

An
Coimisiún
Pleanála

Inspector's Report ABP-323063-25

Development

Alteration of the previously approved Derryclure Energy Centre (developed pursuant to a grant of permission (P.A. Ref. 10/307) and An Bord Pleanála (Ref. PL19.238420) to provide for the acceptance of up to 200,000 tonnes per annum (TPA) of non-hazardous waste material.

Location

Derryclure Energy Centre, Derryclure, Tullamore, Co. Offaly

Prospective Applicant(s)

Glanpower Ltd

Case Type

Pre-application consultation under Section 37B of the Planning and Development Act 2000, as amended

Planning Authority

Offaly County Council

Date of Site Inspection

30th September 2025

Inspector

Joe Bonner

1.0 Introduction

- 1.1. The Commission received a request on the 15th of July 2025, from the prospective applicant, Glanpower Ltd, to enter into pre-application consultations under Section 37B of the Planning and Development Act, 2000, as amended, in relation to a proposed development, which is described in detail in section 2 below.
- 1.2. Three virtual pre-application consultation meetings took place between the prospective applicant and representatives of the Commission. Records of the meetings and presentations made to the meetings are attached to the file.
- 1.3. Closure of the pre application consultation was requested in correspondence dated the 27th of July 2026.

2.0 Site Location and Description

- 2.1. The site is located c.4.5km south of Tullamore Town Centre and c.2.8km south of the roundabout connecting the N80 and the N52 Tullamore Southern bypass. The existing industrial building on site was constructed on foot of a grant of permission issued by the Commission on the 21st of July 2011, for the development of an industrial facility to accommodate an advanced pyrolysis system for the recovery of energy from biomass and waste. The permitted use was not put into effect, and the building remains vacant at this time.
- 2.2. The site is accessed from an existing access point on the eastern side of the N80, that also serves a now closed landfill located to the north east of the site and an existing civic amenity recycling centre to the immediate east.
- 2.3. A wooded area lies directly south of the building, with cutaway bog located to the southeast. The land on the opposite side of the N80 is agricultural in nature. The nearest residences to the existing building are located c.460m to the north.
- 2.4. The sites western boundary directly abuts the N80, is c.160m in length and is currently marked by a mix of a timber fence and temporary metal fencing, as well as some trees. The boundary separating the eastern portion of the site from the operational recycling facility consists of a c2-metre high green palisade fence. The site is relatively level but slopes downhill from the front (north) of the building to the rear (south). A number of temporary construction related buildings are located in the

north eastern corner of the site. With the exception of the man-made mound on the site of the former landfill, the gradient of the wider area is generally flat.

3.0 Description of Proposed Development

1.1.1. The proposed development was described in the applicant's cover letter on the initial submission, in July 2025 as:

- Alterations to the previously approved Derryclure Energy Centre (developed pursuant to a grant of permission from Offaly County Council [Ref 10/307 An Bord Pleanála [Ref PL 19.238420] to provide for the acceptance of up to 200,000 tonnes per annum (TPA) of non-hazardous waste material, including:
- Increase in permitted tonnage (from 75,000 TPA to 200,000 TPA).
- Upgrade to a Commercially Robust Advanced Conversion Technology (from previously permitted pyrolysis).
- New internal Equipment layout and upgrade of process.
- Additional external plant to yard at the South of the building to include an air cooled condensing unit, treatment tanks and residual process material collection area.
- The revision and relocation of the flu stack to include emission monitoring platform and access arrangements.
- Relocation of transformer unit and backup generator unit.
- Increase in size of the previously approved ESB substation.
- Alterations to external landscaping and boundary treatments to the site layout, external yard areas, roads, hard standings and all associated siteworks and services.

1.1.2. A more detailed draft development description was provided as part of the 'Meeting Briefing Note', dated the 26th of June 2026 and submitted to the Commission, by the prospective applicant, in advance of the third meeting. It described the proposed development as follows:

...a change in technology from pyrolysis as permitted under An Bord Pleanála Ref. PL19.238420, to a future use for as a Commercially Robust Advanced Thermal Technology plant, and an increase in the annual capacity of Municipal Solid Waste (MSW) accepted and treated at the facility...

The proposed development comprises of the following:

- The installation within the envelope of the existing building of a Commercially Robust Advanced Thermal Technology plant to facilitate the processing of Municipal Solid Waste (MSW) by thermal treatment to accommodate modern syngas production and combustion systems to generate electricity for export to the national grid [potential for heat to be utilised being explored].
- An increase in the permitted intake of residual Municipal Solid Waste (MSW) from 75,000 tonnes per annum as permitted under ABP Ref. PL19.238420, to 200,000 tonnes per annum. The approximate output will be 11.64 megawatts of renewable electricity for export to the national grid and 30.7 megawatts of heat.
- Works along the public road for a 3.6 km underground grid connection to the existing ESB Clonminch substation which runs across the townlands of [TBC] in County Offaly.
- The following works are proposed within the permitted building and its curtilage:
 - Enlargement of the waste reception hall by 17.3m x 22.8m x 8.4m high, including alterations to external elevations to facilitate the provision of interlocking doors.
 - A residual materials handling and collection area in the external area to the south of the building to include:
 - Ash bunker (10m x 10m x 4m).
 - 2 no. lime silos with associated pipework, blowers, and dosing equipment (14.6m high x 4m diameter).
 - 1 no. powder activated carbon (PAC) silo with associated pipework, blowers, and dosing equipment (12.12m high x 3.5m diameter).
 - 2 no. filter dust silos (15.5m high x 4.3m diameter).
- The provision of 3 no. baghouse filters located in the external area to the south of the building each measuring 20m x 9.5m x 13.2m high.

- The provision of a flue gas emissions stack of [40*] m above ground level extending 24.1 m above the parapet of the existing building, including associated pipework, sampling platform, and Continuous Emissions Monitoring Systems (CEMS) instrumentation.
- External plant located to the south and west of the building including an air-cooled condenser, condensate tank, pumps, and pipework (30m x 13.5m x 11.3m high).
- Relocation of the site transformer and backup emergency generator, including internal day tank (12m x 2.5m x 2.9m high).
- An ESB substation (10.26m x 5.38m x 4.67m high) incorporating a switch room and IPP control building located to the northwest of the building.
- The provision of a double weighbridge, including weighbridge kiosk.
- An EirGrid control interface (SCADA systems) located within the building.
- 1 no. fuel oil storage tank, including associated pumps located to the west of the building measuring 11.35m x 3m x 3m.
- Welfare facilities and storeroom.
- The provision of an effluent treatment system and percolation area.
- The provision of staff and visitor carparking.
- Modifications to the external yard layout, the provision of hardstanding, landscaping, boundary treatments, internal circulation access roads, and associated hardstanding areas.
- All associated siteworks and services.
- The proposed development comprises or is for the purposes of an activity requiring an industrial emissions licence (existing EPA Licence Number W0282-01).

[*Note: The final stack height will be determined and fixed in the application by dispersion modelling currently being undertaken. A design flexibility opinion will not be required or requested.

Prospective Applicant's Case

- 3.1.1. In their original submission, the prospective applicant did not provide any technical specifications for the proposed development, but indicated that it would constitute the incineration, or the chemical treatment of non-hazardous waste.
- 3.1.2. In their second submission, dated the 27th of November 2025, the prospective applicant provided a summary at section of 2.1, of how they considered and concluded that the proposed development would constitute 'An installation for the disposal, treatment or recovery of waste'.

Existing EPA Licence

- 3.1.3. The existing EPA licence for the site is described in section 1.2 of the prospective applicant's letter to the Commission dated the 27th of November 2025. It refers to category 5.2 'Disposal or recovery of waste in waste incinerator plants or in co-incinerator plants: (a) For non-hazardous waste with a capacity exceeding 3 tonnes per hour; Category 5.3 (b): Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/ 271/ EEC; (ii) pre-treatment of waste for incineration or co-incineration'. The description is consistent with the Classifications in 5.2 and 5.3b of Annex I to the Industrial Emissions Directive.

4.0 Planning History

4.1. Subject Site

- 4.2. **PL19.238420 (P.A. Reg. Ref. 10/307)** – Permission GRANTED by the Commission, on the 21st of July 2011, for a development described as:

An industrial facility to accommodate an advanced pyrolysis system for the recovery of energy from biomass and waste. The approximate output will be six megawatts of renewable electricity for export to the national grid ...and five megawatts of heat. The facility will consist of an enclosed fuel recovery area, a reception and pre-treatment area, pyrolysis area, engine areas, office and staff facilities, ancillary accommodation and maintenance areas all enclosed in one building. The building will have 19 metres and 30 metres high vent stacks. Externally the site will accommodate vehicle movement areas, staff and visitor

carparking, oil and water storage tanks and flare stack... an effluent treatment system and percolation area ...additional landscaping and associated site works. The site will be accessed via a new entrance onto the Offaly County Council road to Derryclure Landfill. This road will be upgraded along with the access to the N80 including all associated site works. A new substation and switchroom structure An Environmental Impact Statement will be submitted... Development comprises or is for the purposes of an activity requiring an integrated pollution prevention or control licence or a waste licence.

Condition No. 4 of the grant of permission stated that:

This permission is for acceptance and treatment by pyrolysis of a maximum of 75,000 tonnes per annum. The materials utilised shall be Municipal Solid Waste and Wood/Biomass as described in Section 2 of the Environmental Impact Statement, 'Description of Project', and shall be delivered to the site by road.

