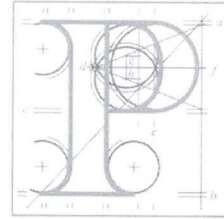


Our Case Number: ABP-318802-24



An
Coimisiún
Pleanála

An Taisce
The National Trust for Ireland
5 Foster Place
Dublin 2
D02 V0P9

Date: 30 December 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.

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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64 Marlborough Street
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From: Sean O'Callaghan <socallaghan@antaisce.org>

Sent: Monday 17 November 2025 17:26

To: Bord <bord@pleanala.ie>

Cc: SIDS <sids@pleanala.ie>

Subject: Ref: 318802

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Please find enclosed An Taisce's submission on planning application ref: 318802.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland
Email: socallaghan@antaisce.org
www.antaisce.org



An Taisce

The National Trust for Ireland

5 Foster Place

Dublin 2, Ireland

D02 V0P9

20251114-ACP-318802

An Coimisiún Pleanála,
64 Marlborough Street,
Rotunda,
Dublin 1,
D01 V902.

Sent by email to: bord@pleanala.ie cc: sids@pleanala.ie

17th November 2025

Ref: 318802

App: Indaver NV t/a Indaver Ireland

For: Proposed development of a resource recovery centre (including waste-to-energy facility)

Site: Ringaskiddy, Co. Cork

A Chara,

We thank you for referring the above application to An Taisce for comment.

The proposal seeks to treat 240,000 tonnes per annum of "*residual household, commercial, industrial, non-hazardous and suitable hazardous waste which is currently landfilled or exported*", of which 24,000 is considered to be hazardous as per the European Waste Catalogue definition.

1. Site Selection Suitability

It is noted that An Bord Pleanála inspectors who analysed the case concluded that the proposed site is unsuitable for a development of the scale and nature proposed, in the years 2004, 2009 and 2017 respectively.

It is submitted that the site suitability justification remains inadequate in light of the conclusions of these inspector observations and the unresolved and worsening issues of coastal erosion, traffic congestion and failure to demonstrate adherence to the World Health Organisation (WHO) guidance on site selection for hazardous waste facilities, for example.

The proposal site may not be accessible via the national road network, requiring traffic to travel in one direction past residential areas to a cul de sac location. This would increase congestion of Heavy

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Directors: Stuart McCaul (Chair), Trish O'Connell (Vice Chair), Laura Segura Gutierrez (Hon Secretary), John Conroy (Treasurer)

Olivia Rogers, Rónán O'Brien, Finbarr Murray, Helen Shaw, Terri Morrissey, Sinead Mercier, Phil Doyle

Goods Vehicles (HGVs) and would be likely to disturb community an residential amenity, while also potentially contributing to increased road hazard risk.

The site also appears to be exposed due to being proposed at the end of a peninsula, directly facing the shoreline and below a ridgeline to the immediate south. Buffering might be inadequate in this respect.

The scale of the proposal appears to be in excess of what the site could accommodate, especially due to active coastal erosion and the presence of the M28 road. Coastal erosion effects are likely to increase in frequency and severity due to increased storm surges, rainfall and extreme weather events associated with climate change. This calls into the question the viability of the proposal in its entirety at this vulnerable location.

The EPA has noted that *"The coasts most susceptible to coastal erosion are those composed of unconsolidated (soft) sediment...most common on Ireland's...southern coasts and also in isolated areas...It is thought that Ireland's...soft sedimentary systems will be among the first in Europe to respond to storm-led sea level rise impacts."*¹ The proposal has a 30 year operational timeframe, well within the influence of climate change induced coastal storms and surges. Future proofing of infrastructure from climate change effects is an urgent consideration in the context of increased vulnerability to the aforementioned extreme weather events, a matter exacerbated by the undesirable site location proposed within the subject application.

It is noted that the applicant refers to an EIS scoping consultation with Cork County Council with regard to a *"coastal erosion solution"*. We submit that it must be ensured that an independent suitably qualified expert specialising in coastal erosion, such as a coastal geomorphologist, has been consulted to ascertain the likelihood of adverse impact arising from the proposed installation. We consider this to be urgent given the applicant's acknowledgment that *"the eastern coastal boundary is receding due to the process of coastal erosion...an area of the slope at the southern boundary that has undergone a significant amount of failure since Storm Frank in 2015."* (EIS, Ch. 13, Geology, Hydrogeology). We would query the feasibility of installing an industrial facility in this sensitive location, for an operational period of 30 years at a minimum, in the context of deteriorating coastal erosion and projected increased coastal storm surges due to climate change.

