

PL04 PA0010

Witness Statement to An Bord Pleanála oral hearing with reference to Waste to Energy Facility and Transfer Station at Ringaskiddy, Cork. 8 June 2009 made on behalf of :-

Monkstown, Glenbrook, and Passage Branch of CHASE.

By Mamie Bowen.

I am Mamie Bowen, c/o chairperson of the Chase branch of Monkstown, Glenbrook and Passage West.

I am a member of the Monkstown Residents Committee, founder member of Monkstown Bay Sailing Club, a member of CHEPA and a Member of the Twinning group with an area in France called Chassenuil du Poitou. Monkstown, Glenbrook, and Passage West are twinned with this town which houses Futuroscope, the second most visited tourist destination in France. They appraise this area as being comparable to theirs for tourist potential.

I have lived in Monkstown for over 40 years. On behalf of our group we have made submissions to the Review of Cork County Development Plan 2003, and 2009, Review of Cork City Development Plan, Draft of Cork City Biodiversity Plan, Review of 2nd National hazardous Waste Management Plan. taken part in the Democracy Commission, The Corepoint Project -Cork Harbour Forum "Towards the sustainable Development of Ireland's coastal Development, which is ongoing, and have engaged for the past 8 years with Ministers, Councillors, and Town Commissioners regarding Cork Harbour, proposed Toxic Incinerator by Indaver and childrens' health.

SETTING

Monkstown is an Architectural Conservation Area, because of its setting, with scenic views, and its Victorian and Georgian buildings. It has a promenade which forms part of the Sli na Slainte from Glenbrook to Shanbally. The area of the proposed incinerator site is seen at present from Monkstown as a green sloping agricultural landscape with Fort Davies (old name Carlisle), depicted in the distance as the taller landscape behind it. Fort Davies is one of four defensive forts in the harbour. In its day Cork Harbour with its defences would have been considered to have had the "nuclear deterrent" of its day, with its forts and Martello Tower.

The Harbour with its forts had been handed back to the Irish Forces in 1938 by the British, a fact that Churchill bitterly regretted during the 2nd WW. The Admiralty Buildings seen from Cobh in front of this proposed facility bear witness to the British presence in Ireland. Many of the 18th and 19th century structures remaining around the Harbour have been listed in the Record of Protected Structures defined in the draft Cork County Development Plan. Nowhere have I seen the Admiralty Buildings included in Indaver's montages.

Cork as a naturally deep water harbour has no equal in Europe. It was the last port of call for the Titanic.

Indaver's proposed site is on this very visible landscape which is dominated by the Napoleonic Martello Tower on its top, and is a marine marker for the landscape, particularly when viewed from within the harbour. It is the largest of five Martello Towers in the Harbour, and the right of way to the Ringaskiddy Tower goes through the proposed incinerator site.

The Tower would be hidden by the facility, if built, from certain areas of the 360 degree it overlooks. Particularly from boats and ships coming in the "Western Channel".

When viewed from Monkstown, "the Ringaskiddy ridge" slopes gently to the East to the coastal cliff that is eroding at a remarkable rate, and reaches sea level. It has a green agricultural ambience. Certainly not an industrial one as stated by Indaver. . This slope on the landscape would change if the intended berm was build near the Martello Tower, to screen it from Indaver's building. The intended building by its scale and size would hide the view to the outer harbour from Monkstown, and Roches Point lighthouse would be hidden from higher up the hill of Monkstown. Also the viewing of big ships coming in from the outer harbour would be delayed until much later. ¹ See montage 12.24b. Spike Island would be hidden from the Tower, ² see montage 12.3b The Martello Tower has a prime position to "spy" on the harbour, as it was intended, and particularly Spike Island, so obliterating the view of it from any angle will make its role meaningless in a heritage and marine defensive setting. It is within meters of the south boundary of this site. The area between sea and chainlinked boundary would have to accommodate the rerouted natural gas pipe and the public access from Gobby beach to the Tower. Coastal erosion would affect both much sooner than the life span of this plant.

Proximity to population centres, and agriculture.

The **centre** of Ringaskiddy village is located less than one kilometre to the west of the site, with any recent expansion of housing taking place to the east of the village, and this would bring some housing to within the 500 meter sensitive area. There has been an 18% increase in population in the Ringaskiddy area. There are approximately 1,700 people within the International Maritime College and the Naval Headquarters at Haulbowline. The prevailing wind blows directly towards these two institutions.

While the Ringaskiddy peninsula is industrial in character until you reach the west outskirts of the Village, once you pass the village it is agriculture in nature, see montage 12.26a, until you reach Gobby beach, - the sea and the coast; a place of amenity. The only "industrial facility" East of the Ringaskiddy Village is Hammond Lane car shredding. Indaver's proposed site encircles the Hammond Lane facility and **it would be placed in the centre of a Seveso site once Indaver's activity started.**

The Ringaskiddy terminal is the "south of Ireland" reception area for tourists, coming to visit Ireland and the South by sea. This site is visually significant as you round the buoys to take you into the western channel, and the marine route that takes ships and boats to the deep water berth in Cobh or Ringaskiddy, or up the river Lee. The proposed facility would have a profound negative visual impact on boats of all types, whether visiting, leisure, luxury liners or the French and Swansea Ferries. The shipping channel - the marine route takes you around the eastern boundary of the site, and then visually past the northern view of the facility. At all times no matter where you are in the harbour, you will see the 85 meter high stack (and plume) which has been placed on a 5.77 meter base.

Proximity to the Maritime College.

The Maritime College has an entry within 20 meters(that 20 meters includes the road 10 meters and 5 meters of grassy verge either side, of Indaver's entry to their site. There is also the entry to Hammond Lane Metal works, within the Indaver site.

The NMCI is a third level college, housing 700 plus students and teachers, and it is used frequently as a visitor centre for groups to experience their 5 simulators, and their indoor water pool where they exhibit rescue exercises under water. It is a fascinating visit. These visits of the

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public plus the children from Ringaskiddy bused to the Maritime College for PE, and members of the GAA who use the facilities for training, make this a public area as well as an educational facility. They have expectations of expansion to house a facility for 500 people for marine research including hydraulic marine research. This will not be possible if they are in proximity to a Seveso Site.

Indaver are at great pains to sell this plant as a Seveso 11 tier plant, but it could become a Seveso 1 tier plant within 12 months of receiving planning, with no responsibility of going back to the ABP should they accept quantity that would signify Seveso upper tier. ABP has no control of what goes into the plant once constructed. It should be treated by ABP as a potential upper tier plant.

History of this site and its selection.

Indaver purchased the site over nine years ago, for its proposed toxic incinerator from Ispat. The IDA had no site to offer them. Ispat purchased the site from Irish Steel for one old punt and its loans. It is on public record that the owner Mr. Mittal who was the richest man in England, asset stripped the plant over the next five years and this site was one of its assets. The cost to the taxpayer to clean up the Ispat contaminated site is thought to be 300 million. This amount would include health and safety costs. To disturb the site now and remove the contamination is thought to cause even more pollution problems, and the suggestion of Indaver that it could deal with this contamination and take on the liability of the risks involved is absurd, and irresponsible. Many local companies who did business with Ispat went bankrupt shortly after Ispat, as they were not paid for their work. Indaver however, benefited, and Ispat's owner left Ireland still the richest man in England, and we in the Harbour poorer. We do not want another white elephant.

