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Pembroke Wood,
Passage West,
Co. Cork.

An Bord Pleanála,
64 Marlborough Street,
Dublin 1.

27th October, 2010.

**RE: PL04.PA0010
Ringaskiddy Waste to Energy Facility & Transfer Station, Co. Cork
Addendum to the Environmental Impact Statement**

Dear Sir/Madam,

CHEPA welcomes the invitation from An Bord Pleanála (the Board) to respond to the further information submitted by Indaver Ireland in August 2010 in the form of an Addendum to the Environmental Impact Statement (EIS).

CHEPA does, however, very much regret that its request to the Board dated 20th October 2010 for an extension of time within which to assess the further information submitted by Indaver was refused. We are at a loss as to why Indaver, as the developer, was granted 13 weeks within which to prepare the further information and then, on request for an extension of time from Indaver, an additional 15 weeks within which to complete the data gathering exercise.

We note that Sections 37F(1)(d) and 37F(2)(c) of the Strategic Infrastructure Act permit the Board discretion in setting the time period within which the public may make submissions in response either to significant further information or to a revised EIS. We also note that Section 37F(1)(c) states that the Board may request observations on the further information from any party whom the Board thinks may have information relevant to the determination of the application. It is of grave concern to the members of CHEPA that the inequity reflected in the periods of comment granted by the Board to both the applicant and the appellants may be reflective of what the Board considers to be the worth of the submissions of both parties in the context of the information-gathering exercise relevant to the determination of the application.

Should this be the case, and CHEPA sincerely hopes that it is not, our members take this opportunity to point out that most of the 292 appellants to the application for planning submitted by Indaver in 2008 spend much of their lives in and around Cork Harbour. Each of them is privy to expertise gained simply by experience in relation to the Cork Harbour area that the consultants working on behalf of Indaver are unlikely ever to acquire. So when, for example, a local sailor says that the winds in Cork Harbour vary not merely between Cork Airport and Cork Harbour but also within the Harbour itself, then that sailor is more than likely correct. Indeed, unless the applicant produces scientific evidence to prove otherwise, there is at the very least no reason why the benefit of the doubt should be granted to the applicant rather than to the appellant.

It is our understanding that although both applicants and appellants are equal stakeholders in the planning process, the interest stimulating participation differs on both sides. The interest of the applicant is generally a financial one. On the other hand, the interest of the

appellant is far more complex, potentially involving not merely finance but also deep emotion, psychological impact, bewilderment, fear, protection of family and place, destruction of dreams and almost always loss. These stimuli may range from perceived to real and significant, but even if perceived rather than real in a tangible sense, they are real in a psychological sense. We had hoped that the Board would consider it a basic function in the pursuit of its mission statement to have equal regard for both applicant and appellant and to take the necessary time to fully comprehend the stimulus driving what may sometimes be the more complicated contribution of the appellant to the determination of the planning application.

▪ **Continued failure of the applicant to justify the choice of location for the proposed facility**

CHEPA continues to fail to understand why Indaver, one of Ireland's most active hazardous waste collection companies, has never provided up-to-date information on the source of Ireland's hazardous waste. It was not until forced to do so by waste statistics presented by CHEPA during the 2009 Oral Hearing that Indaver produced statistical data on hazardous waste generation. Even at that, the information produced during the Oral Hearing was less current than that presented by CHEPA, although the source was the same.

We fail utterly to understand how the Board can contemplate any aspect of planning associated with a national waste management facility without data relevant to the source of the material to that facility. Current concerns relevant to traffic management, climate change, minimisation of fuel use and trip efficiency all suggest that the choice of location of any national facility must be validated from the outset.

