

Assessment of Objectivity in Site Selection, 2001-2025

Indaver has not done a *de novo* site selection for this development since it purchased its site in Ringaskiddy in November 2000. How do we know this? Because if it had, it would have ruled out the bowl of Cork Harbour, characterised as it is by thermal inversions and other exclusionary factors clearly listed by the World Health Organisation¹². This was the subject of my evidence to the Oral Hearing in 2016 and indeed then Senior Inspector, Mr. Derek Daly, agreed in the Reasons and Considerations of his Report³, issued 27th January 2017:

Central to any consideration of a site, for the nature of the development proposed, is the necessity in the Environmental Impact Statement for a robust assessment in the context of a site selection process and a robust assessment and evaluation of alternatives. In relation to the site selection process consideration of alternatives, a de novo assessment or evaluation was not carried out and the assessment is majorly reliant on the initial process of 1999/2000. The overall appraisal and identification of alternative sites was seriously deficient and did not give sufficient consideration and weighting to recent development in the Ringaskiddy peninsula area which include major public and private investment initiatives and which have transformed the character of the area in the intervening period since 2000.

I do not intend to revisit this now, although I respectfully urge the Coimisiún to consider that evidence, this matter of site selection being of a critical nature.

It is yet another helpful addition of the 2014 EIA Directive⁷ that prompts readdressing of site selection for Indaver's proposed waste-to-energy plant here:

The objectivity of the competent authorities should be ensured. Conflicts of interest could be prevented by, inter alia, a functional separation of the competent authority from the developer ...

Recital 25, 2014/52/EU

I wish to examine the relevance of this recital not with respect to the judgement of Mr. Justice Barniville of the High Court on 19th March 2021⁵ but rather arising from further advice from the EPA⁶ on what they describe as *Maintaining Objectivity*:

“Objectivity has two key components. The first is derived from the rigour of the assessment and analysis. This ensures that replicable work based on high-quality scientific information is carried out using recognised methods that are presented in a fully transparent manner. The second is to ensure that credibility of the EIAR is not undermined by any perception of bias or subjectivity in assessments by experts lacking appropriate competency, objectivity or independence.”

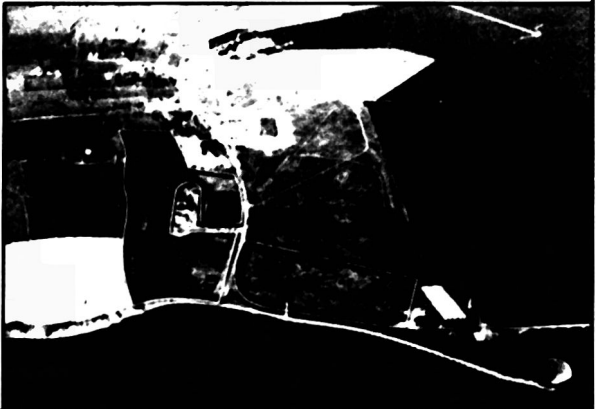
Section 2.4.2, EPA 2022⁶

Indaver has now presented a site selection process carried out in 1999/2000 (for the 2001 application), in 2008 (for the 2008 application), in 2015 (for the 2016 application), in 2019 (for the licence application) and again in 2025 (for the SFI on the 2016 application). Each time it has arrived at the same conclusion: the best site in the whole of the county for this contract incinerator is the

one which Indaver has already purchased at the end of the Ringaskiddy peninsula. So it is important to examine whether the methodology of the site selection processes exhibited the “objectivity or independence” recommended by the EPA⁶.

1.1 Site selection, 2001 EIS

Indaver began its site selection process in December 1999 (2.6.1, 2001 EIS). Undertaken by “an engineering consultancy firm”, it was said to last until December 2000, during which time a “thorough search was conducted of all available lands that complied with the defined Site Selection Criteria” (2.6.1, EIS 2001). Contact was made with Irish Ispat in January 2000 (one month after the site selection started) to see if they were willing to sell (2.6.8, 2001 EIS). At the time, Ispat was not interested but in November 2000, Ispat auctioned off three plots of land, two of which were purchased by Indaver. The sale of the land was finalised in December 2000 (2.6.8, 2001 EIS).



