

An
Coimisiún
Pleanála

Inspector's Report ABP-324227-26

Development

Proposed alterations to the approved Renewable Biogas Plant (Cork County Council Reg. Ref. 25/5034), to increase the intake of non-hazardous waste by 20,000 tonnes per annum (from 90,000 tonnes to 110,000 tonnes per annum)

Location

located at Inchera Little Island, County Cork.

Prospective Applicant(s)

Stream Bioenergy Ireland Limited

Type of Application

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

Planning Authority

Cork County Council

Date of Site Inspection

10th of June 2026

Inspector

Joe Bonner

1.0 Introduction

- 1.1. The Commission received a request dated the 20th of April 2026 to enter into pre-application consultations under Section 37B of the Planning and Development Act, 2000, as amended, in relation to proposed alterations to the approved Renewable Biogas Plant (Cork County Council Reg. Ref. 25/5034), located at Inchera Little Island, County Cork.
- 1.2. In the cover letter that accompanied the pre-application consultation request, the prospective applicant stated that they would be pleased to facilitate the efficient determination of the request in any way that may assist the Commission, including accepting a determination by correspondence in lieu of a meeting, should, the Commission consider that appropriate. In later correspondence, the prospective applicant sought a meeting, which was held virtually on the 8th of July 2026.
- 1.3. The prospective applicant sought closure of the pre-application consultation by correspondence dated the 17th of August 2026.

2.0 Site Location and Description

- 2.1. The site of the proposed development is located on the western side of Little Island, approximately 600m south east of Dunkettle interchange and approximately 100m north east of Lough Mahon or inner Cork harbour, in the administrative area of Cork County Council. Cork City Centre lies approximately 6km to the west. The immediate area consists of a mix of industrial and commercial buildings and the site itself was previously occupied by Pfizer, a pharmaceutical company. The lands directly north, south and west are occupied, while the lands to the east are undeveloped.
- 2.2. The site is currently an active building site, where an existing bioenergy facility is being constructed on foot of a number of grants of permission issued by Cork County Council (see section 4 below). The works are stated to have commenced in April 2025, with completion expected in Q3 2027. The facility under construction will generate renewable biogas from 90,000 tonnes of non-hazardous biodegradable waste ('Brown bin' domestic and commercial waste) per annum utilising anaerobic digestion (AD) technology.

2.3. On the occasion of the site visit, construction of the superstructures of the main buildings on site was at an advanced stage. Those buildings are identified by the following numbers and descriptions on the proposed site layout (Drawing No 4240PL04): 1 – Odour Control System; 4 – Main Process Building; 12 – Digester Tanks; 13 – Digestate Storage Tank; 14 – Suspension Buffer Tank; 19 – Non-Digestible Material Storage; 21 – Administration Building. Foundations were also in place for a number of other structures including 1 – Odour Control System, while groundworks were progressing around the site.

3.0 Description of Proposed Development

3.1. The proposed development is described in the prospective applicant's SID Pre-Planning Statement to comprise of: -

- an increase of 20,000 tonnes per annum in the permitted intake of non-hazardous, biodegradable, predominantly source-separated domestic and commercial feedstock, from an already permitted capacity of 90,000 tonnes.
- The proposed uplift represents an increase of approximately 20% relative to the permitted capacity.
- The proposed increase does not require any material alteration to the approved site layout, plant infrastructure or technology, and the facility will continue to operate as a renewable biogas and biomethane production plant utilising anaerobic digestion technology.
- The proposed increase in throughput will be accommodated within the operational capacity of the already permitted plant infrastructure and does not require the construction of additional digesters, storage tanks or processing buildings. The consented plant can facilitate the 20,000 tonne uplift in throughput, as detailed design development and feedstock modelling have confirmed that the plant being installed has greater operational efficiency and throughput capacity within the parameters of the already permitted design.

