

An
Coimisiún
Pleanála

Our Case Number: ABP-318802-24

Planning Authority Reference Number:

Peter and Carmel Daly and Others
Ard na Cree
Lake Road
Cobh
Co. Cork
P24 WE54

Date: 21 November 2025

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

Dear Sir / Madam,

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

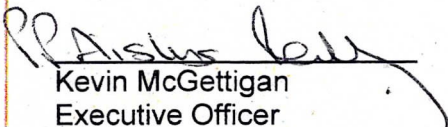
The Commission will revert to you in due course with regard to the matter.

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

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

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

Yours faithfully,


Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

PA04

Teil
Glaó Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
communications@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

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

OBSERVATION ON SID APPLICATION - Case reference: PA04.318802, Ringaskiddy Co Cork

Proposed development of a resource recovery centre (including waste-to-energy facility)
by Indaver NV t/a Indaver Ireland

OBSERVER NAME Peter and Carmel Daly and others **DATE** 16 Nov 20025
OBSERVER ADDRESS Ard na Cree, Lake Road Cobh
County Cork P24 WE54

OBSERVATION DETAILS

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

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

Notwithstanding the zoning of the greater Ringaskiddy area as industrial, the Indaver site area where the incinerator build is proposed (RY-I-09) is zoned as *suitable for the extension of the Third Level Educational campus and enterprise related development including marine related education, enterprise, research and development. (RY-I-09, Table 4.1.17: Specific Development Objectives for Ringaskiddy, Cork County Development Plan 2022 - 28)* This is dismissed in the August 2025 information but it is of critical importance that this zoning be upheld as it is directly linked to the investment in the NMCI and MaREI Campus areas and the potential for future growth of this sector. The proposed incinerator is therefore in direct contravention of the County Development Plan and contrary to the specified objectives for the immediate area.

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

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

I enclose fee of €50

I have already submitted in 2016 so have paid entry fee

Additional pages attached (no of)

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In addition, what is stated on page 1 of this observation we also which to add the following critiques

1. The EIS Chapter 8 for non-compliance with EU Ambient Air Quality Directive (AAQD 2008/50/EC, amended by 2024/2881), EIA Directive (2011/92/EU), Irish Air Pollution Act 1987, and EPA Act 1992. Inadequate baseline monitoring misrepresents risks from facility emissions (e.g., PM10, PM2.5, metals, dioxins) to sensitive receptors like residences, schools, and Natura 2000 sites (Cork Harbour SPA, Great Island Channel SAC), potentially causing health (e.g., cardiovascular effects per WHO 2021 PM2.5 guideline $<5 \mu\text{g}/\text{m}^3$) and ecological harms.

Key Deficiencies:

Inadequate Spatial Coverage: Continuous PM monitoring limited to one industrial site (Hammond Lane: PM10 $9.4 \mu\text{g}/\text{m}^3$, PM2.5 $5.7 \mu\text{g}/\text{m}^3$), implying false broader representation across 10 km area; relies on passive tubes elsewhere, biasing data and omitting Natura boundaries, violating AAQD Annex I and EPA AG4:2012.

Omission of Sub-PM2.5 Fractions: Reports only PM10/PM2.5 despite Osiris instrument's capability for PM1/UFPs; ignores revised AAQD mandates (PM2.5 limit $10 \mu\text{g}/\text{m}^3$ by 2030, UFP monitoring) and precautionary principles, understating combustion risks (TFEU Article 191).

Insufficient Duration: Six-month period (2024-2025) misses seasonal variations (e.g., winter inversions), lacking full-year data; contravenes IAIA/EPA guidelines for 12-month baselines (AG1:2005) and risks underestimation.

Omission of Cumulative Maritime Emissions: Ignores cruise liner impacts (95 calls/year at Port of Cork, emitting high PM2.5/SOx/NOx/UFPs ~2-3 km east); monitoring misses peak season, failing AAQD cumulative assessments (Annex I) and EIA Article 7; overlooks AFIR 2023 shore-power mitigations (90% uptake by 2030) under EU Green Deal.

Implications: Without remediation, approval exposes communities/habitats to unquantified risks via deposition/transboundary effects; urges comprehensive monitoring for compliance.

2. The Environmental Impact Statement (EIS) for the proposed waste-to-energy (WtE) facility (240,000 tpa capacity, including 216,000 tpa non-hazardous MSW) as inadequately justifying thermal treatment expansion, contravening Ireland's National Waste Management Plan for a Circular Economy (NWMPCE 2024-2030), EU Waste Framework Directive (WFD 2008/98/EC), Circular Economy Action Plan (CEAP 2020), and circular economy (CE) hierarchy principles.