For Sale by Public Tender Tues 14th November (Unless Previously Sold) (On the instructions of Irish Ispat Ltd.)
INDUSTRIAL DEVELOPMENT LAND
RINGASKIDDY, CO. CORK
Ideally located in Cork's prime industrial dev. area with access to N28, Port, greater Cork area & National Routes.
Lot 1: 7.28 hectares (18 Acres)
Lot 2: 5.06 hectares (12.5 Acres)
Lot 3: 6.40 hectares (15.8 Acres)
Lot 4: The Entire

- Zoned Industrial (South Cork Development Plan 1996)
- All mains services including drainage, electricity, water, gas and telecom are adjacent to the sites.
- Title: Lot 1: Freehold, Lot 2: Freehold, Lot 3: Part Leasehold - Term of 99 yrs from 29/3/1983 Part Freehold

Solr: Frank Daly, Ronan Daly Jermyn Solrs, 12 Sth Mall, Cork
Enquiries: Peter O'Meara Tel: 021 4271 371

32 Malpasworth St, Dublin 2, 01 81300 • 11 South Mall, Cork, 021 4271371 • All auctions unless previous

Irish Independent, 18th October 2000

The search was confined to Cork only because at that time, EPA data was showing that 60% of the hazardous waste arisings were from County Cork, a significant volume of same comprising solvents and wastes from the pharmaceutical industry in the Cork Harbour region (2.6.3, 2001 EIS). So aligning with the Proximity Principle, Indaver set out to find a site appropriate for what would be a hazardous waste incinerator (2.6.1, EIS 2001).

That search was always drawn to Cork Harbour. Adjudging incineration to be an industrial development and using the County Development Plan, industrial lands in 5 regions around Cork Harbour were examined: Ringaskiddy, Little Island, Carrigtwohill, Whitegate and Carrigaline.

Possible lands were distilled yet further by the application of criteria which it appears Indaver (or the engineering consultancy firm) derived themselves:

- A site size of 5-8 hectares
- At least 500m between a site boundary and sensitive locations like schools and hospitals.
- Reasonably close to the main road network.
- Located near an ESB power line, preferably with a substation close by.
- A good water supply, whether from mains or from groundwater.
- An effluent discharge point and a natural gas supply would be helpful but not necessary.
- Avoid where possible areas where visual impact and protected areas would be a concern
- Availability.

Using heat from the burning of waste was considered unsuited to the Irish situation so adjacent demands for heat was not a criterion in the site search (2.3.4, 2001 EIS).

It seems that the available guidelines for siting an incinerator¹² were merely “consulted” at this early stage (2.6.3, 2001 EIS), rather than applied. The 2008 EIS clarifies that of the 10 exclusionary criteria for siting hazardous waste incinerators listed by the World Health Organisation, only 4 were considered during the initial screening (3.2.2, 2008 EIS). As demonstrated in my evidence to the 2016 oral hearing, had the other 6 been applied, Cork Harbour would have been immediately excluded from the search.



Typical thermal inversion in Cork Harbour

- The big issue seems to have been availability of land. Ringaskiddy was first investigated as being the apparently obvious location. The IDA owned more than half of the land here. When contacted, they said would not be providing land to Indaver. So industrially zoned IDA land was ruled out in whatever investigations followed (.
- Neither of the main landowners in Whitegate (the refinery and the ESB) were willing to sell at the time. The then proposed line of new pylons across the harbour was in contention and not finalised. They would have sterilised wayleaves through industrial zonings, some of which already had wayleaves under high voltage lines.
- Cork County Council was contacted with regard to a site in Carrigtwohill and another in Carrigaline. But the Council required more employment for the Carrigtwohill site than an incinerator would offer; they subsequently sold the Carrigaline site to Pepsi.

Although Ringaskiddy was apparently still the most favourable location, what was described as a “full review” of the County Development Plan was carried out outside of the harbour area. (2.6.6,

2001 EIS). The EIS presents as if lands were zoned for industry only in the five locations subsequently examined: Ballincollig, Macroom, Mallow, Mitchelstown and Charleville. However a look back at the CCDP 1996 indicates that there were other industrially zoned lands, some reasonably close to Cork City. It seems that the investigation went no further than an examination of the County Development Plan and a single visit to each location.

