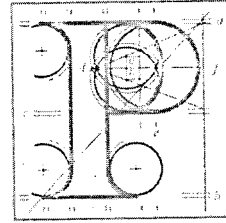


Our Case Number: ABP-318802-24

Planning Authority Reference Number:



An  
Coimisiún  
Pleanála

Linda Fitzpatrick  
Rest Havens  
Hilltown  
Carrigaline  
Co. Cork

Date: 25 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](http://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

Teil	Tel	(01) 858 8100
Gíao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:communications@pleanala.ie">communications@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

TO: An Coimisiun Pleanála  
64 Marlborough Street  
Dublin 1, D01 V902

NAME: Linda Fitzpatrick  
ADDRESS: Rest Havens, Hilltown, Carrigaline, Cork

Date: 17 Nov 2025

Your ref: ABP-318802-24 - Proposed development of a resource recovery centre (including waste-to-energy facility) by Indaver NV t/a Indaver Ireland

#### OBSERVATION

I make this submission in a personal capacity, with over 24 years of participation in this application in its various forms. It has informed and impacted our lives over the past 24 years. I support CHASE submission and request for refusal of this remitted application.

#### Planning Notice Incorrectly Represents Ownership

I refer to the Indaver Ireland Ltd (Indaver or the applicant) published notice of further significant information on 6 October 2025, on the instruction of An Coimisiun Pleanála, following the submission of significant further information to An Coimisiun Pleanála in August 2025.

The Echo, Monday, October 6, 2025

**The Echo**  
Echo LIVE

**Planning Notices**

**NOTICE OF SIGNIFICANT ADDITIONAL INFORMATION TO AN COIMISIUN PLEANÁLA IN RESPECT OF A STRATEGIC INFRASTRUCTURE DEVELOPMENT UNDER REFERENCE NUMBER ABP-318802-24**

Cork County Council

In accordance with sub-section 2(b) of 377 of the Planning and Development Act, 2000 as amended, Indaver NV t/a Indaver Ireland gives notice of its furnishing of significant additional information to An Coimisiun Pleanála in relation to the following proposed development:

A 10-year planning permission and a 30-year operational life from the completion of the construction of the proposed development is sought for a Waste to Energy Facility (waste incinerator with energy recovery) for the treatment of non-hazardous and hazardous waste on a 13.56-hectare site, owned by Indaver Ireland Limited, at Ringaskiddy, County Cork.

The proposed development was fully described in the original public notice for the application.

An Environmental Impact Statement (EIS) and a Natura Impact Statement (NIS) were submitted as part of this application. The significant additional information in relation to the effects on the environment of the proposed development was lodged with An Coimisiun Pleanála on the 29th August 2025.

The significant additional information will be available for inspection free of charge or purchased upon payment of a specified fee (which fee shall not exceed the reasonable cost of making a copy), during public opening hours for a period of not less than six weeks from the date of advertisement at the following locations:

The Offices of An Coimisiun Pleanála, 64 Marlborough Street, Dublin 1, D01 V902  
The Offices of Cork County Council, Planning Department, County

Hill, Carrigrohane Road, Cork, T12 R2NC.

The documentation will be made available for viewing/downloading on the Commission's website [www.pleanala.ie](http://www.pleanala.ie). The documentation may also be viewed/downloaded on the following website: [www.ringsaskiddyrc.ie](http://www.ringsaskiddyrc.ie).

Submissions or observations in relation to the significant additional information may be made only to An Coimisiun Pleanála (The Commission), 64 Marlborough Street, Dublin 1 in writing or online at [www.pleanala.ie](http://www.pleanala.ie) relating to:

- The implications of the proposed development for proper planning and sustainable development.
- The likely effects on the environment of the proposed development, if carried out.
- The likely significant effects of the proposed development on a European site, if carried out.

Any submissions/observations must be accompanied by a fee of €50 (except for certain prescribed bodies). There is no fee required to make a submission in relation to those parties/individuals who have already made a valid written submission to the Commission regarding the application (original ref. PL 04.PA0045). Submissions or observations must be received by the Commission no later than 5.30 p.m. on the 17th November 2025. Such submissions/observations must also include the following information:

- The name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent.
- The subject matter of the submission or observation, and
- The reasons, considerations and arguments on which the submission or observation is based in full.

Any submissions or observations which do not comply with the above requirements cannot be considered by the Commission. Any enquiries relating to the significant additional information should be directed to the Strategic Infrastructure Section of An Coimisiun Pleanála (Tel: 01 8586100).

A person may question the validity of any such decision by the Commission by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986, as amended by S.I. No. 691 of 2011) in accordance with section 50 of the Planning and Development Act, 2000, as amended.

Practical information on the review mechanism can be accessed under the heading Information on cases/Weekly lists - Judicial review of planning decisions on the Commission's website ([www.pleanala.ie](http://www.pleanala.ie)) or on the Citizens Information Service website [www.citizensinformation.ie](http://www.citizensinformation.ie).

Date: 06th October 2025

This notice states:

"Indaver NV Va Indaver Ireland gives notice of its furnishing of significant additional information to An Coimisiun Pleanála in relation to the following proposed development: A 10-year planning permission and a 30-year operational life from the completion of the construction of the

proposed development is sought for a Waste to Energy Facility (waste incinerator with energy recovery) for the treatment of non-hazardous and hazardous waste on a 13.55-hectare site, owned by Indaver Ireland Limited, at Ringaskiddy, County Cork. The proposed development was fully described in the original public notice for the application."

The original application made in 2016 states that the application is on a site that 'covers an area of approximately 13.55 hectares' .

But Indaver does not own a 13.55ha site at Ringaskiddy following the acquisition of a 2.23ha parcel of the original 13.55ha into the ownership of Cork County Council in 2021 via CPO.