It argues that claimed capacity shortages stem from recycling failures (e.g., stagnant 41% MSW recycling rate), not a need for incineration, risking overcapacity and undermining prevention/recycling priorities.

Key Deficiencies:

Misalignment with NWMPCE Priorities: The EIS prioritizes immediate WtE expansion over upstream CE reforms (e.g., 60% recycling targets, biowaste collection diverting 21% residuals), potentially processing 51% divertible waste and forgoing €200-500/tonne in recycled value, violating WFD Article 4 waste hierarchy (prevention > recycling > recovery).

Overstated Capacity Shortages: Short-term gaps (e.g., 48% hazardous exports) are exaggerated; NWMPCE projections indicate surpluses by 2035 if targets met, with proposed facilities creating 261,000 tpa excess. This ignores warnings on thermal over-reliance (41% MSW in 2021) and favours costly lock-in (€200M) over cheaper alternatives like landfill extensions, conflicting with WFD self-sufficiency and Landfill Directive goals.

EU Critiques of Incineration Overcapacity: Echoes EC/EEA concerns in Member States (e.g., Denmark, Sweden: 50-60% incineration stifling recycling; Estonia: overbuild hindering 33% targets), risking Ireland's low circularity (1.8% vs. EU 12.8%), economic lock-in, GHG emissions (443 Mt CO₂e forgone savings), and job losses (178,000+ EU-wide recycling opportunities), per CEAP and 7th Environment Action Programme.

Implications: Approval would entrench low recycling, foster waste imports, and exacerbate environmental/social burdens (e.g., ash exports). Refusal is urged unless realigned with NWMPCE reforms to achieve near-zero residuals by 2050.

3. The EIS for relying on obsolete incineration technology (240,000 tpa capacity, including 24,000 tpa hazardous waste) that generates toxic ash residues (20-30% input mass, laden with metals/dioxins), amplifying risks in a sensitive estuarine site within Cork Harbour SAC and near residences/schools. It argues this creates unacceptable cumulative health/environmental impacts, locking Ireland into 30+ year obsolescence amid rapid non-combustive innovations, contravening Industrial Emissions Directive (BAT requirements), Habitats Directive (Article 6), EU Zero Pollution Action Plan (50% toxics reduction by 2030), and Ireland's 2025 Circular Economy Bill. Historical Oireachtas inquiries and a 2021 High Court ruling highlight procedural flaws and inadequate alternatives analysis.

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Key Deficiencies:

Outdated Incineration and Toxic Ash: Core combustion process produces substantial ash requiring export/landfilling (€50-100/tonne), risking Basel Convention violations via contamination; EIS underplays management (40,000 tonnes/year). Superior non-thermal alternatives include AI-optical sorting (95% purity, diverting 80%+ waste) and plasma arc vitrification (99% energy recovery, zero dioxins at €80-100/tonne).

Health, Environmental, and Cumulative Risks: Episodic emissions (e.g., 0.1 ng TEQ/m³ dioxins) threaten SAC habitats/species via deposition/bioaccumulation; locals report 5-10% higher cancer rates near Indaver sites (lung/leukaemia risks up to 1.5x). Unassessed cumulative amounts with a new adjacent incinerator will exceed BAT limits, conflicting with IED integrated prevention and echoing 2021 court quashing.

Technological Obsolescence to 2050: 30+ year design ignores falling waste volumes (10-20% drop by 2030) and 2025 advancements like gasification/pyrolysis (90% GHG savings, €100/tonne), anaerobic digestion (95% biogas), and AI/ML optimization; strands €160-200M assets, undermining EU Green Deal, Critical Raw Materials Act, and NWMPCE circular hierarchy.

Implications: Entrenches toxic technology in vulnerable SAC-adjacent area, clashing with prevention/recovery priorities; requests refusal, oral hearing, and combustion ban if reconsidered to redirect to innovative, ash-free solutions.

4. The EIS Chapter 10 for deficiencies in noise and vibration assessment, rendering it non-compliant with EU EIA Directive (2011/92/EU, amended 2014/52/EU, Article 5) and international standards (e.g., ISO 9613-2:2024, WHO 2018 Guidelines). It argues the assessment underestimates propagation effects in the coastal/industrial setting near Cork Harbour SPA, residences (e.g., Martello Park), and amenities (e.g., Gobby Beach, Haulbowline, Spike Island), potentially causing unmitigated health/annoyance and biodiversity impacts. Informed by peer-reviewed literature and precedents, it urges rejection or supplemental studies.

