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Planning Department,
Cork County Council,
County Hall,
Cork.

24th October, 2020.

RE: Planning Ref. No. 20/6070 – Novartis Ringaskiddy Limited

Description of Proposed Development:

An amendment to existing practices to use solvents and solid materials generated by manufacturing processes at other EPA licensed facilities in Ireland as a supplementary fuel and feedstock in the existing waste treatment and recovery infrastructure at the site. The proposed development does not involve fundamental change from the present on-site operations and will provide a beneficial alternative to the use of fossil fuel on the site. There will be no construction works associated with the proposed development. There will be no intensification of past use, no new emission points and no exceedance of the capacity thresholds and limits set in the existing Industrial Emissions Licence. The proposed development is covered by an existing Industrial Emissions Directive Licence No. P0006-03. As the development refers to a modification to an establishment to which the Major Accident directive applies, information as specified in the Third Schedule of the Major Accident Regulations will be submitted with the application.

Dear Sir/Madam,

In the documents accompanying its planning application, Novartis Ringaskiddy Limited (NRL) states that the proposed development would help the company to sustain its operations at Ringaskiddy. The employment provided by NRL is welcome and depended on by hundreds of families. The NRL workforce has unfortunately been halved over the past few years and many more of the remaining 300+ employees expect to lose their jobs as the company proposes to close one of its production buildings and to move some of its global services roles elsewhere. It is reported that the NRL plant is currently for sale (ref. Irish Examiner, 23-10-2019).

However there are also hundreds of families living in Ringaskiddy and beyond who have spent the past two decades fighting to prevent the establishment of a merchant incinerator in Cork Harbour and in particular in Ringaskiddy. During all this time, it was well known that NRL (amongst other Cork Harbour-based

industries) operated on-site incinerators. On-site incinerators treating waste produced on-site with known characteristics and volumes are regarded with considerably more confidence than merchant incinerators accepting wastes of varying characteristics and fluctuating volumes from a range of producers. Because NRL's current proposal is effectively to operate two merchant incinerators, these families are also concerned.

The NRL planning application states that the proposed development does not relate to work "*within or affecting a European site or Natural Heritage Area*". Whilst the NRL plant does not sit within a European site, the NRL facility does actually discharge into the head of Loughbeg, part of the Cork Harbour Special Protection Area (SPA), via the IDA sewer. There is therefore direct connection between the proposed development and the SPA. Recent reports from the National Parks and Wildlife Service indicate unfavourable trends in the species populations for which the conservation objectives of the Cork Harbour SPA are set (NPWS 2014; IWebs). Protection of the SPA is clearly therefore a concern. The standard planning application form asks the question: "*Does the application relate to work within or affecting a European Site or a natural heritage area?*". Despite the direct links between the proposed project and the Loughbeg SPA, the NRL response to this question is "No".

I am making this submission because as the NRL planning documentation does not adequately address the above issues, ongoing concerns remain.

1. The description of the development for which planning permission is sought does not encompass the range of new activities proposed.

The description of the development for which this planning permission is sought is copied in the header of this submission. It relates to:

- 1) Importation of waste
- 2) Use of imported waste as a supplementary fuel in existing plant infrastructure
- 3) Use of imported waste as feedstock for existing plant infrastructure

However the proposed range of activities described in the EIA Screening Report accompanying the planning application is more comprehensive. In addition to the above, it also includes:

- *Use of the recovered solvent as a fuel source in off-site licenced/authorised facilities.*

It further continues to say that "*the current proposal is principally [my emphasis] seeking a change of use of materials to be recovered or reused in the existing onsite recovery units or incinerators*".

There is also a lack of clarity around the proposed source of the off-site waste material:

- The development description states that off-site wastes would be sought only from other EPA licensed facilities in Ireland.
- The EIA Screening Report describes the proposed source of the off-site waste as being from "*EPA licensed facilities in the Republic of Ireland*".
- The Screening for Appropriate Assessment states that "*the source of waste solvents would be limited to other EPA licensed sites. Types of industries include Pharmaceutical, Biopharma, Chemical, Food and Beverage, Surface Coating and Petrochemical Industries.*

So what is the planning permission actually being sought for? Is it to take waste from other licensed manufacturing sites on the island of Ireland (including Northern Ireland) or from the Republic of Ireland? Is it solely for regeneration of that waste and/or its use as a feedstock for the on-site incinerators either after regeneration or without regeneration? Or is NRL proposing, as is suggested in the EIA Screening Report, to also sell on regenerated solvent for use elsewhere?