- 4.2 **ACP Ref. RP.19.RP2134 (P.A. Ref. PL2/10/307)** – (Referral - Points of Detail in dispute). Point of detail in relation to condition 18 of planning ref. PL2/10/307, PL19.238420. on the 1st of June 2017, the Commission DETERMINED that the development contribution arising on foot of condition 18 of PL19.238420 was to be €236,830 (two hundred and thirty-six thousand, eight hundred and thirty euro).
- 4.3 **P.A. Reg. Ref 26/60208** – Retention permission GRANTED on the 21st of July 2026 in respect of a development that included:

Retention of amendments to the western and northern elevations of the existing building permitted under ABP Ref. PL19.238420, including omission of doors, curtain wall glazing and louvres and replacement with cladding completed after the expiry of the Planning Permission; and a change to the permitted colour of cladding on the western elevation.

The grant of permission was not appealed.

4.3. Precedent Decisions

- 4.3.1. Table 4.1 below lists a number of decisions issued by the Commission, relating to section 37B pre-application consultations of a similar nature to that being considered in this case. The table confirms whether or not the Commission determined that these proposals conform with the statutory definition of SID.

Table 4.1 Precedent Decisions

No.	ACP Ref. No.	Development Description and Location	Decision Date	Decision
1	PC0130	Amendments to existing permissions for Waste to Energy Plant at Indaver, Duleek, Co Meath Commission Direction included reference to: - The European Court of Justice interpretation of 'disposal' of waste including 'recovery' for the purpose of the EIA Directive,	26/04/2012	Is a SID
2	PC0151	A waste management facility comprising a waste-to- energy facility designed to process 240,000 tonnes per annum of hazardous and non-hazardous industrial and municipal waste using moving grate technology. It will generate 21 megawatts of electrical power from steam driven turbines of which 18.5 megawatts will be exported to the national grid at Ringaskiddy, Co. Cork.	23/12/2015	Is a SID
3	PC0223	Increased acceptance of non-hazardous waste for recovery and disposal of more than 100,000 tonnes per annum at Knockharley Landfill, Co. Meath.	13/11/2017	Is a SID

5.0 Pre Application Consultation Meetings

5.1. Three pre-application consultation meetings took place between the prospective applicant and representatives of the Commission. The key points discussed at the meetings are set out below. For further details, please refer to the documentation submitted in advance of the meetings and the detailed meeting records, which are included on the file.

5.2. First Meeting (10th October 2025)

5.2.1. The prospective applicant set out the background to and description of, the proposed development, and undertook to submit a copy of their presentation, as it had not been provided to the Commission before the meeting.

5.2.2. The prospective applicant considered it would constitute SID as it would exceed the threshold of a project within the Seventh Schedule namely:

A waste disposal installation for

(a) the incineration, or

(b) the chemical treatment (within the meaning of Annex IA to Council

Directive 75/442/EEC under heading D9), of non-hazardous waste with a capacity for an annual intake of greater than 100,000 tonnes.

5.2.3. The prospective applicant also stated the proposed development would meet the tests in Section 37A (2) of the Planning and Development Act, 2000, as amended.

5.2.4. The prospective applicant set out the policy context in support of their view that the proposed development constitutes Strategic Infrastructure Development.

5.2.5. In this application they are seeking to upgrade the existing facilities by providing an onsite substation, an upgraded stack, and increase the intake of non-hazardous waste material from 65,000 (SIC) tonnes per annum to 200,000 tonnes per annum.

5.2.6. Following the presentation, the following issues were discussed:

- Procedures and consideration
- Waste to Energy Process
- RED III
- Sources of waste
- Environmental impacts
- Waste policy
- Consultations
- Possible Second Consultation meeting

5.3. **Second Meeting (3rd of December 2025)**

5.3.1. The prospective applicant made a presentation in respect of the proposed development, which addressed the following issues:

- The core process of the proposed waste plant.
- Energos Advanced Conversion Technology – Two stage thermal process.
- A breakdown of EU Industrial Emissions Directive (2010/75/EU) relevant to this proposed development.

- A description of Energos gasifiers.
- The processes during gasification, oxidation, heat recovery and flue gas cleaning.
- A breakdown of the technology designed to minimize emissions.
- Energos processes and mechanisms related to emissions.
- Electrical power production.
- Disposal of hazardous waste (filter dust & boiler ash) and non-hazardous waste (bottom ash & fly ash).

5.3.2. The prospective applicant state that the development would meet the criteria set out in Sections 37A(2)(a) and (b) of the Planning and Development Act 2000, as amended and would be consistent with the following seventh schedule development:

- An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

5.3.3. Following the presentation, the following issues were discussed:

- Development Proposal
- Seventh Schedule Development
- Applicability of the RED III Directive
- Policy Context
- Environmental Considerations
- Consideration of Connectivity to European Sites
- Consultation
- Other Considerations
- Closure

5.4. **Third Meeting (1st of July 2026)**

5.4.1. The meeting took the form of discussing the following matters from the 'Meeting Briefing Note', that had been submitted in advance of the meeting.