But in the case of the Indaver application for its proposed national hazardous waste facility at Ringaskiddy, there has never been any update of the site validation process. In fact, the premis on which the application for planning is being made at Ringaskiddy is based on a site selection procedure carried out in 1999 and 2000. This site selection procedure is loosely rehearsed by Indaver in Section 3.2.1 of the 2008 EIS. It recalls that a search was conducted by Indaver NV for "*suitable locations in Ireland*" for a proposed waste-to-energy facility which would include the thermal treatment of hazardous waste. It describes the investigation as including the identification of 10 areas for evaluation. But reference to the 2003 EIS will indicate that all of these 10 sites were in the Cork Region. Four of these 10 sites were in Ringaskiddy. So CHEPA remains at a loss as to what all-Ireland site selection process was carried out. Although CHEPA does not agree, it accepts that an argument for the site selection procedure at the time may have been that because most of the hazardous waste generated in Ireland arose in Cork it would seem sensible to place the national hazardous waste incinerator close to the point of waste generation. But no up-to-date evidence has ever been presented to indicate that this situation is still the case. The most recent statistics for waste generation presented in the EIS relate to 2006. The Environmental Protection Agency (EPA) has since twice updated the National Waste Database Report, with the most recent statistics relating to 2008 but no update has either been sought by the Board or provided in the Addendum to the EIS. CHEPA finds it ironic that although the Addendum to the EIS provides a policy update and an update on publications relevant to health and safety, no attempt has been made to provide the data to validate not merely the choice of site, but also the choice of general location.

The recent and much publicised industrial job losses, predominantly in the pharmaceutical sector and equally predominantly in the Cork area, have affected manufacturing and consequently the volume of both hazardous and non-hazardous industrial waste arising in the Cork region. In the last two years, some 1,000 workers have lost their jobs and this

month a further 120 job losses were announced by GlaxoSmithKline. This comes on foot of other factory closures discussed during the 2009 Oral Hearing. Even the most recently available statistics from the EPA relating to waste production in 2008 cannot keep pace with these changes.

CHEPA believes that the argument for placing what purports to be a national facility at the very bottom of the country at the end of a cul-de-sac is by now a 10-year old argument, not adequately validated 10 years ago and never adequately validated since. We respectfully suggest that it is simply not possible to evaluate whether or not Indaver's proposal for Ringaskiddy respects the principles of sustainable development without comprehensive, real and up-to-date validation of the choice of proposed location.

▪ **Update on Policy is selective and incomplete**

Section 3 of the Executive Summary of the Addendum to the EIS notes that the Board will have regard to, amongst other things, the "*policy existing at the time any decision on this application is made*". Policies mentioned are the *International Review of Waste Management Policy*, the *Draft Statement of Waste Policy*, the EPA's *Municipal Solid Waste – Pre-treatment and Residuals Management Technical Guidance Document* and the *Guidance on operating facilities treating former foodstuffs* issued by the Department of Agriculture, Fisheries and Food in accordance with *Animal Byproduct Regulation (EC) No. 197/2006*.

It is CHEPA's opinion that the extracts from the policy documents which have been issued since the Oral Hearing and listed by Indaver are, at the least, selective. For example, the Technical Annex of the *International Review of Waste Management Policy* diametrically opposes the claim in Section 3.13.5 by Indaver that "*the construction of the modified scheme and the road upgrade and coastal protection works would not be expected to have a significant effect on property values in the area*". In contrast, the *International Review* acknowledges that proximity to either a landfill or an incinerator clearly affects property values, with the effect being both more pronounced and more extensive close to an incinerator. It quotes from a recent Dutch study:

"Given these findings, we assume that the disamenity effects differ between landfilling and incineration. First, the reduction in house prices seems to be more pronounced with incineration. This may be due to the fact that incineration is mainly disliked because of the perception of air pollution. In the Netherlands, since the negative publicity of the emissions of the highly toxic dioxins in the early 1990s, people are more reluctant to live near an incinerator. Even if the legal standards are met, the fear will not disappear immediately. Second, due to the importance of air emissions and the height of the stack, the impact area of an incinerator is significantly larger than the area affected by a landfill site. Therefore, the area of affected houses around the landfill site is limited to a buffer of 1 kilometre around the site. The impact area of incinerators in the Netherlands is assumed to reach as far as 5 kilometres from the actual site."

So not merely does the *International Review* acknowledge disamenity, it also suggests that the impact of incinerators may be more far-reaching than those of landfill. Furthermore, the *International Review* attempts to cost the disamenity associated with the aforementioned loss in property value, while cautioning that the range of pollutants to which damage costs are attributed is increasing.