Having acquired this particularly site Indaver set about the evaluation of the site criteria for site selection. There was no real judgement of the exclusionary factors in site selection. The WHO guidelines were applied by Indaver, a private developer, only after the site in Ringsaskiddy had been purchased.

Indaver maintain that nothing has changed since they made their first application, however this planning application made by Indaver materially contravenes our development plan, as before, and everything else has changed, except the chosen site.

1. Indaver are now seeking a 10 year planning for a toxic and a municipal incinerator with an increased capacity to 240,000 ton, and a transfer station. This is over development on a site that is fatally confined.

2. Health and Environment concerns not addressed before,* will now be assessed. This is a huge change.

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Previous application was affected because of the Irish legislative framework, the board's inspector and the board itself was expressly precluded from considering the risk of environmental pollution arising from "the activity" of the plant. The Board could only consider the risks of pollution arising from "the construction" of the plant because consideration of the risk of pollution arising from the "activity" was a matter for the Environmental Protection Agency.

3. There is over capacity already, with two incinerators that have planning in Meath and Ringsend, so the need has been met.

4. Incineration was never the preferred option for dealing with our waste in Cork. MBT is preferred and planned for in Cork as alternative to incineration.

5. * We are on target to reach the landfill directive by 2013. See Cork Regional Waste Management Strategy and Cork waste management plan

***"The development of another disposal facility in the County is not required as the capacity at Bottlehill Landfill will serve the needs of the Region up to 2025"**

6. The economic global downturn and drop in consumerism will feed in automatically to waste prevention, and the waste hierarchy, if followed, will assist prevention.

The trend to biotechnology by the pharmaceutical companies, the consequences of Reach, and other planned legislation to take hazardous chemicals out of the waste stream will also aid hazardous waste prevention.

7. The National Maritime College has been functioning for the past 3 years and must be taken into account to comply with proper planning.

Their planning rights to expand must be honoured as an existing development. The potential of a Seveso Site in close proximity would limit any expansion.

8. The South's only Crematorium has been built in Ringaskiddy within 700 m. of this proposed site, and the traffic increase for this facility was not taken into account, in their EIS.

9. Climate Change dictates that developers take note of flooding plains and "expected extensive tidal surges." OPW

SITE SELECTION.

The latest on hazardous waste incineration was published by the ³ WHO in 2004 in its fact sheet no 281.- this categorically states best practice in hazardous waste management to include -

“siting incinerators away from populated areas or areas where food is grown, thus minimising exposures and thereby risks”

The constitutional objective of the Who is -

“the attainment by all peoples of the highest possible level of health” where health is defined as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”

Because of the threat to our health by this hazardous incinerator, WHO objective has not been enjoyed by our community for the last nine years.

The WHO take a balanced approach to incineration. It recognises its benefits, while cautioning of its potential health and environmental effects. The first step in applying the WHO guidelines for site selection, is to rule out certain areas from the site selection process where exposed populations could be at particular risk from either routine or non-routine emissions. Its guidelines on proper siting are invaluable in minimising risk to health and safety, and is perhaps one of the most important aspects of hazardous waste management planning.

Site Selection breaches.

No site selection criteria applied until after site was purchased.

- 1. This site is prone to atmospheric thermal inversions, when the air is static, and emissions cannot be dispersed, thus causing excessive amounts of emissions to be trapped close to the ground.
Thermal air inversions lessen the effect of any air emissions control technology envisaged by Indaver.
Cork Harbour has an unusual number of atmospheric thermal inversions.
- 2. Flooding of road and site.
- 3. Eroding coastline on the boundary of the eastern side of the Plant.
- 4 Proximity to human habitat.

Exclusionary factor in site selection as per WHO -

- (1) ***Atmospheric conditions, such as inversions or other conditions that would prevent the safe dispersal of an accidental release.***

The modelling presented by Indaver in the EIS took no account of thermal inversions experienced at the site, but relied on climatic input data taken from the top of a hill at Cork airport, 12 km away. There are far more thermal inversions experienced in the Cork Harbour (Lee) valley to every one experienced at Cork airport.

- (2) ***Flooding, as in flood plains or hydraulic encroachment, coastal or riverine areas with a history of flooding every 100 years or less, and areas susceptible to stream channel or storm encroachment (even if not historically subject to flooding.)***

The site is affected by seawater influences, and with a South Easterly gale and Spring Tides the sea water has flooded the road and the site

This flooding will become more common with global warming, and the potential for contaminated flood water from this site and transfer station will pose risks to the public and the river Lee.

Oct 27th 2004, site and road submerged under several feet of water. Only exit off the Great Island, Cobh, - Belvelly Bridge also flooded. ,⁴ (See OPW flooding picture encl . 1 and 2 .)

- (3) ***Unstable or weak soils, such as organic soil, soft clay or clay-sand mixture, clays that lose strength with compaction, clays with a shrink-swell character, sands subject to subsidence and hydraulic influence, and soils that lose strength with wetting or shock. Saturated soils, as found in coastal or riverine wetlands.***

The cliff along the shore and the West Channel, form most of the boundary of the Indaver site at the east side.

In Indaver's EIS they state: *their study determined that the centre and southern parts of the cliff line had receded westwards. In the northern part there had been deposition and the shoreline had moved eastward over the time period. "The rate of recession of the cliff line could not be determined very accurately due to the limited data available. The rate of recession appeared to have increased over the 50 years. The situation will be monitored and suitable measures will be taken if required."*

This is not acceptable, this is a hazardous installation, and the precautionary principals

should apply. This is the first commercial toxic waste incinerator in Ireland, and Indaver takes no responsibility for anything that happens off the site. This facility is being built on a stony beach. Climate Change puts an onus on Indaver to apply for a foreshore licence and take responsibility for the flaws in this site. Indaver do not own the foreshore. Coastal defences will have to be built before any construction begins. That is obvious.

This site is not suitable.

- (4) *Natural resources, such as the habitats of endangered species, existing or designated parks, forests and natural or wilderness areas (This intention is to prevent not only damage or contamination but also visual, aural or functional encroachment.)*

This site is too close to SAC areas,- Loughbeg and Monkstown, and emissions would be in the fall out area for dispersal with the prevailing winds to Fota Wildlife Park.

- (5) *Stationary populations, and exposed populations who could be at risk from either routine or non-routine emissions.*

The proposed site is too close to the National Maritime College and to the Naval Base in Haulbowline, and to residents to the West of the site, Ringaskiddy Village, Cork Harbour, Gobby Beach and Currabinny Woods.