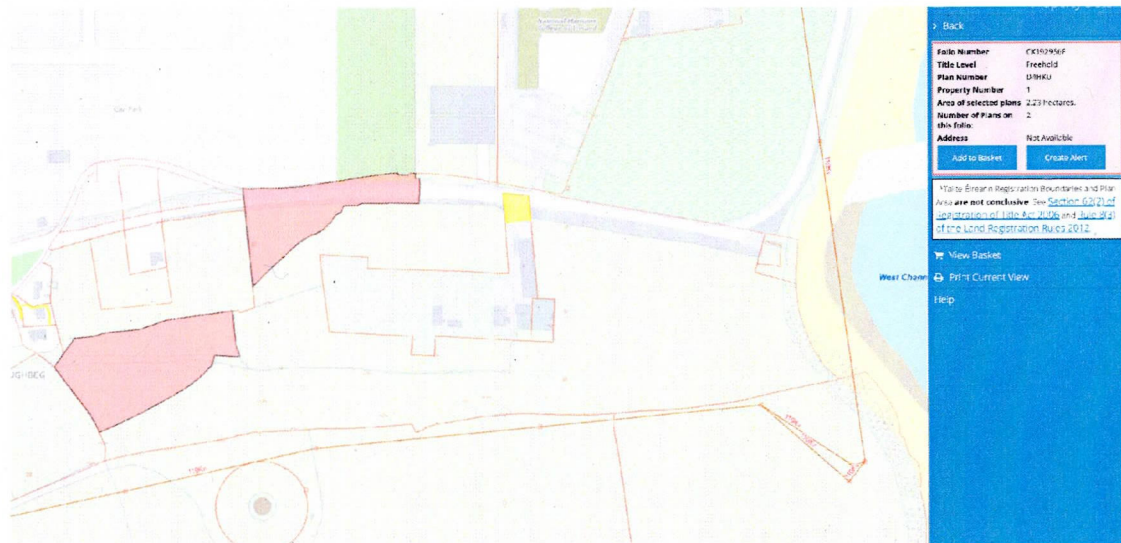
The applicant now owns a 11.31ha site.

The public notice from the applicant is therefore incorrect.

#### **Specific Statement from Cork Council excluding Private Development on its 2.23ha**

In its letter to the Applicant included in Significant Additional Information, Cork County Council makes it clear that to the applicant there will not be an opportunity to use this 2.23ha land parcel.

The acquisition of 2.23 hectares by Cork County Council in 2021, now renamed CK192956F leaves a site size of 11.31ha available to Indaver.



*Folio No CK192956F, in pink, now outside of applicant ownership*

While Cork County Council note that they have no objection to this CPO land being shown within the red-line boundary, they are equally clear that these lands are now in their ownership and "will not be available for private development," other than limited utility connections along the road.

"Cork County Council confirms it has no objection to the land which was subject to the CPO being included within the redline boundary for the remitted application. However, in the interest of transparency, Cork County Council wish for An Bord Pleanála to note that these lands are now owned by Cork County Council and will not be available for private development, with the exception of any utility connections to be made

along the road that are associated with the proposed Indaver development."

A red-line boundary is intended to reflect the land that is actually available for the development, including any areas required for layout, buffers, access, drainage, mitigation and assessment. If the applicant does not have the legal ability to use these lands for the purposes set out in the application, they cannot form part of the development site, and should not be included in the red-line boundary.

The continued description of a 13.55-hectare site, when 2.23 hectares were acquired by Cork County Council in 2021 and are not available for development, means the functional site area is in fact 11.31 hectares. (This is distinct from the useable area, which is smaller again)

This is a 16% reduction in site size, and is a material change that affects the accuracy of the statutory notices and the environmental assessments, and it cannot be resolved within this current process.

Please consider that a corrected site boundary and accurate reflection of site owned and updated assessments of same would require a new application.

