



Cork Harbour Alliance for a Safe Environment
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26.10.10

Ref; 04-PA/0010

Dear Sir/Madam,

I am writing to you in my capacity as Chair of Cork Harbour Alliance for a Safe Environment (CHASE). CHASE is an umbrella group of communities based around the greater area of Cork harbour. CHASE was formed in October 2001. We are represented at a local level by groups in Carrigaline, Cobh, Cork, Crosshaven, Douglas, Kinsale, Midleton, Monkstown/Passage/Glenbrook, Ringaskiddy and Youghal. For further information please see our website: www.chaseireland.org.

Joe Noonan of Noonan Linehan Carroll Coffey will be making a formal submission on behalf of CHASE. I will be making additional comments which I would like attached to our formal submission by Mr Noonan.

There are some points I would like to specifically make in relation to the “new information” submitted by Indaver

- 1) In an effort to engineer their way around the site’s complete unsuitability, the Bord suggested that Indaver Ireland raise the level of the road outside their site to prevent flooding on their site. They have indicated that they would need to raise the road by 2.1 meters. This road is the access road to the Maritime College, Haulbowline and Gobbi Beach. The existing level is appropriate for existing uses and raising the road will cause flooding in neighbouring sites i.e. National maritime College the proposed MERC3 site and adjacent sites. We would ask why should the public be discommoded to that extent for the sake of a private industry?

Under the Statutory Guidelines for Planning Authorities on Flood Management the Guidelines, authorities are directed to "Avoid development in areas at risk of flooding, particularly in floodplains, unless there are demonstrable, wider sustainability grounds that justify appropriate

development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere" This must be taken into account by An Bord Pleanála under Section 28 of the 2000 Planning and Development Act, which requires them to have proper regard to the principles and procedures of these guidelines in carrying out their functions. This cannot be ignored by the Bord and if it is we want the Bord to explain how they can do so, under what superseding legislation.

- 2) Indaver intends putting rock armour along the shore line to try to reduce coastal erosion. The community is oppose any interference with what is the last amenity area on the west side of the harbour i.e. Gobbi beach. Coastal prevention would involve a large area of the beach being taken over by Indaver's defences as indicated in drawings which extends to the low water mark. This would result in blocking access to the beach and reducing the amenity value and area of Gobbi and the shore line beyond. This deprives the community even further as this area is widely used by the communities of Cork harbour all year round for recreation. This cannot be allowed to happen and we would resist any such interference with the coast
- 3) CHASE as a stakeholder in Cork Harbour has a role to play in relation to preserving the amenities of the harbour and adjacent cliffs. The development of Spike Island as a heritage and tourist area is a great opportunity to enhance the tourist industry and is strongly supported by CHASE The potential to create many jobs associated with tourism and our heritage is enormous. Over 100,000 visitors come in on cruise liners each year to the harbour. Those combined with all the other tourists that frequent the harbour through out the year means there is a captive audience ready to utilise such tourist facilities. Indeed I went on the trip to Spike Island yesterday, a bleak windy Sunday and the ferry boat was full of enthusiastic people who were not disappointed by their trip. The view looking west from Spike at present is pastoral and enhances the vista form the island The impact of an incinerator on the visual amenity of the area has been identified as significant and we are strongly opposing it on these grounds. Indaver say they have reduced its size by 40% but in Meath once they got their permission they applied immediately to increase the capacity and size. We have no doubt they will do the same here.
- 4) If Indaver succeed in getting their toxic waste incinerator it would be "a shoe-in-the-door." They would do everything in their power to undermine Cork County Council Waste Management Plan. The fact that they have again provided for a municipal incinerator in their revised plans, contrary to ABP instruction, is also evidence that they will stop at nothing to get their way. This is despite the fact that Government policy no longer encourages incineration as the preferred option for residual waste. Neither is it part of CCC Waste Management Plans. We encourage a "no –incineration" policy in Cork County and a private company has no role to play in trying to dictate either County or government policy
- 5) A municipal incinerator would undermine the viability of Bottlehill, where already 48 million Euro+ of tax payer's money has been spent. In this time of severe financial difficulties we all have a responsibility to ensure absolute value for money and Indaver, who stand to make huge financial gain, must not be allowed to interfere with or direct waste policy.

- 6) The Local Area Plan is to encourage employment and economic activity, promote tourism, preserve and protect amenity areas, create sustainable employment and encourage CASP. There is huge opportunity to create high-end employment in the facilities that already exist. i.e. NMCI /CMRC. UCC was recently awarded funding to invest in capital infrastructure in Ringaskiddy, the aim of which is to develop a Maritime and Energy Research Campus in association with National Marine College of Ireland. This will provide value for money for the States investment and signifies enormous potential for the creation of sustainable high calibre jobs. In the current economic climate the opportunity to create such jobs is to be rigorously defended to allow us compete world-wide. This will encourage jobs-skills complimentary to the Maritime College.