An Bord Pleanála's Senior Planning Inspector, P. Jones:-

“Having regard to the scale, nature and purpose of the proposed development, it is considered that the site, by reason of its topography, its climatic conditions, its geological and hydro geological characteristics, and the risk of erosion and flooding of parts of the site, would be fundamentally unsuitable to accommodate the proposed development, and the applicants have not demonstrated that the proposed site is suitable, on the basis of objective criteria in a rational site selection process based on international best practice.”

This is still the position, the criteria for this site, has not changed. Over development has even increased, as has intensified activity on the environment.

To disregard this warning and recommendation, would be to award a private developer gain for not following proper procedure in planning.

Health.

This planning PL04.PA0010 to construct a co-located Toxic and Municipal incinerator on a site in Ringaskiddy submitted by Indaver to the SIB allows us for the first time, the right to discuss our greatest concern - health, and our environmental concerns, and from this oral hearing, for the first time to have it assessed.

The amended 2000 Act gives back power to ABP to consider unacceptable on environmental grounds this facility which places it 17,000 meters from a cancer hotspot Cobh, and close to an uncontrolled contaminated site on Haulbowline. We have heard during this hearing local doctors concerns, an International Epidemiologist, and a medical university professor a leading expert, all saying that any exposure leads to damage and that this proposed facility will not be beneficial to the community. We would ask the Bord to exercise their right to refuse permission under the Precautionary Principle.

In the 5th Report of the British Society for Ecological Medicine, Second Edition June 2008 - Dr. Jeremy Thompson and Dr. Honour Anthony indicate that cumulative emissions from incineration causes cancers, and cautions that as time moves on the weight of evidence is that no further incinerators should be built until we know the extent of the health effects.

The report discusses emissions from incinerators and the health effects of these emissions; evidence for increased ill health around incinerators; evidence linking the incidence of disease to the presence of chemical pollutants; and groups who are particularly at risk.

Our own Health Research Board are on record that respiratory problems will occur in residents living near an incinerator, and Dr. Mary Kelly of the EPA warns that we have not the resources to monitor the health effects of people living near an incinerator. We all know that incinerators are the greatest producers of dioxins and in the ⁶WHO fact sheet no 225, Nov. 2007 there is an explanation what we can expect when one lives near an incinerator. "Dioxins are environmental pollutants. They have the dubious distinction of belonging to the "dirty dozen" - a group of dangerous chemicals known as persistent organic pollutants.(Pops) Dioxins are of concern because of their highly toxic potential. Experiments have shown they affect a number of organs and systems. Once dioxins have entered the body, they endure a long time because of their chemical stability and their ability to be absorbed by fat tissue, where they are then, stored in the body. Their half-life in the body is estimated to be seven to eleven years."

Acceptable limits quoted in the EIS are for a fully grown adult body weight, and are not for small children. This distorts the damage pollutants can do, as there are no safe level for dioxins. In the environment, dioxins tend to accumulate in the food chain. The higher up in the animal food chain one goes, the higher is the concentration of dioxins. We recently experienced the affect of dioxins in pigs. What did that cost the economy.?

⁷Incineration and Human Health, - Michelle Allsopp, Pat Costner and Paul Johnston, University of Exeter, UK March 2001,ISBN 90-73361-69-9

4.2 Studies on environmental Contamination. (page 37)

Pollutants that are emitted into the atmosphere from an incinerator stack, as well as fugitive emissions, may be deposited on the ground near to the incinerator and so contaminate the local environment. Some pollutants, including PM10 particulate matter and volatile and semi volatile organic compounds, such as dioxins and PCBs may also be transported great distances on air currents. For example lorber et al. 1998 estimated that only around 2% of the dioxin emissions to air are deposited in soil near to an incinerator while the remainder is much more widely dispersed.

We the coastal communities who live in Cork Harbour, are the groups who are particularly at risk. Depending on the wind direction, Cobh, Whitepoint, Blackpoint Rushbrook, Monkstown, Shanbally, Ringaskiddy, Whitegate, Aghada, and East Cork, can have emissions dispersed on them.

Cobh with a population of over 14,000 is particularly at risk, with a 44% above average cancers in the whole of Ireland. It is downwind of this facility and was downwind of the Ispat site ⁸(See photo no 3) These communities perceive themselves to be a vulnerable community with no capacity to absorb further heightened levels of pollution.

The HIA only examined in any detail dioxin, but significant health impacts will result from other compounds released routinely from the stack of the incinerators. Surely the synergistic

effects of emissions from the waste to energy facility alone should be discussed, particularly in light of the necessary frequent cleaning and maintenance of the energy recovery system over single stream incinerated in dedicated onsite plants. The shutting down and starting up of an incinerator is the greatest risk for dioxin emissions.

In their EIS report Indaver admit that incinerators contribute to local levels of pollution and that even modern well managed facilities contribute to background levels of air pollution, they themselves quantify these levels as “small”. But any extra burden of toxins to a vulnerable community is intolerable, and **permanent damage would be done to our perception that our homes are a safe and healthy place to live.**

This facility does not have to be on this inappropriate site, where the consequences of its location can have such control over our health and safety.

Because this is the first commercial toxic incinerator to seek planning permission, by a private developer, and Ireland has no guidelines, we must rely on World Health Organisation site selection guidelines, for hazardous waste incineration facilities, and again rely on our planning laws to discriminate site selection at the very early planning stage. These guidelines have been designed to minimise the impact on both humans and the environment, of either plant accident or failure of emissions control technology. The burden of ensuring our good health and safety should not fall on our communities, there is a duty of care for our protection, we should not be forced to go to the courts to seek our constitutional rights.

Indaver ignored the WHO guidelines, placing their facility on a site that is prone to flooding, has an eroding coastline, is prone to frequent air inversion being beside the sea and associated atmospheric conditions, and is near to dense population. They have imposed on our community, stress and fear and enormous costs financially, just to have our health and environmental concerns assessed.

Need for the project and policy.

The situation with respect to waste management has now changed and the Minister of the Environment has said clearly that incineration is no longer a corner stone of Irish Waste Management. He is looking at using alternatives, more suitable technologies and strategies that will suit Irelands' waste and deal with it in a way that does not result in huge environmental damage.

The Minister has also initiated a Strategic Environmental Assessment on proposed policy directions to the EPA and local authorities which would (in relation to their functions under the Waste Management Acts and any instruments made thereunder), inter alia, require the recipients to:

- *limit incineration capacity to ensure that waste is not drawn to incineration which could have been dealt with by recycling or other methods higher up the waste hierarchy;*
- *refrain from exercising their powers in such a way as to direct waste to landfill or incineration(May2009)*

The Minister of the Environment has calculated that the 26 counties of Ireland needs would be served at around 400,000 tons. Indaver already has captured 240,000 tons of this market in Meath. When you add the Incinerator in Poolbeg - 600,000 tons, we have over twice the capacity for our needs already without considering Indaver's facility, in Ringaskiddy.

The proposed incinerator will add to the landfill problem in Cork. Indaver will be generating waste in the form of ash. In Cork County Development Plan, no accommodation was made for this

ash from incineration, as our waste management plan did not include incineration.

