Cork and, in particular, the Jack Lynch Tunnel. Emissions, arising either from routine operations or from emergency situations, have a fall-out at least as extensive as that indicated by Indaver in its Environmental Impact Statement. The visual impact of the proposed facility will stretch from the Harbour mouth to the swing of the channel up the West Passage. Some areas of impact may fall within the remit of local authorities other than Cork County Council. In this case, it is the duty of the evaluating

authority to comply with the requirements of the Planning and Development Act, 2000 which states that:

In making a development plan ... a planning authority shall have regard to the development plans of adjoining planning authorities and shall co-ordinate the objectives in the development plan with the objectives in the plans of those authorities ... [and that] a planning authority shall take into account any significant likely effects the implementation of the plan may have on the area of any adjoining planning authority ...

The Cork County Development Plan 2003 divides its policies for planning into seven distinct areas:

- Settlement policy
- Employment and economic activity
- Transport and infrastructure
- Housing and community facilities
- Environment and heritage
- Rural, coastal and islands
- Land use zoning.

Policies within these areas are then supported by Local Area Plans and Strategic Environmental Assessment. The proposed development fails to comply with principles and objectives outlined for every single one of these seven areas. I have outlined these compliance failures in detail in my evidence given to this hearing on 29th September last.

During this hearing, special emphasis has been placed on the compliance or otherwise of the proposed development with the following particular objectives of the County Development Plan:

- INF 1-22 relating to the safeguarding of lands in the vicinity of ports against inappropriate uses
- INF 1-21 relating to the preservation of established public rights of way
- ENV 4-1 relating to the protection of archaeological sites and their settings
- INF 3-1 relating to the implementation of the provisions of the Cork County Waste Management Plan (Cork County Council, 1999).

3.1 INF 1-22

The site for the proposed development is one of the few remaining greenfield sites in the vicinity of the Port of Cork's hub at Ringaskiddy. This is particularly relevant in the light of the Port of Cork's proposals for expansion of its roll-on roll-off facilities at Ringaskiddy and development container facilities at the Curlane Bank as outlined in the Port of Cork's *Strategic Development Plan* (Port of Cork, 2002). The applicant has confirmed that the proposed development has no relationship with the Port of Cork. Furthermore, the Port of Cork's potential interest in the proposed site is evident in that it purchased the other site made available by Ispat Ireland at the same time as the applicant purchased the proposed site.

3.2 INF 1-21 and ENV 4-1

The proposed facility is situated 0.5 km from the Ringaskiddy Martello Tower. Historically, this Martello Tower was constructed for defence purposes and its situation on the Ringaskiddy promontory with uninterrupted views of Cork Harbour was vital for lookout purposes. The Martello Tower is listed in the Record of Protected Structures and it and its setting is afforded statutory protection under the Architectural Heritage (National Inventory)

and Historic Monuments (Miscellaneous Provisions) Act, 1999. The nature of the proposed development is such that it includes a building and a stack of 40 m and 60 m in height respectively. It is not possible to screen structures of this height from view and, even if it were, either the screening and/or the structures would impede the panoramic view from the Martello Tower. This view is intrinsic to the function of the Martello Tower and any interruption thereof is a degradation of its setting.

The established public right of way to the Martello Tower runs directly through the site of the proposed development. Although the applicant has proposed to re-route this right of way along the coast at the eastern boundary of the site, it should be noted that this proposed route is along a boulder clay cliff which is prone to erosion.

3.3 INF 3-1

As clearly outlined by the evidence of Cork County Council, the County Cork Waste Management Plan does not recommend incineration as a strategy for treatment of municipal waste in County Cork. Furthermore, Cork County Council has not yet adopted the recommendations of the National Hazardous Waste Management Plan as a sub-section of the Cork County Waste Management Plan.

4.0 Compliance with national and local policy

Relevant national and local policy is an intrinsic part of the formation of a County Development Plan. I outlined such policies in my evidence to this hearing. I outlined in particular how the proposed development is premature in the context of sustainable waste management planning in Ireland. All relevant national waste management policy focuses on prevention, reuse and recycling as being key to the future of waste management in this country. All stresses that disposal should be used only for residual waste. However, there has been little success in achieving recycling targets in Ireland to date and even less success in advancing minimisation. We have, as yet, no concept in this country of the meaning of residual waste. The proposed development is entirely premature in this regard.

