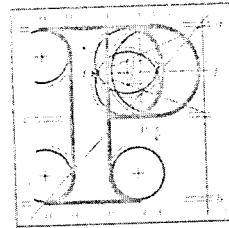


Our Case Number: ABP-318802-24
Planning Authority Reference Number:



An
Coimisiún
Pleanála

Alex Heaslip
Skansen
Camden
Crosshaven
Co. Cork

Date: 24 November 2025

Re: Proposed development of a resource recovery centre (including waste-to-energy facility)
in Ringaskiddy, County Cork.

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

The Commission will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Coimisiún Pleanála when they have been processed by the Commission.

More detailed information in relation to strategic infrastructure development can be viewed on the Commission's website: www.pleanala.ie.

If you have any queries in the meantime please contact the undersigned officer of the Commission. Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

Kevin McGettigan

Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

PA04

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TO:

An Coimisiún Pleanála

64 Marlborough Street

Dublin 1, D01 V902

OBSERVATION ON SID APPLICATION - Case reference: PA04.318802, Ringaskiddy Co
Cork Proposed development of a resource recovery centre (including waste-to-energy
facility) by Indaver NV t/a Indaver Ireland

Observer Name: Alex Heaslip

Observer Address: Skansen, Camden, Crosshaven, Co. Cork

Contact Email: alexheaslip@gmail.com

Date: 17th November 2025

To whom it may concern,

Introduction and Standing

I, Alex Heaslip, make this observation under the Planning and Development Act 2000, s.37G(2)(b), concerning Indaver NV t/a Indaver Ireland's proposal for a Resource Recovery Centre at Ringaskiddy

(Case PA04.318802).

OBSERVATION DETAILS

Notwithstanding the information submitted in August 2025, the site is fundamentally too small for the project proposed and continues to reduce in size, with coastal erosion on one side and boundary reduced by M28 on the other. It is considered that the actual usable area of the site is inadequate in relation to the scale of development proposed. (Derek Daly, 2017).

By all 3 Bord Pleanála Inspectors, the EIS was found to be deficient in substance even where found legally adequate in form. The information as submitted to the Board is

therefore insufficient to enable the Board to carry out an environmental impact assessment in an appropriate manner, and to form a basis for an informed decision on the application. (Daly, 2017). Despite revisions, the updated EIS material continues to repeat earlier conclusions and provide assertions without evidence.

There is no de novo site selection in the material submitted in 2025, but instead a justification based on site ownership by Indaver, with inadequate consideration given to major public and private investment initiatives which have transformed the character of the immediate area in the intervening period since 2000. (Daly 2017)

The site is located on a known flood risk area, marked as same in Table 4.1.17: Specific Development Objectives for Ringaskiddy, and on OPW floodinfo.ie , (Flood Summary ID-1364, 13082, 12085). Mitigation measures to locate the facility at levels significantly above projected flooding levels would exacerbate the negative visual impact of the proposed large structure. It is my considered opinion that the site is inherently unsuitable for location of a use which processes, and generates hazardous compounds. (Oznur Yukel Finn, 2009)

Notwithstanding the zoning of the greater Ringaskiddy area as industrial, the Indaver site area where the incinerator build is proposed (RY-I-09) is zoned as suitable for the extension of the Third Level Educational campus and enterprise related development including marine related education, enterprise, research and development. (RY-I-09, Table 4.1.17: Specific Development Objectives for Ringaskiddy, Cork County Development Plan 2022 - 28) This is dismissed in the August 2025 information but it is of critical importance that this zoning be upheld as it is directly linked to the investment in the NMCI and MaREI Campus areas and the potential for future growth of this sector. The proposed incinerator is therefore in direct contravention of the County Development Plan and contrary to the specified objectives for the immediate area. Please refuse this planning application on the basis that the site is inherently unsuitable, concluded by all 3 Bord Pleanala Inspectors (Jones 2004, Yukel Finn 2009, Daly 2017) and the proposal contravenes the zoning of the Cork County Development Plan 2022 - 28 for this site.

The plant does not qualify as energy recovery: it produces electricity only, with no heat export system. Its R_1 score ≈ 0.6 , below the 0.65 threshold for recovery under the EU Waste Framework Directive (2008/98/EC).

* No heat network or Combined Heat and Power (CBA) study exists—breaching Article 14 of the Energy Efficiency Directive and s. 7(3) Circular Economy Act 2022.

* EPA 2023 data confirm that Ireland's existing facilities already meet national incineration capacity; additional capacity would breach the forthcoming National Waste Management Plan 2024–2030 and risk “lock-in” to waste burning.

* The proposal contradicts Ireland's Climate Action Plan and Waste Action Plan for a Circular Economy (2020–2025).”

Under Annex II of the Waste Framework Directive, any municipal-waste incinerator with $R_1 < 0.65$ is legally classified as D10 disposal, not recovery.

The creation of new residual-waste disposal capacity is incompatible with the Circular Economy and Miscellaneous Provisions Act 2022 s.7(3) and the National Waste Management Plan for a Circular Economy 2024–2030, both of which require the waste hierarchy to be applied and prohibit expansion of residual-disposal capacity.

Whether the proposed Cork plant is D10 or R1 is therefore a determinative threshold question: if Cork cannot demonstrably reach and sustain $R_1 \geq 0.65$, permission cannot lawfully be granted.

Electricity-only municipal-waste incinerators like the Cork proposal almost never reach $R_1 \geq 0.65$ in real operating conditions; achieving the threshold normally requires large-scale export of usable heat.