The findings of the *International Review* have been incorporated into the *Draft Statement of Waste Policy* produced by the Department of the Environment, Heritage and Local Government. The stated focus of this policy is not to support either incineration or landfill but rather to "*move away from traditional landfill and mass burn incineration, towards higher*

levels of recycling and mechanical/biological treatment". Indaver notes that the *Draft Policy* includes a decision to increase the landfill levy; it fails to note that the *Draft Policy* also proposes the introduction of a levy on incineration. In fact, every aspect of the *Draft Policy* appears to CHEPA to be aimed towards steering waste away from incineration and landfill unless absolutely essential. To this end, it proposes the introduction of residual waste targets, penalties for excessive residual waste production and new recycling targets. It further clarifies that incinerator bottom ash will be presumed to be hazardous unless identified as otherwise. New procedures to include ecotoxicity testing are to be developed by the EPA for assessment of incinerator bottom ash.

It is our understanding that the guidelines issued by the Department of Agriculture, Fisheries and Food to which Indaver refers in the Addendum to the EIS as being produced in March 2010 are those produced in March 2009 relating to:

- *Conditions for Approval and Operation of Composting Plants Treating Animal By-Products in Ireland and*
- *Conditions for Approval and Operation of Biogas Plants Treating Animal By-Products in Ireland.*

It is indeed the case that EU Regulation No. 197/2006 requires certain former foodstuffs to be treated by incineration only. However, the impression given by Indaver in its Addendum to the EIS is misleading. It suggests that new guidance requires all former foodstuffs to be incinerated. But both guidance documents issued by the Department of Agriculture, Fisheries and Food define operating conditions for both composting and biogas plants permitted to treat a range of Category 2 and Category 3 feedstocks deriving from former foodstuffs. The treated Category 2 and Category 3 feedstocks are permitted for use on land, albeit with restrictions similar to but less restrictive than those applicable to the use of sewage sludge in agriculture.

The update on policy provided in Appendix 1.4 of the Addendum to the EIS does not mention the *Section 60 Policy Direction Capping of Incineration of Municipal Waste and Other Matters* Environmental Report issued by the Department of Environment, Heritage and Local Government in June 2009. The aim of the *Policy Direction* is to ensure that the targets of Article 5 of the Landfill Directive are met in such a way as does not divert waste towards incineration and away from waste management methodologies higher up in the waste hierarchy. To this end, the *Policy Direction* suggests that the aggregate capacity of licensed incinerators should not exceed 30% of municipal solid waste arisings in any region and from 2015 should not exceed 25% of municipal solid waste arisings.

Nor does Appendix 1.4 mention the 2009 report issued by the SEF (the Sustainable Energy Finance Initiative of the United Nations Environment Programme) entitled *Why Clean Energy Public Investment Makes Economic Sense - The Evidence Base*. This report by the SEF strongly links government investment in green programmes to economic growth and job creation. It cautions that "incinerators produce more global warming pollution (mainly carbon dioxide) per unit electricity generated than most other kinds of power including coal, gas and hydroelectric." Furthermore, "incineration irreversibly destroys valuable materials and necessitates the extraction, refinement and assembly of more raw natural resources to produce new products." The SEF advises that in a job-creating green economy, alternatives to incineration such as recycling, reuse, repair and composting conserve energy by efficiently using materials while creating 10 times as many jobs and small business opportunities that benefit local communities.

▪ **Update on health and safety incomplete and unrepresentative**

The SEF has noted that when incinerators are being located, disadvantaged communities are disproportionately burdened. This is indeed the case in Cork Harbour. Without any

current data to back up this extraordinary choice of location for a national facility, the 36,000 people within a 12 kilometre radius of the Ringaskiddy peninsula are insulted by what claims to be a Health Impact Assessment contained in Appendix 7.1 of the 2008 EIS. Our opinion of this entirely substandard analysis is well documented in the proceedings of the Oral Hearing. Three further studies relating to health and incineration have been published since the production of the 2008 EIS and these are presented in Section 3.2.3.2 of the Addendum to the EIS.

The first of these is the report of a workshop held by the World Health Organisation (WHO) entitled *Population Health and Waste Management: scientific data and policy options*. The choice of extract quoted in the Addendum to the EIS entirely selective. While CHEPA does not argue that newer incinerators with improved emissions control technology have emissions which are considerably lower than those from older incinerators, it is entirely relevant that the WHO Workshop cautions the overall impact of newer incinerators on the general environment and on human health through indirect mechanisms of action to not have yet been evaluated:

“The health impact of waste management procedures cannot yet be properly evaluated, because of the afore-mentioned limitations of the current state of knowledge. However, absence of evidence is not evidence of absence.”