While disposal to landfills is the least desirable waste management option, disposal by incineration is a close second. With the overcapacity planned by Indaver, we would change the dominance of landfill, to that of incineration and burning our resources. As waste should be managed as close to source as possible, the transportation of toxic waste, in HGVs from all parts of the country, along routes throughout the whole of Ireland including the North to a site, (a cul de sac) on a headland, in the centre of a spectacular scenic area in Cork Harbour makes no economic or environmental sense. If there was a need for this facility its centrality should be a priority.

Indaver's whole premise for the need for these incinerators was that we should not export our waste, however this waste is sent for recovery mainly to countries who have facilities to recover, and is a valuable resource. Indaver itself is engineering the burning of hazardous and municipal waste which will generate ash, the hazardous part which will have to be exported, the remainder of the ash they intend to go to Bottlehill landfill, which will breach our regional plan for waste management, and the **Proximity Principal**, as the ash will be from waste as far away as N. Ireland. Indaver would be ignoring the proximity principal and would breach our National Waste Plan, our Regional Waste Plan.

No private developer should be given control to toll hazardous waste at a depot that is not central to where this waste comes from. **Cork will have in the future less than 10% available hazardous waste supply for Indaver, and this percentage will be decreasing year on year. Indaver itself would be responsible for increasing hazardous waste for disposal in the Ringaskiddy area.**

We are a small country of four and a half million, and Cork County Development Plan has already plans in place for a sustainable waste management plan which did not include Contract Incineration. This proposed development contravenes our (a) ⁹County Cork development Plan our (b) ¹⁰Cork Area Strategic Plan, and our (c)¹¹ Regional Waste Plans.

EU Policy

The advice given at all times from the EU is that we should think carefully before going down the road of incineration as it is so costly.

Ref. Mr. Ludwig Kramer, Head of Waste Management Dept. at the European Union - June 7th 1999. European Conference on Waste Management Planning.

"We would like to set the record straight: the Commission does not promote incineration. We do not consider that this technique is favourable to the environment or that it is necessary to ensure a stable supply of waste for combustion over the long term. Such a strategy would only slow innovation. We should be promoting prevention and recycling above all. Those countries which are in the process of drafting their planning should not base it upon incineration. A quality incinerator is a costly investment that needs to be fed over 25 or 30 years."

Certainly, Fianna Fail and the PDs did not heed this advice.

Most recently Mr. Stavros Dimas Environment Minister of the EU on behalf of the Commission - 1. 10.2008, in a letter to a query by Kathy Sinnott, on a statement by John Ahern about being fined for not implementing hazardous waste plans :-

“European legislation (including the recently revised Waste Framework Directive) does not

prescribe any quotas for waste incineration, nor does it oblige Member States to build waste incinerators if they do not wish to do so. Member States are obliged to meet the requirements of proper waste management enshrined in Community waste legislation, such as Directive 2006/12/EC on waste, Directive 1993/31/EC on landfills, and other waste Directives. They can meet these directives without constructing incinerators.”¹² (Copy of Q and A enclosed no 3.)

We are a country with a small population, comparable to New Zealand, who have adopted waste management plans that exclude contract incineration (Similar to Cork Waste Management Plans.) We cannot be compared to places like Holland, who have treble our population in an area like Munster and land deficit. Nor should we be compared to Belgium who have the highest dioxin levels in Europe and have embraced incineration in their waste management plans. Belgium have had two bad incidence - one dioxins in eggs and the other involving Indaver's breaching of emissions over 1,200 above permitted limits for a period of months.

Our green image is worth preserving, not only as a huge incentive to buy Irish food, and buy locally, but also to cater for tourists on whom we depend to bolster our economy.

Tourists don't want to visit a place, whose toxic incinerator chimney and its plume, you can see from a plane on its flight path into Cork Airport, or if visiting by luxury liner or boat you must berth within visual proximity to a gigantic building with an 85 meter stack and plume, that houses a toxic incinerator, and hazardous transfer station. Cork Harbour would quickly lose its attraction for visitors, particularly boats who come to Crosshaven, for Cork Week, because of its amenity value. That in itself is worth 10 million euro, every two years.

Hazardous waste in particular should be dealt with by the polluter. This concentrates the endeavours to cut down on chemicals that are dangerous, and encourages waste prevention.

The pharmaceutical companies in the Ringaskiddy area already have six in-house incinerators and do not require a contract incinerator even with energy recovery - they already have plans to supply their own energy by clean wind energy.

In any event, it has been made clear by the Cork based pharmaceutical industry, that having already invested in dedicated EU-Reg-compliant incinerators which are an integral part of the plants in question, they have no interest whatsoever in paying-out again to Indaver to incinerate this waste.

If we really are serious about the Polluter Pays Policy, **monopoly tolling contract incineration** is the last thing we should be encouraging, in Cork Harbour, at the end of the country with all transportation costs and risks involved, it is such bad value when compared with the way Cork County Council have designed Cork's management of Cork's waste.

Ringaskiddy is now no longer close to the source supply for Indaver, and no site in Cork Harbour should ever have been considered for contract incineration, as thermal inversions rule this out.

Waterside land use for marine and port uses should be conserved, for their proper use.

Large capacity commercial incineration is not economically viable, in a small populated country. It presupposes a constant stream of waste over a 20 to 30 year period to make the plant worthwhile. It certainly shows a lack of vision to underestimate the value and success of source waste separation and to assume that both the volumes of unsorted household waste and industrial waste will continue to rise, particularly when prevention of waste gets priority.

With the global downturn the source supply for these incinerators will naturally drop, so the future need will not be there to burn our resources, which was the negative aspect of the Celtic Tiger.

There is no need for a contract toxic and municipal incinerator to be placed next to the sea and amenity area, at the far end of the country from where future hazardous waste will be generated. Why give such a gift to a private industry, when it will actively cut down on jobs in recycling, and recovery of waste and the potential for the amenities this harbour has to offer to all people, whether Irish or not. What has Indaver got to offer - only 57 jobs after it becomes a Seveso Site.

Alternatives.

“Towards 2020: The Environment in Ireland’s Future” EPA Conference Sept 2007

The report on this conference, claims Ireland needs to develop an alternative to the incinerator proposals, or it will face fines running into millions of euro for failing to meet EU waste targets. It also warns that the way the waste business is regulated could act as a barrier to private firms investing in facilities around the state.

Dr Dominick Hogg, the chief author said

there was an over emphasis on incinerators in local and national plans. He said the economies of scale meant that large volumes of waste were needed before incineration becomes economically viable. The requirement for large volumes of waste runs the risk of crowding out recycling in Ireland’s battle to meet EU targets.

*According to the report, the Republic will have to meet stringent EU targets on reducing the amount of biodegradable waste going to landfill. **It recommends that smaller facilities which provide mechanical and biological treatments, should be examined as alternatives to incineration and landfill.** Such plant, which are popular in Germany, Austria and Italy, remove recyclable and biological materials through mechanical and biological means, with residual waste transferred primarily to modern landfill.*

*He calls into question, the superiority of incineration over landfill and states that the **environmental costs of incineration are higher than landfill when one takes into consideration air emissions, loss effects of amenity and health risks.***

His report agrees with the Oireachtas report in September 2006 which calls for a rethink on the policy of mass incineration, and the need to look at the alternative technologies that would allow Ireland to lead the way in innovative thinking in modern waste management and out-perform our EU colleagues, as we have done with the smoking and plastic bag levy.

