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## MINUTES OF THE ENVIRONMENT STRATEGIC POLICY COMMITTEE HELD ON 25<sup>th</sup> NOVEMBER 2015

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### 1. Minutes of the Environment Strategic Policy Committee meetings.

- 24<sup>th</sup> June 2015
- 23<sup>rd</sup> September 2015
- 14<sup>th</sup> October 2015

#### Order: Agreed.

#### Matters Arising

- **Meeting Proceedings Agenda, Minutes & associated documentation to recorded on the Council's Website.**  
The Director of Traffic pointed out that the relevant documentation is on the website up to and including the April meeting and the balance will be placed on the web as the minutes are now agreed.
- **Copy of Departmental guidelines that determine allowance paid to Chairs of Committee.**  
The Director of Traffic advised that the guidelines will be circulated to Members.
- **Terms of reference of the Community Gain Fund Committee and copies of the minutes of it's' meetings.**  
The Chair advised that he was waiting for the minutes of this Committee's meetings to be agreed to seek this information and will now do so as the minutes have been agreed.
- **Source of Waste for the Dublin Waste to Energy Facility.**  
Member, Joe McCarthy corrected the record that The Executive Engineer did not state in a reply to a Council Question that waste will be sourced from the Greater Dublin Area however the Dublin region and the Eastern & Midland Region was referenced in a letter to Paddy McCartan from a Director of Covanta in response to an article in the Evening Herald. The Executive Engineer referred to the statement by Mr. Daly of Covanta at today's site visit that clarified that waste will come from primarily the Dublin region.
- **Community Gain fund is for the Waste to Energy project is without precedent.**  
Member, Joe McCarthy pointed out that such a fund has been in place since 2007 at the Corrib Gas project.

### 2. Chairpersons Business

#### COP 21 Climate Change Conferences - Paris

The Chair referred to a request from the Lord Mayor to represent her at the COP 21 Climate Change Conference in Paris. The Chair recommended that Councillor Byrne attend in her capacity as Chair of Climate Change Subcommittee which was agreed.

#### **Dollymount Flood Wall – External Expert Brief**

The Director of Traffic circulated a report advising that following the approval of a motion by Dublin City Councillors at an emergency meeting of the Council an external expert will be appointed to reassess the partially constructed and proposed sea wall along the Clontarf Road.

It was agreed that the brief will cover the feasibility of the installation of a glass wall at the Causeway.

It was queried if it would be possible to give the details of the panel of external experts procured to the various residents groups as part of the selection process.

The Director of Traffic pointed out that by doing this it is unlikely that each residents group would select the same consultant and that it is not normal practice for DCC to allow the public to choose the consultant. It is not feasible to have a non technical group decide on the merits of a technical expert.

#### **Order: Noted**

#### 3. Correspondence

Response from An Bord Pleanala in relation to the Chair's query regarding the interpretation of condition 3 of the Dublin Waste to Energy planning permission.

Members raised concern that An Bord Pleanala will not interpret a condition that they placed in the permission. Councillor Flynn requested that that An Bord Pleanala should be asked again to interpret the condition that the Bord attached to the permission granted. Mr. McCarthy suggested that a legal and accountancy opinion should be sought on this matter.

It was agreed that An Bord Pleanala be contacted again on this matter and it is referred to the Finance SPC for its consideration.

#### **Order: Noted**

#### 4. SPC submission on Draft City Development Plan.

It was agreed that the submission compiled by Member Robert Moss be submitted on behalf of the SPC.

It was requested that Poolbeg West (SDRA No.6) in the Dublin City Development Plan be zoned amenity and not mixed use development. However it was suggested that the submission should be in general terms, i.e. Low Lying Lands should be zoned amenity using the Poolbeg area as an example.

#### **Order: Agreed**

#### 5. Air Quality in the Ringsend Area – Joe McCarthy

Members thanked Mr. McCarthy for his presentation and the following questions were raised.

- Is Dr. Broderick's report available
- Long term Health Implications
- Availability of Air Quality Readings
- Is it possible to have a continuous monitoring machine
- What is continuous monitoring
- Should the Local Communities should be appraised of the Air Quality standard
- Are there regulations that dictate the number of monitoring stations, population, area etc.

Member Joe McCarthy in response to questions raised stated.