The study carried out by Porta et al. (2009) and quoted in the Section 3.2.3.2 comprised a review of 49 epidemiological studies previously examining health effects in the vicinity of landfills and incinerators and among workers at waste processing plants. Of those, 21 related to residents of communities with solid waste incinerators. The choice of extract used in Section 3.2.3.2 of the Addendum to the EIS suggests the study to claim that adverse health effects from older incinerators are possible but inconclusive, whereas those from landfills appear to have a more demonstrable causal link. Not demonstrated in the extract is the fact that the landfills under study are of an age similar to that of the incinerators and that, in accordance with Directives 99/31/EC and 2000/76/EC, both landfills and incinerators are now subject to improved design, construction and operation.

What is not discussed at all in either the EIS or its Addendum is the psychological impact of an incineration plant in the midst of a community. The US National Research Council Committee on Health Effects of Waste Incineration has identified this as being a real health risk, well discussed in its publication *Waste Incineration and Public Health*. It links this psychological impact with stress, depression, loss of sleep, headaches and potentially leading to the destruction of social relationships:

“People in the surrounding area may be psychologically affected by the prospect or reality of an incineration facility in their midst. The risk associated with industrial activity is increasingly recognized as including a wide array of adverse and sometimes long-lived psychological impacts, which may be, but are not always, correlated with negative attitudes toward the risk source (Freudenburg and Jones 1991). Concerns about adverse health effects on oneself or one's children, parents, spouse, and so on, as well as fear of adverse economic effects, can contribute to stress or depression, which in turn can produce physical symptoms, such as headaches and sleeplessness (Neutra et al. 1991). Stress or depression may also be experienced if family, work, and social relationships are altered or terminated (through divorce or job loss) because of protracted outlays of time and energy to understand and combat a proposed or existing waste incinerator. In addition, feelings of powerlessness, distrust, and alienation may be fostered if people feel that their neighborhood has been “captured,” is not within their control, or lacks protection from the government. Feelings of a lack of community control and of a poor

community image can rank with air and water pollution as sources of concern in areas around waste facilities (Zeiss 1991)."

An unexpected and welcome similar link between psychological well-being and environment is forged in the South West Regional Authority's recently-published *Regional Planning Guidelines 2010 – 2022*. Paragraph 6.7.1 of the *Guidelines* note that a "range of factors come into play in providing a quality environment within which to live". A list of such factors includes the quality of the environment to physical and mental wellbeing, human rights and personal happiness. Nowhere has this aspect of the health and well-being of the population of Cork Harbour been assessed.

▪ **Addendum to EIS contains no update on relevant local policy**

The above-mentioned *Regional Planning Guidelines 2010 – 2022*, despite having been updated since the 2008 EIS, are not referenced in the recently-submitted Addendum to the EIS. The recent *Guidelines* differ quite considerably from those which preceded them. Paragraph 2.2.1 of the previous *Guidelines* had as an explicit aim the introduction of incineration facilities to serve the local pharmaceutical sector. In contrast, Paragraph 5.6.20 of the current *Guidelines* no longer has a specific aspiration in this regard: "hazardous waste management in the region needs to be addressed from the perspective of the most environmentally sustainable approach and in line with best national practice". The only technologies mentioned specifically as being needed are those discussed in Paragraph 5.6.17: "An important issue relating to waste management is the need for a Materials Recovery Facility (MRF) or Mechanical Biological Treatment (MBT) to be developed at an early date in a sustainable location within the Cork Gateway with good transportation links".

▪ **Significantly negative and unacceptable visual impact of the proposal**

While the previous *Regional Planning Guidelines* recognised the value of tourism to the Region, the *Regional Planning Guidelines 2010 – 2022* single out the natural and built heritage of County Cork as being tremendously significant. This significance is discussed both in terms of what heritage can bring to the generation of tourism and equally in terms of its societal value as a "contributor to the quality of life and general attractiveness of the region". The *Guidelines* emphasise that visitor surveys carried out by Fáilte Ireland show natural heritage, scenery and archaeology to consistently be a prime attraction to visitors. Tourism Ireland's assessment of visitors to Ireland confirms that most of the visitors from overseas in 2009 engaged in activities of cultural and historical interest. These overseas visitors alone contributed €3.1 million to the national economy.