Potentially suitable sites were identified elsewhere. The reasons for discarding some of these are worth examining by comparison with the site that was purchased in Ringaskiddy:

- A possible site on Little Island was very visible from the N25 and was discarded because of the “scenic nature” of this road.
- A possible site close to IDA-owned land and existing industry was identified in Macroom but was discarded because there were no other large industries in the area, the location was too close to the tourism amenity of the Lee Valley and it was too far away from waste producers.
- A possible site was identified in Mallow. The CCDP 1996 said a food type industry was preferred for Mallow so it wasn’t pursued any further.
- A possible site close to the expected bypass was identified in Mitchelstown. Food type industries were preferred by the Council for this area also.
- A possible site in Charleville had an option for medium/large stand-alone industry and seemed to show potential. It was discarded because the incinerator would be “seen from both the railway line and the Cork-Limerick road”. It was also considered that the incinerator proposal would not qualify as a medium/large stand-alone industry. (2.6.6, 2001 EIS)

It seems that the search beyond Cork Harbour was little more than a paper exercise:

“The main issue that concerned the consultants and Indaver was how both the County Council and An Bord Pleanala would view the locations of the sites when there were alternatives available in an existing highly industrialised area and in which a significant quantity of the waste was generated.”

2.6.6, 2001 EIS

What is not clear in the 2001 EIS or since is whether availability was the primary driver in the purchase of the Ispat site. Four possible sites were listed in Ringaskiddy. Two were owned by Ispat, the owner was unwilling to sell the third and no contact at all was attempted with the owner of the fourth. Table 2.9 in the 2001 EIS presents a comparison of those four site options but it is evident from some of the table inputs that it was prepared after the purchase of the land owned by Ispat. The limited access for emergency services on an over-capacity road network through a village to the end of a peninsula would seem to be a red flag for even those most supportive of incineration. But whilst response times for emergency services was listed as a consideration, accessibility for emergency services never was.

In his recommendation to the Board, Senior Inspector Mr. Philip Jones recommended refusal of the 2001 planning application (ABP ref. PL04.131196). Of his 14 recommended reasons for refusal, 10 related to the inadequacy of Indaver’s chosen site. The Board did not agree with his recommendation, granting permission for an incinerator of 100,000 tpa capacity to burn hazardous and industrial waste.

1.2 Site Selection, 2008 EIS

When Indaver purchased the site at Ringaskiddy, it is fair to say that this part of Cork Harbour felt very different. Everything at the end of the Ringaskiddy peninsula was dominated by the magnitude of Irish Ispat and the ever-growing island of toxic slag to the south of Haulbowline Island.



Irish Steel plant on Haulbowline Island
Credit: Friends of the Irish Environment (2009)⁹

When the second planning application was being prepared in 2008 and a site selection process had to be undertaken, it involved a review of the 1999-2000 process. The same sites were looked at again to see whether they had been developed in the intervening 8 years. Some had; the rest were discarded for the same reasons as were cited in 2001. Although a new County Development Plan had been made in 2003, it was not examined to see if any additional industrial sites had been zoned or whether those not examined in 2000 now showed potential.

New developments in the Ringaskiddy area were listed. These are in 3.2.3.5 of the 2008 EIS and I will not recite them here. However I always found it interesting that the National Maritime College was described as being “constructed on reclaimed land immediately to the east of the Port of Cork facility”. The Yara yard lies between the Port of Cork car storage area and the NMCI. Why was the NMCI not described as having been built opposite the proposed site of development?

The Indaver site was assessed against what were described as the four steps of the WHO site selection process for hazardous waste facilities. There are in fact five steps, the first being the application of exclusionary criteria, mentioned above as being notably omitted in the 1999-2000 site selection. No other potential site in Ringaskiddy was assessed.

- Under the criterion of Population Density, the site was ranked favourably. The reason given was its distance from Cork City. There was no mention of the 400 students and staff in the NMCI across the road, the 150m from the site boundary to Ringaskiddy village nor the 1,000 personnel on the Naval Base.
- Despite the evidently collapsing cliff on the eastern boundary, it was also ranked favourably under the Groundwater and Soil Characteristics criterion.
- Under the Historic Sites criterion, the site was again ranked favourably, the assessment deeming that the proposed development would not impact on known historic sites. This

contradicted the 2001 EIS, where it was noted that “*the stack may have some impact on the view of the Martello Tower (on top of the hill)*”.

- Judged as being located in a highly industrialised location, the site was ranked as having Low Sensitivity under the criterion Visual Corridors of Scenic Rivers. Note that the County Cork Draft Landscape Strategy⁴ identifying the landscape of Cork Harbour as being of High Sensitivity had been published the previous year.

Only one criterion in the four step process was omitted: Visual Impact. The 2008 design was higher than the 2001 design but even the 1999-2000 site selection had noted that “*This site will be very visible from the main road and will be partly visible from high ground in Cobh ... This site will also be very visible from the harbour*” (Table 2.10, 2001 EIS).