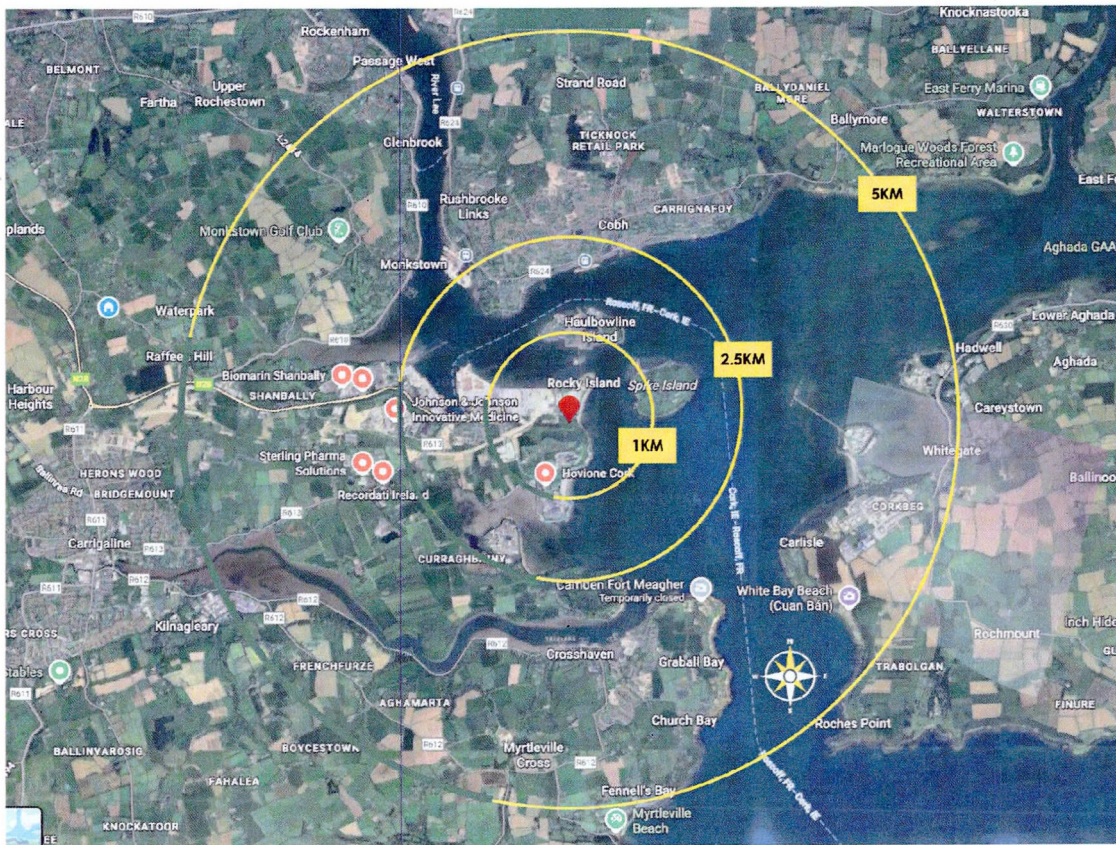
#### **The Surrounding Area.**

The applicant consistently refers to the surrounding area as 'industrial' in nature. This is not correct. The lands around the proposed site are in fact water, and this is core to the identity, heritage and prospects of both the immediate area and the greater area.

While the area in the immediate corridor to the West of the Site, and to the South West can be described as industrial and high in employment, the selling of the entire surrounding the site as industrial is grossly misleading.

The areas to the north west, north, east, south east and south form three quadrants or 270 degrees of a circle, i.e. A majority. These surrounds are maritime in nature in the immediate vicinity extending in a 2.5km approximate radius, and beyond that comprise a mix of population areas and agricultural / rural land.

I wish to describe the area within the three-quadrant arc from SSW to WNW, sweeping anticlockwise as shown in the yellow arc on the map.



Map showing 3 quadrant arc from SSW to WNW. Illustration only, not to exact scale.

Within a 500 m radius is:

- NMCI (National Maritime College of Ireland) - Educational use
- MaREI (Marine & Renewable Energy Research Centre) - Educational use
- Gobby Beach - Coastal amenity
- Golden Rock (designated name for Gobby Beach) Geological Site (Educational Use and of Geological Importance)<sup>1</sup>
- Luc Beach - Coastal amenity
- Shoreline access - Maritime, education and leisure use
- Martello Tower - Heritage, part of a network of towers around Cork Harbour that interact with each other and other historic fortifications.
- Cork Harbour SPA, Loughbeg site

Within a 1km radius is:

- Irish Naval Base - Defence use and strategic importance
- Haulbowline Island - Recreation, heritage and amenity
- Spike Island - Heritage and tourism
- Haulbowline & Rocky Island Geological Site - Educational and of Geological Importance<sup>2</sup>

1

[https://gsi.geodata.gov.ie/downloads/Geoheritage/Reports/CK077\\_Cork\\_CGS\\_Ringaskiddy.pdf](https://gsi.geodata.gov.ie/downloads/Geoheritage/Reports/CK077_Cork_CGS_Ringaskiddy.pdf)

2

[https://gsi.geodata.gov.ie/downloads/Geoheritage/Reports/CK053\\_Cork\\_CGS\\_Haulbowline\\_and\\_Rocky\\_Islands.pdf](https://gsi.geodata.gov.ie/downloads/Geoheritage/Reports/CK053_Cork_CGS_Haulbowline_and_Rocky_Islands.pdf)

- Paddy's Point Site for Sale coastal location - (2.73ha office, education and research zoning, identical to the applicant site)
- Monkstown - Residential and coastal village.
- Monkstown Bay Sailing Club - Sailing, youth education, and maritime recreation
- Local moorings and small-craft activity - Maritime use

Within a 5 km radius is

- Camden Fort Meagher - Heritage site
- Passage West - Residential and harbour town
- Crosshaven - Residential and maritime village
- Cobh - Residential, heritage and tourism
- Sailing Clubs (RCYC and Cobh) - Sailing youth education, and maritime recreation
- Passage West Rowing Club - Rowing, training and maritime recreation
- Expanded Cork Harbour SPA - Protected site

This is not an industrial vista. Investment by Government bodies in this area has focused on Tourism, maritime use, maritime education, Defence, heritage development, port activity.

The harbour as an amenity is central to the lives of the people living around it, both in terms of income generated and educational and amenity usage.

Funding from public and private sources has supported this maritime amenity and plans from Cork City Council, Cork County Council and Failte Ireland in its Cork City, Harbour And East Cork Destination And Experience Development Plan<sup>3</sup> collectively underpin further, deliberate and considered development in this direction.

The zoning on the applicants site, in the area where the incinerator is planned to be constructed, is a reflection of activity in the area of the quadrant illustrated around it, is supported by the County Development Plan, the Specific Objectives for this site, objectives continued along the coastline to Paddy's Point, and aligns with Failte Ireland plans for the area.

The application in front of An Coimisiun Pleanala does not support the sustainable plans for the area, and will undermine them.

#### **The Proposed Site Is Physically Too Small, And Smaller Than Ever Now.**

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. The portion of the site acquired by Cork County Council has reduced the overall site size by over 16%, since the 2017 Report of Derek Daly stated:

*"4. Notwithstanding that the site of the proposed development is considerable in overall site area, owing to the configuration of the site, which wraps around another site and the options for development footprints arising from this configuration, the site is therefore restricted in terms of usable area for the placement of a development of any major scale. It is considered that the actual usable area of the site is inadequate in relation to the scale of development proposed. The development as proposed would therefore constitute overdevelopment of the*

site, which would seriously injure the amenities of the area and of property in the vicinity, and would not be in accordance with the proper planning and sustainable development of the area."(Derek Daly, 2017)

### Site Selection

There is no de novo site selection in the material submitted in 2025, but instead a justification based on site ownership by the applicant. Site selection with a pre-determined favoured outcome can never be considered de novo. Public and private investment in the area continues in the sectors of Tourism, Education and amenity development, supported by Failte Ireland and Cork City and County Councils. As development in this direction increases, appropriate weighting should be incorporated into the process and has not been. It has in fact been ignored.