The presence of the Coastal Marine Resources Centre, UCC and the MERC initiative is valued by the communities who live and work in Cork harbour. As stakeholders serving to shape the future orientation of the harbour it is our view that MERC 3, as a body that receives public funding, has far more to offer the harbour in the long term and is in keeping with all the democratically determined plans for Cork Harbour.

- **7) ABP has a responsibility to protect the future of public funding to ensure value for money.** A toxic or municipal waste incinerator and a centre for learning are not compatible. I direct you to the evidence of Mr Peter Daly in the 2009 Oral Hearing and to part of my own submission which are attached. The application must be refused if ABP are to maintain any credibility that they “serve the public interest”

Indaver have asked for a ten year planning permission. We object to that and a five year should only be granted if the Bord are to fail in their public responsibility by granting permission.

Indaver have included a big signage on their building. We object to that. We who live in the harbour do not want our landscape defaced by such signage. Indaver should only be allowed ground level signage at the entrance as other facilitated in the harbour have. We do not want to be reminded of their presence in the harbour any more than we have to.

Indaver say the reason they have included the municipal incinerator despite being told not to, is to future proof their plans

It is not the function of the Bord to take into consideration future proofing by private industries. That is a corporate decision in which ABP has no function. We would however contest that ABP have a very clear role to play **in protecting public monies and State funding** and to that end have to take **the MERC3 proposal and its future into consideration in this decision**

Conclusion

The “significant additional information” (ABP 15.09.10) submitted by Indaver on 03.08.10 was frankly an insult to our intelligence and as I said in my letter to ABP 29.09.10, showed contempt for the authority of An Bord Pleanála.

The response by Indaver and the nature of the information submitted by them has angered the community greatly. To add insult to injury the fact that the Bord then accepted Indaver’s additional information which clearly went against the instructions of the Bord both infuriated and

frustrated the communities. “The revised drawings and particulars should provide for a reduction in the scale of the buildings and other structures to reflect the omission of the municipal waste elements of the proposed developments” (ABP 21.01.10)

There is a strong sense through-out the communities that we as stakeholders in Cork Harbour should not respond to this new information. There is a complete **lack of transparency** in how the Bord is dealing with the application. Indaver had full access to the Bord and had engaged in discussions with the Bord who had responded favourably to them at all times it would appear. The community however is kept at arms length. Questions are not answered when submitted to ABP, we all get back the same generic letters regardless of the questions

The additional **information was not made available** to those who had submitted in the first instance to the application in 2008. These people paid their money to participate surely they deserve the courtesy of having all the information they are entitled to! Many people were not sure what to do. They had difficulty accessing the new information which they had expected to be made available to them by the Bord, as would be the case in a normal application. Indeed we all struggle with how that part of the Bord dealing with applications under the Strategic Infrastructure Bill works, as the rules it would appear keep changing.

Many people work 9-5 pm, 5 days a week. They were not in a position to go to Cork County Council or to Dublin to the Bord’s office to see the new information. Some people have **slow or no broadband and cannot access information easily** on the internet.

Many of the older generation are **not computer literate** and therefore could not access the information on Indaver’s website. This means that there will be fewer people responding to this new information and I would like to reassure the Bord, **it is not due to lack of interest. It is due to what the community consider unfair process.**

If Indaver Ireland were given the opportunity to submit more “missing” information then they should have been instructed by the Bord to send that information to all those who had submitted comments in 2008. The fact that they were not requested to do so (merely put it on a website) by the Bord means that there are people who paid to submit in 2008 as required by the Infrastructure Bill, but do not now have all the information they should be entitled to.

The question has to be asked was this a deliberate tactic by the Bord to disenfranchise the public by making the information difficult to access and thus reduce the volume of responses?

Many people I have spoken to over the last few weeks about the new information felt there was no point engaging with the Bord anymore and they have chosen not to respond because they feel there is no point.