2. No quantification of the volume of waste proposed to be accepted at the NRL plant

The development description states that there will be no intensification of past use arising from the proposed development. If that is the case then why would the Planning Application Report suggest that the “amendment” to the existing planning application would need six additional staff to run it?

The Liquid Vapour Incinerator (LVI) has a licence limit of 1,100 kg/h (exclusive of off-gases and vapours). The Solid Waste Incinerator (SWI) has a licence limit of 200 kg/h. The SWI has not worked for the past approximately three years. When it was running, it seems to have been limited in the volumes it was technically able to take. In 2005 when production volumes were high, each load of mixed waste feedstock to the SWI was typically less than 20 kg (NRL, 2005). In 2018, just over 1,000 tonnes of liquid waste was burned in the LVI. This was significantly lower than 10 years previously when production volumes were higher. In 2008, NRL licence documentation indicates that over 3,000 tonnes of liquid waste were burned in the LVI.

So what does “*no intensification of past use*” mean? Is it “past use” in 2018 when production volumes were low? Is it “past use” when production volumes were high? Or is does it mean that the incineration infrastructure would be pushed out to the limits of the EPA licence? Because assuming the plant were capable of operating 24 hours/day, 365 days/year, extrapolating over the course of a year would mean that theoretically the LVI could potentially accept 9,600 tonnes of liquid waste. That kind of feedstock volume does not appear to have been reached even in the years when manufacturing volumes were high.

The total combined capacity of the solvent recovery units is 23,900 tonnes/annum. In 2017, 175 tonnes of solvent were recovered in these units. In 2010, over 7,000 tonnes of solvent were recovered. So what does “past use” of the solvent recovery units mean?

If six additional staff are necessary to deal with the proposed “amendment” to the planning permission, then it suggests strongly that the volumes of waste to be handled would be higher than those which have been handled in the past. It is critical that NRL would be explicit about quantifying these volumes.

3. Potential impact on Loughbeg, part of the Cork Harbour SPA is unassessed

The planning application documentation states that there would be no exceedance of the EPA licence thresholds arising from the proposed “amendment” to the current activity. It is on this basis that the conclusions of the EIA Screening Report and the Screening for Appropriate Assessment are based. It is however not possible to draw that conclusion from the information provided.

The IDA sewer flows directly into Loughbeg. The NRL plant has two discharges into this sewer. These are:

- 1) The treated effluent from the wastewater treatment plant and
- 2) The discharge from the wet scrubber on the LVI.

The EIA Screening Report does not mention the wastewater treatment plant serving the NRL facility. It does not mention the effluent streams influent to the plant, whether there would be any impact on the plant arising from the proposed planning “amendment” and to where it discharges. It does not mention whether process drains discharge to the wastewater treatment plant. It does not describe any procedures which may be in place to prevent spills in bunded areas, including the tank farm/utilities areas, from overwhelming the wastewater treatment plant. Whilst these notable absences are strange, it is incomprehensible that although purportedly assessing the potential impact of this proposed development on the Cork Harbour SPA into which the NRL wastewater treatment plant discharges, neither the EIA Screening Report nor the Screening for Appropriate Assessment mentions the discharge from the wet scrubber on the LVI. The LVI is a process that is an intrinsic part of the proposed development.

As discussed in 2. above, the planning documentation does not quantify the volume of waste to be accepted on site. If the volume is higher than that which the plant has dealt with before (albeit within the confines of the EPA licence), it risks putting the existing infrastructure under stress, thereby having the potential to lead to unexpected non-compliances. The planning application does not assess this risk.

The Screening for Appropriate Assessment does say that the volume of treated effluent from the wastewater treatment plant would be increased due to the solvent recovery plant. This confirms that the solvent recovery plant would likely be working harder than it has done to date.