"2. Central to any consideration of a site, for the nature of the development proposed, is the necessity in the Environmental Impact Statement for a robust assessment in the context of a site selection process and a robust assessment and evaluation of alternatives. In relation to the site selection process consideration of alternatives, a de novo assessment or evaluation was not carried out and the assessment is majorly reliant on the initial process of 1999/2000. **The overall appraisal and identification of alternative sites was seriously deficient and did not give sufficient consideration and weighting to recent development in the Ringaskiddy peninsula area which include major public and private investment initiatives and which have transformed the character of the area in the intervening period since 2000.**" (Daly 2017)

### Injurious to Cork Harbour Heritage & Amenity

The nature, function, size and central location is injurious to Cork Harbour amenity and heritage, and contrary to intention and investment in the area.

"4. The development as proposed would therefore constitute overdevelopment of the site, which would seriously injure the amenities of the area and of property in the vicinity, and would not be in accordance with the proper planning and sustainable development of the area. (Derek Daly, 2017)

"3. Having regard to its excessive scale and in particular its height protruding significantly above the ridgeline, it is considered that the proposed development would change the topographical setting and the commanding position of the Martello Tower which forms part of a complex of historical military fortifications designed for the protection of the harbour, and would adversely impact on the specific function of the tower for protection of Fort Westmoreland located on Spike Island by severing visual connection between the two. The proposed development would therefore have significant adverse impact on the historical heritage of Cork Harbour, and be contrary to proper planning and sustainable development of the area." Öznur Yücel-Finn 2009)

"4. Having regard to its excessive scale and its exposed, central location within Cork Harbour; it is considered that the proposed development notwithstanding existence of a number of industrial and port related installations in the harbour, would seriously impose on the landscape, and visual context of the harbour, and would be contrary to

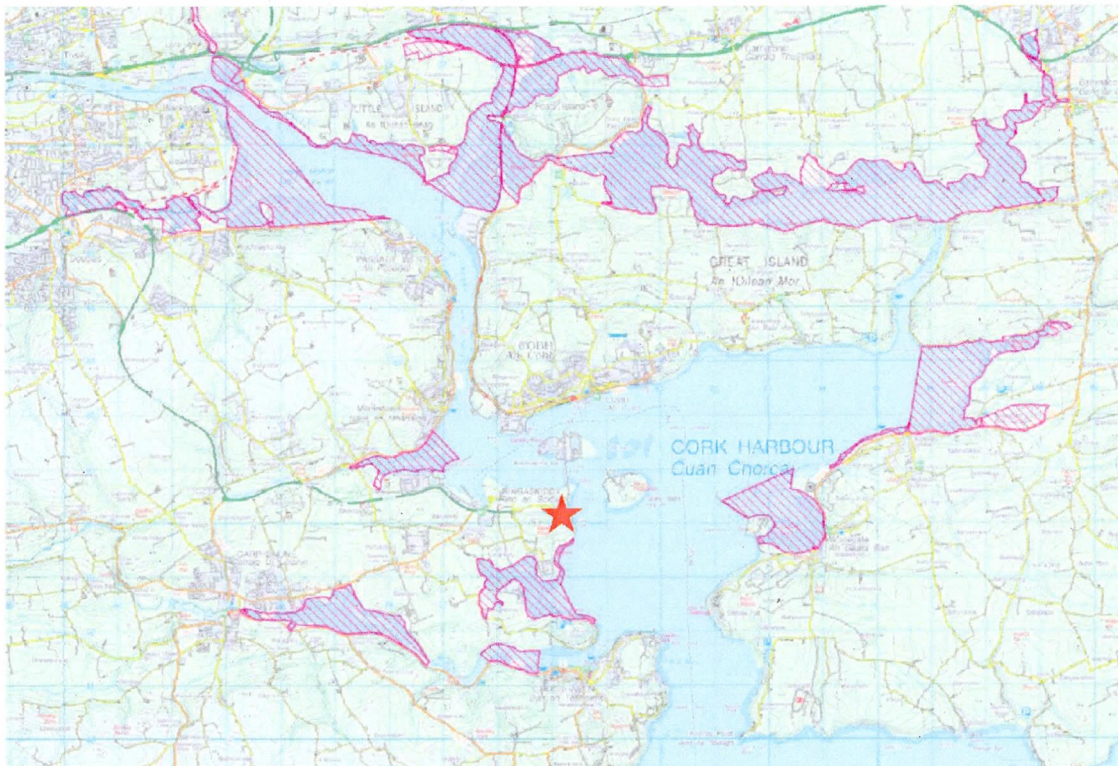
the policies of the County Development Plan for protection and sustainable development of Cork Harbour." (Öznur Yücel-Finn 2009)

"8. It is considered that the proposed development, **by reason of its bulk, scale, height, design and location, would be visually obtrusive and seriously injurious to the visual amenities of the area, would constitute a visually discordant feature within the harbour landscape, and would detrimentally impact on the preservation of views and prospects obtainable from scenic routes nos. A53 and A54 indicated in the County Development Plan 2003, which it is necessary to preserve.** The proposed development would, therefore, be contrary to the proper planning and development of the area." (Philip Jones, 2004)

"10 .The proposed development, because of its nature and function, its location in close proximity to high density housing development at Ringaskiddy, and the resultant noise and disturbance arising from its construction and operation, **would be seriously injurious to residential amenity, and would be likely to depreciate the value of residential property.** The proposed development would, therefore, be contrary to the proper planning and development of the area." (Philip Jones, 2004)

#### **Inadequate NIS**

Cork Harbour IS an SPA, the closest designated area of which is under 500m from the proposed incinerator.