- The Broderick report is available and he will forward it to Councillor O'Moore.
- More monitoring machines are required. In Northern Ireland there are 20 such stations as against 31 in the State.
- In relation to publicising the Air Quality in Ringsend / Poolbeg Mr. McCarthy would rather use the formal channels, this SPC and The Air Quality Unit, DCC to address any Air Quality issues in Poolbeg, raise the importance of the issue and support the Air Quality unit in achieving more funding and seek guidance from the EPA.
- He is concerned about waiting for the Minister's latest initiative to come to fruition as the monitoring is required now.
- Monitoring machines measure in real time. Typically 1, 8 & 24 hour averages are taken out. The readings for Dublin are visible on the EPA website and the pollution levels can be seen.
- DCC should have monitoring machines in the east of the City but this is not the case.
- The legal requirement on the number of stations that a conurbation such as Dublin should have is low and insufficient.
- The stringency of the WHO standards is far higher.

Mr. James Nolan, Executive Engineer in response to questions raised and M. McCarthy's presentation stated that

- The Waste to Energy Project went through a statutory process, the planning consent was granted by An Bord Pleanála in 2007, the license was granted by the EPA in 2008.
- The issues raised by Mr. McCarthy were considered by both ABP and the EPA and they issued their decisions.
- The condition displayed in Mr McCarthy's presentation was not part of the license.
- The EPA has a specific guideline on how a sample dataset is interpreted into an annual dataset and it is not on a prorata basis as per Mr. McCarthy's presentation
- The EPA, the relevant competent body, produced a report for the period 2009 – 2012. In terms of exceedances Mr. McCarthy's presentation and the EPA report do not tally. He questioned how Mr. McCarthy's data and the EPA's data are different given it is the Competent Authority.

In response Mr McCarthy stated

- It was a suggested condition by the Chairperson of the oral hearing but it was not included by the EPA and it was referred to the local Authority for ongoing evaluation.
- It does not discount the scientific fact that Air Quality was in breach of the standard
- 2009 – 2012 report, the EPA's interpretation of their data is flawed as they gave the original data which was analysed by Mr. McCarthy & partner and the exceedances have been identified.
- The EPA is expert but can get it wrong at times.
- The technical detail presented by DCC's experts to An Bord Pleanála was accepted prima facie and analysis is not undertaken by the Bord. When the detail was examined (Mr. McCarthy & partner) enormous flaws were found in the CO2 calculation for the incinerator and the air quality
- His opinion is based on objective facts.
- He would welcome the opportunity to have the debate with the EPA as to why the report is wrong?
- The fact that planning permission and a license were issued does not bury all the scientific question that remain

Mr. Martin Fitzpatrick, Principal Environmental Health Officer responded

- There needs to be and there is a scientific benchmark which is published by DEFRA on how to determine an exceedance. It is not clear if this benchmark was applied in this case but it should be used to avoid any ambiguity.
- There was a suggestion that the PM10 levels were averaged out over a day. Under the EU directive you must report a daily average, not doing so will prohibit evaluation against the Air Quality Standards that are contained in the directive.

Mr. James Nolan, Executive Engineer stated

- Mr. McCarthy did say that he took the highest value on the day and it was therefore not an average
- The data (Mr. McCarthy's presentation) shows that there is a considerable number of exceedances but Mr. Fitzpatrick pointed out that the average scientific data is the key to understanding if exceedances exist or not.

Mr. McCarthy responded

- The monitoring equipment is continuous, giving 24 readings per day.
- If the value is over the standard then it is an exceedance
- He did not average, he took the value in the day and if the value is in excess of 50 then it is an exceedance.
- In excess of 35 exceedances constitute a breach of the EU standard which has occurred twice.
- The area is polluted and additional monitoring stations are required and suggested 3 are required, Clontarf, Poolbeg and at the Merrion end.

**Order: The Chair wants the Committee to come to a common agreement on what standards apply looking at the Air Quality issue into the future. Interpretations have to be clarified and the Committee can agree (the interpretations) once the science behind the standards is understood**

6. Air Quality Presentation (Presentation Attached)

Members thanked Mr. Fitzpatrick for his presentation on Air Quality and raised the following questions.

