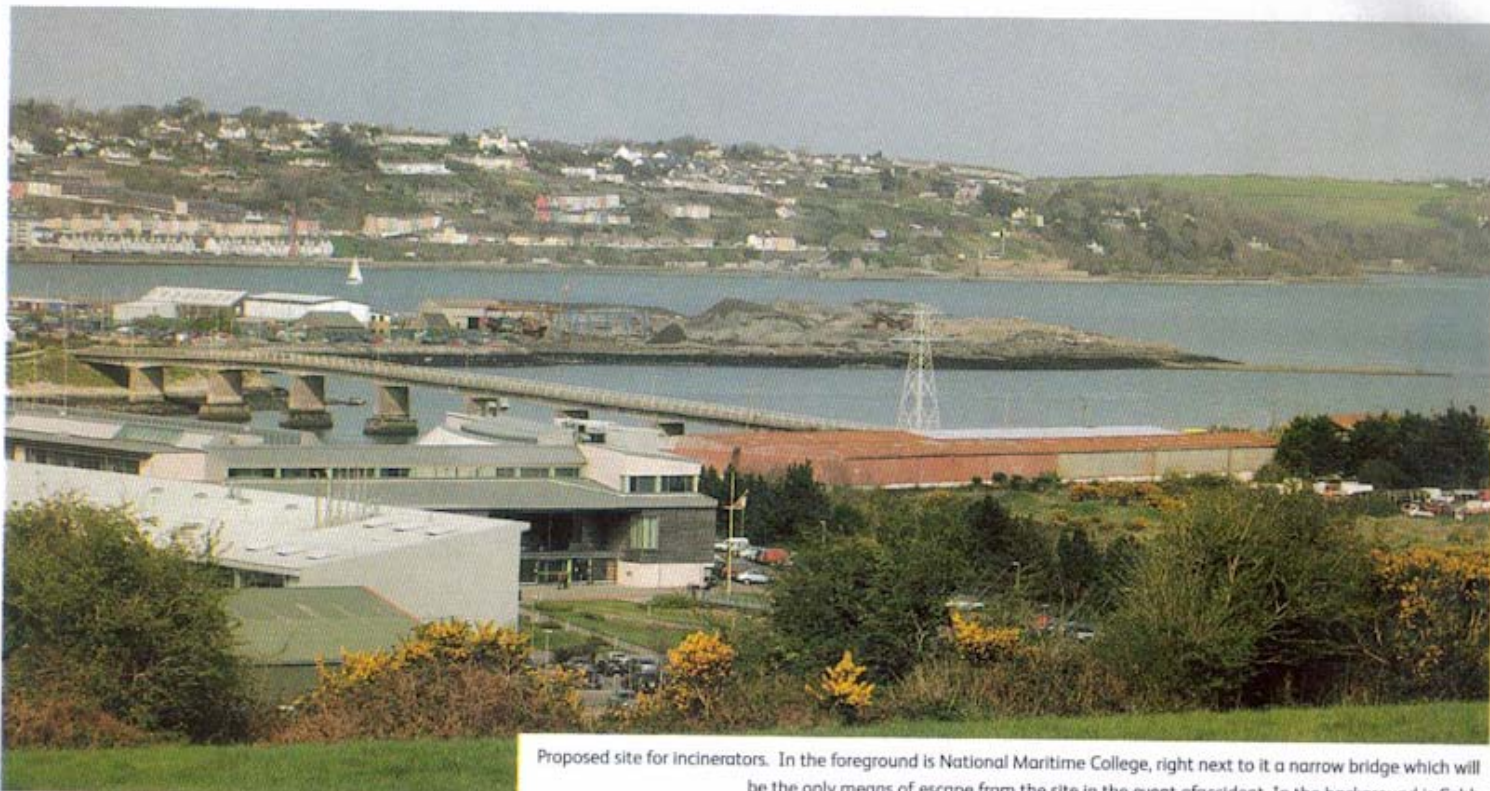


CORK HARBOUR INCINERATOR: WRECKING COMMUNITIES

Indaver's application is flawed, self, contradictory and dangerous.

MARIAM COTTON



Proposed site for incinerators. In the foreground is National Maritime College, right next to it a narrow bridge which will be the only means of escape from the site in the event of accident. In the background is Cobh

IN 2005 WHILE on a visit to China, the then Taoiseach Bertie Ahern said "I would like to have the power of the Mayor of Shanghai...I would like that we can get through the consultation problem as quickly as possible". The requirement to consult with communities threatened with health and environmental problems by big industrial and other developers had long been a thorn in his side. At the time, what is now known as the Planning & Development (Strategic Infrastructure) Act 2006 was weaving its way through the legislative process, every line of it designed to relieve Mr Ahern, his colleagues and big business interests of as much of the need to consult with communities as possible. The Act – formerly known as the Strategic Infrastructure Bill – is a fast-track application process that removes the necessity for developers to seek approval from local authorities but, instead requires application direct to An Bord

Pleanála (ABP) for permission to build projects which they claim have regional or national strategic significance.

One of the early cases to be considered by ABP under this new legislation is an application by the Belgian-owned company, Indaver Ireland, to build two incinerators at Ringaskiddy in Co Cork. Its original planning permission having elapsed, in November 2008, Indaver submitted a new application for both toxic and municipal waste burning facilities. Their first application had been recommended for refusal in 2004 on 14 separate grounds by the ABP Inspector, Philip Jones, though his recommendations were overturned by nine of the ten directors of the Bord in a decision that was itself subsequently ruled by a judge to offer ample grounds for judicial review, such was its irrationality.

The Cork Harbour Alliance for a Safe Environment (CHASE) is one of many groups

from all over Cork Harbour that have opposed Indaver's plan for much of the nearly nine years since the incinerator plan was first announced. As was feared before the new Act went into force, such groups are significantly prejudiced under its terms. Merely to participate in the oral hearing chaired by ABP Inspector Ozgur Yucel-Finn earlier this year has cost objectors approximately €14,000 in total. Legal representation and expert witnesses are costing them a further €185,000 to exercise a democratic right to participate in the formulation of plans that materially affect people and their environment.

Under the terms of the new Act, Indaver have also had a right of access to ABP for extensive consultation and advice prior to making their new application formally. While this was going on, the communities were completely shut out of the discussions. Indaver availed itself of ten months of this generous support from ABP. It is

during this secret process that ABP effectively decide whether or not the developer's plans qualify for consideration under the fast track strategic infrastructure process. Approval to apply is therefore in itself a clear statement that the Bord has decided the application has strategic significance – a decision arrived at without a shred of notice to what are likely to be completely unsuspecting communities in many instances. Consistent with the terms of the Act, the Cork communities, in contrast to the advantages offered to the applicant, were allowed just nine weeks (including the Christmas period) from notification of Indaver's new application for planning permission to submit their objections to be heard at the oral hearing that followed which leads to a decision from which there is no right of appeal. CHASE is in its 9th year of fighting this proposal and had the advantage of considerable experience of the legalities and complexities of challenging the application. It had already secured near unanimous support from residents, politicians, farmers, fishermen, doctors, tourism-related-businesses and many others. The group had a petition that was signed by 30,000 people as far back as 2002. Cork City and County Councils made it clear to the recent oral hearing that under their waste management plans which are on target to be met without incineration, they have no need of the facility and, moreover, that the proposal is in contravention of their own development plans for the harbour. However, the new Act says that even where the developer's proposal is in material contravention of regional authority development plans, this can be disregarded.

Incinerators are notorious for the environmental and health damage they allegedly cause, and are resisted ferociously by communities all over the world. Many countries are abandoning them as a means of waste disposal. CHASE is particularly concerned about the constant emission of nano-particles from the burning of an unquantifiable number of highly toxic substances. One of their expert witnesses, paediatrician Dr Gavin ten Tusscher confirmed to the oral hearing that there is no technology capable of capturing them and no levels of emission below which they are safe. While nano-particles are a small percentage of the total mass of emissions, it is their tiny size that in fact makes them more dangerous than larger particles because their surface area is far greater, thus making them highly efficient carriers of toxic pollutants. These particles are inhaled deep into the lungs where they can pass into the blood stream and be

carried around the body to various organs. They are exceptionally dangerous to children and babies and are associated with a range of health problems including cancers, birth defects, respiratory difficulties and many others. Another of CHASE's expert witnesses, the toxic-pathologist Professor Vyvyan Howard explained that "currently in the EU there is a statistical loss of life expectancy due to fine particles in the air equivalent to 3.6 million life years". On these dangers, however, Indaver were silent during the 2009 oral hearing and they made no attempt at cross-examination on the nano particle issue. Indeed, during the first oral hearing back in 2003, the communities were prevented from arguing the health implications of the incinerator proposal - as the hearing was on planning and not environmental matters. The topography of the lower harbour means that the area is subject to thermal inversions which will trap pollutants in its hollow shape. Indaver's evidence on this point was made on the basis of tests conducted 12 miles away at the elevated and wind-swept Cork Airport rendering them irrelevant to the reality which the harbour communities would experience.

The manner of Indaver's presentation of its case has been much criticised by objectors from the outset, with one local resident comparing it to a clock in Cork City known as 'the four-faced liar' because each of its faces gives a different time. At the oral hearing this year, Audrey Hogan, described how Indaver's claims are inconsistent – promising one minute that the facility would be exclusively for the burning of Irish waste, and then in the next applying for a licence to import waste from elsewhere, for example. The Chairperson of CHASE, Mary O' Leary undermined the claims of Indaver that Ireland was obliged under EU law to build these incinerators. She quoted Environment Commissioner, Stavros Dimas, who said "European legislation does not prescribe any quotas for waste incineration, nor does it oblige Member States to build waste incinerators if they do not wish to. ..The Commission does not know what particular legislation the Irish Government...could refer to...The conclusion

that Community waste legislation obliges or will oblige Member States to build incinerators is, however, incorrect". Professor Andrew Staines of DCU, author of a 2003 Health Research Board Report which found that Ireland has no adequate means of monitoring the health impacts of such facilities, is perturbed by the standard and nature of the evidence given by Indaver's expert medical witness, occupational physician Dr Martin Hogan. During the oral hearing this year, Dr Hogan was discovered to have copied

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several pages of Professor Staines' report and presented it unattributed as his own work, and out of context. What is even more astonishing is that this was the second time that Dr Hogan had done this. At a separate oral hearing into the Poolbeg incinerator proposal in Dublin in 2006, the ABP Inspector at that hearing had rebuked Dr Hogan for the exact same practice.

The human cost to those who have put so much effort into protecting their communities from these incinerator plans has been immense. They have attended endless meetings and conferences, researched and prepared for hearings and court appearances - to say nothing of the expense and stress caused them. Parents have lost valuable contact time with children now grown up, because of their commitment to protecting the environment for those same children and future generations. In a powerful and eloquent submission to the Inspector at this year's hearing, local resident Nick Loughnan spoke of the shared determination to defend the homeplace from the polluting invader from Belgium. At the time of writing the many communities around Cork Harbour are anxiously awaiting the Inspector's findings and to find out whether all their efforts have been in vain. ■