Paragraphs 2.4.7 and 8.2.8 of the *Cork County Development Plan 2009*, also published since completion of the Oral Hearing, recognise the multi-faceted benefits offered by Cork Harbour. Both the *Regional Planning Guidelines 2010 – 2022* and the *Cork County Development Plan 2009* speak of the coming into force of the European Landscape Convention into Irish law in 2004. Section 7.3 of the *Cork County Development Plan* contains a specific and detailed assessment of landscape character throughout County Cork, presented in dedicated maps in Volume 4. The landscape of Cork Harbour and Estuary was assessed in the *Cork County Draft Landscape Strategy* as being of very high value, very high sensitivity and national

importance. In this context, very high sensitivity landscapes are defined as being “extra vulnerable ... likely to be fragile and susceptible to change”. One of the recommendations of the *Draft Landscape Strategy for Cork Harbour* is to “maintain and enhance views of the harbour. Proposals for development should respect the sensitivity of this landscape ...”. Env 3-2 of the *Cork County Development Plan* has as a general objective protection of the “visual and scenic amenities of County Cork’s built and natural environment”.

Section 13 of the Addendum to the EIS suggests that the reduction in size of the modified scheme will lead to the facility’s being “substantially less visible than the original 2008 proposal”. It is worth noting in this context that Section 12.5.1 of the EIS described the impact of the 2008 proposal on the landscape elements as being permanent and neutral. Equally, it deemed the impact of the 2008 on the greater Cork Harbour Area as being slight to moderate and neutral, concluding that the greater surrounding area would be “capable of absorbing the development without changing the character of the Industrial Harbour Landscape”.

This conclusion is dramatically at odds with the recommendation of the *Draft Landscape Strategy for Cork Harbour’s* very high sensitivity landscape. A comparison between the visual reality of one recently completed development in Cork Harbour against the predicted visual impact of the development in the associated EIS illustrates how very misleading photomontages and consultant judgements can be. In 2006, Bord Gáis proposed the construction of a Combined Cycle Gas Turbine electricity generating station, to be known as the Whitegate Independent Power Plant, adjacent to the ConocoPhillips oil refinery at Whitegate. Arup prepared and submitted the planning documentation and EIS (Planning Refs: 06/10126 and PL04.220574). Construction began in 2007 and finished in 2009. The EIS described the predicted visual impact of the then proposed development as follows:

“The existing landscape character of the site is defined by the existing refinery; therefore there will be no significant alteration to the landscape. The existing site is currently in a slight depression and is not visible from any of the surrounding landscape. Therefore the impacts associated with the development will be associated with the upper levels of the buildings and the chimney stack. The top elevation of the new stack will be below the level of the highest stack in the existing refinery. There will be no impact from the roads, fences, vehicles, site services and other associated elements of the proposals at ground level.”

Included in this submission from CHEPA is the most relevant photomontage from the Bord Gáis Independent Power Plant EIS of the predicted visual impact of the plant. But now that the Bord Gáis plant is constructed, the dichotomy between the predicted and the reality is incredible. We also attach a picture of the Bord Gáis plant during Cork Week 2010. The impact which it has made on a heretofore unadulterated entrance to Cork Harbour framed by the 19th century forts of Camden and Carlisle speaks for itself. What is at issue here is not the merits or otherwise of the Bord Gáis plant, but the stark difference between the visual impact predicted by Arup and the visual reality of the plant after construction.

▪ **The proposed development would impact in a permanent and negative way on the historic military structures in Cork Harbour**

Both the photomontages prepared by Arup for the EIS and those prepared for the Addendum to the EIS for the proposed Indaver facility at Ringaskiddy fail to demonstrate how the intended site of construction is virtually central in the highly sensitive landscape of Cork Harbour. The site is but 750 metres from Spike Island. Although the Addendum to the EIS points out some of the policy changes since the Oral Hearing in 2008, it makes no

reference to what has been happening on the ground in the two years which have since passed.