4.0 Planning History

4.1. Subject Site

- **P.A. Reg. Ref. 15/4926** – Permission GRANTED for the Construction of a renewable bioenergy plant to generate up to 4MW of electricity from 90,000 tonnes of non-hazardous biodegradable waste per annum utilising anaerobic digestion (AD) technology on a 2.01 hectares site. An appeal of the decision under PL 04.245630 was withdrawn before a decision was made.
- **P.A. Reg. Ref. 20/5549** – Unconditional extension of duration GRANTED for P.A. Reg. Ref. 15/4926, until the 22nd of October 2025.
- **P.A. Reg. Ref. 23/5586** – Permission GRANTED for amendments to P.A. Reg. Ref. 15/4926 to include reducing the CHP capacity from 4MW to 1MW, replacement of the CHP capacity by installation of a biogas upgrade unit to generate renewable gas from biogas, installation of a gas grid entry unit to facilitate the export of renewable gas to the national gas grid and installation of a carbon capture and storage unit.
- **P.A. Reg. Ref. 25/5034** – Permission GRANTED on the 29th of August 2025 for a development described as 'completion of the Renewable Biogas Plant as permitted by extant planning permission ref. 15/4926, extended by ref 20/5549 and amended by ref 23/5586. All demolition, site clearance, earthworks and formation for foundations will be complete under the current permission. The proposed plant will generate renewable biogas from 90,000 tonnes of non-hazardous biodegradable waste ('Brown bin' domestic and commercial waste) per annum utilising anaerobic digestion (AD) technology. It is proposed to upgrade the biogas to biomethane and inject it into the adjacent gas grid to replace fossil fuel derived natural gas. Other products from the process include digestate (a nutrient rich biofertilizer) as well as biogenic (natural) carbon dioxide.

The application included An EIAR and a NIS. The development is an activity requiring an Industrial Emissions Directive Licence issued by the Environmental Protection Agency, reg. no. P1018-01. This licence was granted on the 23rd of September 2016.

4.2. Precedent Decisions

4.2.1. The following precedent is considered directly relevant, as it relates to a similar waste management facility.

- **ABP-318276-23** Proposed extension of existing waste processing building and the acceptance of up to 99,000 additional tonnes of waste per annum at a site a Listmagratty and Curranure, County Cavan.

The Commission Direction stated:

The board decided having regard to the size, scale and location of the proposed development consisting of the extension of a waste processing building with an additional capacity of up to 99,0000 [(sic) *should be 99,000*]] tonnes per annum would not exceed the threshold set out in the Seventh Schedule of the Act and therefore does not satisfy the requirements of Section 37A(1) of the Act.

Accordingly, the proposed development does not constitute strategic infrastructure.

5.0 Pre Application Consultation Meeting

- 5.1. A single virtual pre-application consultation meeting took place on the 8th of July 2026, which is summarised below. Please refer to the detailed record of the meeting included on the file for further details of the matters discussed.
- 5.2. The prospective applicant made a presentation of the proposed development, which would consist of increasing the quantity of material that would be processed at the permitted facility, by 20,000 tonnes per annum from a permitted 90,000 tonnes per annum to 110,000 tonnes per annum. The presentation outlined the site history, the policy supporting the proposal, and set out that the proposed increase would not require any additional infrastructure over and above that already permitted and under construction.
- 5.3. The prospective applicant outlined three potential Seventh Schedule classes of Energy Infrastructure, but considered that the proposed development did not fall into any of those classes. The prospective applicant also stated that while the proposed development could be considered an installation for the disposal, treatment or recovery of waste, it would not meet the 100,000 tonnes per annum threshold, and would not therefore constitute a seventh schedule Strategic Infrastructure

Development. The prospective applicant cited as a precedent the case 318276-23, the decision of which is set out in section 4.2 above. They concluded by requesting confirmation that the proposed development does not constitute a Strategic Infrastructure Development and that an application should be made directly to the planning authority, Cork County Council.