It would appear that a significant degree of risk is embedded into the proposal, with a high likelihood of creating a stranded asset with sunken capital costs, threatening an already vulnerable coastline, elevating water contamination risk due to flood water encroachment and associated retreat of floodwaters into the receiving marine environment etc. The applicant's summary of geohazards goes as far as to highlight a *"moderately high landslide susceptibility with recorded landslide within this area"*. (p. 13.18). This demonstrates no adherence to a precautionary approach and unacceptably shows a willingness on the part of the applicant to propose a facility seeking to process hazardous waste despite these large risks.

Coastal erosion risk is repeatedly referenced throughout EIS Ch. 13, *"the slope was susceptible to erosion due to wave action, ground water seepage and surface water overland flow"* (p. 13.32). In spite of this risk, the applicant concludes that the coastal erosion risk is negligible, *"A larger scale slope failure is present at the southeastern boundary of the site. The effect the proposed development will have on the geohazard, and landslide susceptibility at this location and over the extent of the coastal boundary is negligible, and the significance is imperceptible. The design life of the development is 30 years, and it has been forecasted that in 30 years the recession of the coastline will not impact the proposed development."*

¹ <https://www.climateireland.ie/impact-on-ireland/climate-hazards/coastal-erosion/>

This crucial matter requires urgent consideration by An Coimisiún as a preliminary matter, with a robust assessment carried out by independent qualified experts. In particular, the following conclusion requires careful consideration:

*"The **Appendix 13.3 Coastal Erosion Study** found that the waste-to-energy facility section of the proposed development has been located far enough away from the edge of the cliff to ensure that the waste-to-energy facility will not be impacted by the predicted retreat rates over the design life of the planning permission. Refer to **Figure 13.26** which shows the estimated retreat lines and the proposed development."*

It should be ensured that this Coastal Erosion Study carried out by the applicant's consultants has factored climate tipping points and glacial melt into its impact assessment, which may lead to a higher rate of sea level rise than modelled, as well as a greater frequency of storm surge and extreme weather events generally. The risk of significant sea level rise is further exacerbated by the projected thinning of the Greenland and Antarctic ice sheets as a result of global heating patterns, a phenomenon not always included in climate change modelling. Another piece of research projects upwards of 2.4 metres of sea level rise in 2100 under a high emission scenario due to ice sheet contributions.² In fact, such increases in sea level could be reached sooner due to the amplification of ice sheet thinning tipping points, a matter requiring urgent consideration by An Coimisiún.

As noted by the International Cryosphere Climate Initiative:

"Many ice sheet scientists now believe that exceeding even 1.5°C will be sufficient to melt large parts of Greenland and West Antarctica, and potentially vulnerable portions of East Antarctica; generating inexorable sea-level rise that exceeds 10 meters in the coming centuries, even if air temperatures are later decreased. The pace of this long-term, unstoppable sea-level rise will pose major long-term persistent challenges for all coastal regions; and result in widespread loss and damage of critical infrastructure".³

2. Landscape Character

The proposed site is also located within a High Value Landscape (HVL) area, as designated by the Cork County Development Plan 2022-2028. Section 14.8.9 (p. 330) outlines crucial considerations when contemplating development in such areas:

"Within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large-scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape."

The overbearing and visually obtrusive nature of the proposal would appear to be at odds with these aims, as well as GI 14-10 of the Development Plan:

² Horton et al. 2020. Estimating global mean sea-level rise and its uncertainties by 2100 and 2300 from an expert survey. *Climate and Atmospheric Science*. <https://www.nature.com/articles/s41612-020-0121-5>

³ International Cryosphere Climate Initiative. 2024. State of the Cryosphere 2024 – Lost Ice, Global Damage. <https://iccinet.org/statecryo24/>

"Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required."

3. Energy Recovery v Waste Disposal

The energy recovery benefit from the proposal is negated by the effect of the proposal in maintaining and sustaining the development of unsustainable waste streams and disincentivises the reduction of waste. It also may unsustainably encourage the unsorted inclusion of both biological and plastic waste in the mixed waste stream being incinerated, a point requiring clarification by An Coimisiún.