They have **lost all confidence in how the Bord operates**. They are of the very strong opinion that the Bord are determined to give Indaver Ireland permission and struggle to comprehend why this is so. If this site was the correct site it should have had full planning 9 years ago. Why is it that the **Bord has given Indaver Ireland every opportunity to mend their hand** despite the fact that two Planning inspectors have recommended refusal. Indaver were allowed introduce **500 pages of extra information** at the 2009 Oral hearing Their original EIS only ran to 250 pages and it was the community that brought the Inspectors attention to the fact **that so much information was missing from the EIS.**

Despite an 8 week Oral Hearing in 2009 and the fact that flooding and coastal erosion were raised by the community in the 2003 and 2009 Oral hearing, Indaver Ireland failed to produce **the information** on how they proposed to deal with both issues. They were specifically asked to do so by the Inspector at the 2009 Oral Hearing. Eight months later the **Bord gives Indaver Ireland yet another chance to mend their hand** and ask them to send in the information on flooding and coastal erosion, which should have been given at the 2009 Oral Hearing

Indaver has had nine years plus to prepare a full and proper EIS. Despite this they still needed more time to prepare what the Bord asked them for. **They requested an extension** to the closing date of 21.04.10 and **were granted it** thus they were given almost eight months to respond.

The **community** was given six weeks to reply and asked for an extension as outlined in my letter of 18.10.10. They had never been responsible for any delay at any stage in this application yet **were refused an extension by the Bord.**

Why is it that the Bord can show favour to Indaver Ireland a private developer and show such unfair play to the community and the public, whom they are meant to serve.

How can communities have any faith in how the Bord does business? To date **the Bord has not served the public interest as far as we are concerned, based on our experience.** The Bord has not given due consideration to all our “viewpoints and interests” but stands to serve the interests and viewpoints of Indaver Ireland very well. The Bord will no doubt ignore this submission and give little or no consideration to the points raised. Indeed we wonder if they will even bother to read it.

This application has no acceptance in our community in Cork Harbour and never will. This is witnessed by the submissions and eight weeks of evidence and hard work undertaken by the communities of Cork Harbour. There is a united voice in opposition to this application This opposition is founded on the central contention that the proposal is detrimental to the long term strategic development of Cork harbour and serves to exclusively support the short term economic gain and commercial advancement of the proposer – Indaver Ireland.

Indaver will not be good neighbours as outlined in my submission at the Oral Hearing in 2009. We do not trust Indaver as we have no reason to (my submission Oral Hearing 2009) and they will never be welcome in our community. Over the last twenty years the industries and the residents of the harbour have worked at creating good relationships with each other. This has allowed a trust and communication to develop between both sides.

No such relationship will develop with Indaver Ireland as they are a waste industry that is not as well regulated as those that exist in the harbour, applying to build two incinerators on the only site they might have a chance in “slipping in” two incinerators. The Managing Director told us that at the 2003 Oral Hearing when asked “why this site” This is by its nature a dirty industry which has no place to play in the development of Cork Harbour

If the Bord gives them planning as they have indicated, they will be a constant reminder of the fact that they got their planning permission because the **State via ABP, failed to fulfil its duties to its citizens** by considering health and environment fully via a full Environmental Impact Assessmentⁱ

This application is;

- In breach of the democratically adopted County Development plan, Waste Management Plan, LAP and CASP
- It contravenes the Statutory Guidelines for Planning Authorities on Flood Management issued by the Department of the Environment Heritage and local Government.
- It lacks the necessary level of local support both at a public and statutory level Contrary to the strategic development of Cork harbour and its environs
- Inappropriate for the proposed site at Ringaskiddy
- Present grave health and safety hazards to people living and working in Cork harbour
- Exclusively bias towards the commercial advantage of Indaver Ireland.

This has been a long and difficult process for the community over the last nine years. Much has changed in our society over that time. We are now in an economic situation that none of us could have imagined five years ago. Our country has been brought to its knees by bad policy making, lack of regulation and accountability and lack transparency. Everyone is suffering because of this in various ways. It would however be reassuring to think that we might learn from the mistakes of the last ten years, that policy makers and regulators and those agencies who have a responsibility in shaping our society and communities would now do business in a different way.

We in CHASE have to ask what the Bord might achieve by granting permission to this development? While incineration of toxic waste is part of Government policy, it does not say anywhere that such an incinerator has to be built in Ringaskiddy, Co.Cork.

As a community we cannot do any more to impress upon you that the site in Ringaskiddy is the wrong site for the wrong facility.

We struggle to understand why the Bord has gone against so many other Government and International policies to try to favour Indaver Irelands proposal. We will be seeking a public inquiry if planning is granted as we will not and cannot accept the granting of permission for such a facility in our community.

No more can be said at this point. We ask that the Oral Hearing be opened again to discuss the issues in this new information

We leave it in your hands and trust that there are people on the Bord with integrity, impartiality and a desire to serve the public interest.

Thanking you,
Mary O' Leary
Chairperson,
CHASE

ⁱ Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EEC of 3 March 1997.

Attachments;

Copy of evidence of Mr Peter Daly.

Part copy of evidence of Mary O' Leary to Oral Hearing 2009

Communication with the ABP since 21.10.10 which the author (Mary O'Leary) considers still remains unanswered by ABP which I include as part of my submission .