(Cork Harbour SPA. Site location marked with Star)

The NIS is inadequate in a number of areas:

Data given in Appendix 6 NIS contains Table 1: "List of European incinerator facilities located within 15 km distance from Special Protection Areas (SPAs)

for birds,"<sup>4</sup> lists 67 facilities but when this data is interpreted in the context of facilities 500m or less from an SPA, the number reduces to 6.

Of these 6 facilities, 5 were built between 1973 and 1988, predating the 1992 Habitats directive.

The data in Table 1 referred to does not create a valid context for siting a new incinerator beside an already-designated, coastal SPA of international importance.

In addition, the NIS lacks also in the following areas:

- Monitoring is STILL carried out at Cork Airport instead of Roches Point, this does not accurately reflect conditions in Cork Harbour.
- No mention is given to the impact of coastal erosion mitigation measures on habitats or food sources. Proposals for 'beach nourishment' on Gobby beach, adjacent to the Lough Beg SPA have not been assessed for effect on feeding areas of birds from the SPA.
- The impact on the removal of trees, shrubs and habits from the site itself has been disregarded. This area has become a de facto habitat over the past 24 years.
- No assessment is given for PFAS and it's impact on feeding areas or habitats, despite growing use in household materials and black bag waste.
- The temperature in this incinerator is not high enough to ensure the destruction of PFAS. A high temperature is recommended, Commission Regulation COMMISSION REGULATION (EU) 2025/1988 of 2 October 2025

*In the event that PFAS-containing waste is incinerated or co-incinerated, RAC indicated that the temperature should be above 1,100 degrees Celsius.*<sup>5</sup>

The applicants proposed grate incinerator cannot operate a continued temperature above 1,100degrees Celcius and is not purporting to It is proposing to operate at between 800 - 1000 degrees Celcius and is not designed for ultra high temperatures. The Meath Incinerator, from observation of published figures on which updates every 5 minutes<sup>6</sup>, appears to in the mid 900's the majority of the time.

This will not destroy PFAS, which are water soluble and are found in common black bag waste items such as : non-stick items, microwave popcorn bags, fast-food wrappers, pizza boxes, stain-resistant textiles, waterproof fabrics, cosmetics, dental floss, waterproof paper plates/cups, electronic cables/plastics and stain-proof sprays.

Evaluation of the impact of PFAS should be carried out in the NIS.

The current NIS is not adequate for the Commission to rule out damage to the nearby SPA or feeding grounds.

#### **Still Deficient NIS**

By all 3 Bord Pleanala Inspectors, the EIS was found to be deficient in substance even where found legally adequate in form. With regard to the existing application:

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<sup>4</sup>[https://www.pleanala.ie/publicaccess/FurtherInformation/318802/Natura%20Impact%20Statement/NIS%20Appendix%206\\_Issue%202025.pdf](https://www.pleanala.ie/publicaccess/FurtherInformation/318802/Natura%20Impact%20Statement/NIS%20Appendix%206_Issue%202025.pdf)

<sup>5</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32025R1988>

<sup>6</sup> <https://indaver.com/expertise/waste-to-energy/grate-incinerator-ireland>

*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, provides assertions without evidence and relies on 2015 input from multiple prescribed bodies.

Absence of up to date information means the Commission cannot rely on the EIS to carry out an informed assessment.

**Flooding, Coastal Erosion, Geography, Topography Geology makes Site intrinsically unsuitable, forever.**

The site is situated in a harbour basin prone to thermal inversions below the level of the nearby populations of Cobh, Monkstown, Passage and Crosshaven on a regular basis. It is prone to coastal erosion and is fundamentally unsuitable for this 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). This is a fundamental flaw in site selection, as Mitigation measures to locate the facility at levels significantly above projected flooding levels would exacerbate the negative visual impact of the proposed large structure.

*"6. Having regard to the soil and geological characteristics of the site, nature and extent of erosion / coastal retreat along the eastern portion of the site, the accepted likelihood of flooding on the site and on the public road providing sole access to the site; it is considered that not withstanding the proposed mitigation measures to raise the design levels of the proposed facility, the site of the proposed development is inherently unsuitable for location of a use which processes, and generates hazardous compounds." (Oznur Yucel Finn, 2009)*

*"9. Having regard to the scale, nature and purpose of the proposed development, it is considered that the site, by reason of its topography, its climatic conditions, its geological and hydrogeological characteristics, and the risk of erosion and flooding of parts of the site, would be fundamentally unsuitable to accommodate the proposed development, and the applicants have not demonstrated that the proposed site is suitable, on the basis of objective criteria in a rational site selection process based on international best practice." (Philip Jones, 2004)*

**Accident Hazard Risk**

By reason of proximity to NMCI, MaREI and Haulbowline Naval Base and the absence of any exit route that does not pass by the incinerator site, in the event of an accident there is no evacuation route for students, Naval Personnel, visitors to Haulbowline Island or Rocky Island crematorium. This is not mitigated by the addition of the M28, which does not change cul-de-sac element of the site.