On 11th July 2010, Spike Island was officially handed over to Cork County Council by the Minister for Social Protection on behalf of the Department of Justice and Law Reform. Cork County Council plans to transform Spike Island into a major tourism and heritage centre, highlighting the role the island has played in Irish history. A steering group has been set up to plan for the island's development into a world-class tourism destination. Martin Riordan, Cork County Manager, has said that a masterplan for the island will be published next spring. (ref) In the meantime, this summer the island was opened to casual visitors for the first time in 200 years. Guided tours were offered every day from 31st July to the end of September. Even in its derelict, overgrown and unglorified state, over these two months, the Spike Island tour has become the sixth most popular of 86 Tripadvisor listed visitor attractions in County Cork.

It is not just Spike Island which has opened to visitors since completion of the Oral Hearing in 2009. Fort Camden was handed over to Cork County Council in 1989. It lay vacant since, abandoned, attacked by vandals and a sad reminder of its claim as one of the world's finest examples of a coastal artillery fort. But the people of Crosshaven have rallied around this jewel in Cork Harbour's crown. A team effort combining Cork County Council, six FÁS workers and local volunteers prepared two rooms for opening to the public every Saturday and Sunday in September 2010 from 11am to 5pm. Progress on the work can be followed at <http://blogs.myspace.com/skullymusic>. During those eight days in the month of September, Fort Camden received over 5,000 visitors. Plans are in place to open another room by Christmas and to have a coffee stop for visitors by summer 2011.

Not merely are the fortifications of Spike Island and Camden receiving visitors, they are also inspiring creativity. Cork County Council has invited proposals from artists for a series of commissions relating to Fort Camden. The programme aims to realise up to five artists-led projects directly inspired by the architecture, environment and/or history of the site. A "Releasing Spike" songwriting workshop was held over a weekend in October in Spike Island. This was phase one of what is expected to be an ongoing project in which young people from Cobh Youth Services were taken on a tour of the island by musician Ken Cotter. The Cork band, The Frank and Walters, were also leading the workshop and were tremendously impressed by the speed with which the young people wrote their songs subsequent to visiting Fort Westmoreland. "Releasing Spike" is funded by Cork County Council and the Arts Council and is supported by Cobh Youth Services and the Irish Naval Service.

Four submissions to this year's Heritage Council Grant Scheme are for projects relating to Spike Island. Three of the four are linked to the Computer Science Department of University College Cork and involve the application of computer technology to the obtaining, filing and delivering of information. The Computer Science Department has "adopted" Spike Island for application of developing technology and, even in this small sense, Spike Island is already helping to deliver on what could, in the future, go well beyond Cork Harbour.

Cork County Council has invited outline proposals from artists for a series of commissions relating to Fort Camden. The programme aims to realise up to five artist-led projects that will be directly inspired by the architecture, environment and/or history of the site. Fort Camden has already brought many of the artists in the Crosshaven community together. We ask the Board to take a look at two videos relating to Fort Camden created by Crosshaven artists and broadcast on YouTube at:

<http://www.youtube.com/watch?v=APISVDg7s3s> and
<http://www.youtube.com/watch?v=zhofkn27wzE>.

Lest their source should be lost, both videos have also been downloaded to the enclosed CD for the Board's convenience.

CHEPA gave detailed evidence to the 2009 Oral Hearing into the defence links between Fort Camden, Fort Carlisle, Fort Westmoreland and the Martello Towers at Ringaskiddy and Haulbowline. The now reduced footprint and height of the building housing the proposed Indaver incinerators is described in the Addendum to the EIS as preserving the "lines of sight to and from important military structures in Cork Harbour, including the lines of sight to and from the Martello Tower and Fort Westmoreland on Spike Island". This is indeed an improvement over the 2008 proposal but it is simply insufficient. Figures 3.7.3b and 3.7.37b of the photomontages illustrate how the view of the sea is lost from the Martello Tower for a considerable area in the direction of Marlogue Point. If the basic function of a Martello Tower is defence, how can it defend what it cannot see? Figure 3.7.17b suggests that from Spike Island, the Ringaskiddy Martello Tower will look little more than a growth on the back of the building housing the incinerators.

Equally as important as the diminution of the value of the Ringaskiddy Martello Tower is the impact demonstrated by photomontages Figures 3.7.33b, 3.7.13b, 3.7.15b, and 3.7.34b of the Addendum to the EIS which the proposed development, even in its reduced size, would have on the heritage of Spike Island, Fort Camden and Fort Carlisle. The proposed development would break the line of hill of the Ringaskiddy peninsula and, in doing so, would bring industrialisation into the as yet relatively unspoiled Lower Harbour.