- Preliminary View and Consultation

- RED III
- EPA Licence
- Planning status of the building
- EIAR
- AA Screening and Climate Act
- Draft Description of Development
- Closure

5.4.2. The Commission's representative noted that while it was their preliminary view that proposed development would come within a class of development in the Seventh Schedule and would meet the tests outlined in Section 37A(2) of the Planning and Development Act 2000, as amended, it will be the Commission that makes the determination on the SID status of the development and the prescribed bodies to be notified.

6.0 Legislative Provisions

6.1. Planning and Development Act 2000 (as amended)

6.1.1. Section 2(1) of the Planning and Development Act 2000, as amended, defines 'strategic infrastructure' as including, inter alia:

- (a) any proposed development in respect of which a notice has been served under section 37B(4)(a),

6.1.2. Section 37A of the Act states:

- (1) ...An application for permission for any development specified in the Seventh Schedule ... shall, if the following condition is satisfied, be made to the Commission under section 37E and not to a planning authority.
- (2) That condition is that, following consultations under section 37B, the Commission serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Commission, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,
- (c) the development would have a significant effect on the area of more than one planning authority.

6.1.3. Section 37B of the Act states:

- (4) Where, following consultations under this section, the Commission is of the opinion that the proposed development would, if carried out—
 - (a) fall within one or more of paragraphs (a) to (c) of section 37A(2), it shall serve a notice in writing on the prospective applicant stating that it is of that opinion, or
 - (b) not fall within any of those paragraphs, it shall serve a notice in writing on the prospective applicant stating that it is of that opinion.

6.1.4. The Seventh Schedule to the Planning and Development Act 2000 (as amended) sets out thresholds for infrastructure developments for the purposes of section 37A and 37B and Section 3 including the following ‘Environmental Infrastructure’ –

- A waste disposal installation for—
 - (a) the incineration, or
 - (b) the chemical treatment (within the meaning of Annex IIA to Council Directive 75/442/EEC under heading D9),of non-hazardous waste with a capacity for an annual intake greater than 100,000 tonnes.
- An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

6.2. Environmental Impact Assessment

6.2.1. Section 37E(1) of the Planning and Development Act, 2000, as amended requires that an application for permission for development in respect of which a notice has been served under section 37B(4)(a) shall be made to the Commission and shall be accompanied by an environmental impact assessment report in respect of the proposed development. Therefore, if the Commission determines that the proposed development constitutes Strategic Infrastructure Development, the submission of an EIAR, with the application, would be mandatory.

6.3. Appropriate Assessment

6.3.1. The Charleville Woods SAC (site code 000571) is located 3.15km to the east, the River Barrow and River Suir SAC (site code 002162) is c.5.7km southeast, and the Slieve Bloom Mountains SPA (site code 004160) located c.9.6Km to the southwest.

6.3.2. The nearest stream to the site is located c.1km west of the site. All streams in the area drain in a northern direction into the Tullamore River that flows through Tullamore town, before joining the Clodiagh River, the Brosna River and eventually the River Shannon c.33km west of the site.

6.4. Waste Related Definitions

6.4.1. The following definitions are considered relevant and will be referenced in more detail, where relevant, in the assessment section of this report.

Waste Framework Directive (75/442/EEC) / (2008/98/EEC)

Article 3 includes 'Definitions' of 'treatment', 'recovery' and 'disposal' as well as listing types of disposal and recovery operations:

Waste Management Act 1996 (as amended)

6.4.2. Section 4 (1) includes definitions of 'disposal' and 'recovery' as well as listing types of disposal and recovery operations.

European Communities (Waste Directive) Regulations 2011

6.4.3. Provides a definition of 'treatment'.

Industrial Emissions Directive (2010/75/EU) and (2024/1785)

6.4.4. Classification 5.2 is referenced in paragraph 3.1.1 above in the context of the sites existing EPA licence.

6.4.5. Article 3 of the IED sets out definitions of 'waste incineration plant' and 'waste co-incineration plant' while Article 50 'Operating conditions' sets out the temperature that the plants must be designed, equipped, built and operated to.

7.0 Assessment

7.1. Section 37A(1) – is the proposed development specified in the Seventh Schedule of the Planning and Development Act 2000, as amended?

7.1.1. This assessment will examine whether or the proposed development constitutes a Seventh Schedule classes of 'Environmental Infrastructure'. The relevant classes are referenced in section 6.1.4 above.

Waste

7.1.2. The prospective applicant has confirmed that the development would accept non-hazardous kerb-side residual municipal solid waste. I am satisfied that the waste that would be used to fuel the proposed development would be consistent with the descriptions set out in the two Seventh Schedule 'Environmental Infrastructure' classes, under consideration, which refer to 'waste' and 'non-hazardous waste'.

Capacity

7.1.3. Both classes of 'Environmental Infrastructure' refer to facilities having a capacity for an annual intake greater than 100,000 tonnes.