The proposal has failed to address the sustainability of the waste production stream required to sustain the incinerator proposal in the first instance. Furthermore, incinerators are known to emit toxic pollutants such as dioxins, furans, heavy metals and PM 2.5. As a result, the applicant's proposed mitigation measures should be assessed with regard to each of these problematic pollutants and the potential for these to adversely impact residential and environmental receptors surrounding the site.

Close regard should also be given to the range of plumes emanating from the proposal, which can contain toxic compounds. One study identified that *"incinerator plumes presented higher proportions of ethane, propane, ethyne, benzene, acetone, methyl ethyl ketone, and benzaldehyde... Another species of interest is trimethylsilanol (TMSiOH), which has been observed in particularly high concentrations in both incinerator plumes"*⁴

It should be noted that Cork may be susceptible to the atmospheric phenomenon of inversion, potentially compounding the effects of plume contamination, a matter which An Coimisiún should have regard to.

It is noted that the energy recovery coefficient was an issue during the oral hearing of 2009. The rectification of this issue needs to be ensured prior to development consent determination.

The grounds of refusal within the 2011 decision, as well as the High Court quashing of the ABP grant of permission [2018] 593 JR also require close consideration when determining the application.

Finally, the disposal method of generated waste should be assessed to ensure that adverse environmental impacts do not arise, including but not limited to a full lifecycle emissions assessment of exporting waste material.

4. Lock-In of Waste Production

It is submitted that An Coimisiún should be mindful of the risk of lock-in where the operational timeframe of the incinerator plant could perversely incentivise municipalities to continue supplying a steady stream of waste, despite future reductions in generated waste which would compromise circular economy and waste reduction goals. This conflicts with the circularity of resources and the required emphasis on reduction, reuse and recycling within the EU Waste Framework Directive.

⁴ <https://www.sciencedirect.com/science/article/pii/S2590162125000346>

Ireland could potentially meet EU waste targets more safely and efficiently through robust recycling, waste reduction, and circular economy measures.

5. Dioxin Impact

We would highlight the following with regard to the bioaccumulation potential of dioxin compounds which may be emitted from the proposal, a matter requiring close consideration by An Coimisiún given that reducing the emissions of dioxins and other organic pollutants are a requirement of the Stockholm Convention on Persistent Organic Pollutants (2001)⁵:

In the marine environment PCDD/F are quickly adsorbed onto suspended matter, due to their high hydrophobicity, and then deposited onto the sediment where they accumulate over time, due to their persistence. As a consequence, sediment may act both as a secondary source of PCDD/F pollution for the water column (Khairy et al., 2016) and as a primary source of contamination for the benthic species living and/or feeding on sediment-bound contaminants (Pruell et al., 1993, 2000).

The bioaccumulation characteristics of dioxins, alongside their high ecotoxicity and disruption to the biological systems of fish, birds and mammals has also been highlighted by the Australian Government in a technical briefing (2023)⁶:

*Polychlorinated dibenzo-p-dioxins (PCDDs or 'dioxins'), dioxin-like coplanar polychlorinated biphenyls (dl-PCBs) and polychlorinated dibenzofurans (PCDFs or 'furans') are highly toxic organic compounds that have very low water solubility and bind readily to organic matter. They are **resistant to biological and chemical breakdown** and tend to **bioaccumulate in organisms**. They are **highly potent toxicants at very low concentrations** and can **disrupt the development of the endocrine, reproductive, immune and nervous systems of the offspring of fish, birds and mammals** when exposed from conception through post-natal or post-hatching stages (Gatehouse 2004). The most toxic of these is 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD; CAS no. 1746-01-6) (Grimwood & Dobbs 1995).*

*... A significant characteristic of dioxin toxicity is the **delayed response to short-term exposure**; numerous fish studies have reported delayed effects over weeks and months following acute exposures of a few minutes (Elonen et al. 1998) to 4 days. **Fish are typically highly sensitive to dioxins**, whereas invertebrates, plants and amphibians are relatively insensitive to dioxins.*

[An Taisce emphasis]

It should be ensured that the applicant's EIAR and associated documentation has fully factored the potential for dioxin contamination into the assessment, alongside an articulation of robust mitigation measures. It would appear that the applicant's EIAR fails to dedicate a specific chapter on water impacts, which may not adhere to EPA 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (2022) and as mandated under Article 3(1) and Annex IV of the EIA Directive (2011/92/EU) (as amended in 2014), with regard to water as being listed as a prescribed environmental factor required to be addressed.

