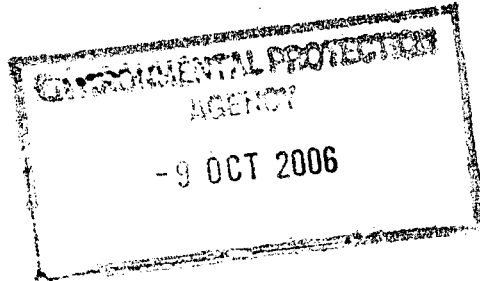


The Secretary
Environmental Protection Agency
PO Box 3000
Johnstown Castle Estate
Co Wexford



W0232-01

Sub. 7

5 October 2006

Dear Secretary,

Re: Licence application W0232-01: proposed Poolbeg incinerator

I wish to object strongly to the granting of a waste licence to Dublin City Council for the operation of a municipal waste incinerator at Pigeon House Road, Poolbeg Peninsula, Dublin 4.

I enclose a copy of my submission to An Bord Pleanála on the Environmental Impact Statement for this proposal. In this submission I have highlighted a number of issues which are relevant to your decision on this waste licence application. In particular, I have tried to show that this proposal is entirely contrary to the principles of sound waste management policy, and that the proposed incinerator would have serious negative impacts on human health and the environment.

I intend to submit further information of direct relevance to the waste licence application in due course, but as there is no set time period for your consideration of this matter, I thought it prudent to make this interim submission. Any information you can give me on the likely date for a decision on this matter would be very helpful.

I trust that you will give my submission due consideration and hope that you agree that this waste licence should not be granted.

Yours sincerely,

John Gormley, T.D.
Green Party Chairman

Enc. Submission to An Bord Pleanála on proposed incinerator at Poolbeg

Proposal to build a municipal waste incinerator at Pigeon House Road, Poolbeg Peninsula, Dublin 4

Submission from John Gormley TD, Green Party Chairman
Dáil Éireann, Kildare Street, Dublin 2

An Bord Pleanála reference: EF2022

2nd October 2006

**Volume 1
SUBMISSION**

*For inspection purposes only.
Consent of copyright owner required for any other use.*

Table of contents

1. Introduction	2
1.1. Request for oral hearing.....	3
1.2. Structure of this submission	3
2. Adequacy of EIS	4
2.1. Misleading statement in the non-technical summary.....	4
2.2. Inadequate information on cumulative impacts and interactions	4
2.3. Lack of Health Impact Assessment	5
3. Policy – local, regional, national and international	6
3.1. Dublin City Development Plan.....	6
3.2. Dublin Regional Waste Management Plan.....	6
3.3. National waste management policy.....	10
3.4. International commitments	12
4. Specific planning issues.....	14
4.1. Site selection.....	14
4.2. Need for project / Consideration of alternatives	17
4.3. Visual impact.....	18
4.4. Traffic impact.....	19
4.5. Impact on climate	20
4.6. Residues	22
4.7. Water.....	23
4.8. Impact on human beings.....	24
4.9. Reference to “Poolbeg Framework Plan”	26
5. Conclusion.....	27
6. Appendices	28

For inspection purposes only
Consent of copyright owner required for any other use.

1. Introduction

An Bord Pleanála has been asked to consider an Environmental Impact Statement (EIS) for the proposal to build a massive municipal waste incinerator on the Poolbeg Peninsula, in the heart of Dublin Bay. This proposal marks the culmination of a process to procure a municipal waste incinerator which began almost a decade ago, and which has been opposed at every turn by the Green Party. More significantly, it has been consistently opposed by the communities most immediately affected by the proposal. The Board is now in a position where it must decide whether this incinerator will be imposed on these communities, and whether the fatally flawed waste management strategy pursued by the Dublin local authorities will be imposed on the citizens of Dublin.

I ask the Board to support the proper planning and sustainable development of Dublin by rejecting this proposal. In my submission, I hope to show that the proposed incinerator is unnecessary, prejudicial to the development of a proper waste management strategy, severely damaging to the amenity of local communities and to terrestrial and marine ecology. I also hope to show that the EIS is inadequate, and that the proposal is not consistent with the relevant public policy context.

In this submission, I have attempted to limit myself to treatment of matters that the Board can legitimately consider under the terms of reference set down for it in law. I have also tried to maintain a reasonably sober tone so as not to detract from the substance of my arguments. However, I think it is appropriate at the outset to make the strongest possible statement of my total opposition to this proposal. It is my view, and the view of the Green Party, that this proposal will set back progress on sustainable waste management in Ireland by decades. It will damage the health and amenity of local communities, and it will benefit only those private companies who are associated with it.

The choice faced by the Board, and by the Dublin region, is between a waste management policy which allows for progress in respect of the two most favourable waste management options – waste prevention and waste minimisation – and an “integrated waste management strategy” which locks the region into a model whereby the waste streams produced by households and businesses must remain constant throughout the 25-year life of the incinerator, in order for it to function efficiently, and for the project to be economically viable. In asking the Board to choose the former, I am not asking it to adopt Green Party policy. I am simply asking it to uphold the hierarchy of waste management options, which is already the cornerstone of every relevant national and regional policy.

Finally, I would like the Board to note that the communities most immediately affected by the proposal did not oppose the development of the Ringsend Wastewater Treatment Plant, which is adjacent to the

proposed site. This was on the basis that this treatment plant represented essential infrastructure for the city, and would contribute to cleaner water in Dublin Bay. However, the Board should also note Dublin City Council's failure to uphold its commitments to the community in respect of this plant. Three years after its opening, we are still dealing with a serious ongoing odour problem. The Board should consider that Dublin City Council's lack of faith with the community and incompetence in respect of the wastewater treatment plant is material to the present proposal.

1.1. Request for oral hearing

I believe the local community and others opposed to this proposal should have the opportunity of presenting their case to the Board in an oral hearing. I trust the Board will agree that an oral hearing would be appropriate in a case of this complexity and importance.

1.2. Structure of this submission

This submission is divided into three main parts, intended to mirror stages in the Board's process of assessing the proposal. The first of these parts addresses the adequacy of the EIS as provided; the second part addresses the policy context within which the board must consider the proposal; and the third part addresses specific planning issues raised by the proposal. Following the conclusion, I have appended a number of relevant documents, which I believe the Board should consider, and which support various points made throughout the submission.