Having deemed the already purchased site to enjoy a favourable rating based on WHO selection criteria, the process moved on to a list of 16 criteria which seem to have been devised by the consultants.

- Criterion 1, Land Zoning: The EIS explained that the new CCDP no longer permitted contract incineration in industrial areas. As the Board had granted permission for a hazardous waste incinerator subsequent to the 2001 application, if for any reason a better site were to be found, a material contravention would be required to locate it somewhere else. In other words, without major upheaval, this could be the only site.
- Criterion 2, Sensitive Locations: The Seveso sites nearby were not mentioned.
- Criterion 3, Stationary Populations: Although the 1999-2000 site selection process had insisted on 500+ m between the site boundary and a school, the new NMCI across the road (an educational facility with students in a classroom environment) was deemed not a school.
- Criterion 4, Road Network: That all waste delivery trucks (hazardous and otherwise) needed to pass through Ringaskiddy village was not mentioned.
- Criterion 6, Visual Amenities, Natural Heritage Areas, Special Areas of Conservation: The visual amenities of the Martello Tower and Cork Harbour would be impacted but not too badly because the ridge of the hill behind would reduce the visual mass of the plant. Remember that the potential site in Charleville was discarded because it was visible from the train line and from the Cork-Limerick road. The potential site in Little Island was discarded because it was too visible from the “scenic” N25.
- Criterion 8, Proximity to Local Communities/Residential Areas: The proximity of Ringaskiddy village was mentioned but still no acknowledgement of the students across the road in the NMCI, the naval base on Haulbowline Island or the downwind town of Cobh.
- Criterion 11, Markets for Steam/Energy Generated: Only electricity generation mentioned.
- Criterion 16, Inequity: “*The proposed Indaver development would not result in inequity because it is related to the existing and newly developed industrial facilities in the area*”. In its site selection guidelines¹², the WHO advises exclusion of areas which exhibit inequity resulting from an imbalance of unwanted facilities or from damage to a distinctive and irreplaceable culture or to people’s unique ties to a place. I addressed this exclusionary criterion in 2016 at the oral hearing. I quote the commentary on this criterion directly because I still cannot make it make sense.

Nowhere in the 2008 EIS was the planning authority reminded that in 1999, the search had been for a site for a hazardous waste incinerator. The recapping of the criteria used for the preliminary search in 1999 was incomplete. Ironically in the context of the newly established third level facility across the road, Table 3.1 (2008 EIS) recalling those criteria omitted the 500+ m exclusion zone around schools. No mention was made of the guiding decision not to make use of heat generated by the burning of waste nor whether that fundamental decision was worth reviewing.

In her recommendation to the Board, Senior Inspector Ms Öznur Yücel-Finn recommended refusal of the 2008 planning application (ABP ref. PA04.PA0010). Of her 8 recommended reasons for refusal, 5 related to the inadequacy of Indaver's chosen site. The Board agreed with her recommendation.

1.3 Site selection, 2016 EIS

Between November 2012 and November 2015, Indaver benefited from 9 pre-consultation meetings on its next planning application: 6 meetings with representatives of the Board, 2 with Cork County Council and one with representatives from the Southern Region Waste Management Office. The record of the very first pre-consultation meeting with the Board on 12th November is titled:

Written Record of the pre-application consultation meeting between An Bord Pleanála and Indaver Ireland (prospective applicant) held in relation to a proposed Waste Management Facility, Ringaskiddy, Co. Cork.

ABP ref: PC04.PC0151

This meeting title indicates that from the outset, the site selection process was not objective. 2012 was three years before the site selection process for EIS was undertaken.

The Board representatives informed Indaver that the site selection criteria and alternatives would need to be clear and robust (ABP ref: PC04.PC0151).

A somewhat different approach was taken for the 2016 EIS. The 1999-2000 selection process was set out briefly and included in full as Appendix 3.1. On foot of Ministerial intervention, the CCDP 2014 had provided greater clarity for zoning for waste-to-energy. Putting a new focus on policy, two consultants were commissioned, one to undertake a review of the site and surroundings and the other to evaluate the site with respect to Cork County Council statutory planning policy.