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

- The Commission's representatives stated that they had had visited the site and reviewed all of the submitted documentation.
- The Commission's representatives gave their preliminary opinion that based off the information presented, that the proposed development would not fall within the 7th Schedule and that the proposed planning application should be made directly to Cork County Council. However, the prospective applicant was reminded that the final determination lies with the Commission.
- In response to a query, the Commission's representative stated that it was their opinion that the proposed development would not fall within one or more of the three criteria of Section 37A(2) of the Planning and Development Act 2000, as amended.
- The prospective applicant raised queries regarding the provisions of RED III in relation to this proposed development. The Commission representatives stated that these issues will have to be addressed by Cork County Council..

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 Act includes the following 'Infrastructure Development' under the heading of "Environmental Infrastructure", for the purposes of Section 37A and 37B: -

- 1 Development comprising of or for the purposes of any of the following
 - '— 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, should the Commission determine that the proposed development constitutes a Seventh Schedule strategic infrastructure development, the submission of an EIAR would be mandatory.

6.3. Appropriate Assessment

6.3.1. The nearest European site, the Cork Harbour SPA (Site Code 004030), is located c100m south east of the site.

6.3.2. The prospective applicant has not indicated whether or not that they intend to carry out an Appropriate Assessment Screening Report or submit a Natura Impact Assessment with any application that would be submitted following this consultation.

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. The proposed development would comprise of alterations to the approved Renewable Biogas Plant (Cork County Council Reg. Ref. 25/5034), and would increase the capacity of the plant by 20,000 tonnes per annum, raising the permitted capacity from 90,000 tonnes per annum, to 110,000 tonnes per annum of biodegradable waste. The permitted development is under construction at the present time.

7.1.2. The current SID thresholds are set out within the Seventh Schedule to the Planning and Development Act 2000, as amended. The relevant threshold for the proposed project is '— An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes'.

7.1.3. The additional capacity that would be subject to the proposed amendment application is 20,000 tonnes per annum, which equates to just twenty percent of the relevant threshold.

- 7.1.4. The Commission has previously determined in respect of a pre-application consultation under ABP-318276-23 that a proposed extension to an existing waste processing building and the acceptance of up to 99,000 additional tonnes of waste per annum, did not constitute Seventh Schedule Development, on the basis that an additional capacity of up to 99,000 tonnes per annum would not exceed the 100,000 tonne threshold set out in the Seventh Schedule to the Act and therefore does not satisfy the requirements of Section 37A(1) of the Act. Accordingly, that proposed development was determined to not constitute strategic infrastructure.
- 7.1.5. I am satisfied that the current proposal and the above cited case are similar in that the additional capacity being proposed is less than 100,000 tonnes per annum. Both cases also addressed the fact that the combined capacity of the existing and proposed developments would bring the total capacity of the developments to more than 100,000 tonnes, which would exceed the relevant threshold. However, the Seventh schedule applies to a particular development proposals only and does not apply to the cumulative capacity of multiple developments or applications on an site.
- 7.1.6. I am satisfied that the development does not accord with the requirements of Section 37A(1) of the Act and would not constitute a Seventh Schedule Strategic Infrastructure Development, as it would not constitute an application for permission for any development specified in the Seventh Schedule to the Planning and Development Act 2000 (as amended).
- 7.2. **Section 37A(2) – Does the proposed development fall within one or more of Sections 37A (2) (a), (b) or (c)?**
- 7.2.1. Following from above, if it considers a proposed development to be a Seventh Schedule development, Section 37A(2) of the Planning and Development Act 2000, as amended, sets out criteria according to which the Commission should assess the proposed development.
- 7.2.2. Notwithstanding my conclusion in Section 7.1 above, that the proposed development would not constitute Seventh Schedule development; I shall address the proposed development under the relevant criteria for the benefit of the Commission.
- 7.2.3. In addition to being a Seventh schedule development, for an application to be first submitted to the Commission, rather than a planning authority, the proposed

development must fall within one or more of the following conditions set out in Section 37A(2), which are set out below.

7.3. 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.

