



An
Bord
Pleanála

Board Direction
BD-011189-22
ABP-312146-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/08/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the established use of the site and as an alumina processing plant, together with the existing residual bauxite disposal area, the existing activities on the site licenced under Industrial Emissions Licence P0035-07 issued by the Environmental Protection Agency on 28th day of September, 2021 and the mitigation measures set out in the Environmental Impact Assessment Report and the Natura Impact Statement received by the Board, it is considered that, subject to compliance with conditions set out below, the proposed development would not be prejudicial to public health, would be acceptable in terms of its impact on the amenities of the area, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the inspector's report that the Lower Shannon SAC (Site Code: 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code: 004077) are the European Sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for these European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) site-specific Conservation Objectives for these European Sites,
- (ii) current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, and
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and there was no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

In compliance with Section 172 of the Planning and Development Act 2000, as amended, the Board completed an Environmental Impact Assessment of the proposed development taking into account

- the nature, scale, location and extent of the proposed development,
- the Environmental Impact Assessment Report and associated documentation submitted with the application,
- the submissions from the applicant, the observers, the planning authority and the prescribed bodies, and
- the Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report (EIAR) supported by the information submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2011/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination set out in the Inspector's report, on the information contained in the EIAR and associated documentation submitted by the applicant and the submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and they are incorporated into the Board's decision.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in each of the Chapters 5 to 17 of the EIAR, Volume 1 and also the Schedule of Mitigation and Monitoring Measures set out in Chapter 19 and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- (a) Positive direct and indirect effects on the local economy and local employment in the area.
- (b) Potential for some impact on fauna foraging and commuting, particularly during the active phase of excavation, will be mitigated through standard mitigation and monitoring, management and habitat enhancement.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Costs

The Board considered the submission on file relating to its own costs and decided that the amount due to be refunded to the applicant is €52,604

DECISION QUASHED

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, except as may otherwise be required in order to comply with the following conditions.</p> <p>Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation and monitoring commitments identified in the Environmental Impact Assessment Report and other plans and particulars submitted with the application including the Schedule of Mitigation Measures shall be implemented in full.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>The mitigation measures identified in the Natura Impact Statement shall be implemented in full.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites within the Shannon Estuary.</p>
4.	<p>All vegetation removal shall take place outside the bird nesting season.</p> <p>Reason: In the interest of protecting biodiversity.</p>
5.	<p>Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" published by</p>

	<p>the Department of the Environment, Heritage and Local Government in July, 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
6.	<p>Blasting at the borrow pit shall not take place outside the period between April and September in any year and shall be limited to a maximum of 7 blasting events annually.</p> <p>Reason: In the interests of orderly development and to limit the extraction of blasting to the period specified in the application.</p>
7.	<p>Details of the construction and environmental management plan shall be agreed in writing with the planning authority prior to the commencement of development. The construction and environmental management plan shall include but not be limited to operational controls for dust, noise and vibration, waste management, protection of soils and groundwaters and surface water and the protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, project roles and responsibilities during the construction phase.</p> <p>Reason: In the interest of environmental protection and orderly development.</p>

Board Member



John Connolly

Date: 29/08/2022