

An
Bord
Pleanála

Board Direction
BD-011248-22
ABP-313918-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/09/2022.

The Board decided to approve the proposed development 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 relevant European, national, regional and local legislation, policy and guidance, including:

- a. Large Combustion Plant Directive (2001/80/EC),
- b. Renewable Energy Directive (2009/28/EC),
- c. Recast Renewable Energy Directive (Revision of Directive (EU) 2018/2001),
- d. Energy Roadmap 2050,
- e. the National Planning Framework Plan 2018-2040,
- f. the National Development Plan 2021-2030,
- g. the Climate Action Plan 2021,
- h. the Climate Action and Low Carbon Act 2021 amending the Climate Action and Low Carbon Act 2015,
- i. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,

- j. the policies of the planning authority as set out in the Dublin City Development Plan, 2016-2022,
- k. the distance to dwellings or other sensitive receptors,
- l. the submissions made in connection with the application,
- m. the likely consequences for the environment and the likely significant effects of the proposed development on European Sites,
- n. the Appropriate Assessment and Environmental Impact Assessment reports and recommendations of the Inspector,

Likely Effects on the Environment / Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the temporary nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

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

- Negative impacts on **climate** during the operational phase. The increase in greenhouse gas emissions from the chimney stacks would have a negative impact on climate and the achievement of EU and National climate change

and carbon emission reduction targets. Any such impacts are considered acceptable in the context of the strategically important, temporary and emergency nature of the facility, which would operate intermittently for up to 500 hours per annum for a period of up to 5 years.

- Negative impacts on **air and climate** during the operational phase. The increase in airborne emissions from the chimney stacks and resulting air quality impacts would be mitigated by adherence to the emission limit levels set by the EPA Industrial Emission Licence.
- Negative impacts on **human health and population, air and climate** and **biodiversity** arising from construction activities include noise, dust, traffic emissions and traffic disturbance. These impacts will be mitigated through adherence to best practice construction measures and the implementation of a finalised Construction and Environmental Management Plan and a Construction and Demolition Waste Management Plan. Noise disturbance from the operation of the facility is not likely to arise given the established industrial location within Dublin Port, and the separation distances between the development and noise sensitive receptors which include surrounding residential areas and the nearby Dublin Bay European sites.
- Negative impacts on **hydrology** could arise as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering watercourses and mitigation measures are proposed to manage surface water from the site. Discharge of surface water will be directed through the existing storm and foul drainage systems prior to discharge. Impacts will be mitigated by measures outlined within the application and adherence to the terms and conditions of the EPA Industrial Emission Licence.

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, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Furthermore, the Board has performed its functions in relation to the making of the decision in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Act 2021.

Appropriate Assessment Screening

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay Special Area of Conservation (Site Code: 000210) and the North Bull Island Special Protection Area (Site Code: 004006) are the European sites for which there is a likelihood of significant effects.

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 proposal for the European Sites, South Dublin Bay and River Tolka Estuary Special Protection Area (004024), North Dublin Bay Special Area of Control (000206), South Dublin Bay Special Area of Control (000210), North Bull Island Special Protection Area (004006), in view of these sites Conservation Objectives.

In completing the assessment, the Board considered, in particular;

- (a) the likely direct and indirect impacts arising from the development of the proposed development, both individually, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the current proposal, and
- (c) the site-specific conservation objectives for these European sites.

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.

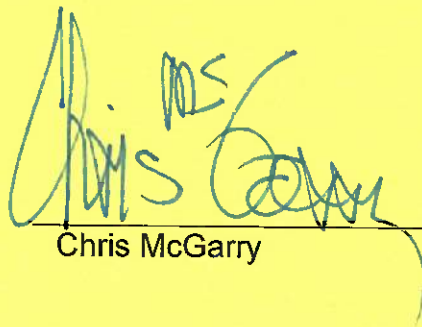
In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites, South Dublin Bay and River Tolka Estuary Special Protection Area (004024), North Dublin Bay Special Area of Control (000206), South Dublin Bay Special Area of Control (000210), North Bull Island Special Protection Area (004006), in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. (a) All mitigation, environmental commitments and monitoring measures identified in the Environmental Impact Assessment Report shall be implemented in full as part of the proposed development.
(b) All mitigation and ecological commitments identified in the Natura Impact Statement shall be implemented in full as part of the proposed development.

Reason: In the interest of clarity and the protection of the environment.

Board Member



Chris McGarry

Date: 12/09/2022