The current proposal is for solvent to be transported on site, transferred from tankers to holding tanks or some other form of storage and treated either by recovery or burning. That which is recovered but not reused/burned on site would be stored, transferred again to tankers and transported back out to an undefined end use. The Traffic & Transport Assessment suggests that the proposed development would lead to 45 additional trucks each week to the NRL site. That is a considerable level of solvent handling that is not carried out at present. It is necessary that an evaluation of the risks associated with this additional solvent handling are included in the screening both for EIA and for Appropriate Assessment. If the risks are not identified, assessed and indicated as being manageable in the context of the NRL discharges to the Cork Harbour SPA, then it must be assumed they are potentially damaging to the conservation objectives of the designated site.

Accepting, handling, storing, mixing and treating solvent wastes from off-site is a whole different scenario from the treatment of on-site waste arisings carried out to date. There is a routine associated with on-site waste arisings that is rarely present with imported hazardous wastes. Consequently the level of risk is higher. For example:

- The planning documentation assures that the *“proposed materials will be similar in nature to those currently permitted”* and that *“solvent waste will be similar to that recovered on site to date”*. These are waste materials. What procedures would be undertaken to ascertain the characteristics of these waste materials before accepting them such that the proposed *“similarity”* would be confirmed?
- What procedures would be employed should a load of waste material be found on arrival to be unacceptably contaminated or incompatible with the on-site infrastructure?
- What procedures would be followed to ensure that incompatible potentially highly hazardous materials are not mixed?

None of this risk is either identified or assessed in the planning application. In the absence of identifying it and screening it out, then one must assume it has the potential to cause harm to the Cork Harbour SPA.

4. Lack of clarity issues

The impression given by the EPA Screening Report is of two incinerators running solidly, providing heat to the production process and eliminating waste export: *“the onsite incinerators not only eliminate the need for transport of residual waste for treatment or disposal at facilities in Ireland or overseas but also function as a viable on-site heat recovery system”*. As the production process and consequent waste generation reduce, this planning application claims that the proposed *“amendment”* would give NRL the opportunity to build the sustainability of its plant.

- It is not the case that the incinerators eliminate the need for off-site transport of residual waste. They may help to reduce the need but even when NRL was at its peak of high-volume production and both incinerators were operational, significant volumes of both liquid and solid waste were transported off-site for treatment and/or disposal. Based on past performance, it is most unlikely that NRL would cease exportation of its own waste even should this planning *“amendment”* be approved. Clarity on this would be appreciated.

- The Screening for Appropriate Assessment says that *“the SWI is used for the incineration of solid hazardous waste generated at the NRL facility...”*. The planning application does not mention that the SWI has in fact not been operational since 2018. When it was operational, the only heat recovered from the SWI was used to reheat the LVI exhaust plume. In fact, all burning in the SWI is defined as D10, i.e. a disposal activity. Clarity on this would be appreciated.
- The planning application anticipates that approximately 3,000 tonnes of recovered solvent would be used annually in the LVI. When NRL was at its peak of high-volume production, it was recovering over twice that volume in the solvent recovery units. In recent years, NRL has changed from high-volume production to shorter more flexible production campaigns. The demand for virgin solvent is much lower than it has been in the past. The EIA Screening Report tells us that the combined capacity of the solvent recovery units is 23,900 tonnes/annum. The planning application is voiceless on where the excess recovered solvent would go. Selling it on would be a very different activity from the core activity for which NRL has planning permission. Clarity on this would be appreciated.
- Condition 8.7 of the EPA licence under which NRL operates is worded as follows:
“Only those solid and liquid wastes and vapours generated from the activity and specified in Schedule A Limitations Table A2 Waste Categories and Quantities for Disposal in the On-Site Incinerators, shall be incinerated on site”.
 In other words, if NRL were to import waste for incineration, it would be in contravention of the current licence. The planning application emphasises that if permission is granted for this proposed *“amendment”*, it would remain in compliance with the *“capacity thresholds and limits set in the existing Industrial Emissions Licence”*. It does not mention that NRL is at present not permitted under the terms of that licence to burn imported waste. Clarity on this would be appreciated.

5. Conclusion

Perhaps if this planning application were more forthcoming in terms of information, it would be more reassuring. It would be expected that a proposal to operate a merchant incinerator, regardless of the source of the waste, would be accompanied by reassurances as to procedures for waste testing, waste handling, waste transport, waste storage and more. But this application from NRL has none of that. The Annex III Criteria Assessment included in the EIA Screening Report concludes that EIA is not necessary. I fundamentally disagree with that conclusion. There is an abundant lack of clarity in this planning application:

- 1) The description of the planning application does not appear to cover the range of activities proposed.
- 2) There is no information provided on the tonnages of waste to be imported on site.
- 3) There is no risk assessment of how the proposed new activities may impact on the Cork Harbour SPA into which NRL discharges.

I respectfully ask Cork County Council to agree that EIA of this proposed *“amendment”* is essential. A review of the proposed project against the criteria included in Annex III of the EIA Directive 2011/92/EU (as amended) was undertaken in Section 5 of the EIA Screening Report. It is my opinion that a number of the conclusions in Section 5.2 are fundamentally flawed:

1(e) Characteristics of projects – pollution and nuisances

EIA Screening Report response: There will be no change in pollution and nuisances. The proposal will be undertaken in accordance with the existing site operations and will be controlled and within the limits

of the existing licence. Systems and controls are in place to ensure pollution and nuisances are not generated or reduced to acceptable levels.

That there would be no change to pollution and nuisances is unproven. The proposal is to import an unspecified tonnage of unspecified wastes with unspecified characteristics. Risks involved include transport, transfer to tankage, on-site storage, compatibility with on-site materials and other imported wastes and potential spillage. All have the potential for significant pollution without mitigation. Mitigation is not discussed. The systems and controls in place are not discussed. There is no assessment to reassure that they are adequate.

1(g) Characteristics of projects – the risks to human health (for example due to water contamination or air pollution)

EIA Screening Report response: The proposal does not introduce or intensify any potential risks to human health. The proposal will not alter the capacity, range or throughput of the site operations and will not increase the level of any of the licensed emissions from the facility. The operation of the proposal will be undertaken in accordance with existing site operational procedures and controls. An air quality assessment has been undertaken and demonstrates that there is no significant impact to human health due to emissions to air from the facility.

It is unproven that there is neither introduction nor intensification of risk. When compared to on-site treatment of routine on-site waste arisings, there are significant potential risks associated with importation of a range of hazardous liquid waste of varying characteristics. There are potential incompatibilities that could lead to serious downstream consequences, risk of pollution and risk to human health. The planning application does not discuss risk control and mitigation.

2(a) Location of projects - the existing and approved land use

EIA Screening Report response: The site is located in a built-up urban/industrial area and is currently operating as pharmaceutical production facility. There are a number of residential properties to the west of the facility boundary. The proposal will not introduce any new activities to the area. The project involves a change in materials to be used in activities that are currently undertaken at the site.

This is not true. There is currently no merchant incinerator in Ringaskiddy. There is no merchant solvent recovery in Ringaskiddy. Whilst NRL has planning permission and a licence to both incinerate and carry out solvent recovery, these are for on-site wastes only. Under the proposed scenario, NRL (or their waste operators) would charge a gate fee for waste to be accepted into the NRL facility. Should recovered solvent be sold on, they would again charge for that. This is a waste activity that is entirely new to Ringaskiddy. It is interesting to note that the NRL site is described here as being in a “built-up urban/industrial area” whereas the Screening for Appropriate Assessment describes the NRL facility as being “located within an area of agricultural farmland”. Again, lack of clarity abounds.

2(c)(v) Location of projects – areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC

EIA Screening Report response: The NRL site is situated approximately 1km from Cork Harbour SPA and approximately 6 km from Great Island Channel SAC. Lough Beg Natural Heritage Area is located approximately 1.2 km from the NRL site. The project involves a change in the source of materials to be used in activities that are currently undertaken at the site. There will be no additional risk or pressures to these protected areas.

The NRL site discharges into the IDA sewer which in turn discharges into Cork Harbour at the head of Loughbeg. Loughbeg is an important part of the Cork Harbour SPA. The project involves not just a change in the source of materials, it involves introducing unspecified materials to the site. It involves a loss of

control over the constituents and characteristics of the materials. It involves an increased level of materials handling. It consequently involves increased risk. The emissions abatement on the LVI discharges directly into the IDA sewer. There is therefore a direct connection between process upsets in the LVI and the SPA. The planning application does not discuss how potential spills of imported hazardous liquids would be diverted from the wastewater treatment plant. In the absence of same, it must be assumed that there is a risk to the conservation objectives of the SPA. Nor does it discuss control of firewater and other downstream consequences of accidents arising from new incompatibilities that this planning proposal would introduce on site. Again, these would potentially have a direct and detrimental consequence to Loughbeg and the SPA.

3(b) Type and characteristic of the potential impact – the nature of the impact

EIA Screening Report response: No change in impacts to that of the current scenario. The potential environmental impacts of significance include effects on water (stormwater run-off and wastewaters), noise and air (air quality).

As discussed above, it is potentially not at all the case that there would be no change in impact arising from the proposed “amendment”. When compared to on-site treatment of routine on-site waste arisings, there are significant potential risks associated with importation of a range of hazardous liquid waste of varying characteristics. There are potential incompatibilities that could lead to serious downstream consequences, risk of pollution and risk to human health. The planning application does not discuss risk control and mitigation.

3(e) Type and characteristics of the potential impact – the probability of the impact

EIA Screening Report response: Impacts cannot be fully eliminated but can be controlled

In light of the additional risks the proposed “amendment” would introduce on site, it is quite incomprehensible that the need for EIA would be discounted on the grounds of a statement such as this. The planning application does not include proposals as to how any of the additional risks might be controlled.

3(h) Type and characteristics of the potential impact – the possibility of effectively reducing the impact

EIA Screening Report response: Impacts can be effectively managed through existing preventative and pollution control systems currently employed at the site. There will be no requirement for additional control measures for the current proposal.

The existing preventative and pollution control systems currently employed have not been mentioned in the planning application. There would of course be requirements for additional control measures arising from importation of hazardous wastes. If additional control measures were not employed, the potential for mixing incompatible wastes or for non-compliance with licence requirements on feedstocks influent to the LVI would have the potential to lead to significant environmental risk.

I also disagree with several of the conclusions arising from the proposed project’s appraisal against the EIA Screening Checklist outlined in Section 5.3 of the EIA Screening Report:

3. Will the project involve use storage, transport, handling or production of substances or materials which could be harmful to human health, to the environment or raise concerns about actual or perceived risks to human health?

EIA Screening Report response: As per the current scenario, the proposal involves the use, storage, transport and handling of waste solvent.

The project will involve significantly increased solvent movement (both imported to site and exported from site) and handling (on site). We do not know how much because the planning application does not quantify the tonnages of material proposed to be imported. Increased solvent movement and handling brings increased risk. The potential for mixing of incompatible materials would be significantly increased over routine handling and treatment of known solvent wastes routinely arising on site.

7. Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?

EIA Screening Report response: The proposal does not introduce any new or additional risk.

The proposal introduces new and additional risk, the identification and mitigation of which is not discussed in the planning application.

8. Will there be any risk of accidents during construction or operation of the project which could affect human health or the environment?

EIA Screening Report response: The proposal does not introduce any new or additional risk.

The proposal introduces new and additional risk, the identification and mitigation of which is not discussed in the planning application.

17. Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems which could be affected by the project?

EIA Screening Report response: Traffic associated with the project is minimal. Traffic impact assessment undertaken and determined no significant adverse effect.

The N28 to Ringaskiddy, Carr's Hill and the Bloomfield Interchange are all notoriously heavily trafficked and subject to congestion. Recent works at Shannonpark have improved the capacity of the roundabout but have done little to alleviate delays at Bloomfield nor reduce the morning traffic flow into Ringaskiddy. This question was not answered in the planning application.

Clarity around the fundamental queries raised in this submission is essential. It is necessary that the potential risks to human health, the environment and the Cork Harbour SPA arising from the proposed development would be comprehensively assessed by EIA.

Yours faithfully,



Marcia D'Alton
Independent Member, Cork County Council