2. Adequacy of EIS

Having reviewed the EIS, there are a number of issues which lead me to believe that it may not be adequate under the provisions of the relevant planning acts and regulations.

2.1. *Misleading statement in the non-technical summary*

The non-technical summary of the EIS contains the following statement under section 9.3, "Climate":

An assessment was undertaken of the impact of the Facility on climate, in particular the greenhouse gas emissions from the Facility were quantified and compared with the alternative of landfilling the same amount of waste. The Facility was found to have marginally less greenhouse gas emissions than the landfilling alternative.

This statement is a highly selective summary of the relevant findings contained in the body of the EIS, as it omits completely one of the alternatives to which the proposal was compared, i.e. anaerobic digestion of non-recyclable putrescible waste. This alternative was found to have marginally less greenhouse gas emissions than the incineration alternative. Failure to mention this finding gives an entirely misleading characterisation of the relevant section of the EIS.

It is unacceptable that readers of the non-technical summary should be presented with such a misleading statement. For this reason the Board should find that the non-technical summary is not adequate.

2.2. *Inadequate information on cumulative impacts and interactions*

The Planning and Development Regulations 2001 – 2005 require that an EIS must include information relating to the interaction between certain aspects of the environment likely to be significantly affected by the proposal. In the EIS, this is addressed with a single table, Table 20.1, "Cumulative impacts and interaction of effects matrix". No further information is provided.

This single table cannot be said to meet the requirement to identify cumulative impacts and interactions. The nature of the impacts or their severity is not specified. Therefore they can not be measured, assessed or compared. The Board should consider that the applicant's response to this requirement is entirely inadequate and indeed derisory. For this reason the Board should find that the EIS is not adequate.

2.3. *Lack of Health Impact Assessment*

The EIS does not include a Health Impact Assessment (HIA). I submit that a HIA should be required for such a major development, with so many potential health impacts on the population. An input from Dr Anthony Staines, Senior Lecturer in Epidemiology at the Department of Public Health Medicine, UCD, is appended to this submission and makes the case for requiring a HIA in this instance. Dr Staines also raises specific matters of concern in terms of impact on health.

I submit that the EIS cannot be said to be adequate without such an assessment. Even if the Board does not endorse this view, I submit that it should, in the interests of proper planning and sustainable development, require the applicant to carry out a HIA, which constitutes a key component of Environmental Impact Statements in most other EU countries.

*For inspection purposes only.
Consent of copyright owner required for any other use.*

3. Policy – local, regional, national and international

As the Board, in considering this proposal, must have regard to policies on a local, regional, national and international level, I will address each of these policy areas in turn before dealing with specific matters contained in the EIS.

3.1. *Dublin City Development Plan*

In the Dublin City Development Plan 2005-2011, the proposed site is zoned Z7A – “Employment (Heavy – excluding incinerator/waste to energy plant)”. Unlike lands zoned Z7 – “Employment (Heavy)” – an incinerator or waste to energy plant is not a permissible use or a use “open to consideration” under this zoning. This means that the location of an incinerator at Poolbeg is in material contravention of the Dublin City Development Plan.

Although the Board is entitled to over-rule the City Development Plan if there are conflicting objectives in the plan, in this case the plan contains an unambiguous objective to prevent the location of an incinerator at Poolbeg. Although Policy U4 of the plan states that it is the policy of Dublin City Council to implement the Waste Management Plan for the Dublin Region, this policy contains the following qualification:

It is the policy of the elected members of Dublin City Council to oppose the siting of an incinerator on the Poolbeg peninsula.

The reference to “the elected members of Dublin City Council” as distinct from “Dublin City Council” is unusual, but as the making of the City Development Plan is a reserved function of the elected members, in practice no such distinction exists. A policy of the elected members, stated in the City Development Plan, is in effect the policy of Dublin City Council. For this reason there is no conflict between this policy and the Z7A zoning objectives, and the Board should not over-rule the City Development Plan on this point.

3.2. *Dublin Regional Waste Management Plan*

The primary policy driver for the proposed incinerator is the Dublin Regional Waste Management Plan 2005 – 2010. This plan calls for the development of capacity to recover energy from the residual waste generated in the Dublin Region. The proposed targets are for 59% of waste generated to be recycled, with 25% being incinerated and the remaining 16% going to landfill.

Although the Board must have regard to the Regional Waste Management Plan, I submit that (a) the plan itself is deficient in that the proposed measures are not consistent with the overall statement of policy and (b) the proposed incinerator is materially in conflict with the overall policy.

3.2.1. Deficiencies in waste management plan

The Dublin Regional Waste Management Plan asserts that it complies with the EU hierarchy of waste policies, in that it has waste minimisation and prevention as the highest priorities. Section 1.3 of the plan states:

In terms of Waste Management Policy, the Plan falls into a hierarchy of policy derived from EU and National Level, and complies with national legislation on waste management plans.

...

Much of the EU policy can be conveniently abbreviated by the 'waste management hierarchy' picture.

The accompanying illustration is the familiar 6-level "waste management hierarchy" pyramid, with the waste management options ranked from "most favoured option" to "least favoured option" as follows:

- 1) Prevention
- 2) Minimisation
- 3) Re-use
- 4) Recycling
- 5) Energy recovery
- 6) Disposal

This hierarchy is referred to again in the plan's statement of policy (section 17.6):

The Dublin Region will strive to implement a sustainable waste management system that is based on the principles of the EU Waste hierarchy and up to date National and EU policies.

This overarching policy statement implies that it is at least the aspiration of the Dublin Region to pursue policies which prioritise prevention and minimisation of waste over other options on the waste management hierarchy. However although specific targets are proposed for the less favourable options such as recycling and energy recovery, as well as specific measures to meet these targets, **no such targets or measures are specified for waste prevention or minimisation.**

In fact, the only specific target of relevance to waste prevention and minimisation referred to in the plan is the headline indicator (table 22.2) "Household Waste Generated per household". Rather than setting a

target for the ongoing reduction in waste produced per household, however, **the plan actually targets an increase from 1.21 tonnes per annum (2003) to 1.25 tonnes per annum from 2006, with this level remaining constant from that point on.** Such a target is clearly in conflict with any commitment to achieve even modest levels of waste prevention and minimisation.