Cork have in our regional plans, already built a “super dump” in Bottle Hill as our preferred way to go with waste, It was never intended to take the ash from toxic waste from all of Ireland included the north, and crowd out our regional needs. Neither was it foreseen that Cork should be responsible to export this. **The proximity principal has not been adhered to.**

Hazards and Risks.

Indaver’s Hazid Team show that “the main hazardous risk of impact offsite is posed by the storage of flammable and toxic liquid wastes”. We would agree with this. The transport station is meters from the single lane traffic road that services the Maritime College and the Navy headquarters, and the Crematorium. In fact it would cut off the escape route for navy personnel by land as it is a cul de sac, with the naval base entry beside the facility and Gobby beach, leaving no way to retreat for the Navy or the National Maritime College. This is extremely worrying since we have heard at the oral hearing that Ringaskiddy School bus their pupils to use the college for PE, and also the local GAA members use their facilities for training. The public in groups visit the NMCI for seminars etc.

The nearest people to the storage of flammable and toxic liquid wastes are the people employed by Hammond Lane Metal Company who work mostly in the open shredding cars. On the 19th of May at 10.42 a.m. there was an explosion and cloud of smoke from this premises seen and heard in Monkstown. . It was reported to the EPA query PA 000265, who informed us that this was the Cork County Council's remit, and on reporting to them, we were informed sometime later - "that a

gas bottle had exploded"

Indaver's proposed facility would compromise any fire fighting ability as equipment could not gain access to water to fight a fire. Should a major accident occur at the site when the wind is blowing from the East, there is no route by which fire-fighters can access the site. You could equate this situation to that of closed doors. i.e. Whiddy Island.

In the event of a fire at the bunkers at the incinerator, where waste will be stored, or of an explosion at the tank farm, the College and Naval Base and Cobh and any luxury line berthed in Cobh are in direct line from toxic fumes and toxic smoke, with the prevailing winds. . Due to the plant's proposed location. The Fire Fighting services of Cork County Council have already indicated they would not be able to fight a fire at this site due to its location at the end of a peninsula with single road access. Any delay would be a cause of the smoke and the toxic fumes reaching even further. This site is potentially dangerous if used for contract incineration.

The answer to the fire chief's concerns regarding entrance access to the site, is that the two access entrances could not be moved because of the topography of the site. It is to be built on one side of a hill. There is no radial access road around the full site to allow a fire engine to position itself close to the other three sides of the facility, (another concern of the Fire Chief,) There is only the single road which serves the entry to the International Naval School, and leads to the entry to the bridge on Haulbowline which links both the Crematorium on Rocky Island at one end of the bridge, and the Naval Headquarters on Haulbowline Island, at the other end of the Bridge. **The emergency exit from the Indaver facility is 20 meters opposite the only entry to this bridge.** ¹³ N.B. see montage 12.22b

Notwithstanding the main risk of fire or explosion, the risk from emissions and air pollution to the amenity area that is Gobby, is real and has not been addressed in their EIS Statement. The value of Gobby Beach to our communities has not been properly assessed, when taking into account how much attrition has taken place already to amenity land for the people of Ringaskiddy. Also the heritage and educational value of Gobby Beach to students of UCC, as a place of study of glacial remains and rocks makes Gobby unique.

What responsible parent or guardian would bring their children to Gobby beach to play, when it is within 37 m of a toxic incinerator, or would visit the Martello Tower by Indaver's proposed new route around the southern chain linked boundary of the site beside their facility, where the noise will be above acceptable levels, and the risk from the tank farm would be at the greatest level. This path is outside the boundary and will be on top of the natural gas pipe which must be repositioned likewise as it dissects the site.

The impact on amenities of the area (including enjoyment of recreational amenities for students and the wider community, would be removed permanently if this plant got the go ahead, on this site.

The site is fatally confined, with no room for expansion.

Residual Ash

Unsorted household rubbish yields a highly toxic product when burnt. Modern plants filter the gases but the toxins remain in the chimney ash. This is a toxic product and is difficult to dispose of safely. .Ringaskiddy pharmaceutical companies are moving to green energy, but also are changing from chemical to cleaner biological processes in line with international trends to reduce their waste. A clean environment is essential to keep these companies as committed to

reducing their waste and for their workers to perceive they are working using Best Available Technology in their own work place, **and that their work place has been built in an already clean environment, and that it will stay that way.**

With reference to Indaver's non-technical EIS **Ash and Solid Residues.**

(1) *“Subject to testing the boiler ash will be non- hazardous and will be **disposed** of to landfill.”*

This will increase waste going to landfill for **disposal**, the quantity relies on testing, but it would use up land fill which is designated for **Cork's waste.**

This is generated ash waste, which now must go for disposal, to landfill.

(2) *“It is expected that the flue gas cleaning residues will be classified as requiring **disposal** in a hazardous waste landfill.”*

There is no licensed toxic dump in Cork County or in the 26 counties, for hazardous waste.

(3) *“It will be exported for **disposal** to a hazardous waste landfill, until a suitable facility is developed in Ireland. ”*

The Board surely cannot be satisfied that the applicant has not addressed the issue of final disposal of residues (fly-ash and bottom-ash) within the Environmental Impact Statement. The issue of final disposal of residues from this plant is not managing waste in an economical, sustainable and environmentally appropriate manner. Does Indaver take any responsibility for the ash it will generate and which will now have to be disposed.

Precautionary approach. ¹⁴(see copy of letter encl. 5)

(a) The Health and Safety Authority had written to Mr. B. O'Neill, Of the Planning Department, Cork County Council reference 02-09-PLA March 7th 2002

“Member States shall ensure that their land-use and/or other relevant policies and the procedures for implementing those policies take account of the need, in the long term, to maintain appropriate distance between establishments covered by this Directive and residential areas, areas of public use and areas of particular natural sensitivity or interest and in the case of existing establishments, of the need for additional technical measures in accordance Article 5 so as not to increase the risks to people.”

This advice was given for the purposes of assessing new development only where a precautionary approach is taken and the Authority directs attention to Article 12 of the EU directive 96/82/EC of 9th of Dec 1996. This advice is even more relevant to-day .

On waste to energy incineration.:-

(b) **The Basle Convention technical guide No 4 states“(no 39)”**

“Heat recovery/power generation, although practised in connection with the incineration of municipal wastes can present problems. These problems can be even more serious in the case of industrial wastes becoming the energy source. This comes from the fact that apart from single stream arising, which are frequently incinerated in dedicated on site plants, industrial wastes of the type handled by contract incinerators tend to be heterogeneous mixtures of variable

composition and properties. This tends to make them indifferent fuels and though blending can be employed to obtain consistency in terms of energy value (CV) inorganic components frequently present can give rise to severe fouling problems in the heat exchanger systems; thus reducing energy recovery efficiency and presenting maintenance problems. In some cases by-pass systems have had to be fitted to allow for the ongoing operation of the incinerator during **the necessary frequent cleaning and maintenance of the energy recovery system.**"

(c) (Indaver non-technical report.)

"The operation of the waste -to-energy plant will involve hazards associated with the handling of combustible materials, chemicals and high-pressure steam .

The Tank Farm bund wall and the nearest building on the National Maritime College of Ireland campus is 288 meters according to the Hazid Report. What about the distance to the car park for the college, near the entrance to the facility, the bus stop, the proximity to the fire assembly point for the college students, also the car park for the amenity that is Gobby Beach.? This road is used extensively by Navy personnel taking jogging exercise, and they must pass the transport station. Also funerals going to the Crematorium to cross over the bridge to Rocky Island, which is opposite the emergency exit for Indaver 20 meters approx. All these potential points of risks are aligned along the same distance as the north boundary of this facility on the local road. within a stone's throw from each other ¹⁵(see picture no 4 encl.)

Indaver EIS

"In the unlikely event that a Vapour Cloud Explosion were to occur it is considered highly unlikely that this could result in broken windows at the Maritime College"

However in their previous application, Indaver were informed that there was every chance in the event of an explosion, of windows being blown in at the Maritime college and of staff and students receiving 2nd degree burns within 40 seconds of an explosion. (Indaver Hazid report 2002)

Unlikely as it is considered, a vapour cloud from the Ringaskiddy area did travel on the wind and did affect the pupils in Monkstown National school in 1989 by its emissions. ¹⁶**Cork Examiner, 15th of Dec. 1988**

The premature appraisal of the consequence of these risks has already meant that the planning permission for accommodation for the students of the Maritime 3rd level college was denied, because of anticipated risks associated with this proposed facility! This college has been built since the last oral hearing and students are disadvantaged as there is no student accommodation on campus. This underwrites the risks to people already living close to this proposed plant. The Naval Headquarters has living quarters for their naval personnel. That is a stationary population.

The NMCI has potential and aspirations for the development on their site to cater for research and development of marine hydraulics, which could accommodate 500 personnel, and is to the East of their existing school. This could be jeopardised by Indaver's facility which would designate the Indaver site as a Seveso site, and the development of this existing educational facility would be curtailed or stopped as happened previously with planning for on site campus accommodation.

One of the greatest hazards within this site is the shared site with Hammond Lane a metal company for shredding cars. It is in close proximity to the tank farm, the transfer station and the incinerator itself. It has regular swarf fires. ¹⁷(see pictures 5) No residential development would get planning and be that close to this industry.

It is like holding a hand grenade, with a thumb on the pin. Indaver have no control on what happens within this site, which is surrounded by Indaver own hazardous facility.

The workers in Hammond Lane - 8, with 6 at all times moving in the open, be subject to all emissions from dust, emissions, and proximity to the tank and transfer station, with little protection from fugitive emissions.

While the Indaver plant could be subject to fire or explosion coming from the Hammond Lane car shredding site. e.g. at 10.42 on May, 18th 2009 the EPA were informed of a big bang at Hammond Lane and smoke cloud. This was heard and seen in Monkstown, which has a clear vision of the site. EPA noted the explosion, but instructed us to contact Cork County Council as EPA had not licenced Hammond Lane. Cork County Council, followed up and informed us that it was a gas tank in a car that had exploded.

If this were not so serious, a blockbuster disaster film could be based on Indaver's choice of this site for a hazardous incinerator, and the repercussions and risks if activity starts. Mr. John Ahern MD of Indaver seems to be totally unaware of the dangers it poses to the public. Mr. Phillip Jones of ABP was not.

As an explosion is bound to travel outside the Indaver boundary - the road is 70 m from the tank farm and the eastern boundary of Gobby beach car park is 37 m. It is reasonable to assume they pose a serious threat to the safety of the public.

The public who have to use this single lane road include all navy personnel, all students and teachers of the National Maritime College, plus the public who visit in groups this college, the funerals going onto Haulbowline, the families who enjoy the amenity that is Gobby beach, some older people just sitting in their cars in Gobby's car park and looking at the sea within 15 to 37 meters, of the facility. The public travelling by the bus to Haulbowline. Navy personnel use this route when jogging, for exercise.

The Haulbowline Theatre Group put on plays in the theatre on Haulbowline and the public are invited to attend. By their nature of inviting the public - they are public areas. They will travel to the entry to the bridge to Haulbowline 20 meters from Indaver's emergency exit. The traffic of funerals going into this entrance was not taken into account. This will increase as the crematorium serves the South of Ireland.

We ask that these risks to human safety be addressed, under the SIA for once and for all, and the warning by Mr. Phillip Jones about public safety and his advice to refuse planning for this facility on this site, with its inherent dangers, be heeded.

Our communities all around the harbour were incensed at the hostile environment we were thrown into by the threat of this planning, and believed this development was a done deal from the start. The appointment by Minister Cullen of Indaver's former Project Manager to the EPA before they were granted a licence, only cemented this view. Failure to wait and receive the OPW flooding report, before issuing a licence all pointed to ignoring the **Precautionary Principal**.

Planning.

Participation of the general public in planning is vital. When hazardous developments are planned, we the public must know that there are robust guidelines that cannot be breached, we therefore must rely on the integrity of the planning system. We demand participation, information and recourse to justice. That is our right, These rights are protected by the Aarhus Convention for all EU citizens. Ireland is the only country that has not ratified it, we do not have this protection.

Indaver took every advantage and from day one, air brushed out World Health Organisation guidelines. Mr. Ahern M. D. of Indaver threatened to pursue costs from those courageous people who sought justice through the courts, if he fails to get planning permission. That is still the position, and is intimidating, not just to them but for all the 30,000 objectors, whom they represented. The scale of public objections to this development is overwhelming, with no one supporting it except the developer.

We are aware of the concerns of the EU over the EC directive EC 85/337 relating to the carrying out of environmental impact assessments not being properly transposed into Irish law. The Irish State is due before the European Court on the grounds of non-compliance with the EC Directive on Environmental Planning (EIA). The EC has stated that in its opinion Ireland has failed to comply with European Law in relation to proper Environmental Assessment for major projects. (mentioning the Road through Tara and Incineration)

A Senior Planning Inspector, Mr. Phillip Jones pointed out the risks to safety and the inappropriate site, when he represented the Board. Indaver's response was to persist in a new planning application to go for an even bigger facility. Neutralising our ability to have our health and environment concerns assessed in their first appeal, we believe has been the instrument in requiring our presence here at an oral hearing to-day. Our concerns for our health were not addressed to date, we demand that they and our risks to safety be addressed now.

Any subsidising by the taxpayer of a road to accommodate this private developer and the ongoing cost of coastal defences in the future, to protect this plant from rising seas, make it very bad value as an energy source. Climate change dictates we must plan with the **precautionary principal** in mind.