- 7.3.1. The proposed development would constitute an extension to the capacity of a permitted anaerobic digester and biogas production facility that is currently under construction. The permitted capacity is 90,000 tonnes per annum, while the additional capacity proposed is 20,000 tonnes per annum. The total capacity would mean that the facility would be capable of handling 110,000 tonnes per annum.
- 7.3.2. Table 4-1 of Volume II of 'The National Waste Management Plan for a circular Economy 2024-2030' sets out 'Criteria for Nationally and Regionally Important Infrastructure' and provides that the 'National Criteria and Threshold' for 'Recycling Infrastructure (Composting and Anaerobic Digestion)' is 'Recycling infrastructure with a capacity greater than 90,000 tonnes per annum'. On that basis, I am satisfied that the overall development with a potential capacity of 110,000 tonnes per annum would constitute Nationally Important Infrastructure. However, the proposed application is for an additional 20,000 tonnes per annum, and it would not in itself equate to Nationally Important Infrastructure.
- 7.3.3. The threshold for a development to be considered as 'Regionally important Infrastructure' is to have a capacity greater than 50,000 tonnes per annum. Therefore, I am satisfied that the overall development with a potential capacity of 110,000 tonnes per annum would constitute 'Regionally Important Infrastructure'. However, the proposed application would be for an additional 20,000 tonnes per annum, and would not in itself equate to a Regionally Important Infrastructure.
- 7.3.4. I also note that the proposed increase in capacity would not require any additional infrastructure, as the building currently under construction would have the capacity to facilitate the proposed development, using the already permitted infrastructure.
- 7.3.5. The applicant's documents state that the permitted development would have an output of 81 gigawatt hours and the proposed additional capacity would increase that to 104 gigawatt hours. The proposed additional capacity would equate to 0.4% of the National Biomethane Production target of 5.7TW of energy. While it would be of

environmental importance as it would contribute to the national target for increased renewable gas in the national gas network, I do not consider that the proposed development would be of strategic economic or social importance to the State or the region.

7.3.6. Having regard to the national and regional policy context and the details of the subject proposal outlined above, I am satisfied that the proposed increase in capacity by 20,000 tonnes per annum, from 90,000 tonnes per annum to 110,000 tonnes per annum, would be of environmental importance but would not be of strategic economic or social importance to the State and the Region and would not, therefore, comply with the condition set out in Section 37A(2)(a) of the Act.

7.4. **37A (2) (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.**

National Planning Framework

7.4.1. The National Planning Framework, First Revision, April 2025, contains a section titled 'Biomethane', which states that 'Biomethane is a carbon-neutral renewable gas made from farm and food waste through a process known as anaerobic digestion. A National Biomethane Strategy has been published, which requires the development of policies with the primary objective of delivering the ambitious target of producing 5.7 TWh of indigenous biomethane by 2030'. It also states that 'It is estimated that over 80% of biomethane will be produced from grass silage and cattle slurry. This will require grass from 120,000ha (3% of total agricultural area) to produce the required feedstock. To meet Ireland's target of 5.7 TWh of biomethane by 2030, a large number of anaerobic digestion facilities will need to be developed, alongside the related infrastructure necessary to support these facilities'.

7.4.2. **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'.

Regional Spatial and Economic Strategy (RSES)

7.4.3. Reference is made in the context of 'Circular economy/waste' to the introduction of household food waste regulations and the rollout of "brown bins" to assist in the diversion of food waste towards more productive uses, such as the production of compost and the generation of electricity through anaerobic digestion. This is followed by two RPO's 107 and 108.

7.4.4. RPO 107 'Regional Waste Management Plan for the Southern Region 2015-2021' states that 'It is an objective to support innovative initiatives that develop the circular economy through implementation of the Regional Waste Management Plan for the Southern Region 2015-2021 and its successor'. The 2015-2021 plan was replaced by the 'National Waste Management Plan for a Circular Economy 2024-2030'.

7.4.5. RPO 108 'EU Action Plan for the Circular Economy' states that 'It is an objective to support the work of local authorities, the Regional Waste Management Office and all state bodies in the Region to implement the EU Action Plan for the Circular Economy-Closing the Loop to ensure sustainable patterns of consumption and production in the areas of: • Waste management • From waste to resources: boosting the market for secondary raw materials and water reuse in line with the EU Raw Material Initiative.