At the outset, Section 3.2.6 set out how the site had proven to be suitable by virtue of its planning and licensing history. The planning history was reported inaccurately (Table 3.3, 2016 EIS). The licensing history was not relevant, the function of the EPA being to prevent and control pollution. In general, the Coimisiún/Board is responsible for spatial/land use planning and general environmental concerns and may, even if the EPA has granted a licence, refuse planning permission for a licensable activity if it considers that the development would be unacceptable on environmental grounds¹⁰.

Corrections and clarifications to the planning history in Table 3.3 are set out in the table overleaf.

	Reference in 2016 EIS	Quotation from Table 3.3, 2016 EIS	Clarification
2004 Planning	Table 3.1	An Bord Pleanála granted permission for a waste-to-energy facility for hazardous and non-hazardous industrial and commercial waste, a waste transfer station and a community recycling park for household recyclable waste.	An Bord Pleanála granted permission for a waste-to-energy facility for hazardous and non-hazardous industrial and commercial waste, a waste transfer station and a community recycling park for household recyclable waste. The volume of waste to be burned was limited to 100,000 tpa. Building was 40m high and stack was 60m high. ²
	Sect. 3.2.6	In the 2001 EIS, Indaver detailed plans for a two stage development of waste-to-energy on the site. Phase One was to have been a fluidised bed furnace line for hazardous and industrial waste. Phase Two was proposed to have been a moving grate furnace line for MSW. In 2004, An Bord Pleanála granted Indaver planning permission for both phases of the then proposed waste-to-energy facility to treat hazardous and non-hazardous industrial waste.	In 2004, the Bord granted planning permission for Phase One only. The planning application was for Phase One only. ²
2008 Planning	Table 3.1	An Bord Pleanála considered that the provision of an incinerator to treat hazardous and industrial waste was in accordance with national policy and represented an element of national strategic infrastructure for which Indaver’s site may be generally acceptable, subject to the submission of additional information for further assessment by the Bord. However, Indaver’s revised proposals were designed to facilitate the future provision of municipal waste treatment (as it would not have been economically viable for Indaver to omit this possibility). The Board was not satisfied that the provision of incineration capacity to deal with residual municipal waste, in addition to hazardous waste, at the site was appropriate at that time having regard to then waste management strategy of Cork County Council (since changed). The Board accordingly decided to refuse permission for the entire development including the hazardous/industrial element	The Bord refused planning permission because: <ol style="list-style-type: none"> 1. Both the size and layout of the site were too limiting to accommodate the capacity needed to deal with residual municipal waste, in addition to hazardous waste. Nor did the burning of MSW align with the waste management policy for either the region or Cork County. 2. Provision of an incinerator to treat hazardous and industrial waste (100,000 tpa) would align with national policy. A project of this scale would be considered; anything more would constitute overdevelopment of the site, seriously injuring the amenities of the area and of property in the vicinity.¹

This table makes it clear that from the outset of the site selection process, a deliberate choice of wording was chosen to support the Ringaskiddy site. That does not demonstrate objectivity.

The “*technical review of the site and surroundings*” comprised a long list of the developmental changes in Ringaskiddy and a single short section confirming no conflict with a waste-to-energy plant (3.2.8, 2016 EIS). Then the site was tested against environmental criteria for siting of waste facilities listed in Section 16.5 of the Southern Waste Region Waste Management Plan¹¹. These provided nothing new, some not being even relevant to the site and none that mentioned human beings (3.2.9, 2016 EIS). Not unexpectedly, the most challenging criterion related to Areas Protected For Landscape, Visual Amenity, Geology, Heritage And Cultural Value (3.2.9.2, 2016 EIS):

“Avoid, as far as possible, siting waste infrastructure or related infrastructure in areas protected for landscape and visual amenity, geology, heritage and/or cultural value. Where it is unavoidable, an impact assessment should be carried out by a suitably qualified practitioner and appropriate mitigation and/or alternatives must be provided.”

This time the CCDP 2014 had a Policy Objective for incineration which was entirely different from the plans preceding. The new policy approach was used to justify the choice of site. To paraphrase: *the County Development Plan instructed us to find a site in a Strategic Employment Area and as all Strategic Employment Areas are in High Value Landscapes, we had no choice. So we’ve done our best to mitigate.*

ZU 3-7: Appropriate Uses in Industrial Areas

a) Promote the development of industrial areas as the primary location for uses that include manufacturing, repairs, medium to large scale warehousing and distribution, bioenergy plants, open storage, waste materials treatment, and recovery and transport operating centres. The development of inappropriate uses, such as office based industry and retailing will not normally be encouraged. Subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and/or distribution uses.