⁵ Picone et al. 2020. Bioaccumulation of Polychlorinated Dibenzo-p-Dioxins (PCDDs) and Dibenzofurans (PCDFs) in *Hediste diversicolor* (Polychaeta: Nereididae). Sec. Conservation and Restoration Ecology. <https://www.frontiersin.org/journals/ecology-and-evolution/articles/10.3389/fevo.2020.00235/full>

⁶ Australian Government technical brief – Toxicant default guideline values for aquatic ecosystem protection: Dioxins in freshwater (2023)

World Health Organisation standards⁷ should also be fully referenced and adhered to when assessing the subject proposal, for example, the specifications on the temperature in which hazardous material should be incinerated to prevent/control exposure to dioxins. We recommend that An Coimisiún cross-references this with the applicant's proposed incineration temperatures:

"Proper incineration of contaminated material is the best available method of preventing and controlling exposure to dioxins. It can also destroy PCB-based waste oils. The incineration process requires temperatures over 850 °C. For the destruction of large amounts of contaminated material, temperatures of 1000 °C or more are required."

We note the following from the applicant's NIS which appears to indicate that temperatures of 1000 °C or more may not be considered as part of the proposal:

"As described previously the facility is designed to minimise the reformation of dioxins and furans (the term 'dioxin' is taken to include dioxins and furans), by maintaining the flue gases at a high temperature of over 850 °C for over 2 seconds in the furnace and by rapidly cooling the gases from 450 °C to 250 °C. These measures will reduce the dioxin concentration in the flue gases to a low level." (NIS, p. 16)

It should be determined whether 24,000 tonnes per annum of hazardous material would constitute a large amount of material, as per the WHO guidelines, thereby necessitating a higher temperature of 1000 °C. The applicant's proposed temperatures may be insufficient in this regard and require close consideration by An Coimisiún.

It should also be clarified whether or not fisheries are located in the marine environment within the proposal's zone of influence as dioxin exposure mostly occurs via the food chain, with potential adverse impacts upon both fish and human health:

*"More than 90% of human exposure to dioxins is through the food supply, mainly meat and dairy products, fish and shellfish. Therefore, protecting the food supply is critical. In addition to source-directed measures to reduce dioxin emissions, secondary contamination of the food supply needs to be avoided throughout the food chain. Good controls and practices during primary production, processing, distribution and sale are all essential in the production of safe food."*⁸

6. General Incinerator Compliance Issues

We would highlight that An Coimisiún should have regard to potential regulatory breaches from incinerator plants elsewhere in the country, along with persistent community complaints about such facilities.

For example, reports indicate that the Poolbeg incinerator in Dublin has breached conditions of its EPA licence multiple times in the past, raising concerns about its compliance with operational standards and highlighting some of the risks associated with these facilities.⁹

⁷ <https://www.who.int/news-room/fact-sheets/detail/dioxins-and-their-effects-on-human-health>

⁸ <https://www.who.int/news-room/fact-sheets/detail/dioxins-and-their-effects-on-human-health>

⁹ <https://www.irishtimes.com/news/crime-and-law/courts/district-court/poolbeg-incinerator-fined-for-breaking-environmental-licence-1.3440855>

It has also been previously alleged that the parent company associated with the applicant has been found to have generated excessive emissions of dioxin at a facility in Antwerp, leading to public concerns about the company's adherence to environmental standards.

Elsewhere, communities near incinerators have reported issues such as noise, litter, increased vehicle traffic, unpleasant smells, and air pollution. These complaints highlight the broader concerns associated with waste-to-energy facilities and should be fully considered by An Coimisiún when determining the subject proposal.

7. Waste Transfer Facility and Project Splitting

We note from the applicant's EIS NTS (p. 40) that "*a pre-treatment facility (waste transfer station) is not required for the operation of the Ringaskiddy Resource Recovery Centre and is not proposed as part of the current application.*" This requires clarification as a preliminary matter to ensure the absence of project splitting and to ascertain whether functional interdependence may exist between the two facilities, as was investigated within *An Taisce and Friends of the Irish Environment v An Bord Pleanála [2015] IEHC 604*, where it was found that indirect effects between two functionally interdependent sites/activities should be assessed cumulatively in an EIAR.