Figures 3.7.17b and 3.7.34b illustrate that the development would impinge upon a tremendously important component of the magic of Spike Island: its peace and tranquility. This aspect of the island has been poignantly presented in a video which can be viewed at <http://www.youtube.com/watch?v=sd0vjnGFaMA> and which has been downloaded to the CD included with this submission lest it should become unavailable through the authorised route.

▪ **Proposed development incompatible with tourism aspirations for Cork Harbour**

Heightened awareness of the tourism agenda has brought a buzz to Cork Harbour in the past year and more. On 1st March 2010, the Swansea-Cork Ferry recommenced its service to the UK. Operated by Fastnet Line, the service is expected to deliver more than €40 million into the Munster economy in 2011. Passenger numbers were ahead of expectations for 2010 and more than 100,000 passengers are expected for next year.

A much longed-for marina was developed by the Port of Cork for Cork City and opened by the Minister for Foreign Affairs in July 2010. Owned and operated by the Port of Cork, the marina is free of charge for daytime users. It will facilitate not only smaller craft wishing to travel to Cork City, but will also make it possible for cruise liners to ferry their passengers by boat from Cobh to Cork City. Some 52 cruise liners berthed in Cork Harbour this year, bringing a record 100,414 visitors to the region.

This new marina was opened just in time to welcome and host the Clipper Round the World Yacht Race. Crowds lined the quaysides of all the towns in Lower Cork Harbour as the boats enduring the 35,000 mile sail around the world made their way from Roches Point to Cork City. A festival offering 50 different attractions to those coming to see the boats on Customs House Quay ran from 7th – 9th July. The Cork Clipper Project is funded by Fáilte Ireland, Cork City Council and Cork County Council with the principal objective of promoting Cork as a tourism and business destination around the world.

The Clipper boats were no sooner gone than ACCBank Cork Week began. Running from 10th – 16th July, Cork Week offered incredibly competitive racing on 6 different courses for boats from many different countries. Organised and hosted by the Royal Cork Yacht Club in Crosshaven, Cork Week is held every second year. The sailing highlight of the week is always the Harbour Race for the Class I boats in the fleet. Ashore there is a party-like atmosphere in the tented village and generally, the event brings considerable revenue to the local economy.

The Cork Harbour Open Day was held this year on 4th September 2010. This was the second year of this new event which aims to raise awareness of the different activities available for people in the harbour both on and off the water. The Harbour Open Day was a tremendous success incorporating events both in the Harbour towns and in Cork City. The LE Aoife at Horgan's Quay welcomed families on board throughout the day. The Cobh – Blackrock race was well attended by more than 50 boats taking part. Blackrock Castle opened its doors to the public free of charge, while this was the day on which Fort Camden officially opened its doors to the public. The Coastal Rowing Association held their end of season championship in Crosshaven, while more than 80 children took part in a crab fishing competition in Cobh. Reports on the day and a full programme of events are available at

On August 23rd, Cobh Tourism and the See You In Cobh committee worked together to host the first ever Australia Day to coincide with the arrival in Cobh of 1,500 Australians on a world cruise. Everything from Australian wine and beer to musical entertainment, surfing displays and art exhibitions were on offer. The day was deemed a tremendous success.

The examples listed above are just a taste of the heightened awareness of what Cork Harbour has to offer to visitors from both home and abroad. It is echoed at grass roots level by the introduction of such initiatives as the An Taisce Clean Coast Programme. This programme was introduced in South East Cork in 2008 and since, seven communities in the Harbour area have been registered to take part: Great Island, Aghada, Ringaskiddy, Crosshaven and Blackrock. The main aim of the programme is to maintain and protect the Irish coastline in a sustainable way by supporting, training and facilitating CoastCare groups who undertake such activities as regular beach cleanups, environmental awareness-raising and practical tasks which improve the general amenity.

▪ **Continued inadequacy of the EIS**

How many opportunities can a developer be reasonably given to produce an adequate EIS? In the 2008 planning documentation, Indaver informed both the Board and the public that the proposed facility comprised "*robust and proven technology*". It is ironic that Section 5 of the Executive Summary of the Addendum to the EIS states that the design now presented has "*given the best solution with modern state-of-the-art equipment. The building design submitted in the 2008 application did not consider this approach and hence was much larger than that which is currently proposed*". So how many revisions of an EIS are permitted before the technology is presented in accordance with BAT (Best Available Technology)?