b) The provision of strategic large scale waste treatment facilities including waste to energy recovery facilities will be considered in ‘Industrial Areas’ designated as Strategic Employment Areas in the local area plans subject to the requirements of, National Policy, future Regional Waste Management Plans and the objectives set out in local area plans

The new ZU 3-7(b) had been included as a result of a Ministerial Direction to Cork County Council. As is evident, the CCDP had not excluded incineration, it being provided for under ZU 3-7(a). Moreover, integrated waste management had been encouraged at Bottlehill and in no way excluded waste-to-energy:

“The Bottlehill Landfill site has been subject of considerable strategic investment to date by Cork County Council. This significant piece of existing infrastructure has approximately 660,000 tonnes of landfill space built, from a total estimated available space of 5,400,000. Whilst there is a diminishing requirement for landfill in the future, it is recognised that the facility could be reconfigured to meet other waste management infrastructural needs such as an ‘ecopark’. There is a growing trend in Western Europe for

integrated waste management developments, including waste to energy, which combine a number of facilities on a single site.”

Para. 11.7.5, CCDP 2014

At a pre-consultation meeting with the Board on 3rd March 2015, the Board noted that Bottlehill had not been considered by Indaver in its site selection process. It is not unreasonable to expect that a site selection process would have included all areas indicated by the CCDP as being suitable. Bottlehill did ultimately appear in the published EIS (3.2.10.1/2, 2016 EIS) in response to the Board’s requirement but was discounted as being:

- “not suitable for large-scale waste infrastructure”, although it was designed as a landfill to accept 5.4 million tonnes of waste
- suited to “specialised and appropriate uses primarily associated with integrated waste management”, although its suitability for waste-to-energy as part of an integrated suite of waste management services had clearly been identified in policy
- not considered by policy to be suitable for large scale waste infrastructure; policy supported a “preferred location ... in industrial areas that are also Strategic Employment Areas”. In fact policy for Bottlehill clearly mentioned the potential for waste-to-energy.

Bottlehill was also deemed to be unsuitable because “currently there are no potential users of the heat in the vicinity of the Bottlehill site, which is located in a rural area with no substantial industrial or residential development”. This was a first appearance for the beneficial use of heat in 16 years! Cork County Council’s policy intention had been for a series of integrated and symbiotic uses on the large and available site at Bottlehill which had been designed specifically (and at significant taxpayer expense) for waste management. Prior to Indaver’s lodging of the 2016 planning application, Cork County Council had invited expressions of interest in Bottlehill. Indaver had responded with a proposal for disposal of incinerator ash and had been progressing discussions re same with the Council.

As mentioned at the outset of this section, Senior Inspector Mr. Derek Daly recommended that the Board would refuse the 2016 planning application. One of the reasons for this recommendation was the site selection process described above. The Board did not agree with his recommendation and granted planning permission. On 19th March 2021 in the High Court⁵, Mr. Justice David Barniville ruled that the decision taken by the Board could have been tainted by objective bias because the then deputy chairperson of the Board, Mr. Conall Boland, when employed by a firm of consultants in 2004, made submissions on behalf of Indaver to consultations on both the Cork City and Cork County waste management plans.

1.4 Site Selection, SFI 2025

When Indaver made an application to the EPA for an Industrial Emissions Licence in 2019, the planning policy input to the site selection process was updated and expanded. The Planning Report from the IEL application is included as Appendix 3.1 in the 2025 SFI. The text of Chapter 3 in the EIS is identical to that submitted for the IEL application but policy references have been updated to match the CCDP 2022.

After a quick run through of the various site selection processes since 1999, it takes an approach that appears new relative to what went before. Incorrectly interpreting the County Development Plan’s zoning recommendation for waste-to-energy as being exclusively to areas zoned as SEAs, the Planning Report (Appendix 3.1, 2025 SFI) undertook a screening of industrially zoned sites in Ringaskiddy, Whitegate, Carrigtwohill, Little Island and Kilbarry*.

The aim was to identify “reasonable” alternatives as per the 2014 EIA Directive⁷ to the Ringaskiddy site such that they could all be compared against a range of environmental criteria. Two of the industrial zonings in Little Island, one in Carrigtwohill and all 20 of the zonings in Ringaskiddy were deemed to be “reasonable” alternatives*. Bottlehill was also included in the matrix comparing each sites against their relative merits and disadvantages.