The only measure proposed in the plan to achieve waste prevention and minimisation is the employment of a team of three officers in each of the four local authorities, an Environmental Awareness Officer, a Green Business Officer and a Green Schools Officer. This total staff complement of a dozen officers throughout the entire Dublin region contrasts sharply with the staff and resources dedicated by the local authorities to the less favourable waste management options, including incineration.

Deliverables are identified for each of these roles, including "Courses/Events", "Increase participation for green bin collection", "Introduce new collection systems", "Company visits" and "Green flags [for schools]" (Figure 18.1). Conspicuously absent from the lists are any deliverables which relate to the prevention or minimisation of waste. The plan does not envisage that the team responsible for implementing the Dublin region's waste prevention and minimisation policy will be expected to deliver any actual reduction in waste volumes.

This might be expected, given the statement on the "progress to date" in section 5.2 of the plan:

To date, waste minimisation initiatives in Dublin Region have primarily been aimed at diverting waste from disposal by encouraging the use of kerbside recycling, bring banks, recycling centres and home compost bins which are provided at a reduced price to encourage diversion of organic waste.

This statement represents a fundamental misinterpretation of waste minimisation, and confuses waste minimisation measures with waste recycling and waste recovery measures, which are less favoured options under the waste management hierarchy. The Dublin local authorities are in fact unable to show any progress whatsoever in reducing the volumes of waste generated by households or businesses.

For this reason the plan must be seen as deficient, as it is not consistent with its own policy statement to prioritise the more favourable options of waste management. Further it is not consistent with the national and EU policies which mandate the hierarchy of waste management options.

In summary, the plan which is the main policy driver for the proposed incinerator is fundamentally flawed through a misinterpretation of and/or disregard for the waste management hierarchy mandated by EU and national policy. The "integrated waste management strategy" proposed is based on projections which specifically exclude the possibility of any reductions in the volume of waste generated.

3.2.2. Incinerator proposal is in conflict with main policy objectives

Should the Board decide not to set aside the Dublin Regional Waste Management Plan, it should consider that, although the specific policies and implementation plans contained in the plan are in conflict with the waste management hierarchy, the hierarchy nevertheless stands as the overarching waste management policy for the Dublin Region. Although implementation of the plan would not lead to any reduction in the volumes of waste generated, nonetheless it should be considered that the overarching policy for the Dublin Region is that prevention and minimisation of waste are the most favoured waste management options.

The incineration capacity called for by the plan is based on projections in which there is growth not only in the total amount of waste generated in the Dublin region, but even in the amount of waste produced by each household. The existence of sufficient incineration capacity to treat such large waste streams will be prejudicial to any future attempts to achieve reduction in these streams. For this reason, although the proposed incinerator may be consistent with specific measures proposed in the plan, it is in conflict with its overarching policy objectives.

3.2.3. Incinerator will not only treat residual waste

The waste plan calls for energy recovery only from "residual waste", i.e. waste that cannot be otherwise removed from the waste stream through re-use, recycling, biological treatment or other more favoured waste management options. This would imply that maximum possible rates of recycling and other recovery will have been achieved before the incinerator comes on stream. However, progress on increasing recycling rates to date strongly indicates that this target will not have been achieved before the incinerator comes into use, and that the proposed plant will in fact be treating not only residual waste but waste which should be diverted via recycling.

Once the incinerator is in place, there will be no further incentive to divert this waste via recycling, and the plant will continue to process "non-residual" waste throughout its lifetime.

Other than aspirations to increase recycling rates, there are no specific proposals to remove non-residual wastes from the waste stream before delivery to the incinerator. In other words, anything which householders or businesses choose not to recycle will be accepted by the incinerator, whether it can properly be classified as "residual waste" or not.

For this reason, the proposed incinerator cannot be said to be in line with the Dublin Regional Waste Management Plan's policy to develop capacity to "recover energy from residual waste".

3.3. *National waste management policy*

3.3.1. **Board's responsibility to "have regard" to national policy**

I am aware that in a number of other cases involving incinerators, the Board has decided that permission should be granted, partly on the basis that such developments were in line with Government policy, even where the Board's inspector has recommended refusal on various specific grounds. Given the enthusiastic support from national government for incineration, the Board may be inclined to make a similar decision in this case. However, such a decision would put the Board in the position of implementing Government policy at the expense of proper planning and sustainable development. I submit that, under law, it is not the Board's role to implement Government policy.

This very point is made by the Board's inspector in relation to the proposed incinerator at Ringaskiddy (ref. PL04.131196):

It should be noted that, in relation to this application, the Board is required to "have regard to" policies and objectives of "the government or any minister of the government in so far as they may affect or relate to its functions". This statutory obligation has been judicially decided in the Supreme Court in the case of *Glencar Exploration plc v Mayo County Council* in 2002, and by the High Court in the more recent case of *McEvoy and Smith v Meath County Council* in 2003. In the *Glencar* case, the Chief Justice expressly decided the issue in his judgement when he stated:-

"The fact that they [Mayo County Council] are obliged to have regard to policies and objectives of the government or any particular minister does not mean that, in every case, they are obliged to implement the policies and objectives in question. If the Oireachtas had intended such an obligation to rest on the planning authority in a case such as the present it would have said so".

I consider that the same legal stipulations apply to the Board, which has the same responsibilities in relation to national policy under the 1963 – 1999 Planning Acts as do Planning Authorities.

The above makes clear that the Board are not obliged to implement Government policy, only to "have regard" to it. Under the 2000 Planning and Development Act, the Board's responsibility in this respect is stated as follows:

The Board shall, in performing its functions, have regard to the policies and objectives for the time being of the Government, a State authority, the Minister, planning authorities or any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and

sustainable development of cities, towns or other areas, whether urban or rural.

Under the acts currently in force, the responsibility of the Board is to “have regard” to national policies rather than to implement them.

