



Cork Harbour Alliance for a Safe Environment
West End Terrace , Cobh Tel 021 4815564
Email: info@chaseireland.org
www.chaseireland.org

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SUBMISSION TO ORAL HEARING 2009

Proposal to build two incinerators in Ringaskiddy Co .Cork

Ref;04.PA0010

Thank you for the opportunity to read this submission into the record Madam Inspector

I had hoped to make this presentation verbally and that it would be short but there is so much I want to say on behalf of all the communities who have done battle for the last 8 years to defend their homes and environment, that the task has proved difficult.

.My name is Mary O' Leary and I am the Chairperson of Cork Harbour Alliance for a Safe Environment CHASE. CHASE was formed in October 2001. We are an umbrella group composed of communities from Carrigaline, Cobh, Cork, Crosshaven, Douglas, Kinsale, Middleton, Monkstown/Passage/Glenbrook, Ringaskiddy and Youghal. As a group we are dedicated to protecting the health of our communities and safeguarding the Cork Harbour environment for future generations

I qualified as an Environmental Scientist. I have worked in the waste industry in a former life and include this information as I feel that my science background has given me a better understanding of the issues involved in this application
I have for the last ten years lived in Cobh with my husband and four children.

CHASE

I have had what I consider the privilege of holding the position of Chairperson of CHASE for the last six years. Those six years have been difficult and an immense strain at times but it has been an honour to serve my community in trying to make a difference and ensure that our Harbour and its environs are protected for future generations from in-appropriate development.

Over the last eight years CHASE has participated and submitted to the CCDP, CCWMP, Local Area Plans (LAP). Cork Kerry Limerick WMP, Council Review, Irish Planning Institute National Conference, National Bio-diversity Plan, Regulation of Waste Management, Waste Framework Directive, Active Citizenship.

We have also attended all the major Waste Management and EPA conferences over the years to keep abreast with WM thinking.

We have participated in many research papers, media studies medical thesis. I have been involved in the Corepoint Project as a member of the Harbour Forum which culminated in the production of the Cork Harbour Integrated Management Strategy published in 2008.(appendix) We are now involved in the next phase of that project.

We have also participated in the proposal to have Cork Harbour declared a World Heritage site

We have received environmental awards for our efforts and work in protecting the environment from the Cork Environmental Forum and we were presented with the Lord Mayors Award in Cobh in 2006, in recognition of our contribution to our community..

ENGAGEMENT

Madam Inspector you have made every effort to make this process as friendly and non-intimidating as possible for the community and we thank you for this. However, as a community, we have to consider the Bord of An Bord Pleanala as hostile and come to engage in this process with some trepidation and I will explain why.

The Bord sought costs against this community in relation to the last application and the legal process which followed

They did this after discussion had taken place with all the Legal teams who agreed that all parties would walk away from the case Ref. 2006/69 (the Planning Permission having expired) and that all would pay their own costs

The Bord's legal team then went back into court and sought costs against us. Can you imagine how intimidating that was for the applicants?

I was one of those applicants and I can tell you I spent sleepless nights worrying about it. This is not a way to treat communities who thought long and hard about taking the case to the courts in the first place, risking their homes and their children's futures.

We took this case because we had no choice. Our concerns were ignored by the Bord in their decision (RefPI04.131196), Indaver Ireland would not apply under the New Planning Act 2000 which would have allowed us discuss our concerns. Therefore the legal route was the only avenue open to us to have our genuine concerns in relation to health and environment heard. However it seems that the Bord seeks to punish citizens who challenge their decisions.

In the second instance at the end of the same Legal case, Indaver Ireland was awarded costs which they have not extinguished. We have been told they will decide on whether they will seek costs from the applicants after the Oral Hearing!

We recognise this for what it is, a veiled threat to the community. What kind of neighbour would Indaver make when, even before they move into the neighbourhood, they are throwing their weight around by holding this threat over us.

So not alone do we have to pay to participate in what is meant to be our democratic right .i.e to take part in a planning decision process in relation to our community, we also have this additional potential burden to bear. I would like the Bord to address this in-balance in fairness.

PLANNING POLICY

We have engaged wholeheartedly in every process available to us in relation to this application and it would be fair to say we exhausted them all

It is vital that communities are allowed to engage at all stages of the planning process, particularly in relation to major infrastructures which have long term implications for the community.

Communities are uniquely positioned to identify problems, as they are the main stakeholders. The value of this unique perspective cannot be under-estimated in the planning process.