*"14. The Board is not satisfied, on the basis of the evidence submitted to it and heard at the oral hearing, that the proposed development would not pose significant risks to public safety in the event of major accident hazard, particularly in view of the proximity of the site to the*

National Maritime College, and to nearby Seveso II establishments, and having regard to the inadequacy of emergency infrastructure in the area and to the location of the site at the end of the peninsula, with limited road access." (Philip Jones, 2004)

**Zoning - Zoned for Education, Research and Office use. NOT INCINERATION**

In his 2017 Report, which remains part of this ongoing application, Inspector Derek Daly stated:

*1. Notwithstanding the zoning of the area for industry as stated in objective ZU 3.7 of the County Development Plan and objective I-15 of the Local Area Plan all of which permit consideration of an industrial use on the site, such consideration is also subject to an appraisal in the overall context and provisions of the statutory plans and development in the immediate area. It is considered that the proposed development would not be compatible with recent development in the area, including the Maritime College, IMERC and Beaufort campuses, which are supported by objective C-01 of the Local Area Plan and major public investment on Haulbowline and Spike Islands. It is, therefore, considered that that proposed development would be contrary to the proper planning and sustainable development of the area.*

Since the 2016 Oral Hearing, from which the above was concluded, the usable portion of the site, i.e. the portion on which the build is proposed has been rezoned, bringing it inline with activities and zoning in the surrounding area. **(RY-I-09) is now 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.

Public and private investment to date in the area since the original 2001 proposal includes:

- National Maritime College of Ireland – €60 million investment (opened 2006)
- MaREI Marine & Energy Research Centre – €29 million investment (opened 2013)
- Haulbowline Naval Base – €12 million in jetty upgrades and approximately €35 million in ongoing masterplan projects
- Haulbowline East Tip Park – €25 million remediation and redevelopment, now a significant public amenity
- Spike Island – €6.5 million investment by Cork County Council and Fáilte Ireland, opened as a major heritage attraction in 2016
- Cruise tourism through Cobh – estimated annual economic value of €17 million to the region
- Camden Fort Meagher – redeveloped as a tourism and cultural visitor centre with public funding.

By virtue of the change in character in the area adjacent to the applicant site since 2001, Waste Management Plans should no longer be used to shoehorn this

project contrary to Inspectors recommendations, as doing so constitutes a Waste of Place.

The proposed incinerator in direct contravention of the County Development Plan by virtue of being contrary to the specified objectives for the site and its adjacent sites, contrary to usage of the surrounding area and contrary to local and national plans for the area.

#### **Procedural issues**

Finally I wish to draw your attention to procedural issues:

- The lack of formal provision of a method for participants who have already submitted to the 2016 process, who are not required to pay the 50Euro charge again, to partake in the online submission process was not provided. This resulted in duplicate charges as well as a 3 day reduced submission window by virtue of having only postal option officially to avoid incurring fees.
- The additional information submitted to An Bord Pleanala on 2 October 2017, the day prior to the remittal date ordered by the High Court, is not visible on either of the sites, is not clearly identified in any applicant documents, and as such, it has not been supplied to participants in this process by An Coimisiun or An Bord Pleanala..

Other information submitted in the 2016 process is no longer part of either file.

- The lack of titles on indexing in the documentation supplied online is prohibitive to non-technical examination. This applies across all of the Significant New Information. This information is not 'accessible'.

Please refuse this planning application on the basis that the site is inherently unsuitable, concluded for each application in each iteration by all 3 Bord Pleanala Inspectors (Jones 2004, Yucel Finn 2009, Daly 2017) and the proposal contravenes the zoning of the Cork County Development Plan 2022 - 28 for this site.

I wish to request an Oral Hearing if, and only if an outright refusal is not forthcoming.

Yours sincerely,

LINDA FITZPATRICK

*Attached below: Inspectors Reports for reference.*

**3 ORAL HEARING INSPECTORS REPORTS RECOMMENDING REFUSAL**

2016 APPLICATION - 04.PA0045	2008 APPLICATION - 04.PA0010	2001 APPLICATION - 01/6215
<p>Resource Recovery Centre development, comprising a Waste to Energy Facility (waste incinerator with energy recovery) for the treatment of non-hazardous and hazardous waste. The development also includes an upgrade to a section of the L2545 road; coastal protection measures on Gobby Beach; a connection to the national electricity distribution grid; the raising the ground levels in part of the site; the provision of an amenity walkway along the eastern and part southern boundary of the site and associated works.</p>	<p>10 year planning permission sought for a waste-to-energy facility to be located at Ringaskiddy County Cork, in accordance with the provisions of Section 37 E of the Planning and Development (Strategic Infrastructure) Act, 2006. The facility would receive hazardous and non-hazardous waste in the form of municipal, commercial and industrial waste and would include a waste transfer station. It would have a capacity of 240,000 tonnes.</p>	<p>a 100,000 Tonne per annum capacity Hazardous Waste Incinerator, a Hazardous Waste storage and transfer facility, and a waste recycling facility.</p>
<p>Derek Daly Senior Planning Inspector. 27th January 2017.</p>	<p>Öznur Yücel-Finn Senior Planning Inspector 30th October, 2009</p>	<p>Philip Jones, Senior Planning Inspector, 5 January, 2004</p>
<p><b>Having regard to the assessment and conclusions set out above I recommend that the application be refused.</b></p>	<p><b>it is my considered opinion that the proposed development should be refused permission. I recommend a schedule along the following lines.</b></p>	<p><b>In the light of the above Assessment, I consider that the proposed development should be refused, for the reasons set out in the Schedule of Reasons below.</b></p>
<p>1. Notwithstanding the zoning of the area for industry as stated in objective ZU 3.7 of the County Development Plan and objective I-15 of the Local Area Plan all of which permit consideration of an industrial use on the site, such consideration is also subject to an appraisal in the overall</p>	<p>1. Notwithstanding the geographical distribution of hazardous waste arisings within the state and significant cluster of hazardous waste producing pharmaceutical industry in the Cork area; having regard to the increased capacity of dedicated solvent recovery and on-site incinerators employed by</p>	<p>1. By reason of:- 2. 3. 4. 5. a) b) c) Lack of sufficient data necessary to identify and assess the main effects of the proposed development, Inadequate consideration of the interactions between the factors, and Inclusion of technical terminology within the non-technical summary, it is considered that the</p>

context and provisions of the statutory plans and development in the immediate area. It is considered that the proposed development would not be compatible with recent development in the area, including the Maritime College, IMERC and Beaufort campuses, which are supported by objective C-01 of the Local Area Plan and major public investment on Haulbowline and Spike Islands. It is, therefore, considered that that proposed development would be contrary to the proper planning and sustainable development of the area.

manufacturers of hazardous waste in the area, to the on going changes in the manufacturing processes to bio-pharma processes which produce much less hazardous waste, the recent developments in alternative and preferred methods for treatment of solvent based hazardous waste, and to the current levels of hazardous waste exports originating from Cork in the region of 7,000-10,500tpa; the Board is not satisfied that a demonstrable need has been proven for location of a national hazardous waste incinerator with 50,000tpa capacity at Ringaskiddy.