3.3.2. *Proposal not consistent with national waste policy*

Notwithstanding the above, I would submit that the proposal is in fact in conflict with national policy. National waste policy, as articulated in policy statements such as “Changing our Ways” (1998) and “Preventing and Recycling Waste – Delivering Change” (2002), is based on the hierarchy of waste management options, as the Dublin Regional Waste Management Plan purports to be. As the proposed incinerator is part of an “integrated waste management strategy” which is based on achieving no prevention or minimisation of waste whatsoever, it cannot be said to be consistent with national policy, which mandates waste prevention and minimisation as the most favoured options.

Furthermore, as the capacity of the proposed incinerator has been designed for a scenario in which no reduction in waste streams is achieved over its 25-year lifespan, its existence will be prejudicial to any future attempts by the Dublin local authorities or national government to achieve such a reduction.

The Board should also be mindful of the fact that, although successive Ministers for the Environment have enthusiastically embraced incineration as a waste management option, nothing in the Government’s policy statements on waste requires any local authority or regional group of local authorities to provide capacity for incineration. In national policy statements, incineration remains one of the two least favoured options for management of waste. The Board should therefore not consider that national policy requires it to support the implementation of the Dublin Regional Waste Management Plan insofar as it applies to the development of the proposed incinerator.

3.3.3. *Recommendations of Oireachtas Committee on Environment and Local Government*

The Board should also note the findings of the Joint Oireachtas Committee on Environment and Local Government, in its third report, “Recycling of Household Waste in Ireland” (September 2006). The Committee makes the following recommendation in respect of waste-to-energy capacity:

The Joint Committee recommends Government undertake a close evaluation of Ireland’s waste disposal needs, both as a nation as a whole, and within the existing Regional Waste Management groupings. Particular attention should be paid to the Waste Management Hierarchy, which promotes avoidance, reuse and recycling, over disposal.

The Committee also heard testimony from a number of respondents who "indicated that the presence of energy recovery facilities is likely to inhibit the development of local recycling industries and associated markets, thereby limiting the expansion of the existing recycling programmes." The following recommendation is made (section 2.2.2) in response to these concerns:

The Government should review Ireland's collective need for waste-to-energy facilities and ensure that any such facilities do not adversely impact current or future recycling initiatives.

Launching the report, the Committee's chairman, Sean Haughey TD, noted that implementation of all the regional waste management plans currently in place would result in a total of eight incinerators being constructed nationwide. He described this plan as "simply irrational". He also commented that "the prospect of having eight incinerators is not sensible environmental policy." (*Irish Independent*, September 22nd 2006)

In response, the Minister for the Environment, Heritage and Local Government, Dick Roche TD, is reported to have "acknowledged Ireland needed 'some', but probably not eight incinerators." (*ibid*)

The Committee's report, and the Minister's response, indicates that the implementation of all regional waste management plans currently in place is not necessarily consistent with national waste management policy objectives.

For these reasons, the Board should not consider that the proposed incinerator is in keeping with national policy.

3.4. *International commitments*

In deciding on the proposal, the Board must also be mindful on the state's international commitments, in particular the Kyoto Protocol on Climate Change, which commits the State to limit its discharge of greenhouse gases to a level which is no greater than 13% above its 1990 levels by 2012. It should be noted that Ireland is currently greatly exceeding this limit, and will face significant fines for non-compliance.

It is stated in the EIS that the proposal will result in a net benefit in terms of a reduction in greenhouse gas emissions, when compared with two alternative options, namely

- 1) landfilling of all residual waste; and
- 2) diversion of all suitable waste to anaerobic digestion and landfilling of the residual fraction.

For a number of reasons, I do not accept that the applicant's analysis in this matter is sufficient. The applicant has been selective in choosing the alternatives with which to compare the proposal, and has furthermore

been selective in choosing which aspects of the construction and operation of the incinerator should be factored in to the comparison. I will deal with this issue in detail in “specific planning issues” below, under the appropriate heading.

In summary, the proposal does not represent the best possible option in terms of limiting the emission of greenhouse gases. For this reason, the proposal is in conflict with our international commitments under the Kyoto Protocol.

*For inspection purposes only.
Consent of copyright owner required for any other use.*

4. Specific planning issues

4.1. Site selection

I submit that the process whereby the Poolbeg site was selected is faulty and based on assumptions that have since been invalidated or proved inaccurate. I will argue below that the Board should set aside this process for these reasons. However, I wish to make it clear that in pointing out flaws in the site selection process, I am not making an argument for the location of the incinerator on any other site. As stated elsewhere in this submission, I am totally opposed to the construction of a municipal waste incinerator in any part of the Dublin region. I support the Green Party's waste policy, which demonstrates that incineration is not a necessary measure to tackle Ireland's waste problem.

4.1.1. Initial site selection

Details of the original process of selecting the Poolbeg site, carried out in 1999, are provided in chapter 4 of the EIS. Table 4.1 contains shows the ranking applied to each of the sites, with a summary description of the nature, advantages and disadvantages of each site. In the case of Poolbeg, the summary description is as follows:

Located in Dublin Corporation, thermal treatment is considered a permissible use in the Development Plan zoning. The proximity to waste centre is very good and although currently just satisfactory, road access is set to improve in line with timescale for development of thermal plant. Traffic in the area is heavy at times, however industrial nature of the area is suitable for trucks coming to/going from facility. There are many options for end market use in the vicinity of the Site and there are no residential dwellings within 1km.

Most of the advantages ascribed to the Poolbeg site in this description no longer apply:

- In the current Development Plan, thermal treatment is not longer a permissible use under the site's zoning
- The assumptions for improvements in road access have proved to be inaccurate, specifically the assumption that the Eastern Bypass would be in place by 2004
- There are no options for end market use in the vicinity and residues will instead have to be exported
- Dublin City Council has granted permission for major residential development within 1km of the site. In addition, the City Council's planning department has signaled its intention, through the

publication of the draft Poolbeg Framework Plan, to allow further residential development close to the site.

The only remaining advantages for the site from this analysis are its proximity to the waste centre and the industrial nature of the area. The Board will recognise that these characteristics are not unique to the proposed site, and do not represent a clear advantage over the other sites proposed.