Key Deficiencies:

Inadequate Assessment of Acoustic Reflections from Cliff-Face: Fails to model 'bounce-back' amplification (3-6 dB increase) from proposed 10-15m eastern cliff, ignoring ray-tracing for receptors like Gobby Beach/SPA (~500m south); contravenes EIA site-specific requirements and Birds Directive precautionary principle.

Failure to Differentiate Propagation Over Water vs. Land: Uniform terrestrial models overlook harbour refraction/ducting, under-predicting spread to Haulbowline (~1km) and Spike Island (~2km); violates WHO offshore guidelines and IOA 2013 recommendations for hybrid models.

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Insufficient Baseline Monitoring and Receptor Coverage: Limited to five clustered sites (N1-N4, <400m west/north), omitting eastern/coastal points; biases "not significant" findings, non-compliant with ISO 1996-2:2017 and stratified sampling precedents (e.g., Dublin Port EIS).

Over-Reliance on Future Infrastructure Masking: Assumes M28 motorway (2028) will mask effects without delay scenarios or validation, risking unmitigated construction/operational levels (32-62 dB L_{Aeq,1hr}); lacks IEMA cumulative forecasting.

Implications: Risks >10% annoyance (WHO >55 dB daytime) and SPA disturbance; requests 3D simulations, additional 2025 surveys (3-4 eastward sites), phased modelling, and post-construction monitoring per EPA NG4:2016 limits. Recommends refusal unless gaps addressed to ensure comprehensive assessment.

5. The proximity principle requires waste management (disposal, recovery, recycling) as close as possible to its generation point to minimize transport-related environmental impacts (e.g., GHG emissions, congestion), promoting local self-sufficiency and circular economy goals. While sustainable, it poses challenges like capacity shortages in dense areas, leading to variable enforcement across Member States. The average proximity distance in the EU .

EU law does not prescribe rigid numerical distances for the proximity principle, emphasising instead a qualitative "as close as possible" standard tailored to local circumstances (e.g., availability of suitable facilities, economic viability, and environmental impact). The European Environment Agency defines it as management "near as possible to its place of production," without km thresholds. In practice illustrative studies show average EU waste transport distances of 100–300 km for municipal waste, with proximity violations flagged if exceeding 500 km without recovery justification.

Post-Brexit Dynamics on Island of Ireland

The Windsor Framework maintains EU WFD/WSR alignment in Northern Ireland (NI), enabling seamless ROI-NI waste flows (~10–15% cross-border processing). Great Britain (GB) offers more flexibility under Environment Act 2021, risking "backdoor" imports via GB-NI routes. NI's DAERA enforces EU rules, but checks add burdens; all-island cooperation via North-South Ministerial Council persists, though GB divergences may raise costs (e.g., UK ETS 2025 expansion).

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Defining Proximity: Qualitative ("as close as possible"), assessed case-by-case via EIAs; no fixed km limits (EEA: "near" production site). Benchmarks: EU averages 100–300 km for municipal waste; >500 km needs justification. Flexibility aids adaptation but risks inconsistency.

Impact on EU Market and Competition: Limits cross-border trade, potentially creating local monopolies and raising prices (10–20%), but WSR allows recovery shipments (15% growth post-2018). It incentivizes local investment while EU competition law (TFEU Articles 101–102) curbs distortions, favouring sustainable over scale-driven markets.

Plans for WtE Capacity Expansion: To reduce exports and enhance proximity, both ROI and NI target ~800,000 tonnes added by 2030 (combined ~1.3M tonnes/year).

6. The EIS for Indaver's inadequate public engagement, breaching EU and Irish mandates for early, effective, and inclusive participation in EIA processes. It argues this undermines democratic planning, disenfranchising communities in Ringaskiddy and wider areas (e.g., Cobh, Carrigaline, Passage West, Monkstown, Aghada) affected by emissions, traffic, noise, and odour, while ignoring local knowledge on harbour impacts.

Legal Framework:

EU: EIA Directive (2011/92/EU, amended 2014/52/EU, Article 6) requires early access to info and informed input; Public Participation Directive (2003/35/EC) transposes Aarhus Convention for broad, transparent dialogue in environmentally significant projects.

Irish Planning and Development Act 2000 (Sections 129-131) mandates consultations; S.I. No. 296/2018 and S.I. No. 352/2010 enforce Aarhus inclusivity; OPR Guidance (2022) urges proactive developer-led forums pre-lodgement, especially in impacted zones like Natura 2000 sites.

Deficiencies:

Lack of Early/Inclusive Engagement: Pre-application limited to statutory bodies and select non-statutory groups (e.g., 2015-2016 with CHASE, Tidy Towns, etc); objections on pollution/habitats acknowledged but not integrated, creating false endorsement illusion; no 2025 forums for wider areas like Carrigaline/Aghada, violating Aarhus "taking into account" (Article 6(3)).