7.1.4. The current proposal would have a capacity to accept up to 200,000 tonnes per annum (TPA) of non-hazardous waste material. I am satisfied that the development would constitute 'An installation... with a capacity for an annual intake greater than 100,000 tonnes (of waste/ non-hazardous waste)', which would be consistent with Section 37A(1) of the Act and would satisfy the 100,000 tonnes capacity requirement for both classes listed in section 6.1.4 above.

Incineration, Chemical Treatment, Disposal, Treatment or Recovery of Waste

7.1.5. The next matter to be considered is whether the proposed development would consist of any one of the following: 1) Incineration; 2) Chemical Treatment; 3) Disposal; 4) Treatment or Recovery of waste.

7.1.6. The proposed development only needs to involve one of the five processes listed above, to be classed as a Seventh Schedule Strategic Infrastructure Development.

7.2. Comments

7.2.1. The proposed 'Energos – Waste to Energy Gasification Plant' would consist of the thermal recovery of waste, by extracting energy from waste, through a two stage process involving 'gasification' and 'oxidation'.

Is the proposed development an Incinerator?

7.2.2. The function of the proposed development is both the treatment of non-hazardous Municipal Solid Waste and the production of energy using 'Energos Waste to Energy' gasification and oxidation processes.

7.2.3. The Industrial Emissions Directive explicitly refers to and includes 'gasification' and 'Oxidation' within its definitions of both 'Waste Incineration Plant' and 'Waste Co-Incineration Plant' which are:

'waste incineration plant' means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

'waste co-incineration plant' means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

7.2.4. Article 50 'Operating conditions' states that:

Waste incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the incineration of waste is raised, after the last injection of combustion air, in a controlled and homogeneous fashion

and even under the most unfavourable conditions, to a temperature of at least 850 °C for at least two seconds.

Waste co-incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the co-incineration of waste is raised in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of at least 850 °C for at least two seconds.

7.2.5. The criteria required to be classified as an incinerator, as per Article 50 of the IED, includes the use of waste as a fuel source, and the combustion of the syngas that would be produced at a temperature of at least 850 degrees Celsius for at least two seconds. Technical Appendix A to the prospective applicant's submission of the 27th of November 2025 confirmed that this criteria would be met.

7.2.6. The documentation submitted by the prospective applicant also confirms that the proposed development would involve the thermal treatment of waste by way of gasification. I am satisfied that the proposed development would be consistent with the definition of 'waste incinerator plant', as per Article 3 of the Industrial Emissions Directive as it would consist of ...'any stationary ...technical unit and equipment dedicated to the thermal treatment of waste, with ...recovery of the combustion heat generated, through ...other thermal treatment processes, such as ..., gasification, if the substances resulting from the treatment are subsequently incinerated'.

Conclusion

7.2.7. As stated in paragraph 7.1.6 above, the proposed development only needs to involve class, to be classed as a Seventh Schedule Strategic Infrastructure Development

7.2.8. I am satisfied that the proposed development would be involve the incineration of waste and would be consistent with the following class of 'Environmental Infrastructure' from the Seventh Schedule to the Planning and Development Act 2000, as amended, and would therefore satisfy the requirements of Section 37A(1) of the Planning and Development Act 2000 as amended and would constitute the following class of strategic infrastructure development:

— A waste disposal installation for—

(a) the incineration,

of non-hazardous waste with a capacity for an annual intake greater than 100,000 tonnes.

7.3. Section 37A(2) – Does the proposed development fall within one or more of Sections 37A (2) (a), (b) or (c)?

7.3.1. In addition to the conclusion set out in section 7.2.8 above, the proposed development must also comply with at least one of the three criteria in Section 37A(2)(a), (b) or (c) of the Planning and Development Act 2000, as amended.

7.4. 37A (2) (a) - The development would be of strategic economic or social importance to the State or the region in which it would be situate.

7.4.1. At section 3.2 of their letter dated the 27th of November 2026, the prospective applicant stated that the proposed development is considered to be of strategic importance by reference to extracts from the 'National Waste Management Plan for a Circular Economy 2024-2030'. I will examine this in more detail below.

7.4.2. The National Waste Management Plan for a Circular Economy 2024-2030 (hereafter 'NWMPCE') is Ireland's first national waste plan and sets out a framework for the prevention and management of waste for the period 2024 to 2030. It replaced multiple Regional Waste Management Plans (RWMPs).

7.4.3. Section 2.2 and Figure 2.1 of the NWMPCE notes that the plan interacts with the National Planning Framework, Regional Spatial & Economic Strategies and City and County Development Plans. It states that the Plan is a statutory planning document setting out policies for the development of waste treatment infrastructure and sits on the same planning tier as the RSES and city and county development plans, while noting that development plans are the blueprint for local planning and development. Referencing the National Development Plan (NDP), Section 2.2 of the NWMPCE also states that the NDP notes that 'Significant infrastructure capacity development will be required to separate and process various waste streams at municipal and national levels to achieve new EU legally-binding targets.'

7.4.4. Section 5.4 'Municipal Solid Waste Treatment' describes the different treatment options available for MSW, consisting of Recycling, Thermal Recovery and Landfill.