In the light of this we would have concerns about the capacity of the proposed National Infrastructure Boards' ability to obtain a holistic perspective on planning applications, if it excludes meaningful participation at a local level.

Planning policy must be decided through debate and discussion both at a local and national level. It is vital that the public's' right to participate in the planning process be up-held and that it is a truly democratic process.

It must however be a meaningful process and not just lip service whereby the findings of such a process must not be ignored but rather where the information is used in making sound decisions that are just and fair.

A Government report makes the point very well when it states:

“Public trust, whether it is placed in the regulators, in compliance with the regulations or in the information provided, will be fundamental in achieving even a modicum of consensus for any future developments in waste policy in Ireland”.

(HRB Report 2003)

EFFECT OF PROPOSAL

Madam Inspector, we have gone to the trouble of engaging with this process for the third time and I would like to tell you what it would mean to a community to have this proposal built in our harbour.

I and many like me are privileged to live and work looking out on the harbour. It is the first thing I see in the morning and the last thing I see going to bed at night The building I work in looks southerly and so stunning is our view that almost on a daily basis, people admire our panorama of the harbour and comment on how it does them good to come into the building.

Looking south from Cobh, the headland where Indaver want to build this facility forms one of the arms of the harbour. Behind it one sees Currabinny woods and behind that again stands Rams Head, it is like a domino effect of natural headlands the likes of which one would have to travel far and wide to see.

To have this **monster** built in our harbour would always be a constant reminder that it is there 24 / 7 damaging our environment and health.

I know it would forever physically and psychologically change the nature of where we live. To have this reminder sit on one of the most prominent parts of the harbour, where it will be visible from almost every vantage point, is unbearable to think of.

Indeed Madam Inspector I know of people who sold their house in the harbour several years ago, during the life of the last application because they were so upset at the prospect of the proposal getting planning permission.

Many people I meet feel exactly the same but can't afford to take such drastic measures. You must consider Madam Inspector the topography of the harbour. It is shaped like a basin with the town of Cobh stacked upon the southern slope of Great island with a panoramic view southwards.

The height of the stack is at the same height as many of the residential areas of Cobh including our schools and pitches, which we heard in the last few weeks. Indeed Professor Sweeney Maynooth NUI, described it as ;

“a hollow capable of trapping and concentrating the plume locally”

It would always remind us of the danger that one day or night it might explode and how would we all get off the island? The danger to us in this event would be from the toxic plume that would follow which would more than likely end up over Cobh given the prevailing winds. Mr Cleary, (Byrne O' Cleirig), very kindly explained that we had nothing to fear from the impact of an explosion at the site We beg to differ from our experience and knowledge of the harbour

As you have heard many times by now there is one small hump backed bridge to get off the island. If we couldn't get off, would we have to sit at home, stuff wet rags in our windows and doors, as the schools were told to do in the event of an emergency and stay indoors(Evidence of Mary Coleman, St. Mary's NS Cobh Pa04131191) Is that how a responsible society treats its people.? I want the Bord to address this issue if their decision is positive, because the last time they simply ignored it.

The 90 meter sack would always remind us that pouring out that chimney are harmful chemicals that have the potential to damage our children and future generations.

Neither must we forget the toxic fugitive emissions that will constantly seep out the vents in the main building or from the Tank Farm shed where the toxic waste will be stored, 7.5 meters from the main road. These emissions will not be regulated or controlled and we were told by Indaver that these fumes would be harmful to the workers, so will be left vent to the atmosphere, meters from the public road and entrance to the Maritime College

In some ways it is irrelevant how much dioxins and other particulate matter increase by, the fact of the matter is that it will increase the levels in the harbour in what is an all ready compromised community.

The perception that they are being emitted would in itself be damaging. Remember the pork scare, the levels of dioxins were thought to be very low and of minimal risk to human health yet the cost to the country was over E200million and the true cost is not yet know in relation to the bad PR it gave our green clean food reputation worldwide

THE BORD

I am asking the Bord to give a positive decision and refuse planning, in the interest of the communities who have fought this proposal for 8 years.

We have fought it not because we have nothing better to do but **because we know it is wrong, it is the wrong site, there is no need, it is the wrong technology and no one wants it .**

The chief planning inspector agreed with us the last time, stating very clearly why it should not be built (Ref Philip Jones 14 reasons PA 04131191)

He was the Bord's expert, who heard the Oral Hearing on their behalf for three long weeks and then gave his deliberations as we know. If the Bord saw fit to ignore the findings of their own expert then I want them to tell me what was the point of us all going through the farce of that Oral Hearing?