Other flaws in the selection process include:

- Sufficient weight was not given to the proximity of the site to natural heritage areas, including Sandymount Strand, Irishtown Nature Park and the Special Protection Area (SPA) and Special Area of Conservation (SAC) in Dublin Bay.
- The conclusion that the visual impacts of the plant would be minimal is incorrect and does not take account of the cumulative visual impacts of locating the plant next to so many industrial uses.
- No public consultation whatsoever formed part of the site selection process.
- Emergency planning did not form part of the site selection process. As the Poolbeg site is located on a peninsula with a limited number of access routes, it is likely that other sites would have been ranked more favourably on this criterion.
- The health profile of the local populations was not considered, and likely health impacts were not assessed. As stated above, a Health Impact Assessment should have been carried out at the very outset of this project. As it stands, the baseline health study included with the EIS (appendix 13.4) demonstrates that the neighbouring population has a relatively poor health profile, and this should have been taken into account.
- The process may have been in breach of the EU EIA directive, in that no Environmental Impact Assessment was carried out in respect of the other shortlisted sites.

I would also draw the Board's attention to the following conclusion from the 1999 site selection report (section 6.5 of appendix 4.1 of the EIS):

The next phase of development should take special note of the areas of ecological concern in close proximity to the site. The facility planning will need to satisfy the public concerns with ecologically sound engineering and development. In order to achieve success in siting any waste facility it is important to involve the public in the process, engender their trust and convince those most affected by the proposal that it is the best solution to the problem.

As is shown elsewhere in this submission, and as the Board will be aware from other submissions it has received on this case, public participation, one of the fundamentals of sustainable planning, has been absent. The public have not been involved in the process of site selection, their trust has not been engendered, and those most affected by the proposal are not convinced that it is the best solution to the problem.

For these reasons, the Board should find that the initial decision, in 1999, to locate the incinerator at Poolbeg has been shown to be flawed, and should be set aside.

4.1.2. "Review" of site selection process

The EIS states that the site selection process has been reviewed since the 1999 decision was taken, and that the three shortlisted alternative sites were revisited. The conclusion of this review was that the Poolbeg site remained the most suitable. However, although the EIS refers to changed circumstances that, it is claimed, make the alternative sites less suitable, it does not refer to similar changed circumstances in respect of Poolbeg. Some of these circumstances are referred to above.

The EIS does claim (section 4.4) that certain additional benefits, or "local synergies", have been identified which "enhance the suitability of the Poolbeg Site". Interestingly, one of these synergies directly conflicts with one of the main advantages claimed for the site in the initial selection process, the distance from residential neighbourhoods. It is claimed that "when district heating infrastructure is developed in the future, it will be possible to use heat from the proposed Dublin WtE Facility for district heating in new residential and commercial developments nearby." This obviously only applies if development takes place on the Poolbeg peninsula, thus cancelling out one of the key benefits which justified the initial site selection.

Another claimed benefit from local synergies is the proximity of the Ringsend Wastewater Treatment Plant, and the suggestion that, in the future, sludge from this plant might be pumped into the incinerator for treatment. Absolutely no assessment of the feasibility or environmental impact of such a measure has been undertaken, and I submit that the Board should simply disregard this claimed benefit. It should also be noted that Matt Twomey, Assistant Dublin City Manager, at a number of public meetings at which I was present, has stated categorically that sewage sludge would not be processed by the proposed incinerator.

The Board should recognise, therefore, that the "review" of the initial site selection process was itself highly selective, flawed, and designed merely to rubber-stamp the 1999 decision.

4.2. *Need for project / Consideration of alternatives*

In chapter 3 of the EIS the applicant attempts to show the need for the incinerator project. This comprises an overview of the project development, a review of the policy context, which I have dealt with above, and an assessment of “alternative strategies, technologies and pre-treatment solutions.”

The section on “Alternatives Considered” (section 3.9) clearly demonstrates how the applicant has arrived at the preferred conclusion, i.e. that the proposed incinerator is necessary, by selective consideration of alternatives. In the “alternative waste management scenarios” assessed, the only variables allowed for are the rate of recycling (the fourth most favourable option on the waste management hierarchy) and the presence or absence of thermal treatment (the fifth or sixth most favourable option on the hierarchy depending on whether energy is recovered). Measures in respect of the three most favourable options – prevention, minimisation and re-use – are entirely neglected, although these options are nominally prioritised in the Dublin Regional Waste Management Plan.

The case presented for the need for the proposed incinerator is based entirely on the assumption that waste generated per household and per business will remain constant or increase. In effect, the incinerator proposal is based on an assumption that the Dublin local authorities will fail in their efforts to prevent and minimise waste. The applicant is not only planning for the contingency that these objectives of the Dublin Regional Waste Management Plan will fail, but is in fact planning that they will fail. The applicant has not assessed any scenarios in which the volume of waste generated is reduced, and all modeling and impact assessments throughout the EIS are based on the proposed incinerator operating at full capacity.

The comparison of alternative technologies in this section is also highly selective, as it only includes thermal treatment technologies. A much more useful comparison would be between thermal treatment and, for example, anaerobic digestion plus landfill. A partial comparison of these options was carried out for the section on climate in the EIS (Chapter 13). In fact, there are a great many alternatives which should have been considered. Some of these are specified in the Green Party’s waste policy, which is appended to this submission.

In summary, although the applicant claims that the need for the proposed incinerator was established by the Dublin Regional Waste Management Plan, in fact the case for the proposal is based on the complete failure of key priorities in this plan. Also, the applicant has only selectively evaluated possible alternatives to the proposal. For these reasons the Board should consider that the need for the project has not been established.

4.3. *Visual impact*

The incinerator will occupy a site that is a focal point of Dublin Bay. The design of the proposed incinerator is not of sufficient quality for such a large development in such a prominent location. The proposed building is comparable in size and mass to other major buildings in the city and, if built, will in fact be one of the most massive single buildings in the city. The length of the building, at 200 metres, is the same as that of Croke Park and the height, at 57 metres is slightly shorter than that of Liberty Hall. The twin stacks alongside the northern elevation of the building, at 105 metres, are comparable in height to the Spire of Dublin, which tapers to a height of 120 metres.

For such a massive building, the architectural form proposed is extremely basic. The building will present vast blank walls in all directions. The only visual interest of the building is the basic form, which may be characterised as a truncated pyramid.