8. Flood Risk

The site appears to be located on a known flood risk area, which would have serious implications for the water environment during flood events given the processing and generation of hazardous waste on site. This is identifiable as encroachment of flood waters into the northern part of the applicant's red line boundary, within the following scenarios in the OPW Flood Maps tool; Coastal (NCFHM) – Medium and Low Probability in a High End Future Scenario, Coastal (NCFHM) – Medium and Low Probability in a Mid Range Future Scenario, Coastal (NCFHM) – Medium and Low Probability in Present Day. It is also noted from this map that two historic flood events occurred to the immediate northeast of the subject site on the 3rd of February 2014.

9. Proximity to Third Level Education Facility

We note the proximity of the subject site to the National Maritime College of Ireland (NMCI) and UCC MaREI campus area which are located to the north. The applicant acknowledges in the Planning Report that "*Further developments for these institutions may be located on the remainder of the land to the east of the NMCI*" (p. 7). This would ensure that the installation of a facility processing hazardous waste would create long term disturbances for a site important for research and development. Both campuses will be encroached upon by the facility, introducing overbearing visual impact, noise disturbance, potential odour nuisance and waste residue contamination. This would directly contravene the Cork County Development Plan given the RY-I-09 zoning which overlays the eastern part of the applicant's red line boundary. As noted by the applicant in the Planning Report (p. 8), the RY-I-09 zoning is suitable for extension of the educational campus to the north and general research/development facilities. The suitability of the site is therefore inappropriate in this respect due to the proposal being industrial in nature, which should be closely considered by An Coimisiún.

10. Water Framework Directive

The subject site adjoins the Cork Harbour coastal waterbody which has been designated as good water quality status by the EPA under the Water Framework Directive (WFD) (2000/60/EC) and is considered to be at risk of not achieving good status by 2027. Contamination of groundwater via spillage of hazardous chemicals or waste during loading/unloading operations, and hence pollution of harbour waters, should also be closely considered. Currently, groundwater status at the site is considered to be of good quality.

The objectives of the Water Framework Directive (WFD) (2000/60/EC) are to protect all high status waters, prevent further deterioration of all waters and to restore degraded surface and ground waters to good status by 2027. Specifically, where there is bad or moderate water quality there is the legal imperative to bring that water body up to good status by 2027.

The proposal should be assessed against **Article 4** of the WFD to determine whether the project may cause a deterioration of the status of a surface or ground water body or if it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status.

We bring the attention of the planning authority to the following points of relevant European case law regarding the WFD. In Case C-461/13 (Weser), the CJEU held that:

"Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy must be interpreted as meaning that the Member States are required

— unless a derogation is granted

— to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive."

The Weser case created a jurisdictional requirement and established that authorisation for a project has to be refused where there may be an adverse impact on the objectives of Article 4. To assess the proposal against Article 4, the EPA monitoring data on the water quality status indicators and Environmental Quality Standards must be used. These data do not appear to be presented in the EIAR.

"Furthermore, as provided in Article 4(1)(a) of Directive 2000/60, it is '[i]n making operational the programmes of measures specified in the ... management plans' that the Member States adopt the measures necessary in order to achieve the objectives of preventing deterioration of the status of bodies of surface water and protecting and enhancing their status. The use of the words '[i]n making operational' supports an interpretation of that provision to the effect that it entails obligations which must be complied with by the competent authorities when approving individual projects in the context of the legal regime governing the protection of waters.

According to Article 1(a) of Directive 2000/60, the purpose of the directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which prevents further deterioration and protects and enhances the status of aquatic ecosystems and terrestrial ecosystems directly depending on the aquatic ecosystems.