European Commission guidance⁸ says that:

“Alternatives have to be able to accomplish the objectives of the Project in a satisfactory manner, and should also be feasible in terms of technical, economic, political and other relevant criteria.”

Many of the sites included in this assessment are immediately identifiable as not “reasonable alternatives” at all. In Ringaskiddy, for example,

- RY-I-02 includes the Raffeen Pitch and Putt Club lands and a car park currently in use by Pfizer.
- The IDA has carried out substantial works on RY-I-05 in recent years to prepare it for tenancy.
- Similar works have been carried out on RY-O-08.
- RY-I-10 was ruled out in 1999-2000 because it so close to Ringaskiddy school. It is also close to the proposed new school site at RY-C-01.
- RY-I-14 is less than 2 ha in size.
- RY-I-18 is the Port of Cork!
- RY-I-19 is beside the Beaufort Building and in use by the Port of Cork.

A matrix of the merits or otherwise of all these “alternatives” is presented in Table 3. Three colours are used to provide easy comparison of whether each site ranks positive, neutral or negative against 9 criteria. There are serious methodological flaws in some of these criteria which lead to significant misrepresentations about the suitability of some of the sites. For example,

- Visual Impact was gauged by proximity to designated scenic routes. The cliff-side Indaver-owned site (RY-I-09) overlooking Spike Island was therefore ranked equally to the less prominent western side of their site (RY-I-15) whilst RY-I-13 visually dominant from Loughbeg, received a green favourable rating.
- With the exception of one site, all the harbour “alternatives” are amber for the Population and Human Health criterion. That one site is RY-I-09, the site of the proposed incinerator. **This is unspeakably misrepresentative.** In real life, the NMCI and UCC’s Beaufort Building are directly opposite RY-I-09. The NMCI boundary is approximately 40m from the RY-I-09 boundary whilst the NMCI building is approximately 150m from the RY-I-09 boundary. The Beaufort Building itself (not the boundary) is about 230m from the RY-I-09 boundary. That represents some 600

* Note RY-I-07 was removed in the 2025 SFI.

people within a stationary setting within 230 metres. But because the Population and Human Health criterion was deemed to go “amber” when the site was within 100m of either residential properties, amenity areas, schools or colleges, RY-I-09 ranks neutral, i.e. a grey colour. Yet RY-I-08, a 51ha plot, is ranked amber because there is a “*small cluster of residential uses on the southwestern boundary of the site*”. In real life, that “small cluster” is over 600m from the RY-I-08 roadside boundary, i.e. about the same distance as the eastern edge of Ringaskiddy village from RY-I-09.

- A rank of amber in the Material Assets criterion is said to represent a site which is already has a planning application in place, is predominantly in agricultural use or has a zoning that is not “specifically” industrial. Again, this is a nonsense. Indaver’s site was in agricultural use (cattle grazing, grass cutting for hay) during several of the years since the first application (see photos below). For some reason the Material Assets of RY-I-09 are considered neutral, although its industrial zoning is for expansion of the adjacent research campus. RY-I-05 is also considered neutral, although in 2020, the IDA secured planning permission to prepare the site for marketing. Appendix 3.1 comments on its being in agricultural use. Inexplicably, RY-I-15, the western half of the Indaver site, is deemed amber.



Indaver site, 27th June 2010



Indaver site, 1st July 2018

Within the Table 3 matrix there are other colours/rankings that are inexplicable:

- If RY-I-09 and RY-I-15 get a green light with regard to traffic, why do RY-I-01 and the other sites on the N28 not get at least a neutral rating? Appendix 3.3 explains that green is for motorways only. But once the M28 is operational, the N28 will free up significantly. And why would RY-I-02 receive a neutral rating when RY-I-01, RY-I-03 and RY-I-04 are all amber? All four sites are accessed off or almost off the N28 and all are west of Shanbally.
- How can RY-I-09 (the site of the proposed incinerator) receive a neutral rating for biodiversity when the zoning objective for the site says that it may be used by Special Conservation Interest bird species for which the Cork Harbour SPA is designated? **The rating for this criterion should be red.** Every other “alternative” site with this cautionary note on its zoning objective was given an amber rating.
- Extraordinarily, RY-I-09 also receives a neutral rating under the Cultural Heritage criterion. The zoning objective for the site states that “*any existing access to the nearby Martello tower which crosses this site should be protected and provision for an open space buffer to any existing access*”