I disagree with the assessment in the EIS (section 6.6.6) that “the independent nature of the existing 210m high Poolbeg Stacks will be unaffected and they will retain their predominant landmark influence on the character of the peninsula and the bay”. The 105m high stacks attached to the incinerator will contribute to a “jumble” of tall stacks spread over the peninsula and detract from the independence of the Poolbeg Stacks as a landmark for the city. In addition, the mass of the structure housing the incinerator will form a secondary focal point on the peninsula to the detriment of the Poolbeg Stacks.

For these reasons I submit that the statement in section 6.6.8 of the EIS, that overall, “the proposed development will not have a significant impact in terms of the contribution of Poolbeg peninsula to the landscape, cityscape or seascape character of Dublin Bay,” is incorrect.

The photomontages supplied with the EIS are misleading, in particular figure 6.7 showing viewpoint 17 – “a clear view north towards the Poolbeg Peninsula from the promenade at Sandymount.” This photomontage shows the proposed incinerator against the background of grey clouds, roughly the same colour as the structure itself. The proposed incinerator also appears to be less clearly defined than the existing buildings shown, even those which are more distant from the viewer. For these reasons, the visual impact of the proposed development is significantly understated in this photomontage.

Against a blue sky, the proposed incinerator would appear a great deal more prominently than is shown in the EIS. In fact in any weather condition other than one where the sky matched the colour of the incinerator as it does in the photomontage, the visual impact would be significantly greater than shown. Also, on a sunny day the aluminium outer cladding of the structure would be expected to reflect sunlight,

increasing its prominence further and possibly even giving rise to a “blinding” visual impact for viewers at certain locations.

4.4. *Traffic impact*

One of the primary negative impacts of the proposal on the area will be the very significant increase in traffic movements attributable to trucks moving waste from collection depots and baling stations throughout the Dublin region to the incinerator. The applicant has provided a Traffic Impact Assessment (TIA), which claims to show that these movements will not have a significant impact, but this assessment is so narrow in scope as to be entirely insufficient. In reality, the impact on residential streets in the area will be severe, with no possibility of mitigation given the established nature of the residential neighbourhoods, existing traffic problems, and pressure from additional residential development currently underway or planned.

A major deficiency of the trip generation analysis is that, in assessing impacts on the local road network, the only roads for which expected impacts are detailed are East Wall Road, North Wall Quay, East Link Bridge, East Link Road, Sean Moore Road and South Bank Road. This is a highly selective sample, and in particular excludes Strand Road / Beach Road and Church Avenue / Bath Avenue, which are acknowledged elsewhere in the chapter (section 7.3.3) as two of the main access roads in and out of the area. No rationale for excluding these roads in the detailed analysis is provided. As these roads are residential in nature, with one narrow lane in each direction, it can be expected that the traffic impact on these streets would be much more severe than on Sean Moore Road or South Bank Road.

The lack of any detailed assessment of the impact on these roads is a major deficiency in the EIS. The Board should consider this in conjunction with the applicant's claim to have engaged in consultation with the public on the issue of traffic. In the listing of concerns expressed (appendix 2.4 of the EIS) there is no mention of any of the roads considered in the traffic impact assessment, but other roads are specifically mentioned, including Beach Road, Strand Road, Ringsend Bridge, Irishtown Road and Macken Street. The applicant has not responded to these concerns by providing information on the likely impact on these roads. This stands as yet another example of the applicant's failure to fulfil the requirements of a meaningful public consultation.

The EIS claims that “During the preparing of the EIS for this project a number of public meetings were held to give the public an opportunity to express their opinions and concerns.” There is however no evidence that any of these opinions or concerns were addressed in any way by the applicant. In fact, as shown above, there is evidence that the applicant has specifically avoided addressing areas of concern as regards traffic impact. For these reasons the applicant's claim to have engaged in public

consultation on this point should be rejected. The general issue of public consultation is addressed elsewhere in this submission.

A further deficiency in the TIA is that the trip generation modelling carried out for the EIS assumes that all of the following transport improvements, as well as upgrades of various regional road and rail links, will be in place by the opening year of 2012:

- The Dublin Port Tunnel
- Metro (North and West)
- Interconnector and opening of new Dublin City Centre Rail Station
- M50 motorway upgrade including barrier-free tolling
- Extension of both LUAS lines
- Kildare rail upgrade
- Electrification of lines to Balbriggan, Maynooth, Navan and Hazelhatch

These assumptions are overly optimistic, and the Board should consider that it is likely that some of these improvements will not be in place by the opening year of 2012. Within this context, the Board should consider that a development of this scale is premature.

Moving beyond the road network in the immediate area, I note that the whole of my constituency of Dublin South East is contained within the catchment area for direct deliveries to the incinerator. This means that there is no part of this area in which the construction of the incinerator will not have a traffic impact. All refuse routes in the area would be directed towards the incinerator, and the traffic impact of this change has not been properly assessed.

For the reasons detailed above, I submit that the traffic impact assessment is highly selective, seriously misleading and does not fulfil the basic requirements for assessing the likely negative impacts on the population in the area. I submit that these impacts are likely to be severe, both during the construction and operation phases, and the EIS does not provide any evidence to contradict this submission. It can be assumed that if the applicant had information that showed that these impacts would not be severe, this would have been included with the EIS.

4.5. *Impact on climate*

The EIS acknowledges that the operation of the incinerator will give rise to significant emissions of "greenhouse gases" (GHG), which Ireland has agreed to limit under the Kyoto Protocol. To justify the negative impact of the proposal in terms of emission of GHGs, the EIS makes a comparison between the proposal and two alternative scenarios. In the first scenario, all non-recyclable waste is assumed to be disposed of at a municipal waste landfill. In the second scenario, all non-recyclable putrescible waste

is assumed to be anaerobically digested, with the remaining non-putrescible waste fraction being landfilled.

The analysis contained in the EIS concludes that the proposal results in a "minor positive impact in terms of Ireland's obligations under the Kyoto Protocol" when compared with the two alternative scenarios described. However, this benefit is only seen if the methodology for the comparison ignores the carbon sequestering effect of landfill, i.e. removal of biogenic organic material from the carbon cycle. When a credit for carbon sequestering is applied, the alternative scenario 2 (with anaerobic digestion) is seen to have a marginally greater positive impact in terms of limiting GHG emissions than the proposed incinerator. Scenario 1, exclusive use of landfill, is still seen as marginally less beneficial under this methodology.