No national or local policy document specifies incineration as a recommended element of non-hazardous waste management. The only policy document which could be considered to recommend incineration is the *National Hazardous Waste Management Plan* (EPA, 2001). This includes a recommendation for thermal treatment for hazardous waste exported for disposal. However, like all other waste management policy documents, the *National Hazardous Waste Management Plan* has waste prevention as its “cornerstone” and further emphasises that little work has been done to date in Ireland in achieving any reductions in waste generation. Again, the proposed development is premature in the context of sustainable waste management. In fact, the provision of more than twice the required volume of hazardous waste treatment capacity is in direct contravention of EPA recommendations and will inevitably hinder progress towards hazardous waste prevention.

5.0 Site selection

The site selection procedure adopted by Indaver for this proposed development was founded, not in sustainability, but in commerciality. As demonstrated in the Environmental Impact Statement, the Cork Harbour area was identified as being close to the centre of waste generation from the conceptual stage of this development. Environmental considerations

were not taken into account until after Ringaskiddy had been chosen as the preferred site. The fact that Cork Harbour is a low-lying valley, surrounded on three sides by steep ridges was irrelevant to the site selection process. The fact that the local climate is characterised by thermal inversions was unknown. The fact that such inversions are recommended exclusionary factors in the siting of incineration facilities was ignored. The proposed site was purchased before the environmental impacts of the proposed development had begun to be assessed. The air dispersion model included in the Environmental Impact Statement bases its meteorological input data on conditions at Cork Airport – some 12 km distant from the proposed site and 100 m higher. Fundamental to the validity of any air dispersion model, according to the Environmental Impact Statement, is similarity between the terrain at the meteorological station and the terrain at the modelling site. But Cork Airport is situated on top of a hill; the site of the proposed development is at sea-level in the bottom of a valley. This air dispersion model is not representative of conditions in Cork Harbour. It does not validate any claim to the effect that the proposed facility will have no impact on the 35,000 people living within a 5 km radius.

This is a unique Harbour, the second largest in the world. It is a resource, not merely for Cork but for the country. The environment and the people of Cork Harbour have given and given and given. But the carrying capacity of the Harbour is not infinite. This proposed incinerator is not a strategic national asset. We already have our strategic national asset in Cork Harbour.

6.0 Conclusion

I am speaking on behalf of CHASE (Monkstown). We are a small but vibrant community in Monkstown with age-old associations with Cork Harbour and the sea. We have outlined at least some of our concerns in relation to this development – the impact on the unique visual, cultural and recreational amenity that is Cork Harbour, the creation of hazardous waste by incineration, the nonsense of establishing such a facility merely across the road from a world-class Marine College and the incompatibility of this development with residential zonings for every virtually every settlement in Cork Harbour and its environs. Every single one of us has pleaded for sustainable waste management.

We in Monkstown are part of the larger community of Cork Harbour. And the community of Cork Harbour is part again of the larger community of Cork County. Planning legislation in this country reflects the democracy enshrined in the Irish constitution. More than 1,800 formal submissions were received by Cork County Council in January 2001 when the formal County Development Plan drafting process started. More than 1,100 people came to exhibits of the draft County Development Plan. Over 1,650 submissions on that draft plan received by Cork County Council related negatively to contract incineration. And the County Development Plan was finalised only after some 50 meetings between public representatives and planning officials. This document reflects democracy. It reflects the will of the people of County Cork. More than 23,000 letters of objection were submitted to Cork County Council when Indaver first applied for planning permission. Some 25,000 signatures opposing the development of the proposed facility were collected by CHASE. So many more could have been collected with more funding and time.

The people at this hearing are ordinary people with ordinary lives. But we are merely the obvious opposition to this proposed development. We are supported by the husbands and wives, the grannies and granddads, the sisters and brothers and all the neighbours who make it possible for us to be here. We have lived two lives for the last three weeks – we cannot just put aside our ordinary lives. We are not solicitors, paid handsomely for our presence. We have paid dearly for our presence. One of the few criticisms made by Mr. Gardner during the

course of this hearing was at me, that I did not have questions prepared for a witness brought for cross-examination out of sequence. It doesn't matter to Mr. Gardner that I have not got to bed before 03.30 any night for the past three weeks. Nor that I am up again at 05.30 to feed my five month old little girl. It doesn't matter to An Bord Pleanála that my two year old boy won't sleep on his own any more because he is afraid that Mommy won't be around the following day. Nor does it matter to An Bord Pleanála that we cancelled our first holiday in three years at two weeks notice.

But it does matter to something. It matters to democracy. We ordinary people are both the reason and the basis for the very establishment of the Irish constitution. This is not a NIMBY reaction to an unwelcome development. This is an appeal to An Bord Pleanála to preserve Cork Harbour as a place for all. It is a plea to government at both local and national level to work with us in proper implementation of national waste management policy. This is a cry for sustainability.