This private developer Indaver is very aware of our Development Plan, which excludes contract incineration on this zoned industrial land, he is aware of our Cork Area Strategic Plan, and particularly the 14 reasons why Mr. Phillip Jones refused planning on risks to public safety, breaching planning laws, and site selection criteria. Mr. J. Aherne is well aware of how inappropriate this site is to accommodate a toxic incinerator having been told by Minister Micheal Martin, Minister O'Dea, and Minister Bat O'Keeffe. He already circumvented having health and environment assessed in his first application and in spite of that and the knowledge that this facility will not be viable if we follow proper waste management plans, and the proximity principal, he has persisted in putting in a new planning application for a toxic and a municipal incinerator with increased capacity on this same site. **Granting planning would enable Indaver to have a monopoly tolling control of all hazardous waste in the country.**

Our communities do not see Indaver as being a welcome neighbour and are prepared to have our rights to our health and to our environment protected. Indaver's proposed facility would designate the harbour as a toxic dump, with little regard to our safety, our quality of life in the harbour and would trampling on our heritage.

It is considered that the proposed development, by reason of its bulk, scale, height, design and location, would be visually obtrusive and seriously injurious to the visual amenities of the area, and would constitute a visually discordant feature within the harbour landscape, and would detrimentally impact on the preservation of views and prospects obtainable from scenic routes nos. A53 and A 54 indicated in the County Development Plan 2003, and 2008 and which it is necessary to preserve.

The proposed development would therefore, be contrary to the proper planning and development of the area.

Indaver by ignoring our Cork Development Plan, Cork Waste Management Plan, Local

Area Plan, and Cork Area Strategic Plan, all planning decisions already made and sanctioned, and by their intention by the use of the SIA to "by pass Cork County Council" and seek a 10 year planning, have shown total disregard for the aspirations of how we wish our waste managed, and how we wish Cork Harbour to develop, and have shown indifference for the principle of good and sustainable planning,

This is over development of huge proportions on a site that is constrained on all sides.

No consultation process of this proposal by Invader, took place in Cob, or anywhere else in the Harbour, except in Carrigaline.

TRAFFIC

Ringaskiddy is situated on a peninsula to the south east of Cork City. The N28 a national primary route, is the main road into Ringaskiddy. It links Ringaskiddy to Cork City and everything North via the Lee Tunnel. That means all traffic and HGVs coming from North of Cork City must go through the Jack Lynch Tunnel to reach this site. The R613 links Ringaskiddy with Carrigaline via Shannon Park Roundabout. The R610 which is the scenic route joins the N28 at Rafeen Bridge, links Ringaskiddy area with Monkstown, Glenbrook, and Passage West, and traffic using the cross river ferry from Great Island. The R610 is the route at this side of the river- (Monkstown) for traffic crossing by ferry to the Cobh site, and visa versa.

There will be difficulties in entering and exiting this proposed site for HGVs because the road is so narrow, and there is no allowance for traffic parked on the road outside the facility and it was not addressed in the EIS. Funeral Traffic 50 to 60 cars at any one time will be behind or in front of a HGV carrying toxins. This road is single lane and is a cul de sac!! Traffic will be obliged to wait outside on the road when loads have to be tested and there is a line up with too many arriving at the one time. If there is a sudden shut down, there is no logical way to inform traffic that they cannot access the site. Not addressed in the EIS.

Hammond Lane when seeking planning permission ref. S770/90 schedule 5 were conditioned (20) **In the interests of road safety** Gradient of access roadway shall not exceed 1/30 for the first 5 m. back from the public road edge. Indaver propose 1/15 gradient for their Seveso site.

The existing road infrastructure in the vicinity of the site, particularly along the N 28 national primary route at Carr's Hill, the Shannonpark and Shanbally roundabouts, is currently the subject of serious traffic congestion and the LP 2545 local road within Ringaskiddy is inadequate to accommodate the extra volume of traffic and traffic movements that would be generated by the proposed development, both during construction and operational phases, particularly the significant HGV content. There is no rail head to cut down on the 212 extra HGV traffic movements per day, and most of the traffic would have to come through the Jack Lynch Tunnel, as they will be coming from North of Cork and north of the River Lee which must be crossed to get to this site, surely reckless with trucks carrying toxins.

Tourism arising from the traffic from the French Ferry, and the re-entrance of the Swansea ferry into the tourist market- April 2010, together with our potential to have an increase of luxury liners into Ringaskiddy would all be competing for road use. (Buses for the liners to take the tourist to Blarney or to Cork) and the increased traffic to the new (since the last appeal) Crematorium (the only one serving the South of the Country) These last two were not addressed in Indaver's EIS.

It is considered that the proposed development would endanger public safety by reason of a serious traffic hazard and obstruction of road users. Employees of the companies who work in Ringaskiddy, Carrigaline and Douglas, travelling these roads, would be greatly inconvenienced

at the least, and lives put at risk. There has been a number of traffic accidents (one a chemical spill) on the Shannon Park Roundabout, the most recent 30/4/09 when a HGV jack knifed carrying scrap steel to the site of Hammond Lane Metal Works, which the proposed Indaver facility encloses on three sides. Imagine if that was carrying toxin waste. The long journey to get to this site at the south of the country leave many opportunities for such accidents. (See photos 8.)

As the source material for the facility, to make it viable, must be truck trafficked to this cul de sac from all over Ireland. It would involve excessive movement of vehicular traffic through urban areas, and would give rise to conditions that would be prejudicial to public safety and amenity. The proposed development would therefore be contrary to the proper planning and development of the area, resulting in much of the traffic carrying toxic and municipal waste traversing the city road network which would adversely impact on the carrying capacity of the strategic road network, in and around Cork city, and in particular the carrying capacity of the strategic interchanges at the Jack Lynch Tunnel, Shannon Park roundabout, Shanbally roundabout. The proposed development would exacerbate serious traffic congestion at the strategic interchanges, and would place this route for all traffic coming and going north and south of Ringaskiddy in a dangerous environment.

The proposed site for the collection depot and burning of toxins is placed at the Southern end of the country, to a site that is fatally confined. During the oral hearing we discovered that land from the site would be needed to complete the N28 upgrading which will further confine this site. Although the date for this completion cannot take place in the near future it is in the design for the proposed completion of the N28 whenever that will take place, not before 2015 at least.

Indaver are seeking a 10 year planning for a "strategic infrastructure" that cannot be accessed during peak periods ref. Objections by the NRA and Cork County Council. -Site unsuitability.

Visual Impact and Landscape.

The Harbour communities are very near one another in visual distance,¹⁸ (see picture 6) but can be miles apart by road route that is why this facility would plunge so many people into a hostile environment. As the crow flies would be a better estimate of its proximity to population areas. The perception and the presence of such a substantial building, in bulk and scale with a 85 meter high chimney on a base of 5.77 meters would be a constant reminder that we would be in a hostile and unhealthy environment. Cobh is an island half a mile from this facility pop. 14,000 and in line of the prevailing winds. It already is highly vulnerable health wise with 44% above average cancers. In an emergency - it has only one road exit off the island, the single lane bridge at Belvelly.

The landscape is an intrinsic aspect of the whole harbour, anything that interrupts the flow of the landscape has disturbed a vista that was there from the beginning. Besides the Centecor development, the landscape has been mostly conserved by older industry, who respected the landscape as best they could. The public were so horrified by Centecor obtrusiveness, that they requested costly berms to offset its aggressiveness on the landscape. I fear in the future, that certain planning on our landscape will be immediately dated, and identified by excess and greed, and with the Celtic Tiger years.

This proposed facility would interrupt the landscape and The Ringaskiddy Ridge at

the centre of the harbour- a focal point from all angles.

The water route between Cobh and Haulbowline is used by liners, boats, ferries. The glorious view of Cobh Cathedral on one side of this water route and the Admiralty Buildings at the other Haulbowline side, will be denigrated by this facility with its bulk and scale and its 95 meter high stack, **which will command focus and would offer an offensive view in contrast to its surroundings.**

The population in Monkstown which is in an Architectural Conservation Area, would be looking at, and facing this facility and would be unable to get away from its 'negative visual obtrusiveness, in the harbour. The walkers from Glenbrook to Shanbally along this scenic route which is also the "healthy heart walk" would also have their scenic vista destroyed, as would the new cycle routes. The designated "heart walk" along the flat terrain from Passage West, Glenbrook, Monkstown, to Shanbally, would be meaningless as a healthy route.

I, like many others have the privilege of living in Cork Harbour with a beautiful view. House owners have paid high prices for living in this scenic area. Many new house owners will have negative equity because of the global downturn, this proposed facility will greatly affect the value of our homes.

Duty of care to all stakeholders who live and work in the harbour, all those who enjoy boating, fishing, walking and visiting, should mean we don't get dosed with emissions and dioxins, plus an offensive view.

This toxic incinerator will not be in our back yard where it cannot be seen, but in our front garden.

Flora and Fauna,

Birds in particular can give the best indication of how easily they can be affected by proximity to an incinerator whether toxic or municipal.

Their flight path can take only one to two minutes to be at the college, Haulbowline or on a luxury liner berthed at Cobh.

They are within minutes of Monkstown Creek pNHA site code 001979 and less again from Lough Beg pNHA (site code 001066)

They have no way of knowing their environment maybe changed to one of a hostile nature, only their absence over time will show these preserved areas have suffered.

"Articles 3 and 4 of the [Birds] Directive require Member States to preserve, maintain and re-establish habitats as such, because of their ecological value. The obligations of the Member States under Articles 3 and 4 of the Directive therefore exist before any reduction is observed in the number of birds ...".

Cork Harbour is of major ornithological significance, being an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl, for which it is amongst the top five sites in the country. Of particular note is that the site supports an internationally important population of Redshank as well as a nationally important breeding colony of Common Tern. A further fifteen species have populations of national importance, as follows:

Great Crested Grebe, Cormorant, Shelduck, Wigeon, Gadwall, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Lapwing, Dunlin, Black-tailed Godwit, Curlew and Greenshank. Several of the species which occur regularly are listed on Annex I of the EU Birds Directive, including Whooper Swan, Golden Plover, Bar-tailed Godwit, Ruff and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Owing to the sheltered conditions, the intertidal flats of the Harbour are often muddy in character. These muds support a range of macro-invertebrates which provide food for the birds

Some of the above birds spend only part of their year with us in Cork Harbour, and spend the remainder of the year in other countries where they are valued and protected. We are obliged to

provide an environment for them that is healthy and protected. Seals, dolphins whales also deserve this protection.

As bird populations within Cork Harbour tend to be mobile, each of the NHA sites located in the harbour to the east of the City must be considered as integral parts of the harbour which is of international importance for various bird species and therefore should not be considered in isolation.

Monkstown Creek NHA

¹⁹Ref. Section 4 Strategic Environmental Objectives. Draft Cork City Development Plan 2009-2015

Designated a Special Protection Area (SPA) under Directive 79/409/EEC⁴ (Wild birds Directive) and classified within the Natura 2000 network in accordance with Directive 92/43/EC⁶ (Habitats Directive),

Monkstown Creek NHA (Site Code: 001979) is situated between Monkstown and the major seaport of Ringaskiddy on the western shores of Cork Harbour. Monkstown Creek is a tidal inlet composed of mudflats, with limestone along the southern shore. A brackish lake also occurs, separated from the sea by a sluice gate.

The area is of value because its mudflats provide an important feeding area for waterfowl and it is a natural part of Cork Harbour which, as a complete unit, is of international importance for waterfowl.

Conclusion

Cork Harbour is a unique national state asset. The best natural deep water harbour in Europe. Envied by many, owned by the people of this State.

It is a reception area for tourists, who enter the harbour on a marine route clearly defined by buoys, which take all sea visitors past the forts and Spike Island, Cobh, with its iconic cathedral, and its spectacular setting, facing the British Admiralty Buildings on Haulbowline Island. Behind this Island one can see the landscape and skyline, which exhibits the Martello Tower and its 360 degree clear sight of the whole Harbour. The coastal settlements *within its sight*, Ringaskiddy, Shanbally, Monkstown, Rushbrook, Blackpoint, Whitepoint, Cobh, Cuskinny, East Ferry, Aghada, and Whitegate, and the Martello Tower *in their clear sight*. . If a 95 meter chimney for a toxic incinerator with its plume is placed adjacent to it on the proposed site, the following areas will also be able to see this marker of a Seveso site in the centre of Cork Harbour - Carrigaline, Currabinny, Glenbrook and Passage West.

We have been informed during this oral hearing, by many experts, that we have a whole set of guidelines, policies and regulations to protect our safety our health, environment, water quality, the landscape, our architectural and archaeological heritage, regional planning, national planning. Indaver must not air brush out these, by an inadequate EIS. They must be seen to comply with proper planning and given clear direction by An Bord Pleanala on what sustainable and proper planning entails.

Monkstown, Glenbrook, Passage West Branch of CHASE ask that the Board, refuse planning permission for this hazardous development because there is an onus on this developer to ensure that there is no danger to the public as a result of its proposed development.

Indaver failed to prove this on:-

- (a) Health and safety grounds,**
- (b) Site selection,**
- (c) Traffic congestion,**
- (d) Road traffic safety,**
- (e) Risks to human safety,**
- (f) Environmental grounds, the non protection of SAC areas.**
- (g) The visual obtrusiveness, because of its setting.**
- (1) An inadequate EIS**
- (j) A fatally confined site**

Community groups in general have a serious vested interest in fully evaluating applications for major facilities. It is in their interest to evaluate the safety, health and environmental implications of such development on their lives and the quality of the lives of their children and future generations. In the planning process, communities are uniquely positioned to identify problems, as they are the main stakeholders. The value of this unique perspective cannot be undervalued in the planning process.

We have put our faith in statutory process, we await a favourable outcome, not just for us, but for communities in the future, who may wish to engage in the same process.

Mary T. Bowen,
Glenville,
Monkstown,
Co. Cork. 21ⁱ

C/o Chairperson
Monkstown, Glenbrook, Passage Branch of Chase.