Why didn't they come and hear the outstanding contributions the community and their experts made at that Oral Hearing themselves? The Inspector came to that Oral Hearing with an open mind and made his decision based on the strength and credibility of the evidence he heard.

If the Bord was not going to accept his judgement, what was the point in putting a community to huge expense when the Bord hadn't the confidence in the decisions of their own inspector, who is as I understand it, the Bord's expert?

To a logical thinking person it makes no sense. Why would you put communities through that ordeal? Why would you take them away from their families and work for three weeks to sit at an Oral Hearing which you then ignore as if it never happened! Indeed why would you put the Bord and the tax payers to the expense of running such an event? Was it just a sham and had the decision been made before the Oral Hearing? Was it a box-ticking exercise? We certainly think it was

Why would you impose on communities years of fun-raising and many hours of meetings and informing and educating themselves to allow them to take on the might of the corporate world with huge expense accounts, PR machines, Barristers and the like? If one thought about it too much one could get very cynical! Planning decisions as far as I understood it were meant to be made in the interest of fairness and balance. There was nothing fair or balanced in the previous decision to grant this development planning permission.

We as a community know that and have spent the last five years seeking justice in the courts. We were granted Judicial Review of the case as the Judge who heard our application said we had substantial grounds on which to proceed.

Ref court case no 2004 /69 JR

The EU supported our claim that this permission was in breach of European law and as you know a case is pending against the State in the ECJ.

If the Bord hadn't the confidence in their inspectors decision the last time this leads me to ask the question. Why isn't the Bord here this time to hear this Oral hearing? Do you know Madam Inspector if they will also ignore your report? We have engaged as a community in an effort to restore our confidence in how the Bord does business We hope they will not let us down this time.

NO NEED

As a community we now find ourselves at ground-hog day again. We are back here facing another application that is as inadequate and shoddy as the first one.

We believe it is contrary to all our development plans CDP, CWMP, CASP. LAP. None of our public representatives in the area want it. Our Local Authorities in our region have clearly and robustly defended their waste management plans and shown us how well their own plans are working and that they can reach their targets without incineration

There is “no need” as we discussed at length .It will discourage other methods and technologies of waste treatment that are more innovative and suitable to Irelands needs.(Martin Keys evidence Pa 04131196 P90-101

Waste Policy, Planning and Regulation in Ireland, Eunomia Research and Consulting Ltd)

Mr O’Brien Cork City Council, and Mr Bond Cork County Council also agree and presented this as part of their evidence. Mr O’Brien also spoke about using “flexible solutions” to compliment their existing site. Incineration is not a flexible solution and they do not wish to use it.

This approach is in full compliance with the EU and should be encouraged Mr Dimas on behalf of the Commission has this to say (1.10.2008)

“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 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 1999/31/EC on landfills, and other waste Directives (see: <http://ec.europa.eu/environment/waste/index.htm>). They can meet these requirements without constructing incinerators.

In particular, Directive 2006/12/EC requires that Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment. According to this Directive, Member States need to establish an integrated and adequate network of disposal installations, which may but does not have to include waste incineration facilities. In a judgment of 26 April 2005 in Case C-494/01, Commission v Ireland, the European Court of Justice ruled that Ireland did not have such an adequate network. Based on an increase in landfill capacity, Ireland has since argued that it now has an adequate network

The Commission does not know what particular legislation the Irish Government (or the broadcast) could refer to. The conclusion that Community waste legislation obliges or will oblige Member States to build incinerators is, however, incorrect, and appears to be a misinterpretation of the obligations to properly manage the Irish waste."

Madam Inspector this was on foot of incorrect information given on a radio broadcast 2 July 2008 by Mr John Ahern, Indaver Ireland when he suggested that,if we in Ireland do not build incinerators in Meath and Ringaskiddy, the Commission will fine our Government.

This is the kind of false information Madam inspector that Indaver Ireland irresponsibly put into the public domain to try to force their technology upon us as a

Nation and to which we object most strongly. We want you to bring this to the attention of the Bord.

On 03.06.09 the Minister of the Environment issued a letter to all Local Authorities stating that Government Policy is to move away from reliance on incineration to deal with our waste and it is very clear in its direction that policy will be to embrace technologies higher up the waste hierarchy.

Ref 1..

29th May 2009 Circular No. WPRR 04/09 Update on progress in respect of implementing the waste management provisions of the Programme for Government

Cork Area Strategic Plan is the vision we have for our harbour. You heard Kathy Sinnott, MEP, talk about the wonderful plans the EU has for our harbour which will represent the partial fulfilment of CASP,

“the development of the Lower Harbour for leisure recreation and educational facilities”

This is what we want for our harbour. There is already money invested in the Maritime College and it makes far more sense to continue to build up complimentary facilities that will create many high end jobs. The incinerators would see an end to all this potential (with a total of 50 low end jobs) I want the Bord to address how they could ignore this fact, in the event of they granting planning

EIA

This application is contrary to EU law. There is no EIA as deemed necessary by the EU. Much information was / is still missing on all aspects as we have heard by the outstanding contributions of our experts.

Over 500 extra pages of information was submitted by Indaver when their EIS had only 250 pages approx. This clearly shows their EIS is totally inadequate and on its own merit permission should be refused.

Mr Ahern spoke on 11.05.09 about how the community used “ tactics” in the Courts to delay them in the last application. One of the reasons we were in Court was because their last application should have had an EIA The EU Commission agrees. Here we are again, no EIA. so it is not the community who are using tactics!

HABITATS AND THE BIO-DIVERSITY DIRECTIVE

We say it will be in breach of the Habitats and Bio-diversity Directive as its poisonous plume and fugitive emissions will waft over the harbour. We live there 365 days of the year. We see the plumes from our own chimneys change direction with the wind. The harbour is effectively a steep sided valley. The modelling done by Indaver reflects bench mark conditions and does not reflect what happens in the harbour.

The Department of the Environment has expressed its concern. The Minister of the Environment has directed that all planning applications must be proofed against these Directives. This application has not complied It will be in breach of IROPE as it is not something of “overriding public interest” rather a private developer seeking an opportunity to make money

BIO-ACCUMULATION

Dr Gavin Ten Tusscher very adequately explained how toxins from incinerators bio-accumulate through the food chain. Over time, this will likely be the fate of our fish and shell fish in the harbour area who feed on smaller crustaceans and plankton. This in turn will effect the bird-life who feed on the mud-flats in the harbour and in the SPAs' and pNHAs'. Smoke from chimneys know no boundaries and will most certainly effect our protected areas. Fugitive emission from the plant will be substantial and un-regulated

EROSION AND COASTAL FLOODING

We heard the submission made by Shane Bennett in relation to the geological nature of the site and from Professor Sweeney, NUI Maynooth on the fact that it is one of the most vulnerable sites in Ireland subject to coastal erosion.

We heard from Mr Tom Ahern invaluable information in relation to flooding at the site and indeed many remember matches being cancelled because the site was flooded.

Flooding is undoubtedly becoming an issue for the harbour so much so that it was an election issue for one of the Government Candidates in Cobh

Ref 2...

In their participation at this Oral Hearing, the Office of Public Works has expressed its concerns in relation to pollution of the harbour waters in the event of flooding. This is because the Transfer Station is too low and toxic spills in the area will get washed into the harbour in times of flooding whose frequency is increasing.

Mr Cleary Report Doc. 321-X007 P16 raises concerns about the failure of pipes/delivery lines from the tanks/road-tankers and states that failure of these "is a credible event" This has always been a great concern to the community

We want the Bord to address this in their decisions if they grant permission

SAFETY AND SITE SELECTION

It was the wrong site six years ago and it is still the wrong site today for all the same reasons and more besides

The WHO Guidelines for Site Selection are there for one very particular reason, that is to ensure that a proposed toxic waste incinerator will be built on a site that will have the least impact on the surrounding environment and population. It is my understanding that the WHO consider toxic waste incinerators to be dangerous and if one is to be built then it must pass the criteria they set in an effort to minimise its effect. This site fails these criteria as discussed.

It logically follows on from there that if your site is wrong from the beginning then nothing can correct that. No emission standards or engineering solutions will make it better.

Indaver's own application states that the explosions will reach beyond their boundary. John Ahern, Indaver Ireland, has stated publicly that he cannot guarantee there will not be an explosion at this facility. Mr Cleary states that "accidents by their nature are unplanned". The risk to public safety in terms of fugitive emissions from the plant cannot be ignored.

Again this company Indaver Ireland and its shareholders are knowingly willing to put the lives and safety of our communities and the people who work near the site at risk of serious injury or a fatality in the worst case scenario. Their own report states;

"The investigations conducted by the HAZID Team show that the main risk of impact

offsite is posed by the storage of flammable and toxic liquid wastes and not from an accident or abnormal operation involving the incineration /combustion process”

(Ref P 25 Report on Hazard Identification and Risk Assessment, December 2008)

We are not willing as a community to have our lives and safety gambled with, in the interest of Indaver’s shareholders and their profits

We saw the sadness of the earthquake in Italy recently and the abject loss of lives due to improper planning and development. In China a year ago we saw a similar situation, abject loss of life due to poor planning decisions. Could we one day face a similar sadness in the event of an explosion at the site that neither Indaver or the Bord can guarantee against?

Mr Conor Jones told us that the Transfer Station where all their toxic flammable waste will be stored, is a mere 7.5 meters from the public road, where students and staff of the Marine College, members of the Naval Service, mourners using the Crematorium ,the primary schools and children using the gym at the College and the public pass by everyday.

The public path to the Martello tower is a mere 37 meters from the Main Tank farm! Potential explosions at the Tank farm will reach beyond this distance. Indaver’s own report says so and Mr Cleary gave us the thermal end points i.e distance an explosion will travel as

Methanol 19m, Acetone 37 m Hexane 66m

P 9 Doc Ref 321-X007.

Curiously Mr Cleary doesn’t deal with the dangers to the public either on the path or at the beach posed by these tanks. The tanks are un-shielded which means the public would be exposed to “un-impeded exposure in the case of thermal radiation from fires” (Mr Cleary p 7 Safety and Major Hazards)

Yet he goes to great lengths explaining the importance of the fire wall on the Hammond Lane boundary to protect the 6 workers at the shredder which is 37meters from that boundary. Why don’t the public deserve the same safety considerations?

Note;

Madam Inspector incidentally the shredder is where the gas drum exploded over the recess! What would happen in the event of this happening while Indaver were filling / emptying a tanker of flammable liquid which would result in the presence of flammable or explosive vapours, Surely Madam Inspector this must have consequences in relation to Indavers Hot Work Permit

Hot work means any work involving open flames or producing sources of heat or sparks which have the potential to ignite materials in the work area and cause fire. This means that machinery has to be turned off in an area where highly flammable waste is being handled. Indaver have no control over what goes on in Hammond lane a mere 37 meters from this area.

Mr Cleary doesn’t deal with the off-site dangers to the public(bar Hammond Lane)that were mentioned in their Hazard Report nor the fact that fugitive emissions that would be dangerous to their employees, will be left to freely vent out of the tank farm(drum store) un-controlled and un-regulated .

“The roller shutters must be kept open during repackaging”

Ref Hazid Report Repackaging at transfer Station operations 5.10

I have been to the toxic waste incinerator in Belgium and the first thing we all commented on, on leaving the bus was the acrid chemical smell. This is not what we want in our harbour across the road from our Maritime College
Our other great concern in relation to safety is the danger of the drum store where the toxic and flammable chemicals will be stored which is a mere 7.5 meters from the road and directly opposite the entrance to the Maritime College. In the event of a fire, palls of toxic smoke would pour across the Maritime Complex ,across Haulbowline and the Naval Base with its residential area and ultimately across the short distance to Cobh and its 14,000 residents.

Mr Cleary shows a very good picture of what we are concerned about on P21 of his paper on Safety and Major Accident which is the bitumen fire in Dublin Port. In the event of a fire at the Ringaskiddy site such a plume would do as outlined above and likely impact on the populations on the steep hills of Cobh,(impingement point)
The escape route from the College would be blocked as the tank farm is located south west of the entrance and access by the emergency service would also be hampered. If the fire was at the incinerator and the college had to be evacuated imagine trying to organise a bunch of seven year olds to run to Haulbowline Island.
(We heard from Tash Harty that after the Bhopal incident in India a survivor came to Ireland and gave a talk. They said that the people who had suffered most were those who had run in the same direction as the smoke plume . Considering our winds tend to be SW our little seven year olds and the students would be running in the same direction as the smoke!)

The Hazard Identification Report 2008 presented a range of distances “*at which there could be adverse consequences as a result of fires leakages and evaporation of chemicals(fugitive emissions) which could be toxic*”

Mr Cleary reassures us that these distances are nothing to worry about as they are generally less than 100meters!

This 100 meters zone would Madam Inspector include the public road outside the drum store 7.5 m, entrance / exit from College, the college car park, the beach and beach car park, the path to the Martello tower. These are the public areas where members of the public would be fully exposed to any accident at the plant. Indaver Ireland has had 8 years to come up with the answers. All of these concerns have again been ignored in this oral hearing. It's a classic case of the “elephant in the room”

I would like the Bord to address these genuine concerns of ours and to tell us, in the event of a positive decision for the applicant and a subsequent off site event that results in injury to members of the public, who will indemnify us.!

The people of Cobh have for 30 years watched Irish Steel belch out clouds of toxic smoke and watched it drift across the harbour and settle on the town. Red dust settling on windows, gardens and cars. Nobody did anything to stop it, no “competent authority” came to our rescue.

Ref; Pic 1

When Irish Steel was demolished in 2006, huge clouds of what had to be toxic dust spread across the harbour. No dust monitors were set up in the harbour to pick up any elevated levels of dust. Madam Inspector attached is a photo of the Irish steel building collapsing, I think the photo speaks for itself.

Ref; pic 2

Is it any wonder we have no faith in the “competent authorities” who are meant to be looking after us. If this is the best they can do to monitor a planned event, I shudder to think how they might monitor a serious accident or emission scenario from this proposed development

CANCER CONCERNS

We heard poignantly from the pupils of Colasite Muire the sadness their class-mates have experienced in the last year losing parents from cancer. One of those parents was my neighbour. She was 42 and all she ever wanted to be was a good mother to her children!

Dr Hogan, Indaver’s Medical witness told those of us who live in Cobh that the cancer rates here are our own fault, we all smoke too much and are socially deprived! I would like him to say that to my neighbour’s family. She never smoked in her life and was most definitely not socially deprived.

Dr Hogan dismisses the cancer concerns of the community, the Local GP’s, the Professor of General Practice as

“simply not an issue from a health perspective”

How dare Dr Hogan dismiss our genuine concerns He quotes the World Health Organisation fact sheet on dioxins No255, to support his claim that there is no link between incineration and cancer.

He very kindly attaches a copy of that fact sheet and it is clear that he selectively cut and pastes from it and then gives his own interpretation of that fact sheet.

The part of that quote that Dr Hogan choose to leave out of the quote used, reads as follows;

“Chronic exposure of animals to dioxins has resulted in several types of cancer. TCDD was evaluated by the International Agency for Research on Cancer in 1997. Based on human epidemiology data dioxin was categorised by IARC as a known carcinogen”

Now I ask you Madam Inspector could that be any clearer ?The fact that Dr Hogan cut this out of the middle of this particular quote to try to support his claim, in my opinion totally undermines his credibility as a medical witness.

He also fails to bring to our attention another quote from that same fact sheet.

“In terms of dioxin release into the environment, solid waste incinerators are the worst culprit due to incomplete combustion”

It doesn’t differentiate between old and new. This is the thinking of the World Health Organisation on sources of dioxin and I think from the communities point of view we will be relying on their expertise. I trust the Bord will do the same

Further on the fact sheet states that ;

“Reducing dioxin intake is good public health policy and an important aspect of sustainable development”

This is what we want for our community, sustainable development. I read in an article recently the following which I think is appropriate;

“We need to find a way to improve our quality of life while living within our environmental limits and ensuring a fair society. This is sustainable development.”

The people in the Lower Harbour have had an un-fair burden placed upon them for forty years in relation to Irish Steel and we are now possibly beginning to see the effects of this in the health of the population. This application however is an

opportunity for the Bord to do what is right for our community and give us back a clean environment where we can look forward to a better future for our children's health. They should refuse the application

As has been discussed to date by our Medical experts at this hearing, the cancer rates for the lower harbour especially Cobh are high. Why we don't know but we do have the highest concentration of pharmaceutical plants in Ireland, we have had one of the dirtiest industries in the country and no one knows what the synergistic effects of all the emissions are.

To add to this two incinerators that we know are going to add further to the burden of the community would in my mind be outrageous to say the least and constitutes an unfair burden on a vulnerable community

Dr Gavin Ten Tusscher who is at the coal-face of research into the effects of toxins and particulates has given his evidence which is some of the most up to date available. If the Bord ignores this or the evidence of Drs Kelleher, FitzGerald, Professor Bradley, Dr Vivien Howard Dr Anthony Staines and choose to accept Dr Hogans evidence we want them to clearly explain to us how they can do that
We want them to explain how they reach their decision. We have been told through out this Oral Hearing by Madam Inspector that anything we say has to be backed up with proof. Surely we can expect the same rules to be applied to the Bord in their decision making.!

HAULBOWLINE

We have a toxic waste dump sitting on Haulbowline Island containing chromium, copper, lead, zinc, cadmium, nickel tin dioxins and more besides. Some of these leach into the harbour on a daily basis and more get washed into the harbour at high tide
Ref CHASE samples 2

Ref pic3

This is another environmental disaster the people of Cork Harbour have had to endure All the "competent Authorities" including the EPA have known about it and have done nothing, except produce countless reports that have sat on shelves
(Ref; Dioxin Survey 1991, RP Finnegan 1998, White Young Green Reports 2005 and 2008)

The World Health Organisation has something to say about it tho'.. In their fact sheet 225 they pose the question

"Are certain population subgroups at greater risk from dioxins ?"

The answer they give includes foetuses, newborns, individuals who may be exposed to higher level of dioxins due to their diet or occupation and give the example of workers at "Hazardous waste sites, to name a few

Madam Inspector this community has paid a dear price for the profits of private companies in the past who have left us a disgraceful legacy. Enough is enough.

WHO WILL MONITOR

Mary Kelly, Director of the EPA says it is not the EPA's job to monitor incinerators from the point of view of health That she says is the responsibility of the Department of Health(DOH) and wrote to them in 2005 to express her opinion. The DOH is silent and has been so for the last four years.

Ref 3.

Minister Harney doesn't want to take responsibility for our health either and passes the "buck" to the Department of Education.

Ref 4

The HRB Report states that we neither have the ability or personnel to monitor such a facility.(Ref; Health Research Bureau Report 2003) Nothing has changed since then as far as we know and Dr Anthony Staines has yet to give his evidence in relation to that.

HSA

The evidence given by the HSA in the last Oral Hearing was scary to say the least. A perusal thro their evidence from that oral hearing is self explanatory. (Ref PA 04 131196)

To think Indaver Ireland expects us to gain some comfort from the fact that this same HSA has said **this particluar** facility is safe, is beyond the boundaries of comprehension

So at the end of the day there is no one looking after us and no one can monitor the effects of this facility on the community.

What I have outlined above is the reality of what this community would be living with on a daily basis. The Bord has to justify why they see fit to put so many communities at risk for the sake of a private developer if they grant permission to this facility. We want this specifically addressed in their report in the event of a positive decision.

VISUAL IMPACT

Visually the scale will make it the biggest blot on any landscape in Ireland and will change forever what Cork Harbour is "an area of outstanding beauty" Mr Roddy Hogan and Ms Hazel Mc Carthy dealt with this in a most impressive manner as did Mr Sean Mc Loughlin, the County Architect. It is simply too big and cannot be diminished in size. I ask the Bord to put into practice all they have learnt as planners and on visual impact alone, to refuse the facility.

Visual impacts were discussed on 13.05.09 in relation to the size of Indaver's proposed development. Mr Mc Loughlin said that the Indaver incinerator was the same length as the QE 11, I attach a photo of the QE 11 coming about at Cobh last year as a visual aid to that discussion.

Ref Pic 4

I also include madam inspector photos of Haulbowline before and after its demolition to show how the demolition gave us back our beautiful buildings on Haulbowline. There is also a photo showing the width of the channel at Cobh

Ref; Pic 5,5a,5b,5c

TOURISM

We have discussed tourism and the potential for the harbour area is without doubt untapped. We have the vision of CASP, the proposed new ferries in the harbour ,the potential of Spike Island as outlined by Michael Martin, the huge volumes of tourists the cruisers bring to the Cork region. I have included some photos to show the impact of this on the harbour in the appendix. This is the type of development we want for our harbour.

We all know the only reason John Ahern and his company picked Ringaskiddy was because they thought they would slip it in ...that we wouldn't notice amongst all the other stuff!

John Ahern told us at the previous Oral Hearing that it was the only site they could get planning permission on. The fact that it failed the WHO guidelines was immaterial to Indaver as they only found out about the guidelines after they had bought the site. This is a matter of public record and they have since spent their time trying to shoe – horn the site into the W.H.O.fit
(Ref Pa 04 131196)

ACCEPTABILITY

One of the principles of planning is that there must be acceptability by the community of the project .John Ahern thinks that by renting out a hall in the local hotel in Carrigaline he has ticked that box. He held the meeting, few came but that was all he had to do .Not so!

The communities in Cobh and Midleton who will be as effected had no opportunity to view his plans. He did not engage with them. We have heard evidence of that from others who have presented at this Oral Hearing. He did not have the manners to even contact our local public representatives, to inform them that there was an opportunity to view the plans. That is not consultation with the key players. That is treating them with contempt.

Indaver Ireland would make bad neighbours and do not have the trust of the community. They lied to us at the last Oral Hearing, it is a matter of public record.

They told us that they would never import .That this facility was to treat Cork waste. Yet they then went and applied to Cork County Council for a licence to import waste.
(ref PA 04 13196)

John Ahern, Indaver Ireland told us that they would never interfere with the Democratic process and that they would not apply to build a municipal incinerator until it formed part of Cork County Councils integrated approach to waste management.

It still isn't part of Cork's Waste Management plans yet here we are facing an application to burn 140,000 tonnes of domestic waste in our harbour.

We know Cork City and County Council do not want Indaver's incinerators. We know John Ahern, Managing Director of Indaver Ireland, said he will take waste from wherever he can at the last oral hearing. So the conclusion has to be that he wants to build his incinerators on the only site he could apply for planning permission on and import waste from wherever he can.

Incineration is no longer a key element in the NHWMP nor does it say anywhere in that plan, to my knowledge, that it has to be built in Cork

Yet here we are facing an application for a hazardous waste incinerator by Indaver who tell us that we must have it. Again interference with the democratic process. Despite their re-assurances to the community that they would respect decisions made on our behalf by our public representatives, Indaver Ireland have been lobbying for years to try to change Government policy.

In a letter from Indaver Ireland to Minister Cullen they explain that they needed the proximity principle changed as their bank told them they wouldn't be "bankable"

without it. They even had the audacity to suggest the change in wording for the Minister, to allow them bring waste from wherever. The Minister duly abolished the proximity principle.

Ref 5

Earlier in the year I sat in my kitchen and heard John Ahern, Indaver Ireland state on public radio,(Cork 96 Fm) that no explosion would reach beyond the Indaver site. This is clearly not so, Mr Ahern misled the public with this information, Indaver's own Hazid Report says so.

We as a community will never and can never trust Indaver Ireland. We have no confidence in them They are not welcome in our community, they will never be welcome and they will not make good neighbours.

Madam Inspector I think it is very clear that as a community we are very sincere in our opposition to this application. I want the Bord to recognise that this time, as it is the profound feeling of this community that the Bord totally ignored us in their previous decision to grant permission.

Their report read like the previous oral hearing had not happened. We as a community who had put so much effort into that oral hearing felt totally let down by the Bord in their decision.

All the valid planning reasons, all the policies adopted by our Local Authority on our behalf, all the International policies were all to be dis-regarded in the interest of one developer.

This cannot be.

ABP must be accountable and must pay regard to such policies. Local Authorities when drawing up LAP, CDP CWMP take account of Government policy and guidance and reflect the thinking therein. As I said before, these plans are drawn up on our behalf by our elected representatives; surely this is one of the founding principles of the State.....democracy.? To ignore these in favour of a developer is to make a mockery of Local Government and the principles of proper and sustainable planning

Similarly plans and guidance at a National and International level must also have meaning and value and to ignore the majority of these and choose to give permission on one very narrow principle. .i.e" incineration is Government policy" as was the reason given for the previous planning by ABP, cannot be regarded as proper and sustainable planning.

Madam Inspector, if the Bord choose to ignore all of the above and grant planning permission I want them to explain to this community how they can justify that? How they can put this community at risk in relation to the dangers this facility poses to our health and safety. How they can take away all the future plans we have for the development Cork harbour that fit comfortably with National and International plans. How they can un-couple our success in waste management?The Bord have the opportunity to close this chapter of community strife, of more years of court cases and submissions to the EU. It is time for common sense and good governance to prevail

This application is not acceptable at any level for all the reasons outlined in this Oral Hearing by us, our experts and the people from our community. Further discussion has still to take place. The only people proposing this incinerator are the people who are being paid by the incineration industry. It is simply a developer driven project

We have seen what developer driven projects have done for this country and the danger of being subservient to lobbyists. It has brought the country to its knees. We trust that this Oral Hearing has been a meaningful one. We trust that our experts and all the wonderful people who gave up their time to be here, will be listened to this time around

There is total unity in this community with respect to our opposition to this project. We ask the Bord to respect the views of the communities around Cork Harbour and refuse this application.

Thank you Madam Inspector and may I on behalf of our community wish you well in all your work

Mary O' Leary
Chairperson
CHASE