Inaccessible/Tokenistic Opportunities: Relies on written submissions to jargon-heavy EIS without Q&A events, briefings, or oral hearings; excludes vulnerable groups (e.g., non-experts, elderly), breaching inclusivity; no tailored outreach to harbour users (e.g., sailing clubs, fisheries).

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Failure to Address Local Concerns Proactively: Ignores historical distrust (e.g., 2016-2021 refusals/quashing) and issues like cancer rates or wind/tidal effects; one-way process dismisses input without tracked changes or follow-ups, repeating procedural flaws.

Consequences: violates ECJ/Aarhus (e.g., C-58/24; Irish High Court precedents), erodes trust, invites appeals/infractions, and perpetuates inequities in "pollution hotspots."

7. The EIS for superficially addressing CO2 emissions and carbon footprint in the proposed 240,000 tpa WtE facility (216,000 tpa non-hazardous MSW, 24,000 tpa hazardous), estimating up to 150,000 tCO2e/year from combustion. It argues the lack of robust lifecycle analysis misrepresents net impacts, claiming unverified "carbon neutrality" while ignoring Scope 3 emissions and alternatives, contravening EU EIA Directive (2011/92/EU, Article 3(1)) and Irish Climate Action Plan 2024 (51% reduction target by 2030). This risks exacerbating climate vulnerabilities in Cork Harbour SAC/SPA, including sea-level rise and storm surges.

Key Deficiencies:

Legal Framework Gaps: EU EIA Directive and Waste Framework Directive (2008/98/EC) mandate full lifecycle GHG evaluation (EFTA E-18/24, 2025); Irish transposition (S.I. No. 296/2018) aligns with Climate Act 2021 carbon budgets and EPA GHG Guidelines (2024), critiquing WtE's 0.5-1.0 tCO2e/tonne footprint.

Incomplete Analysis: Quantifies direct emissions (~100,000-120,000 tCO2e/year) but omits Scope 3 (e.g., 20,000-30,000 tCO2e from HGVs/ash exports); no cradle-to-grave per ISO 14067, understating footprint by 20-40% (IEMA 2024); ignores upstream fossil content inflation.

Unverifiable Claims: Over-relies on ~80,000 tCO2e/year avoidance credits without sensitivity testing (e.g., Ireland's 30% fossil grid); dismisses biogenic CO2 risks (IPCC AR6, 2023); no vulnerability assessment (e.g., +1.5°C flooding) or alternatives like MBT/Al sorting (0.1 tCO2e/tonne), violating EIA Article 5.

Implications: Adds 1-2% to waste sector emissions (5 MtCO2e by 2030), hindering national targets; creates "carbon hotspot" cumulative with existing operations, conflicting with EU Green Deal and Zero Pollution Plan (2021); echoes 2021 High Court/ECJ precedents on procedural flaws.

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8. The EIS for not incorporating projected post-2030 wholesale electricity price declines (20-40% lower by 2035 due to renewables scaling and interconnectors), undermining the economic case for the 240,000 tpa WtE facility (~60 MW generation). The static analysis assumes sustained high revenues (€50-70/MWh based on 2024 prices), ignoring Ireland's 80% renewables target by 2030 and EU integration, contravening EU EIA Directive (2011/92/EU, Article 5) requirements for long-term viability assessments. This risks stranded assets and subsidy burdens in climate-vulnerable Cork Harbour (Natura 2000 site).

Key Deficiencies:

Legal Framework Gaps: EU EIA and Waste Framework Directives (2008/98/EC) mandate sensitivity to market trends under Green Deal; Irish transposition (S.I. No. 296/2018) aligns with CAP24 and NWMPCE (2024-2030), which favor recycling amid price drops (e.g., EirGrid forecasts 20-30% reductions post-2030 via oversupply).

Outdated Market Analysis: Static €60-80/MWh projections ignore renewables surge (100% RE post-2030, prices to €30-50/MWh); omits interconnectors (Celtic/Greenlink adding 1.4 GW by 2028, causing 10-20% price convergence); no comparison of alternatives like MBT/Al sorting (€150-200/tonne value vs. WtE's volatile €50-70/MWh).

Lack of Dynamic Modelling: No sensitivity for revenue shortfalls (~€20-30M/year post-2030) or economic hierarchies per CAP24, breaching EIA alternatives evaluation.

Implications: Creates uneconomic lock-in, requiring €50-100M subsidies amid Ireland's 23% emissions cut shortfall; entrenches polluting infrastructure in Ringaskiddy, diverting from renewables (e.g., 5 GW offshore wind by 2030).