7.4.6. Section 8.3 of the RSES includes **RPO 225** (Regional Policy Objective) 'Gas Networks', which states that 'Subject to appropriate environmental assessment and the planning process where required, it is an objective to:

a. Promote renewable gas leading to carbon emission reduction in agriculture, industry, heating and transport as well as sustainable local employment opportunities.

b. Support the transition of the gas network to a "carbon neutral" gas network by 2050, which will drive Ireland and the Region to becoming a low carbon society.

c. Support investment in the sustainable development of agricultural biogas sector and regional gas supply projects which strengthen gas networks in the Region and assist integration of renewable gas to the grid network.

7.4.7. Having regard to the above, I am satisfied that the development would contribute to the achievement of national policy objective 76 of the NPF and would contribute to the fulfilment of the above referenced regional policy objectives of the RSES for the

Southern Regional Assembly. However, I do not consider that the proposed development, which is of a limited scale, would contribute substantially to the fulfilment of any of the objectives. Therefore, I consider that the proposed development would not satisfy the requirement set out in section 37A(2)(b) of the Act.

7.5. 37A (2) (c) - The development would have a significant effect on the area of more than one planning authority.

7.5.1. The site lies within the boundary of Cork County Council, close to its administrative boundary with Cork City Council.

7.5.2. The source of material to supply the plant is described in the pre-application consultation documentation as non-hazardous biodegradable organic waste predominantly source-separated domestic and commercial feedstock.

7.5.3. In the 2025 planning application for the permitted facility (P.A. Reg. Ref. 25/5034), the applicant's planning statement stated that 'The facility will serve the Munster region, with material primarily sourced from Cork City and the surrounding areas'. There are a number of other permitted and planned anaerobic digestors in the wider Munster area and I consider that the additional capacity of 20,000 tonnes is likely to be sourced in the wider Cork city and county areas. Therefore, while the proposed development may have an effect on the area of more than one planning authority, I am satisfied that the proposed development would not have a significant effect on the area of more than one planning authority.

7.5.4. In terms of potential emissions to air and water, they would be controlled by way of an IE licence issued by the EPA and I am also satisfied that they would not have a significant effect on the area of more than one planning authority.

7.5.5. Accordingly, I am of the opinion that the proposal would not come within the scope of this requirement to be considered as complying with Section 37A(2)(c) of the Act.

8.0 Recommendation

8.1. Based on the foregoing assessment, it can be concluded that the proposed development would not exceed any threshold set out in the Seventh Schedule of the

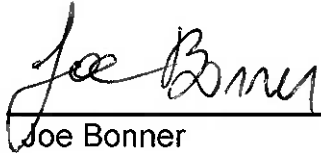
Planning and Development Act 2000, as amended, and therefore does not satisfy Section 37A(1) of the Act. It can also be concluded that the development is not of strategic importance by reference to the requirements of Sections 37A(2)(a), 37A(2)(b) and 37A(2)(c) of the Act.

- 8.2. 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 it is of the opinion that the proposed development does not constitute a strategic infrastructure development within the meaning of Section 37A of the Act for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the size, scale and location of the proposed development, which is described by the prospective applicant as alterations to the approved Renewable Biogas Plant (Cork County Council Reg. Ref. 25/5034) to accept an additional 20,000 tonnes of waste per annum, in addition to the already permitted 90,000 tonnes per annum, which does not require any additional development, as the proposed additional capacity can be facilitated within the existing and permitted structures, and to the policy context, it is considered that the proposed development on a site at Inchera Little Island, County Cork, does not constitute development that falls within the definition of 'An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes' i.e. – environmental infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended, and thereby would not satisfy the requirements set out in Section 37A(1) of the Act.
- 9.2. In addition, the proposed development would not be considered to be of strategic importance, by reference to the requirements of Section 37A(2)(a), 37A(2)(b) and 37A(2)(c) of the Planning and Development Act 2000, as amended.
- 9.3. An application for permission for the proposed development must therefore be made in the first instance to Cork County Council.

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

20th of August 2026