*These matters confirm the interpretation that Article 4(1)(a) of Directive 2000/60 does not simply set out, in programmatic terms, mere management-planning objectives, but has **binding effects, once the ecological status of the body of water concerned has been determined**, at each stage of the procedure prescribed by that directive.*

*It follows that, unless a derogation is granted, any deterioration of the status of a body of water must be prevented, irrespective of the longer term planning provided for by management plans and programmes of measures. The **obligation to prevent deterioration** of the status of bodies of surface water remains binding at each stage of implementation of Directive 2000/60 and is **applicable to every surface water body type and status for which a management plan has or should have been adopted**. The Member State concerned is consequently required to refuse authorisation for a project where it is such as to result in deterioration of the status of the body of water concerned or to jeopardise the attainment of good surface water status, unless the view is taken that the project is covered by a derogation under Article 4(7) of the directive.*

That said, the view should be taken, as the Commission has done, that there is 'deterioration of the status' of a body of surface water, within the meaning of Article 4(1)(a)(i) of Directive 2000/60, as soon as the status of at least one of the quality elements, within the meaning of Annex V to the directive, falls by one class, even if that fall does not result in a fall in classification of the body of surface water as a whole. However, if the quality element concerned, within the meaning of that annex, is already in the lowest class, any deterioration of that element constitutes a 'deterioration of the status' of a body of surface water, within the meaning of Article 4(1)(a)(i).

*The concept of 'deterioration of the status' of a body of surface water in Article 4(1)(a)(i) of Directive 2000/60 must be interpreted as meaning that **there is deterioration as soon as the status of at least one of the quality elements, within the meaning of Annex V to the directive, falls by one class, even if that fall does not result in a fall in classification of the body of surface water as a whole**. However, if the quality element concerned, within the meaning of that annex, is already in the lowest class, any deterioration of that element constitutes a 'deterioration of the status' of a body of surface water, within the meaning of Article 4(1)(a)(i)."*

11. Marine Strategy Framework Directive

Given the aforementioned concerns regarding floodwater retreat and hazardous material contamination, we submit that the subject proposal requires assessment against the Marine Strategy Framework Directive, which contains 11 descriptors describing different elements of the marine environment and the requirement to achieve Good Environment Status (GES) for each of these:

1. Biological diversity, 2. Non-indigenous species, 3. Population of commercial fish/shellfish, 4. Elements of marine food webs, 5. Eutrophication, 6. Sea floor integrity, 7. Alteration of hydrographical conditions, 8. Concentrations of contaminants, 9. Contaminants of fish/seafood for human consumption, 10. Marine litter, 11. Introduction of energy including underwater noise

12. Birds Directive

The proposal is in close proximity to the Cork Harbour SPA (site code: 004030), an area of major ornithological interest due to containing a large diversity of Qualifying Interest (QI) bird species. It is

also of international importance for its total number of wintering birds (>20,000) and its populations of Black-tailed Godwit and Redshank.

The objectives for the RY-I-09 zoning of the eastern part of the application site, as highlighted by the applicant in their Planning Report (p. 9), recognises the potential for utilisation of the site by SPA QI species:

"Areas within this zone may be used by Special Conservation Interest bird species for which the Cork Harbour SPA is designated. Account will be taken of this when considering new development proposals in this area. Part of the site is liable to flooding."

Consequently, the proposal may be likely to encroach on an important roosting, foraging and nesting ground for Annex I bird species, among others of conservation interest. This is exemplified by the mosaic of open-ground habitat mixed with naturally regenerating scrub and woodland.

We would highlight that Member States are required to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the wild bird species in the European territory (Article 3 of the Birds Directive). That requirement may imply habitat protection measures outside the Natura 2000 network. It should be ensured that the requirements of Article 4 (4) of the Birds Directive, with regard to taking appropriate steps to avoid the deterioration of habitats outside of SPA areas, are satisfied in this proposal:

*"In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. **Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.**"* [An Taisce emphasis]

In Case C-418/04 *Commission v Ireland*, the CJEU ruled that Ireland had failed to make serious or sufficient efforts to avoid pollution or deterioration of habitats outside of SPAs for the protection of birds (so called *ex situ* habitats and species):

"179. Although the second sentence of Article 4(4) of the Birds Directive does not require that certain results be achieved, the Member States must nevertheless make a serious attempt at protecting those habitats which lie outside the SPAs. It is thus clear, in the present case, that Ireland must endeavour to take suitable steps to avoid pollution or disturbances of the habitats."

The habitat loss associated with the subject proposal, and the potential for transgression of the requirements of Article 4(4), requires close consideration in the development consent determination.