Table 5.5 lists the six operational thermal treatment facilities in 2022, while Table 5.6 sets out details of two proposed thermal recovery facilities including the previously permitted development within the existing building on the subject site at Derryclure. It is described as per the table below along with a second proposed facility in Cork, which is in the planning system and awaiting a decision from the Commission, at the time of completing this report:

Facility	Location	Proposed Additional Capacity per annum (tonnes)	Waste Type	Status
Glanpower Ltd. (W0282-01)	Derryclure, Offaly	65,000	Mixed Municipal Waste	Consents in place. Pyrolysis Plant scheduled to commence construction in 2024-2025.
Indaver Ireland Ltd	Ringaskiddy Cork	216,000	Residual Waste	ACP now re-evaluating the permission granted for the facility in May 2018.
TOTAL		261,000 (sic)		

7.4.10. The total cited above of 261,000 should state 281,000, while the permitted Glanpower development was for 75,000 tonnes per annum (as per condition No 4 of the grant of permission), which would raise the total to 291,000 tonnes per annum capacity.

7.4.11. Volume II sets out 'Policy Responses and Actions', while Chapter 7 states that there are six Infrastructure Focus Areas, including FA14 (Focus Area 14) 'Recovery Infrastructure'. It states that 'The State has a continued reliance on export to manage residual MSW and other waste streams which is unsustainable and while an emphasis on prevention and reuse may reduce this reliance, there remains a need for additional indigenous recovery infrastructure which is supported by this Plan in Focus Area 14.

7.4.12. A 'Targeted Policy' – TP14.2 of Volume II is to 'Support the provision of 200,000 to 300,000 tonnes of additional dedicated thermal recovery capacity for the treatment of non-hazardous residual wastes nationally, to ensure there is adequate active thermal treatment capacity.' Section 8.6 of Volume I states that 'there are outstanding infrastructure requirements that were committed to in the RWMP. These requirements are restated in this Plan relating to: The development of a 200,000 to 300,000 tonnes of dedicated additional thermal recovery capacity (Policy TP14.2 and

estimated at a cost of €200 million in the RWMP to develop and operate this infrastructure by the private sector).

- 7.4.13. Volume II includes 'Core Policy 12 - Nationally and Regionally Important Infrastructure', which states that 'The Plan recognises and supports the need for nationally and regionally important waste infrastructure, including infrastructure of the type, scale and proximity essential to maintain waste services and infrastructure that contributes to the ambition and policies of the Plan.
- 7.4.14. Core Policy 12 continues by stating that 'There is a waste treatment capacity deficit within the State which is illustrated by high levels of waste export (Ireland exported 38% of MSW in 2021 for thermal recovery and recycling). Reliance on export is not sustainable and the identification of existing and future critical infrastructure for the final treatment of municipal waste is essential to protect, promote and ensure continuity of supply in the market'. It also states that 'Core Policy CP12 identifies the need to support and protect existing and future 'nationally' and 'regionally' important waste infrastructure and move towards self-sufficiency' and 'relates to infrastructure which is of the type and scale deemed essential to maintain a functioning waste market within the State'.
- 7.4.15. Table 4.1 of Volume II sets out the 'Criteria for Nationally and Regionally Important Infrastructure'. The national threshold for 'Thermal Treatment of MSW' is 'Dedicated thermal treatment plants with a capacity greater than 100,000 tonnes per annum. By reference to my conclusions in section 7.2 above, I am satisfied that the proposed development would be a thermal treatment plant and would meet the criteria to be considered 'Nationally Important Infrastructure'..
- 7.4.16. As set out above, I am satisfied that the proposed development consists of a form of development that has been identified at a national level, in the form of the National Waste Management Plan for a Circular Economy 2024- 2030, to be of strategic economic and social importance to the State or region in which it would be situate, thereby satisfy the requirements of Section 37A (2) (a) of the Planning and Development Act 2000, as amended.
- 7.5. **37A (2) (b) - The Development would contribute substantially to the fulfilment of any of the objectives in the NPF or in the RSES in force in respect of the area or areas in which it would be situate.**

7.5.1. In order to meet the provisions set out in section 37A (2) (b) of the Planning and Development Act 2000 as amended, the proposed development would need to contribute substantially to the fulfilment of any of the objectives in the National Planning Framework (NPF) or the Regional Spatial and Economic Strategy for the Midlands and Eastern Region.

National Planning Framework

7.5.2. Section 3.2.1 of the prospective applicant's cover letter to the second pre-application consultation meeting specifically references National Policy Objective's (NPO's) 66, 70, 71, 73 and 76, which I will address below.

7.5.3. National Policy Objective 66

National Policy Objective 66 seeks that 'The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the medium and longer-term requirements of all relevant environmental and climate legislation and the sustainable management of our natural capital.