Environmental Impact Statement submitted with the application is inadequate and fails to comply with the mandatory requirements as to content, contrary to the provisions of the 1999 European Communities (Environmental Impact Assessment) (Amendment) Regulations, and applicable European Directives, and the Board is not satisfied, on the basis of the information provided in the submitted E.I.S., that the proposed development would not be likely to have significant adverse impacts on the environment.

2. Central to any consideration of a site, for the nature of the development proposed, is the necessity in the Environmental Impact Statement for a robust assessment in the context of a site selection process and a robust assessment and evaluation of alternatives. In relation to the site selection process consideration of alternatives, a de novo assessment or evaluation was not carried out and the assessment is majorly reliant on the initial process of 1999/2000. The overall appraisal and identification of alternative sites was seriously deficient and did not give sufficient consideration and weighting to recent development in the Ringaskiddy peninsula area which include major public and private

2. Having regard to the existing and planned facilities in Cork waste region by the local authorities for the recovery / disposal of municipal solid waste, including mechanical biological treatment with energy recovery followed by landfilling of residual waste, recycling rates which are significantly higher than the national average and stabilisation of waste arisings in the region; it is considered that there is a realistic prospect of achievement of landfill targets in the region and that a demonstrable need for incineration of MSW to facilitate compliance with requirements of the Landfill Directive has not been proven. It is further considered that the proposed development would contravene the provisions of the waste

2. It is considered that the proposed development of a hazardous waste incinerator facility, prior to any progress on the achievement of the waste prevention targets set out as a priority and first step in the National Hazardous Waste Management Plan, would be premature and, because of its scale, which is considerably in excess of the scale envisaged for thermal treatment in that Plan, would tend to inhibit the achievement of the Prevention Programme as provided for in the Plan. The proposed development would therefore be contrary to national policy in relation to hazardous waste management and disposal.

<p>investment initiatives and which have transformed the character of the area in the intervening period since 2000.</p>	<p>management strategy for the region and the waste management plans of the two relevant local authorities, and may prejudice their policy and objectives.</p>	
<p>3. While the Environmental Impact Statement is legally adequate, there is, however, a requirement that the process of Environmental Impact Assessment be robust. Therefore the information contained in the Environment Impact Statement should provide for, identification and examination of likely impacts, mitigation measures and the impacts arising from mitigation measures. The Environmental Impact Statement should include relevant information and data to permit such assessment. The EIS relating to the proposed development is, however, deficient in content, in particular in relation to the baseline information in appendices 6.3 and 6.4. The baseline information presented in appendices 6.3 and 6.4 is to assist in the modelling and subsequent evaluation of potential dioxin intake. The baseline data as presented, however, does not and cannot support the results, outcomes and stated likely impacts as presented in the Environment Impact Statement. The information as submitted to the Board is, therefore, insufficient to enable the Board to carry out an environmental impact</p>	<p>3. Having regard to its excessive scale and in particular its height protruding significantly above the ridgeline, it is considered that the proposed development would change the topographical setting and the commanding position of the Martello Tower which forms part of a complex of historical military fortifications designed for the protection of the harbour, and would adversely impact on the specific function of the tower for protection of Fort Westmoreland located on Spike Island by severing visual connection between the two. The proposed development would therefore have significant adverse impact on the historical heritage of Cork Harbour, and be contrary to proper planning and sustainable development of the area.</p>	<p>3. It is considered that the development of a hazardous waste incinerator facility, in the absence of the concurrent or prior provision of hazardous landfill capacity, would be premature, and would conflict, in a material way, with the provisions of the National Hazardous Waste Management Plan, in that no provision would be made for hazardous waste generated by the proposed development.</p>

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assessment in an  
appropriate manner, and  
to form a basis for an  
informed decision on the  
application.

4. Notwithstanding that the site of the proposed development is considerable in overall site area, owing to the configuration of the site, which wraps around another site and the options for development footprints arising from this configuration, the site is therefore restricted in terms of usable area for the placement of a development of any major scale. It is considered that the actual usable area of the site is inadequate in relation to the scale of development proposed. The development as proposed would therefore constitute overdevelopment of the site, which would seriously injure the amenities of the area and of property in the vicinity, and would not be in accordance with the proper planning and sustainable development of the area.

4. Having regard to its excessive scale and its exposed, central location within Cork Harbour; it is considered that the proposed development notwithstanding existence of a number of industrial and port related installations in the harbour, would seriously impose on the landscape, and visual context of the harbour, and would be contrary to the policies of the County Development Plan for protection and sustainable development of Cork Harbour.

4. It is considered that the development of an incinerator facility for the treatment of non-hazardous industrial waste is contrary to the provisions of the Cork Waste Management Plan 1999, which makes no provision for thermal treatment to deal with this type of waste.