For CHEPA, this is merely yet one further example of the substandard preparation of the Indaver team. This team has had ten years to prepare this planning application. The issues of flooding and coastal erosion on the chosen site were first raised by the public in 2003. They were addressed by the Board's Senior Planning Inspector in his recommendations to the Board in 2004 (Planning Ref: PL04.131196). Both were deemed to be significant and inadequately dealt with. Despite this, Indaver failed to provide adequate information to the Board on how either of these topics might be dealt with on site and, for the third time, the Board has had to return to Indaver to request the information which should have been

provided in 2001.

Indaver continues to push for the municipal incineration line, despite the request of the Board to omit it from the Addendum to the EIS. We note that although the impacts on roads and traffic, air quality, climate and noise emissions are described in the Executive Summary as reducing only “slightly” should the industrial waste facility proceed without the municipal waste facility, Section 3.3.4 evaluates the evening peak period as potentially experiencing a 55% reduction in traffic flow should the industrial line only proceed, whilst Section 3.4.8 states that “results based on running both incinerators is approximately 50% less than running the industrial incinerator only”. Neither of these represent “slight” reductions. In addition, there is a tremendous reduction in ash production should only the industrial line proceed. This is not reported upon within the context of a comparison with ash production from both proposed incinerators.

The EIS remains deficient and, in our opinion, deliberately misleading. Despite requests from the public during the Oral Hearing, there is still no comparison of the meteorological monitoring on site and the meteorological data taken at Cork Airport. Although Section 3.2.4.3 states that “there may be some minor temporary disruption to the residents in the vicinity of the site due to traffic, dust and noise during the construction phase”, it fails to associate that “temporary” disruption with the predicted four-year construction phase. While Section 3.2.5 speaks of “the jobs created during construction and operation and the contribution which Indaver and its employees will make to the local economy will have a significant positive impact on the local area”, there is no quantification of such employment for either both lines or for the industrial line only.

Section 3.4.3.2 leads one to believe that the EIS is finally going to present an evaluation of air emissions for both maximum and abnormal conditions of operation for the proposed facility. However, although abnormal operating conditions are described as “short term periods in which the limits detailed in EU Directive 2000/76/EC are exceeded”, i.e. undoubtedly akin to the Indaver experience in Antwerp in August 2002 when emissions from the incinerator were discovered to be 1,300 times above the Directive limits, the air emission values detailed in Table 3.4.2 provide a worst-case scenario of maximum operating values only, while emissions during abnormal operating conditions are not predicted.

(CEE Bankwatch Network, 2008. *Fuelling the Fire: European Investment Bank financing for the incineration industry*)

▪ **Conclusion**

There is neither justification nor room for Indaver’s proposed incineration facilities in Cork Harbour. The Indaver proposals are contrary to all sustainable local aspirations for the future of Cork Harbour. Indaver’s ongoing failure to produce a transparent EIS voluntarily addressing all of the long-discussed issues does not bode well for their transparent and efficient operation and/or management of the proposed facility or any variation thereon.

Sadly, CHEPA’s experience throughout the nine years of the planning process for this proposed facility has epitomised much of what is worst about the planning process in Ireland. CHEPA respectfully asks the Board to be mindful of the ongoing and tireless input of the public into the process, to the issues which the appellants have raised again and again but which Indaver appear so reluctant to respond to and to what the public conceives as the Board’s inequity in allocating time to preparing a response to Indaver’s EIS. CHEPA respectfully asks the Board to be mindful of what were formerly aspirations for the tourism and cultural development of Cork Harbour; these aspirations appear now to be a blossoming reality. CHEPA respectfully asks the Board to be aware of the entirely inappropriate centre-stage site proposed by Indaver for what is ultimately an ugly facility in

what is potentially a world-class heritage resource. CHEPA asks the Board to acknowledge the additional significant and negative visual impact which would arise from the coastal protection works inevitably required at this site.

In the interests of justice, fair play, proper planning and sustainable development, CHEPA respectfully requests that the Board should finally resolve the utter inappropriateness of Indaver's proposal for Ringaskiddy and refuse this planning application.

Yours faithfully,

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On behalf of CHEPA (Cork Harbour Environmental Protection Association)

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