13. Proposed Natural Heritage Area

The site is also in close proximity to the Lough Beg (Cork) pNHA (site code: 001066). Consequently, assessment of the proposal requires consideration with regard to Development Plan Objective BE15-2:

"Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements. Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas,

proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan”.

In particular, any ornithological or other ecological receptors associated with the pNHA which may utilise the proposed development site for activity should be considered given the potential for habitat loss of regenerating/mature scrub and woodland.

14. Adverse Impact on Visual Amenity

The photomontages submitted by the applicant provide for a scale of development structure which is incongruous with the character of the surrounding area, with a significant impact on amenity, including in views across the harbour and from Cobh. For example, the applicant’s assessment of visual impact from Cobh states the following:

“The views will be clear and direct, and the proposed development will become the most prominent element in this direction extending above the existing ridgeline. The stack, with an occasional visual plume, will also appear as one of the highest elements in the surrounding area appearing taller than the Martello Tower.”

This is a huge degree of visual impact which will permanently alter the landscape character and amenity of the surrounding area, being visible from a wide range of viewpoints. In spite of this, the applicant characterises the visual impact from Cobh as *“moderate, neutral and permanent”* upon completion while simultaneously acknowledging *“areas of significant effect around the White Point area”*.

We would argue that this large significance effect characterises the majority of views of the proposal within the radius of the proposal, and the applicant’s characterisation of visual impact fails to fully acknowledge this. The application particulars fail entirely to mitigate these impacts, including but not limited to the highly overbearing 50 metre tall main process building combined with the chimney stack which reaches a height of 75 metres (coupled with a visible plume).

15. Adverse Impact on Recreational Amenity

The application site is on a cul de sac road with an established right of way to the foreshore for recreational amenity and for access to the Martello tower. The proposal would be entirely incompatible with the continued enjoyment of these areas for recreational amenity. Furthermore, the location impact and operation of the proposal would generate direct conflicts with recreational amenity access.

We note Section 8.7.16 of the Cork County Development Plan which states the following:

“Ringaskiddy also includes the villages of Shanbally (2016 population 349) and Ringaskiddy/Loughbeg (2016 population 580). The Council recognises and supports these vibrant local communities and the future development of the area needs to have regard to these communities and their amenities.”

16. Adverse Impact on Cork Harbour Cycle Network

The proposed development site appears to overlap with a stretch of the Cork Harbour Cycle Network, as shown in Figure TM 12.3 of the Cork County Development Plan. This would lead to the

encroachment of an intensive industrial facility upon the enjoyment of the greenway, contravening objectives TM12-2-1 and TM12-2-2 with regard to prioritising walking and cycling and promoting an active travel culture. It is not clear how the proposal would interact with the greenway, with an elimination of access for the greenway to the coastline being unacceptable.

The site also encroaches upon designated scenic route S54, as demonstrated in the Development Plan, which would directly contravene Objective GI 14-13 and 14-14 which seek to protect the character of views and prospects from scenic routes. The applicant's Landscape and Visual Impact Assessment recognises "*moderate, permanent and negative effects on this route at operational stage due to the clear, open and direct views on approach into Ringaskiddy*" (p. 11.16), which we would consider to be unacceptable in principle given the landscape sensitivity of the area and the importance of continued enjoyment of public amenity in settlements and scenic areas surrounding Cork Harbour.

The proposal is completely out of character with the surrounding landscape and contravenes the aforementioned objectives, requiring rigorous alternative site consideration at the minimum. The large quantity of visual receptors (38) contained in Table 11.1 'Viewpoint Assessment Table' demonstrates the huge visual impact associated with the proposal.

17. Artificial Lighting

It is submitted that the proposal may introduce undesirable artificial light pollution effects into the area which would create disturbance for nocturnal pollinators, other ecological receptors, as well as human receptors. This would adversely impact melatonin production, circadian rhythms and the enjoyment of the night sky as a cultural resource.