- How is it determined where monitoring stations are sited
- Can the equipment be moved to areas where there are reports of air quality problems.
- What is the relationship between the EPA and the City Council's Air Quality Monitoring Unit.
- Why is there a monitoring station in St. Anne's Park and Marino
- The nearest monitoring station to Poolbeg is 4kms away in Winetavern Street is this self evident that this is inadequate.
- Is there anything to prevent DCC monitoring Air Quality to the World Health Organisation Standard.
- Has the CAFÉ directive changed.
- Mr. Fitzpatrick's opinion of Mr. McCarthy's presentation
- Are measurements Real time.
- Are mobile monitors available

Mr Fitzpatrick responded

- Our data and National data is being compared to WHO standard.
- Monitoring stations must have a classification in terms of what type of site it is. St Anne's is a useful benchmark in determining what is the City background level as there are not any immediate sources of pollution.
- The CAFE directive is superseded by The Clean Air Package, there is an issue across all member states in terms of compliance.
- The criteria for siting the monitoring stations are covered by 2011 Air Quality Standards. Stations cannot be sited arbitrarily
- There has been a degree of monitoring in the Ringsend Area
- He is working with EPA to determine if there are gaps in the monitoring network.
- There is a range of activities for which the EPA issue licenses and a lower level that are issued by DCC e.g. dry cleaners & spray painters
- The EPA is the National Competent Authority and our data is given to the EPA. It is a collaborative approach.
- Gases are monitored continuously. Particulate are both continuous and filter averages.
- Monitoring Machines are not mobile.
- Against the idea of moving existing monitoring stations
- The public consultation period will

**Order: Presentation Noted. A round table discussion of the Committee is to be held to during the public consultation period to agree the standards and measurements.**

7. Draft Dublin City Council Litter Management Plan 2016 – 2018.

Members raised the following concerns / points.

- Cigarette Litter at Public Houses & Restaurants.
- The serious problem of Dog Fouling.
- The problems associated with needles.
- Laneways being used as public toilets.
- Plan not very specific on targets.
- Staffing Resources.
- Frequency that litter bins are emptied.
- Employment of Dog Wardens and linking dog chipping to fines.
- Exempt Senior Citizens from Bulky Household Waste Charge.
- Enforcement will dictate the success of the plan.

**Order: Recommend to Council that the Plan go to Public Consultation.**

8. Dublin Waste to Energy updates report.

A query was raised on the technique / technology used in the brief PM 10 monitoring campaign and the Executive Engineer is to revert to members of the Committee with a reply.

**Order: Report Noted**

9. Draft Transparency Code – Regulation of Lobbying Act 2015

The Director of Traffic advised that the SPC can be classified as exempt if a number of requirements are fulfilled to include

- Agenda and Minutes of Meetings to be placed on the Website
- Names & Addresses of all members
- Clarification if Sectoral members are employed by Public Sector bodies

**Order: Report Noted**

10. Meeting Dates 2016

**Order: Agreed**

11. Motion referred from the North West Area Committee

*“That the Manager arranges for a full review of litter bins in the Northwest Area. Can the Manager arrange for bins which were removed in recent times to be replaced. There is an large amount of dog dirt being bagged and dropped around the place which might be avoided if bins were in place to put the bags into.”*

**Order: Motion Agreed**

12. A.O.B.

- Matters Arising to be a standing item on the Agenda (after minutes)

- Chair to write to Community Gain Committee seeking minutes of its meetings, update on progress and terms of reference.
- Report to main Council in relation to the Dublin Waste to Energy Project to cover the areas of air quality, the community gain fund, source of waste & the community gain committee proceedings.

The Director of Traffic advised that the Community Gain Fund Committee will report to the South East Area Committee and not the SPC

**Order: Noted**

### **Attendance**

#### **Members**

Councillor Naoise Ó Muirí (Chairperson)  
 Councillor Mannix Flynn  
 Councillor Claire Byrne  
 Councillor Andrew Keegan  
 Councillor Denise Mitchell  
 Councillor Ciaran O'Moore  
 Councillor Michael O'Brien  
 Councillor Bríd Smith  
 Councillor Cieran Perry  
 Robert Moss - Dublin City Community Forum  
 Joe McCarthy - An Taisce  
 William Brennan – Dublin Community Growers

#### **Apologies**

Nicholas Cloake - Dublin Docklands Business Forum  
 Councillor Catherine Ardagh

#### **Absent**

Councillor Declan Flanagan  
 Louise McCann - Disability Federation of Ireland

#### **Officials**

Declan Wallace, Director of Traffic  
 Helen McNamara, Senior Executive Officer  
 Brian Hanney, Senior Executive Officer  
 Esther Hickey, Administrative Officer  
 Martin Fitzpatrick, Principal Environmental Health Officer  
 James Nolan, Executive Engineer  
 Ciarán McGoldrick, Staff Officer  
 Ian Boggans, Assistant Staff Officer

### **Councillor Naoise Ó Muirí**

**Chairperson, 27<sup>th</sup> November 2015**