The EPA 2023 Annual Environmental Report for Indaver's Meath waste-to-energy facility shows that it operates without heat export. Using the reported annual waste throughput and total energy generation, and applying standard published ranges for lower heating value and net electrical efficiency for moving-grate MSW incinerators, the implied R_1 for Meath falls in the region of 0.55–0.61.

This engineering estimate, though not an official declaration, is adequate to establish that Meath's “ R_1 facility” status is in practice electricity-only and marginal, and does not achieve the ≥ 0.65 recovery threshold.

Basically the Meath plant is the same scope as Cork and cannot meet R1. It's a D10. And if Cork will only be d10 then it has no business being approved

Right now, the power cable is being laid to connect East Cork to the French network and bring in cheap, clean electricity. That interconnector, which is new since the last application, means there is no need for this “waste to energy”.

Under Irish and EU law (PDA 2000 s.37G(2)(b) and EIA Directive 2014/52/EU), the Board cannot approve a materially incomplete EIAR. The following items appear to be required and absent. Any one of them should require refusal or at the least re-advertisement.

Missing:

- * Carbon-budget test.
- * ETS (carbon-allowance and cost) analysis.
- * PFAS assessment.
- * Ultrafine-particle (PM0.1) assessment.
- * Modern flood-risk assessment (OPW 2022).
- * Tourism and socio-economic impact assessment.
- * Modern alternatives analysis.
- * Required Population and Human Health content.
- * Up-to-date baseline data.
- * Current waste-policy assessment (Circular Economy Act; 2024–2030 Plan).

Present but technically defective:

- * R1 efficiency: provided but wrong; correct value seems to me to be about 0.597 (disposal, not recovery). (more info below)
- * Flood-risk: provided but invalid; uses outdated maps and omits 2022 requirements.
- * Plume modelling: provided but incomplete; omits thermal inversions (the plume will sit on the harbour like a pancake), coastal trapping, ultrafines.
- * Waste-policy narrative: provided but misleading; relies on outdated plans.
- * “Need” case: provided but contradicted by current national capacity data.
- * Energy-benefit claims: provided but misleading; electricity-only and inconsistent with grid trends.
- * Zoning discussion: provided but incomplete.
- * Hazardous-waste description: provided but incomplete; no PFAS or combustion-adequacy analysis.

Additionally, the EIAR omits proper integration of hydrological pathways and emission fallout to Cork Harbour SPA contrary to Regulation 42 of S.I. 477/2011 and Holohan C-461/17 (requirement to consider all possible interactions)....They omit GHG and pollutant links to protected habitats. No assessment of atmospheric deposition or acidification impacts on Cork Harbour SPA (004030) and Great Island Channel SAC (001058). Breach of Regulation 42 of S.I. 477/2011 and Article 6(3) of the Habitats Directive.

In summary, the proposal is structurally and legally non-compliant with current Irish and EU law, including the Circular Economy and Miscellaneous Provisions Act 2022, the Climate Action and Low-Carbon Development (Amendment) Act 2021, the National Waste Management Plan for a Circular Economy 2024-2030, and Regulation (EU) 2021/1119 (EU Climate Law).

It is an electricity-only incinerator incapable of meeting the Waste Framework Directive 2008/98/EC, Annex II recovery threshold ($R_1 \geq 0.65$). Verified calculations in Annex 3 give $R_1 \approx 0.597$ (0.56-0.63 range) \rightarrow D10 disposal classification. Without heat export (≈ 30 GWh required to qualify as recovery), the project fails the hierarchy duty in CEA 2022 s.7(3) and cannot lawfully be authorised.

The design also conflicts with:

- OPW Flood-Risk Management Guidelines (2009 & 2022) - site lies within Flood Zones A/B; no dry egress;
- Cork County Development Plan 2022-2028 (zoning RY-I-09 - education/marine enterprise, not industrial); and
- NWMP 2024-2030 Target 1A (“no new residual-waste capacity”).

Inspectors Jones (2004), Yücel-Finn (2009) and Daly (2017) each found the site unsuitable; nothing since remedies those findings.

The following Primary domestic instruments all suggest that the planning should be refused:

- Planning and Development Act 2000 s.37G(2)(b);
- Circular Economy and Miscellaneous Provisions Act 2022 ss.7-9;
- Climate Action and Low-Carbon Development (Amendment) Act 2021;
- Water Services Act 2007 s.34;
- OPW Flood-Risk Management Guidelines (2009, rev 2022).

The following EU and direct-effect counterparts also apply:

- Directive 2008/98/EC (WFD) Annex II;
- Directive 2010/75/EU (IED) Art 11(b);
- Directive 2007/60/EC (Floods Directive);
- Regulation (EU) 2021/1119 (EU Climate Law);

· Directive 92/43/EEC (Habitats) Art 6(3) and Directive 2009/147/EC (Birds).

Conclusion

Verified $R_1 \approx 0.597$ (< 0.65) establishes D10 disposal status. Under Annex II WFD, CEA 2022 s.7(3), and NWMP 2024-2030, authorisation is unlawful. The record demonstrates structural and policy ineligibility, flood-risk non-compliance, and carbon-budget inconsistency. Under CHASE v ABP & Indaver [2021] IEHC 629, the Commission must refuse permission or re-advertise to cure record deficiencies.

An Coimisiún Pleanála must:

- (a) Refuse permission for the proposed development on the grounds set out above; or
- (b) Defer determination and require re-advertisement and resubmission incorporating any national or EU measures adopted before determination, including COP30 outcomes and the EU 2040 target once given legal effect; and
- (c) Confirm that a D10-classified facility contravenes CEA 2022 s.7(3) and NWMP 2024-2030.

I wish to request an Oral Hearing to continue full public participation in this application.