5. The site is in close proximity to the Haulbowline Naval Base, a facility of national strategic importance and from which military helicopter aircraft carry out a wide range of operations. In the course of the oral hearing, evidence was presented indicating that 'military aviation procedures' and requirements are and operate differently to, the 'operational requirements of civil aviation'. Evidence was also presented at the oral hearing, of potential risks on the safety of military aircraft operating at the naval base arising from a plume from the operations of the proposed development. Specifically, potential risks on safety included the potential danger arising to the aircraft and the personnel on board from this plume and/or if the pilot determined that the aircraft was required to take a diversionary flightpath to avoid potential risk arising from the plume. In the context of the information presented the proposed development would, therefore, present an unacceptable risk to aircraft navigation, impair the operation of the naval base and be contrary to the proper planning and sustainable development of the area.

5. Having regard to the existing traffic levels on the local road network, and on the N28 and in particular the congestion at Shanbally village and Shannon Park roundabouts (which operate at or above capacity), the advice given by the NRA that planned improvements on N28 are not included in the schedule of works for completion by 2015; it considered that the additional traffic movements associated with the proposed development particularly the additional HGV traffic, would exacerbate the congestion on the N28; and having regard to the configuration and alignment of the Shanbally village roundabout, would endanger public safety by reason of traffic hazard.

5. Having regard to its nature and location, it is considered that the proposed development would contravene materially the development objective ZON 3 - 13, indicated in the Cork County Development Plan 2003, for the use of the site primarily for the development of industry/enterprise, but not including the development of "contract incineration", in that the proposed development constitutes contract incineration.

6. Having regard to the soil and geological characteristics of the site, nature and extent of erosion / coastal retreat along the eastern portion of the site, the accepted likelihood of flooding on the site and on the public road providing sole access to the site; it is considered that notwithstanding the proposed mitigation measures to raise the design levels of the proposed facility, the site of the proposed development is inherently unsuitable for location of a use which processes, and generates hazardous compounds.

6. Having regard to its nature and location, it is considered that the proposed development would contravene materially the development objective ZON 3 - 13, indicated in the Cork County Development Plan 2003, for the use of the site primarily for the development of industry/enterprise, but not including the development of "contract incineration", in that the proposed development constitutes contract incineration.

7. It is considered that notwithstanding the zoning of the area for industry in general, the proposed development would contravene materially the specific objectives LAP 2-1 and ECON-1 of County Development Plan 2009, which exclude contract incinerators.

7. Having regard to its nature and purpose, and its location adjacent to Cork harbour and to port-related activities in Ringaskiddy, it is considered that the proposed development would contravene, in a material way, the development objective I-22, indicated in the County Development Plan 2003, which states that it is an objective to safeguard lands in the vicinity of ports and harbours against inappropriate uses that could compromise the long term potential of the port and harbour. It is considered that the proposed development is not port-related and hence is an inappropriate use that would be inconsistent with the Council's policy of promoting Ringaskiddy as the appropriate location for the future development and expansion of the Port of Cork, and

		uses that are complementary to that purpose.
	<p>8. The EIS is legally adequate. It is however deficient in content and impact analysis in a number of areas in identification and examination of likely significant direct and indirect impacts, interactions and cumulative impacts, and impacts arising from the proposed mitigation measures. Therefore, and notwithstanding the supplementary information provided during the hearing; it is considered that the information before the Board is 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.</p>	<p>8. It is considered that the proposed development, by reason of its bulk, scale, height, design and location, would be visually obtrusive and seriously injurious to the visual amenities of the area, would constitute a visually discordant feature within the harbour landscape, and would detrimentally impact on the preservation of views and prospects obtainable from scenic routes nos. A53 and A54 indicated in the County Development Plan 2003, which it is necessary to preserve. The proposed development would, therefore, be contrary to the proper planning and development of the area.</p>
		<p>9. Having regard to the scale, nature and purpose of the proposed development, it is considered that the site, by reason of its topography, its climatic conditions, its geological and hydrogeological characteristics, and the risk of erosion and flooding of parts of the site, would be fundamentally unsuitable to accommodate the proposed development, and the applicants have not demonstrated that the proposed site is suitable, on the basis of objective criteria in a rational site</p>

		<p>selection process based on international best practice.</p>
		<p><b>10</b> .The proposed development, because of its nature and function, its location in close proximity to high density housing development at Ringaskiddy, and the resultant noise and disturbance arising from its construction and operation, would be seriously injurious to residential amenity, and would be likely to depreciate the value of residential property. The proposed development would, therefore, be contrary to the proper planning and development of the area.</p>
		<p><b>11.</b> Having regard to the location of the proposed development at the end of the peninsula of Ringaskiddy, with a single road access and no rail access, on the southern coast of the State, and to the scale of the development which is designed to source waste from all parts of the State, it is considered that the proposed development would involve excessive movement of vehicular traffic through urban areas, and hence would give rise to conditions that would be 12. 13. 14. prejudicial to public safety and amenity. The proposed development would therefore be contrary to the proper planning and development of the area.</p>

**12.** The existing road infrastructure in the vicinity of the site, particularly along the N28 national primary route at Carr's Hill, the Shannonpark and Shanbally roundabouts, and along the LP2545 local road within Ringaskiddy, is currently the subject of serious traffic congestion, and is inadequate to accommodate the extra volume of traffic and traffic movements that would be generated by the proposed development, both during construction and operational phases, particularly the significant H.G.V. content. It is considered that the proposed development would endanger public safety by reason of a serious traffic hazard and obstruction of road users.

**13.** The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development, which it is not likely will be rectified within a reasonable period.

**14.** The Board is not satisfied, on the basis of the evidence submitted to it and heard at the oral hearing, that the proposed development would not pose significant risks to public safety in the event of major accident hazard, particularly in view of the proximity of the site to the National Maritime College, and to

nearby Seveso II establishments, and having regard to the inadequacy of emergency infrastructure in the area and to the location of the site at the end of the peninsula, with limited road access.