So even if the Board were to accept the analysis in the EIS at face value, it would have to find that the proposed incinerator is not the most favourable option in terms of limiting emissions of GHGs. Furthermore, I would submit that this analysis greatly underestimates the impact the proposal will have on emissions of GHGs, relative to other options.

The fundamental flaw in the analysis is the exclusion of any alternative scenarios which involved prevention and minimisation of waste. It is based on the assumption that no reduction in waste volumes can or will be achieved during the 25-year life of the incinerator. A fairer comparison would be to compare the proposal to a scenario in which the resources being dedicated to the construction and operation of the incinerator were diverted to projects aimed at achieving such reductions in waste volumes.

The comparison is also flawed in that it gives the proposed incinerator a credit against the GHG emissions for electricity generated, on the basis that such electrical output would otherwise result in GHG emissions from a fossil-fuel-burning power station. However, no allowance is made for likely reductions in the GHG emissions attributable to power generation over the lifetime of the incinerator. It should be assumed that, over the 25-year life of the proposed facility, a greater proportion of electricity generation will come from renewable energy sources, with a consequent reduction in GHG emissions. It should also be assumed that improvements in electricity generation technology will result in reduced emissions from fossil-fuel powered stations during the lifetime of the plant.

On this point, The Board should consider the recent report, "A Changing Climate for Energy from Waste", written by Dr Dominic Hogg for Friends of the Earth in the UK, a copy of which is appended to this submission. This paper supports the points made above and challenges the assumptions commonly made in analyses such as that in the EIS.

A final serious flaw with the analysis is that it is based on the incinerator operating at maximum capacity, i.e. processing 600,000 tonnes of waste per annum. The electrical output of the proposed incinerator in such a

scenario is the major factor in the conclusion that the proposed facility would be responsible for marginally less greenhouse gas emissions than the landfill alternative (and marginally more than the anaerobic digestion alternative). Any reduction in this output would cut the credit applied for avoiding other forms of power generation, and thus make the proposal less beneficial in terms of GHG emissions.

As the net benefit shown over landfill is marginal, it will be cancelled out by any reduction in the tonnage of waste processed. A similar reduction in tonnage for the landfill alternative would reduce the emissions attributable to this option, but not significantly impact on the credit applied for avoiding other forms of power generation. In other words, the incinerator must operate at or close to full capacity at all times in order to achieve the claimed marginal benefit over the landfill alternative.

For these reasons the Board should find that the analysis of the proposed incinerator's impact on climate is seriously flawed and cannot be accepted. The Board should find that the positive impacts claimed are not credible and that the proposed incinerator would in fact have a negative impact on the emission of greenhouse gases.

4.6. *Residues*

The proposed incinerator will generate very significant quantities of ash and other residues. Assuming 600,000 tonnes of waste is processed, the EIS approximates that 147,000 tonnes of bottom ash, boiler ash and flue gas treatment residues will be generated. This means that for every tonne of waste processed by the incinerator, almost a quarter of a tonne will remain in the form of residues. These residues will not be treated further on the site, and must be removed offsite for further handling.

It is proposed that, "Until the framework for re-use of bottom ash develops in Ireland," the bottom ash (approximately 120,000 tonnes per 600,000 tonnes of waste), will be "exported by ship for recycling and reused in the UK or Continental Europe". The flue gas treatment residues, which are classified as a hazardous waste, "will be transported offsite in sealed containers and will be shipped to Mainland Europe".

Although there is an implication that the shipping of bottom ash overseas is a temporary measure until the conditions exist for its re-use in Ireland, in reality the applicant has no alternative but to export this residue to one of the small number of places in Europe where it can be used in road building or railway ballast, following further treatment in an ash recycling plant. At present there is no demand within Ireland for the re-use of this material in road building or other applications, and in any case there is no ash recycling facility in place within the State to provide the necessary pre-treatment.

Even if the conditions were to develop to allow for the re-use of this material within Ireland, the applicant would not have an alternative to the use of ships to transport the material. Transporting the ash over the road network would result in the invalidation of all the trip generation and traffic impact analyses provided in the EIS. For this reason, it must be assumed that, throughout the lifetime of the plant, all bottom ash residues will be transported overseas by ship.

The export of residues equivalent to almost 25% of the tonnage of waste processed by the incinerator represents a serious violation of the EU proximity principle, which requires member states to develop capacity to manage waste as close as possible to where it is generated. The proportion of the waste which emerges as ash following incineration is significant enough for the proposed incinerator to be fairly characterised as a pre-treatment facility for waste to be exported to other member states. This is a clear conflict with the proximity principle mandated by EU directive, and endorsed in national waste management policy.

4.7. *Water*

I am very concerned by the possible impact on the River Liffey from the emission of biocides used to control marine growth in the cooling water system, and from hot water plumes. The existing industrial uses on the peninsula are already responsible for the emission of biocides and hot water plumes, and the cumulative impact of this major new development is potentially very significant. This matter does not seem to have been considered adequately in the EIS.

The EIS (section 12.4.40) acknowledges the toxic effects of the chosen biocides:

The modelling analysis indicates that hypochlorite and its degradation product may also occur in a concentration that may have toxic effects on the Liffey Estuary. However, it will only occur very locally to the proposed cooling water outfall. Similarly, concentrations of THM was only above the PNEC very close to the outfall.

Salmon populations are already under severe threat from overfishing, and even a minor local impact has the potential to bring about a "tipping point". The marine ecology in this area is of such importance that the Board should not accept the applicant's rather uncertain modelling results. The proposed mitigation measure of continuous monitoring is not acceptable.

4.8. Impact on human beings

4.8.1. Community Gain

The EIS states that “a Community Gain Fund will be set up to finance facilities / services for the benefit of the local community.” Supporting documentation is provided in the form of proposals for community gain, a summary of findings from a survey on community gain, and a “Social and Community Infrastructure Audit in the Ringsend, Irishtown and Sandymount Area”, prepared by Trutz Haase.