Comment

NPO 66 refers to 'national environmental challenges' and the National Waste Management Plan for a Circular Economy 2024-2030 sets out a list of key challenges under the heading of 'material streams and infrastructure', including:

- Dedicated thermal treatment capacity within the State is maximised and cannot currently manage the volumes of waste generated - this Plan must ensure that supports for the required additional thermal treatment do not compromise the prevention ambition or the circular ambitions for reuse, repair and recycling.
- While there is a current reliance of landfill for municipal waste, the Plan needs to ensure that the fraction of waste disposed to landfills continues to reduce in line with the EU target for 2035.
- Ireland continues to heavily rely on the export of certain waste streams such as recyclables, residual municipal solid waste and hazardous wastes and this Plan needs to tackle both generation levels as well as the need for supporting indigenous treatment.

- The Plan must address the need for infrastructure in the event of an interruption to established waste treatment options which cannot be managed and which requires contingency capacity.
- This Plan needs to support the need for nationally important infrastructure which is of the type and scale deemed essential to maintain a functioning waste market within the State.

I am satisfied that the proposed development would contribute substantially to the fulfilment to the above key national waste management or environmental challenges and the fulfilment of National Policy objective 66 of the National Planning Framework (NPF). I am also satisfied that the planning process would ensure that any proposed development would occur within environmental limits and would not compromise ambitions for reuse, repair and recycling as it would treat residual MSW.

7.5.4. National Policy Objective's 70, 71 and 73

- National Policy Objective 70 seeks to 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050'.
- National Policy Objective 71 seeks to 'Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development'.
- National Policy Objective 73 seeks to 'Support the co-location of renewable technologies with other supporting technologies and complementary land uses, including agriculture, amenity, forestry and opportunities to enhance biodiversity and promote heritage assets, at appropriate locations which are determined based upon the best available scientific evidence in line with EU and national legislative frameworks'.

Comment

7.5.5. The prospective applicant's submission of the 27th of November 2025, in advance of the second meeting on the 3rd of December 2025, indicated that NPO's 70, 71 and 73 were relevant, which relate to the generation of renewable energy.

7.5.6. In light of my conclusions regarding the RED III status of the proposed development, which I have set out in section 8 below, I am satisfied that the proposed development would not constitute renewable electricity generation and would not contribute substantially to the fulfilment of NPO's 70, 71 or 73 of the National Planning Framework.

7.5.7. National Policy Objective 76

National Policy Objective 76 seeks to 'Sustainably manage waste generation including construction and demolition waste, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.'

Comment

This objective refers to investing in different types of waste treatment and support circular economy principles and the proposed development would contribute substantially to that element of NPO 76. Based on my assessment of the nature of the proposed development, which would involve the treatment and recovery of waste, I am satisfied that it would prioritise the recovery of waste at a significant scale (200,000 tonnes per annum) and for that reason I am satisfied that the proposed development would contribute substantially to the fulfilment of NPO 76 of the National Planning Framework.

Regional Spatial and Economic Strategy

7.5.8. Section 3.2.2 of the prospective applicant's cover letter to the second pre-application consultation meeting specifically states that the proposed development will contribute substantially to the fulfilment of Regional Policy Objective RPO 10.25.

RPO 10.25 'Waste Management' states that:

Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan.

Comment

This RPO refers to how development plans shall be structured and not to the development of infrastructure. For that reason, I am not satisfied that the proposed development would contribute substantially to the fulfilment of objective 10.25 of the RSES.

7.5.9. Conclusion

Having considered relevant objectives and objectives cited by the prospective applicant, I am satisfied that the proposed development would contribute substantially to the fulfilment of National Policy Objective 66 and 76 in the National Planning Framework in force in respect of the area or areas in which it would be situate, thereby satisfying the requirements of Section 37A (2) (b) of the Planning and Development Act 2000, as amended.

7.6. 37A (2) (c) - The development would have a significant effect on the area of more than one planning authority.

7.6.1. The prospective applicant did not indicate that they were of the opinion that the proposed development would satisfy the provisions of section 37A(2)(c) of the Planning and Development Act 2000 as amended.

7.6.2. The proposed development would have a capacity of 200,000 tonnes per annum. As set out in section 7.4 above, the proposed development would constitute nationally significant infrastructure, where it has been identified that there is a need for provision of 200,000 to 300,000 tonnes of additional dedicated thermal recovery capacity for the treatment of non-hazardous residual wastes nationally, to ensure there is adequate active thermal treatment capacity and to avoid sending waste abroad, and Core Policy 12 of the NWPMCE notes that Ireland exported 38% of MSW in 2021 for thermal recovery and recycling.

7.6.3. Taking into account the scale of the proposed development, I consider that the benefits and effects of the development would extend beyond the administrative boundaries of Offaly County Council. Therefore, I am satisfied that the proposed development would have a significant effect on the area of more than one planning authority, and would satisfy the provisions of section 37A(2)(c) of the Planning and Development Act 2000, as amended.

7.7. Conclusion

Based on the above assessment, it can be concluded that the proposed development, with a capacity of up to 200,000 tonnes per annum, would exceed the threshold set out in the Seventh Schedule of the Planning and Development Act 2000, as amended, thereby, satisfying the requirements of section 37A(1) of the Act, and would constitute both of the following classes of SID development.

— A waste disposal installation for—

(a) the incineration, or

(b) the chemical treatment (within the meaning of Annex IIA to Council Directive 75/442/EEC under heading D9),

of non-hazardous waste with a capacity for an annual intake greater than 100,000 tonnes.

- 7.7.1. It can also be concluded that the proposed development is of strategic importance by reference to the requirements of sections 37A(2)(a), (b) and (c) of the Planning and Development Act 2000, as amended.
- 7.7.2. Accordingly, I consider that the proposed development meets the legislative provisions for a strategic infrastructure development and an application would need to be made directly to the Commission.
- 7.7.1. I am also satisfied that the above assessment is consistent with the decisions issued by the Commission in respect of the precedent cases listed in table 4.1 above.

8.0 RED III

- 8.1.1. At the time of the first meeting, the prospective was of the opinion that the development would be a RED III development, and the determination of this matter lay with the SEAI (Sustainable Energy Authority of Ireland).
- 8.1.2. Following the second meeting in December 2025, the Department of Housing, Local Government and Heritage published circular CEPP 1/2026 on the 16th of January 2026 titled 'European Union (Planning and Development) (Renewable Energy) Regulations 2025 Circular'. It states that it is the Commission's role to determine

whether or not a proposed development constitutes a RED III development, at the time that an application is submitted..

8.1.3. In advance of the third consultation meeting in July 2026, and following a meeting with the SEAI, the prospective applicant states their opinion and stated that the project would not come within RED III, as only a portion (approximately 50%) of the waste stream feeding the proposed gasification plant could be considered renewable, and that renewable development could not be split as part of an application.

8.1.4. I note Question 9 of the 'RED III Your Questions Answered', published by Department of Housing, Local Government and Heritage states that, for a development to fall under RED III, the energy source of the plant must be deemed renewable. Question 9.3 asks 'Does RED III cover applications which contain different types of development', the Answer to which is 'Where an application combines a renewable energy generation asset and related infrastructure with other forms of development (e.g. commercial, residential), this would not be classed as a RED III project'. The project must be considered as a single combined project, and it is my opinion that it is not possible to split the Renewable and non-renewable elements for the purpose of a planning application.

8.1.5. In light of the above, I am satisfied that the proposed development would not meet the necessary criteria to be classed as a RED III development.

9.0 Recommendation

9.1.1. I recommend that the Commission serve a notice on the prospective applicant, pursuant to section 37B(4) of the Planning and Development Act 2000, as amended, stating that they are of the opinion that the proposed development constitutes a strategic infrastructure development, within the meaning of Section 37A of the Act, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

10.1.1. Having regard to the proposal to provide for the acceptance of up to 200,000 tonnes per annum (TPA) of non-hazardous waste material, it is considered that the

proposed development constitutes development that falls within the relevant definition of environmental infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, namely:

— A waste disposal installation for—

(a) the incineration, or

(b) the chemical treatment (within the meaning of Annex IIA to Council

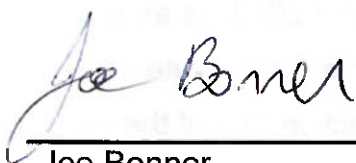
Directive 75/442/EEC under heading D9),

of non-hazardous waste with a capacity for an annual intake greater than 100,000 tonnes.

thereby satisfying the requirements set out in section 37A(1) of this Act.

10.1.2. The proposed development is also considered to be of strategic importance by reference to the requirements of sections 37A(2)(a), (b) and (c) of the Planning and Development Act 2000, as amended. An application for permission for the subject development would, therefore, need to be made directly to An Coimisiún Pleanála under section 37E of the Planning and Development Act 2000, as amended.

I confirm that this report represents my professional assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



Joe Bonner

Senior Planning Inspector

3rd of September 2026

Appendices

Appendix A. Relevant Bodies

The following is a schedule of bodies considered relevant in this case for the purposes of Section 37E(3)(c) of the Act of 2000:

- Minister for Housing, Local Government and Heritage;
- Minister for the Environment, Climate and Communications;
- Offaly County Council;
- Laois County Council;
- Westmeath County Council;
- Kildare County Council
- Tipperary County Council;
- Commission for the Regulation of Utilities;
- Gas Networks Ireland
- SEAI
- Transport Infrastructure Ireland;
- The National Transport Authority;
- Eastern and Midlands Regional Assembly;
- Irish Aviation Authority;
- Environmental Protection Agency;
- Health and Safety Authority;
- Office of Public Works;
- EirGrid;
- An Taisce;
- An Chomhairle Ealaíon;
- Fáilte Ireland;
- The Heritage Council;
- Uisce Éireann;
- Health Service Executive.

Further notifications should also be made, where deemed appropriate.