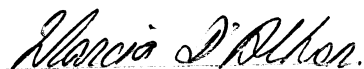
will need to be provided”. Both Indaver’s own 2016 EIS and 2025 SFI state that this path is within the curtilage of the adjacent Martello Tower, a Protected Structure (14.1, 2025 SFI; 14.1, 2016 EIS). **The rating for this criterion should be red.**

1.5 Summary of objectivity demonstrated in site selection

“Objectivity has two key components. The first is derived from the rigour of the assessment and analysis. This ensures that replicable work based on high-quality scientific information is carried out using recognised methods that are presented in a fully transparent manner. The second is to ensure that credibility of the EIAR is not undermined by any perception of bias or subjectivity in assessments by experts lacking appropriate competency, objectivity or independence.”

EPA, 2022⁶

It is difficult to summarise this section without sounding overly critical of my own profession. This I prefer not to do. It is possibly most illustrative to repeat the advice of the EPA with respect to their expectation, and their interpretation of the 2014 EIA Directive’s expectation⁷, of the objectivity of information to be presented in EIAR. It is sobering to consider it once again in the light of the discussion above. In short, from a human perspective, it is nigh-on impossible to perform an independent and objective site selection process three years after telling the planning authority where one intends to build.



Marcia D’Alton B.E., M.Eng.Sc.

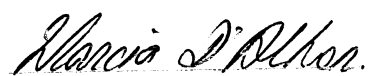
References

1. An Bord Pleanála planning ref. PA04.PA0010 (2008). Application for a 10 year planning permission for a waste to energy facility for hazardous and non-hazardous waste and a transfer station facility, on a 12 hectare site located on lands opposite the National Maritime College, at Ringaskiddy, County Cork.
2. An Bord Pleanála planning ref. PL04.131196 (2003). Application by Indaver Ireland for Waste Management Facility comprising a Community Recycling Park, a Waste Transfer Station and a Waste Energy Plant at Ringaskiddy, Co. Cork.
3. An Coimisiún Pleanála case ref. PA04.PA0045 (2016). Application for a 10-year planning permission and a 30-year operational life from the completion of the construction of the proposed development, is sought for a waste to energy facility (waste incinerator with energy recovery) for the treatment of non-hazardous and hazardous waste on a 13.55 hectare site at Ringaskiddy, Co. Cork.
4. Cork County Council (2007). *Draft Landscape Strategy*.
5. Cork Harbour Alliance for a Safe Environment v An Bord Pleanála [2021] 2018 593 J.R
6. Environmental Protection Agency (2022). *Guidelines on the information to be contained in Environmental Impact Assessment Reports*.
7. European Commission (2014). Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment
8. European Commission (2017). *Guidance on the preparation of the Environmental Impact Assessment Report*.
9. Friends of the Irish Environment (2009). *Toxic Island*. At https://www.friendsoftheirishenvironment.org/attachments/article/16464/toxic_island.pdf
10. Memorandum of Understanding between An Bord Pleanála and the Environmental Protection Agency (2017). At <https://www.pleanala.ie/getmedia/76b9326c-1d4c-4f34-912e-fe795f72ace1/mouepanov2017-EN.pdf>
11. Southern Waste Region (2015). Southern Region Waste Management Plan 2015 – 2021.
12. World Health Organisation (1993). *Site selection for new hazardous waste management facilities*. By William M. Sloan.

Qualifications and experience of the author

I hold a Bachelors Degree in Engineering and a Masters Degree of Engineering Science from University College Cork. I have worked as an environmental consultant specialising in the fields of treatment and management of non-hazardous, agricultural and sludge wastes, nutrient management, renewable energy development, catchment water quality management, waste water treatment, the licensing and permitting of waste handling facilities and Integrated Pollution Control licensing. I completed projects in these areas for a range of clients, including local authorities, the Department of the Environment, Heritage and Local Government, the UK Department of the Environment and Rural Development, the North/South Ministerial Council, the European Commission, private industry and community groups.

I served as a non-party elected member of Cork County Council from 2014-2024 and as a non-party elected member of Passage West Town Council from 2004 until the dissolution of town councils nationally in 2014. During that time I contributed extensively to the preparation of County Development Plans and Local Area Plans. I was an active member of the Environment Strategic Policy Committee, the Coastal Management Committee, the Historic Monuments Advisory Committee and the CASP (Cork Area Strategic Plan) Committee, amongst others. I also represented Passage West Town Council on the Advisory Group of the Cork Harbour Forum.



Marcia D'Alton