It is acknowledged in the EIS that any community gain fund should be administered with the meaningful involvement of local communities. I submit that opposition to the proposed incinerator is so overwhelming and so widespread within local communities that their involvement in any process to administer the community gain fund will not be secured. I base this submission on my experience as a public representative dealing with these communities on a daily basis. I would also point out that the market research reports provided with the EIS (appendix 13.2) clearly demonstrate the level of opposition to the proposed incinerator – only 16% of adults “strongly support” or “tend to support” the proposed incinerator, as against 72% who “strongly object” or “tend to object” to the proposal.

For this reason, I submit that the proposed community gain fund will not result in gain for the local communities. Anyone who agrees to take part in a process to administer the fund as “community representatives” will almost certainly not be representative of the wider community. This would result in a token community gain process completely at odds with the aspirations put forward in the EIS. Although it may seem difficult to verify this point, the Board should closely examine the likely outcomes of the community gain fund proposal, and should not endorse the findings of the EIS in this matter.

On the issue of community gain, the Board should also note that the local community did not object to the location of the Ringsend Wastewater Treatment Plant, on the basis that this development was necessary to obtain clean water in the bay. However, due to mismanagement by Dublin City Council – the applicant in the present instance – the community has since had to endure a serious ongoing odour problem which has had an extremely negative impact on their residential and natural amenity. Neither has the community gained from this development, as Blue Flag status for Sandymount Strand has not been achieved. The Board should set any claims that the applicant can deliver community gain for the area against the applicant ongoing imposition of negative impacts on the area.

4.8.2. Public consultation

It is stated in the EIS (section 13.2.5) that "Since 2000, Dublin City Council has undertaken a proactive approach with regard to stakeholder involvement and participation." A number of measures are referred to, including open days, the opening of a project office, a web site and newsletters. I would submit that these efforts do not represent any meaningful form of "stakeholder involvement and participation," for the simple reason that the outcome of any engagements with the local community was pre-determined. The substantive issue of locating an incinerator at Poolbeg was at all times outside of the scope of any consultations with the community.

Having reviewed the EIS and its supporting documentation, I have not encountered a single example of the project parameters being amended in any way in response to concerns expressed by the public as part of the so-called consultation exercises. The EIS includes as an appendix (appendix 2.4) a "comprehensive" list of concerns elicited over five years from attendees at open days and other events, but no response to these concerns is provided. The only outcome I can identify which can be said to have emerged from "stakeholder involvement and participation" is the proposed programme of community gain measures. As stated above, I consider it most unlikely that the necessary community involvement will be secured to implement this programme.

The deficiencies in the consultation approach taken by Dublin City Council are quite aptly spelled out in the report by Trutz Haase appended to the EIS (appendix 13.2):

Real consultation and negotiation between Dublin City Council, the private developers, and the three communities should have taken place from the time the proposal for an incinerator on the Poolbeg Peninsula has first been made.

While Dublin City Council has made considerable efforts in disseminating information about the Dublin Waste to Energy Project, residents do not perceive this to be objective and independent. Furthermore, information is no substitute for consultation and negotiation.

The proposal to locate an incinerator on the Poolbeg Peninsula was at no time the subject of consultation with the local community.

4.8.3. Major accident risk

The cumulative risk of major accidents, considering the location nearby of a number of other sensitive sites and sites classified under the SEVESO directive, has not been properly assessed.

4.8.4. Health impact

As detailed above, I submit that the lack of Health Impact Assessment for such a major development is a serious flaw in the application. The EIS claims (section 13.8) that the “residual impact on human health from the Dublin WtE will be negligible,” but in fact no assessment has been carried out which could sufficiently establish such a conclusion. In particular, the impact of particulate emissions from trucks transporting waste to the site has not been assessed.

On the issue of health impact, I append a number of documents to this submission that indicate that the impact on human health will not be negligible. They are:

- WHO fact sheets on particulates and dioxins
- British Society of Ecological Medicine Report on the Health Effects of Incineration
- Health and Environmental Effects of Landfilling and Incineration of Waste – A Literature Review (HRB)

The last of these documents is referred to in the EIS, but is selectively quoted. I ask the Board to consider the report and its conclusions in full, in particular the conclusions on risk assessment, detection and monitoring of human health impacts, detection and monitoring of environmental impacts and risk communication and perception. These conclusions identify a serious lack of capacity in these areas. On the issue of monitoring, I would also ask the Board to consider the EPA's report on the animal deaths in Askeaton, which raises similar issues and conclusions.

The Board should conclude that the health risks to neighbouring populations are real, and that the capacity to monitor these risks on an ongoing basis does not exist.

4.9. Reference to “Poolbeg Framework Plan”

The EIS contains several references to the Poolbeg Framework Plan as part of the planning context for the site. This plan is in draft stage and has never been adopted by Dublin City Council, and as such should not form part of the planning context for the area. I addressed this point in some detail in a recent submission to the Board on the proposed development by Fabrizia on another site on the Poolbeg peninsula. A copy of this submission is appended.

5. Conclusion

I hope this submission has contributed to making the case against the proposed incinerator. I would ask the Board to carefully consider all of the points raised, and not to accept at face value the applicant's assurances. This proposal will have a significantly negative impact on the Dublin region, and pose health risks to its population. This would be bad enough if there were a pressing need for incineration capacity, but the fact is that there is no need for the proposed incinerator. I ask the Board not to grant permission to the applicant to impose a dangerous white elephant on Dublin Bay.

*For inspection purposes only.
Consent of copyright owner required for any other use.*

6. Appendices

The following appendices are provided in separately bound volumes:

- 6.1. *Input from Dr Anthony Staines*
- 6.2. *EPA guidelines on the information to be contained in Environmental Impact Statements*
- 6.3. *World Health Organization fact sheet EURO/04/05: "Particulate matter air pollution: how it harms health"*
- 6.4. *World Health Organization fact sheet No. 225: "Dioxins and their effects on human health"*
- 6.5. *British Society of Ecological Medicine Report on the Health Effects of Incineration*
- 6.6. *Third Report of the Joint Oireachtas Committee on the Environment and Local Government on Household Recycling*
- 6.7. *Health and Environmental Effects of Landfilling and Incineration of Waste – A Literature Review (HRB)*
- 6.8. *A Changing Climate for Energy from Waste?*
- 6.9. *Submission from John Gormley TD*
- 6.10. *Green Party policy on waste*