18. Adverse Biodiversity and Recreational Impact

Satellite imagery and Plate 2 in page 5 of the applicant's Planning Report reveals that the proposed development site contains a significant amount of naturally regenerating scrub and woodland habitat, which is likely to contain ecosystem services of local benefit to wildlife, as well as human residents who may enjoy the area for recreational purposes due to access to Gobby Beach and Golden Rock. We note the occurrence of a pathway through this area which is likely to be utilised by members of the local community for recreational purposes. In the context of a biodiversity emergency, the retention of such areas is of paramount importance. Furthermore, the benefits of green spaces for mental health wellbeing is important in the modern era, which has been noted by in the Executive Summary of EPA Report No. 328 on 'Eco-Health: Ecosystem Benefits of Greenspace for Health'¹⁰:

"By enhancing the provision and design of green spaces, local authorities and public agencies can contribute towards:

- *the United Nations Sustainable Development Goals (SDGs), specifically implementing SDG 11: Sustainable cities and communities, and targets relating to increasing green space access as a key goal for enhancing the liveability and sustainability of the places where we live;*
- *Habitat III, the United Nations' New Urban Agenda, which specifically highlights the importance of the creation and maintenance of well-connected and well-distributed networks of green spaces to improve physical and mental health;*

¹⁰ https://www.epa.ie/publications/research/environment--health/Research_Report_328.pdf

Notwithstanding the potential for adverse environmental effects from waste incineration facilities in terms of air and water emission etc, it is submitted that a full examination of alternative brownfield sites would be far more preferable to the proposed site.

19. Historic Archaeological

We note the close proximity of Martello Tower to the proposed development site which is a designated historic monument (CO087-053) described as being "On highest point of Ringaskiddy promontory, overlooking Cork Harbour".¹¹ It is also a listed structure (Reg No. 20987047) on the National Built Heritage Service website¹², containing the following important description and appraisal:

"Freestanding oval-plan multiple-stage Martello tower, built 1804, now disused. Dressed limestone walls with cut limestone coping and carved limestone water drainage spouts. Square-headed openings. Round-headed door openings now boarded. Surrounded by limestone lined moat. Accessed via narrow limestone bridge and concentric enclosing walls.

...

"Martello towers are defensive forts built by the British forces in several countries in anticipation of a Napoleonic invasion. This tower is one of five in Cork Harbour, built as a line of defence to withstand an invasion from the continent. It survives largely intact and forms an interesting part of the history and heritage of the area."

The views towards Cork Harbour from this iconic structure may be obscured by the installation of a visually obtrusive industrial facility, detracting from the enjoyment of an important cultural and heritage resource. This could potentially contravene Objective HE 16-7 of the Development Plan which seeks to ensure that development does not negatively impact upon defensive archaeological sites. We would argue that this includes encroachment of views in the immediate vicinity of such sites, as is evidenced by the subject proposal. Furthermore, the red line boundary of the subject site may contravene the 20 metre buffer zone standard between development sites and historic monuments. These archaeological considerations require careful assessment by An Coimisiún.

20. Onus on the Competent Authority

An Taisce respectfully submits that the onus of responsibility for assessing the proposal and the accompanying assessments, identifying any deficiencies in the planned approach and in the assessments, and determining if there is adequate information provided to enable the making of a determination with regard to the subject application ultimately lies with An Coimisiún Pleanála as the competent authority. Given the complexity and highly technical nature of the subject proposal, it is submitted that An Coimisiún will need to ensure it has access to, either in-house or externally, the full complement of highly specialised experts needed to address all aspects of the proposal. We also consider that it would not be reasonable in such a complex, highly specialised and technically challenging case to expect any prescribed body or members of the public operating under the constraints of relatively short public consultation timeframes to be able to comprehensively identify issues, deficiencies, etc. with the application and the associated assessments.

¹¹ <https://heritagedata.maps.arcgis.com/apps/webappviewer/index.html?id=0c9eb9575b544081b0d296436d8f60f8>

¹² <https://www.buildingsofireland.ie/buildings-search/building/20987047/ringaskiddy-martello-tower-ringaskiddy-ringaskiddy-cork>

We would highlight the following Articles of the 2014 EIA Directive regarding the above comments. Article 1(2)(g) defines environmental impact assessment:

(g) "environmental impact assessment" means a process consisting of:

- (i) the preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);
- (ii) the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;
- (iii) the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;**
- (iv) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and**
- (v) the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a.; [emphasis added]

Article 5(3)(b) states: "In order to ensure the completeness and quality of the environmental impact assessment report:... (b) the competent authority shall ensure that it has, or has access as necessary to, sufficient expertise to examine the environmental impact assessment report".

Please acknowledge our submission and advise us of any decision made.

Is mise le meas,

Seán O'Callaghan
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland