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An Bord Peanala,
Dublin.

***CHASE response to Addendum to Indaver's revised EIS / Planning Application 2010
PA04/0010***

EXTENSION TO THE PROCESS

Chase is responding to the extension given by An Bord Pleanala (ABP) to Indaver Ireland's application on 08.12.10. I would like to firstly make a comment on this extension. While CHASE and those who have engaged with this application appreciate the opportunity to have additional time to submit, the manner in which ABP gave this extension is still deemed to be unfair.

We asked for an extension in October and others had asked for an extension long before that closing date. The Bord will be aware by now that most people involved in objecting are people who have jobs and family and do not have protected time where they can drop everything to concentrate on un-realistic deadlines without hardship.

ABP at the time refused to allow any extra time and therefore everyone had to rush through the evidence to meet the deadline of 26th October 2010. This included experts engaged by CHASE to analyse the revised EIS that Indaver Ireland submitted. Because of the deadline these experts went through the literature as best they could in the limited time. This, some did out of the goodness of their hearts and in the interest of sustainable planning and development, as many have not been paid yet for their services at the 2009 Oral Hearing. This is due to the fact that ABP changed the rules in relation to this application. When ABP re-opened the submission date on 08.12.2010 we were not in a position to go back again to these experts, as they had other work to do and had already given us appreciated free time.

The delay in granting an extension, six weeks after the October deadline, meant that many who were involved in the original application had mentally closed their files and were confused as to why it was open again. Indeed some people that I have spoken to and who had submitted to the application have still not got any letter from ABP informing them that they had another opportunity to submit further. Many who were interested in doing so and who had got notice were totally confused as to where they could read the material that was submitted and to this day have no idea

what that additional information contains. This is due to ABP failing to make the material available to all the individuals as would be normal and to which they are entitled.

CHASE would hold that all the subsequent information requested by AB P should have been submitted at the Oral Hearings(OH) 2003 and 2009 which went on for 3 and 5 weeks respectively. This gave Indaver enough time to comply with the requests for information on such issues as flooding and coastal erosion. These issues were presented by CHASE and others at the 2003 and 2009 OH. Indaver failed to submit the information necessary to show what plans they had to deal with the issues raised, so should not have been given yet another chance. No other application would be treated so favourably by the Bord. The fact that Indaver have been given every opportunity to mend their hand we regard as unfair and biased.

FLOODING

In relation to flooding and Indavers proposals to raise the road we have commented on that in our previous submission and ask the Bord to refuse planning. Indaver do not have planning permission nor have they sought planning permission from Cork County Council(CCC) to carry out such works. CCC have formally expressed their opposition to this application and if the Bord were to grant permission it would be undermining the authority of CCC. The Bord has to respect the opinion of CCC and cannot put conditions on third parties. Likewise it should not put undue pressure on them to force their hand by granting permission for the development prior to that development having permission to carry out works from CCC .

Indaver have failed to comply with the Flood Risk Management Guidelines issued by DOE/OPW. Their proposed remedy to deal with flooding is not site specific, it does not have correct levels, correct flood heights nor have they provided adequate freeboard to avoid flooding of their site in future. They also fail to include flood history and their proposals will most certainly increase the risk of flooding on neighbouring areas and properties. Compliance with the guidelines is obligatory and as far as CHASE understands ABP does not have it within its remit to ignore these guidelines. Indaver have not complied and CHASE would strongly object to Indaver given any more opportunities to rectify this and therefore the Bord must refuse planning.

COASTAL EROSION.

It was the community that drew attention to the problem of coastal erosion in both the 2003 and 2009 OH. Indaver had completely ignored the phenomenon because it would undermine their application and by doing so, were dishonest in the information they submitted.. Erosion and flooding in this area is significant and on-going and this winter again huge parts of the cliff face have crumbled away.

ABP have recognised that coastal erosion is a problem here. The Office of Public Works (OPW), recognise it as one of the most vulnerable coastlines in Ireland in relation to coastal erosion as does Prof. John Sweeney of Maynooth (2009 OH)

Indaver however seem to be in denial. In the addendum 2.4.2 p17 they talk about coastal protection alternatives **IF** required in the future! CHASE would hold that this is yet another example of Indaver's contempt for ABP and the community in ignoring the real problems

and threats that coastal erosion, identified by ABP, the OPW, who are the Governments experts on coastal erosion and the community, will cause at the site.

Indaver discuss the constraints associated with providing solutions to coastal erosion at the site justifying CHASE's contention that this site is totally unsuitable for this facility.

Again Indaver have failed to deal with the specific problems of their site. Their proposals are based on "conservative assumptions"(2.4.3.1.p18) which is not a foundation on which to base any serious plan. As stated by Shane Bennett they have simply done a very general bench top study with no relevant data to their site. This is an insult to say the least to those who have presented serious evidence to bring to the attention of the Bord the seriousness of the coastal erosion in the area.

Indaver have no proposals to carry out a full survey or plan for the entire coastal area as was recommended by OPW at the OH 2009. The OPW said that any works carried out at the site would impact on areas above and below the site, therefore any study would want to look at the erosion over a period of time of the coastline above and below Indaver's site.

OPW also said that they would recommend, were the application to get planning, that the coastal revetment/prevention works would be carried out before the facility was built. (OH2009)

While Indaver make reference to it they have not set out clearly plans to carry out such research or a time line, nor have they sought planning permission to carry out revetment works on the beach from CCC. Again for the Bord to grant planning to this project before it had planning from the Local Authority, would put undue pressure on the Local Authority who have stated their objection to this proposal.

CHASE objects to the proposals by Indaver to build revetments on the foreshore as indicated on the Coastal protection revetment plan Figure 2.4.1. It shows the revetment works on and below the MHWS line. Indaver do not own that land .It belongs to us. The works would require a fore-shore licence which they have not applied for and it is premature and arrogant of them to put such a proposal forward without such a licence.

The proposed use of the sandy till to rebuild the cliff and for site lay-out, shows clearly that Indaver are not taking this issue seriously. It is a known fact that once till is disturbed its resistance to erosion and penetration by moisture is much reduced. The subsequent result of this is that the land surface rebuilt from the till would erode even faster. The suggestion that Indaver would then consider building an incinerator which is enormous, on top of this shows that either they are totally incompetent or they thought they would get away with throwing any old plan together to get it through planning.

Again CHASE maintain that Indaver Ireland have failed to submit the information required by ABP to show the seriousness of their intent. They have failed to supply credible plans or hard facts and have entirely ignored the recommendations of the OPW who are the prescribed Government body responsible for Coastal Management. The Bord is not in a position to ignore the OPW advice.

The entire community is opposed to the beach area being taken over by such works, As we said in our previous submission, this is the last amenity area in this part the harbour which is extensively used by those who live in the Harbour and beyond. It must be protected at all costs and we say that considering the above the Bord must not grant planning. To do so would fly in the face of the principle of listening to communities and doing what is best for the common good, not the interests of a private developer This site is so problematic that no amount of engineering will make it acceptable for the construction of any incinerator.

HEALTH

As ABP will be aware CHASE has always had grave concerns with regard to the health impacts and safety of this application.

We have one of the most toxic sites in Europe sitting in the middle of our harbour that is “the elephant in the room” While the EPA and Department of the Environment fudge about whether it is toxic or not we who live looking at this toxic waste site see the tide sloshing in and out over the slag heaps in times of high tides. In dry sunny weather we see clouds of toxic dust blowing off the island , sometimes landing on the naval base , sometimes landing on the surface of the water ,eventually sinking to the bottom and accumulating there.

All the while we learn that those monitoring the slag heaps are instructed not to monitor in dry dusty weather. Neither did they install monitors on the site when the Irish steel structures were being raised to the ground to, to monitor the huge clouds of dust that resulted from the demolition.This is the level of protection we have from the “responsible bodies” and that is why we have no faith in them as regulatory bodies..

13 health experts submitted to the 2009 Oral Hearing and outlined their concerns in relation to this application. Some were GP’s in the area who are aware of the health challenges to the community. The community in Cork Harbour is compromised and that has been expounded upon many times during the life-time of this application i.e high cancer rates etc and no one knows what the long term effect of 40 years of emissions of an unregulated steel industry will do to the community.

The Health Service Executive(HSE) has now submitted to this application. The Environmental Health Service (EHS)of the HSE has expressed its opinion and concerns in relation to the application. It clearly says that this application does not deal with or respond to the concerns and issues raised. It says that Indaver’s consultation is not meaningful consultation and that they did not do a Health Impact Assessment on human beings **which is a statutory requirement of any major piece of infrastructure**

“they have not developed the process to a level that the EHS would recommend”.

It notes that the final impacts of the facility on the health of the population“ will depend on the process being carried out according to the design and specifications” This is only possible if the process is effectively controlled but this cannot be as Indaver Ireland do not

know what they will burn This in effect means no-one can predict what the actions interactions and synergistic effects of all these toxic wastes will be The HSE are the Governments experts on public Health and ABP do not have it in their remit to ignore their advise. We ask therefore that they refuse planning

.Likewise the impact of air emissions on the receiving environment cannot be determined or predicted which leads to huge health and environmental problems. CHASE still maintain that the air modelling used by Indaver for the dispersion of air in the harbour is totally irrelevant as it was carried out at Cork Airport which is approx..11 miles away, is elevated and is not a bowl shaped valley which Cork Harbour is . Again Indaver did not use information that was relevant to their site therefore the conclusions drawn from such studies are meaningless.

Mr Andy Walker Health Promotion Manager, HSE has grave concerns in relation to the application. He acknowledges that there is not enough up-to-date information available on the health risks associated with what are referred to as modern incinerators. The WHO acknowledge health risks such as increased cancers from “old Incinerators” It suggests that the health risks with modern incinerators are reduced but no one can say by how much. The Bord must take into consideration the fact that the technologies suggested by indaver i.e a moving grate and fluidised bed incinerators are not up-to date technologies. These technologies are at least 20 years old and as such could and maybe should be categorised as “old technologies”. These are not “state –of-the-art and will in turn be more detrimental to the environment and health of the population, as the ability of remove pollutants is reduced. We would remind the Bord that the Basle Convention recommends rotary kiln for the incineration of hazardous waste as it is deemed to be up-to-date modern technology. Mr Walker joins with CHASE in calling for a full baseline health study on the population. He suggests that such a study should be:

“undertaken in advance of the facility opening, and a robust system for monitoring the health of local residents be established throughout the lifetime of the incinerator. This will not only provide potential protection of the public’s health, but also provide data that may contribute to the evidence that the WHO acknowledges is currently inadequate.

It would be recommended that Indaver Ireland take responsibility for funding a reputable, independent body to undertake the appropriate public health surveillance and monitoring”

CHASE would second that suggestion and insist that it be made a strict condition of planning, if it were to be granted.

The medical evidence presented at the OH 2009 and 2003 cannot be ignored by the Bord as it is the only credible health evidence presented at the Oral Hearing. The evidence of Dr Hogan cannot be relied upon as it was plagiarised (Prof. A.Staines OH 2009) which totally discredits his evidence. The HSE has now joined the ranks of the medical experts in expressing its concern in relation to this application and the Bord is not in a position to ignore or override the concerns of the HSE as they are a Statutory body responsible for the protection of public health

SAFETY

Mr Peter Daly in his official role as Chief Emergency Planning Officer has re-iterated his concerns as expressed in the OH 2009 and expresses concerns again about the inventory that Indaver want to burn. It is his contention that this poses an un-acceptable risk to both the public and his staff who would be engaged in the rescue of the public and the students and staff of NMCI.

Indaver at all stages in the application failed to deal with the concerns raised by the communities in relation to explosions at the plant and the threat it posed to public safety. CHASE raised this issue several times and discussed it in detail at the 2003 OH (ref; evidence Mary O' Leary)

The HSE who are the Statutory Body in relation to emergency planning for major accidents, have re-enforced the communities concerns and well founded worries in relation to such an event at this site.. The Bord to date like Indaver, has chosen to ignore the communities concerns. The Chief Emergency Planning Officer /HSE whose Statutory role is the planning of major events explosions etc, has now made his concerns very clear. This is a very serious issue in relation to Ringaskiddy and the population that use that area.

Can I remind the Bord again of how much more used this area is now in 2011 than it was in 2001 when Indaver first applied. The National Maritime College of Ireland has been built with approx. 700 teachers and students. 100's of primary and secondary school students use the sports facilities in the NMCI. The Naval Base has re-located to Haulbowline with several hundred workers .A Department of UCC is located on Haulbowline with many workers and it hoped that the numbers will increase over time. The only crematorium outside of Dublin is now up and running on rocky Island with 100's of people using it each week. All these people have to pass within 20 feet of the Hazardous waste storage facility when going about their business. All these people would be potentially at risk if the incinerator were built. The Chief emergency officer told the Bord very clearly(2009OH) the risks and problems associated with any fire or explosion if this were to get planning. If one single child or person were maimed or killed in the event of such a happening, would the Bord members sleep easily in their beds at night?

Those working in NMCI, the Naval Base and UCC have concerns about this application but are silenced by their superiors who are playing politics with the application.(ref;

Article dated 15.02.11 Irish Times) None of those in responsible positions of authority will raise their heads above the parapet and call it as it is i.e that it would be an act of madness to grant this application permission. This CHASE sees as a dereliction of their moral and professional duty.

CHASE now contends that the Bord who has all the information before it in relation to the danger this application poses can no longer ignore our concerns in relation to safety. The Environmental Officer, The Health Promotion Officer and the Chief Emergency Planning

Officers have all documented their concerns. They cannot be ignored by the Bord. To do so would be to assume a duty it does not have within its remit. It would also represent a failure on the Bords part to protect the people from what it knows to be a dangerous facility. It is the wrong thing in the wrong place and nothing will change that. If it were to be given planning permission the community would hold those members of the Bord personally responsible, if there was ever an accident at the site

THE POTENTIAL OF MERC3

In relation to development, we spoke of the potential of the area adjacent to the NMCI being developed as the Maritime and Energy Research Campus And Commercial Cluster MERC3, in our previous submission (Oct 2010). 60 million Euro was invested as the capital cost to build the NMCI in 2003. 15-20 million Euro/per annum is spent on NMCI to run it which represent a huge tranche of taxpayers money.

UCC were awarded 8 million Euro in late 2010 to advance the concept of MERC3 which I explained in our submission. These plans are well advanced and are building on the success of NMCI. If the Bord were to grant permission, it would represent an abject and irresponsible waste of hard earned tax payers money. The Bord has a responsibility to make decisions which are for the greater good. Refusing this application and allowing MERC3 to reach its potential is, CHASE contests the correct thing to do. This project is well advanced with structures that are already built and in use i.e. the NMCI and the Naval Service and CMRC which are partners in MERC3. It makes absolute sense to develop these, with their potential rather than jeopardise their future which is what this development will do.

An Bord Pleanála saw fit to grant permission to Shell in Connemara for part of their project because it was so far advanced. Shell had applied for retention of some part of their development which they had carried out without planning permission. The Bord felt it was not appropriate to refuse it permission because money had been spent developing the first phase..

This is a similar situation where the structures of NMCI, CMRC and the Naval Service are well established but this time it is public money and value for that money we are talking about. The Bord has a professional and moral responsibility to protect this money and recognise that this application, which will be a Seveso Site, will hamper and threaten the safety of these establishments. There is also the potential to create sustainable jobs, to allow the development of complimentary industry and to see Cork and Munster lead the way in alternative energy.

This cannot all be jeopardised for the benefit of a private company who would be the sole beneficiary of the planning permission. An Bord Pleanála has a responsibility to serve the people and be accountable for decisions it makes and we ask you to refuse this application on the above grounds.

DISRUPTION TO THE PUBLIC

It is stated in the application that overall the construction phase will be 38 months (EIS 2.5 P22). CHASE contests that the disruption this will cause to those who use the road to access Haulbowline, CMRC, the Crematorium and NMCI would be unacceptable.

I attach some photos of an incident that occurred in June 2010, where a burst pipe caused chaos to the users of this road. Please note that the staff and students of NMCI were on holidays which would have meant another few hundred cars if open. Traffic was backed up right into the village of Ringaskiddy. Those working on Haulbowline had to park their cars up 2 kilometres from their place of work. People had to make their way by foot or by lorry onto Haulbowline past the Indaver site. 38 months of disruption due to works at this site would not be acceptable with 100,000 tonnes of earth works, rock and construction materials, all being transported by road. This would represent 100's of lorries congesting a small narrow road that is the only access and exit from the peninsula. The Bord must refuse planning on these grounds.

CHASE contests that the noise and vibration from drilling and excavation of the cliff face plus drive piling will make work at the NMCI impossible to conduct due to the noise levels. The Bord should not allow such disruption to a State Educational institute for the benefit of a private developer and should refuse planning permission.

Construction works as outlined in the Addendum will be a nuisance to the public due to dust, vibration and lack of access to work places and to Gobby Beach. There is also the disruption that would ensue from the proposal to raise the road in front of the Indaver site. This route is the only way people can get to work and college every day. There is no room on either side of the present road to put in some other road access to Haulbowline without trespassing on private property. Indaver or the Bord do not have the authority to impose conditions on third parties. Finally this road is the only access route to our Naval Base and any disruption or lack of access to our Naval Service would represent a threat to our National Safety.

Information not acceptable

Endeavouring to read Indaver's 'Addendum to Environmental Impact statement' is next to impossible. The addendum is peppered with references to a municipal waste incinerator which is not meant to be part of this application. The information in the Addendum is meant to be available to the public i.e. the man on the Clapham bus should be able to read it and understand the contents. The information in the EIS is totally confusing. It is constantly referring to the municipal incinerator i.e. 2232 flue gas cleaning, 2334 Process outputs, 2335 waste materials. There should be no reference to anything to do with the municipal incinerator. We are given information relating to the two incinerators and are then expected to deduct for ourselves what the effect of just one incinerator would be on such things as flue gas, waste residues process inputs etc. We should not have to wade through information that the Bord has said is not to be considered.

“But omitting the moving grate furnace and ancillary facilities, which are designed to deal with municipal waste” (ABP letter 21 Jan. 2010).

The Bord gave clear instruction to Indaver, they choose to ignore the Bord and therefore their information should be thrown out. CHASE contests that the Bord cannot accept this Addendum and should refuse the application.

UNFAIR PROCESS

The Bord went back to Indaver Ireland seeking material they deemed to be missing from the application. This absence of information was identified by the Inspector who heard the Oral Hearing in 2009. This is effectively allowing Indaver to mend their hand. It informed Indaver of the findings of the Inspector in relation to the information they submitted at the Oral Hearing. It then allowed them submit additional information that might improve their chance of getting planning permission.

“it (ABP) is considering granting permission for that part of the development designed to deal with hazardous and industrial waste and including a waste transfer station subject to the revised drawings and particulars and consideration by the Bord of a revised EIS.”

The community were not offered the same opportunity. We were not informed of the findings of the inspector in relation to the information we submitted. This is fundamentally unfair and unjust and is contrary to the principal of fairness in the planning process.

The community feel totally betrayed by the Bord in how they have dealt with this application.

CONCLUSION

We have done our best to show to the Bord how wrong, unnecessary and in-appropriate this application is for this site in Cork Harbour. We have put as much time and energy as any community could into this application and over the ten years the opposition has increased and more voices have joined ours, in asking for the rejection of this application

We have one last hope that this time the Bord will do the right thing by this community and refuse this application.

Thanking you,

Mary O’ Leary,
Chairperson,
CHASE