



An
Bord
Pleanála

Board Direction
BD-019195-25
ABP-318302-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/03/2025.

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. The Board also agreed the amount due to be refunded to the applicant as set out in the Memo to the Board dated 13th February, 2025.

Reasons and Considerations

In coming to its decision, the Board had regard to:

- (a) the established use of the site including the Alumina Processing Plant, Bauxite Residue Disposal Area and borrow pit;
- (b) the provisions and extent of the Industrial Emissions licence governing the site;
- (c) the nature, scale and extent of the proposed development;
- (d) the amending Environmental Impact Assessment Directive (Directive 2014/52/EU), on the assessment of the effects of certain public and private projects on the environment;

- (e) the national, regional and local policy support for the proposed development including:
- Project Ireland 2040, National Planning Framework, 2018,
 - Strategic Integrated Framework for the Shannon Estuary 2013-2020,
 - Southern Regional Assembly, Regional Spatial and Economic Strategy for the Southern Region, and
 - Limerick Development Plan, 2022;
- (f) the Climate Action Plan 2024 and Ireland's 4th National Biodiversity Action Plan 2023–2030;
- (g) the documentation and drawings submitted with the application, including the Environmental Impact Assessment Report and the Natura Impact Statement, and the further information submitted by the applicant on the 19th day of January 2024;
- (h) the submissions on file, including those from prescribed bodies, the local authority and observers; and
- (i) the report of the inspector dated the 11th day of February 2025.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that Lower River Shannon Special Area of Conservation (Site Code: 002165), River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) and Barrigone Special Area of Conservation (Site Code: 000432) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained

therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely Lower River Shannon Special Area of Conservation (Site Code: 002165), River Shannon and River Fergus Estuaries Special Protection Area (Site Code: 004077) and Barrigone Special Area of Conservation (Site Code: 000432) in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives, attributes and targets for the 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 potential effects 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, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Environmental Impact Assessment

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.

Reasoned Conclusions on the Significant Effects:

The Board considered, and agreed with the inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health

- The proposed development will extend the life of the facility which will have positive impacts on the local economy and employment in the area.
- Activities, including blasting associated with the extension of the borrow pit, will give rise to noise and vibration. Activities will be limited to the period between 1st April and 30th September and the number of blasts restricted to a maximum of 7 no. per annum. Blast events will continue to be controlled and monitored in accordance with an Industrial Emissions Licence.
- Emissions arising from the facility will continue to be limited, controlled, and monitored in accordance with an Industrial Emissions Licence

Biodiversity

- Habitat loss for the borrow pit extension will impact on habitat of generally low ecological value with no rare or protected species recorded. Impacts will be mitigated by the management, monitoring and habitat enhancement measures proposed.
- Activities, including blasting associated with the extension of the borrow pit, will give rise to noise and vibration giving rise to disturbance to fauna and avifauna. Activities will be limited to the period between 1st April and 30th September avoiding the overwintering period for avifauna. The number of blasts will be limited to a maximum of 7 no. per annum. Blast events will continue to be controlled and monitored in accordance with an Industrial Emissions Licence

Air and Climate

- Emissions arising to air will continue to be limited, controlled, and monitored in accordance with an Industrial Emissions Licence.
- The development will lead to direct and indirect Greenhouse Gas Emissions from the Alumina Plant continuing beyond 2030. Under the EU Emissions Trading Scheme, the applicant will continue to be regulated and will continue to pay gradually increasing carbon costs.

Landscape

- The increase in height will make the Bauxite Residue Disposal Area more prominent in the landscape. However the nature of the mound geometry will result in a smaller surface area of bauxite residue being exposed within the filling of each consecutive stage with the most conspicuous characteristic of the operation (the red brown colour of the residue) reducing over time. The nature of the proposed development is dynamic due to the progression of the BRDA stages, changing volumes of stockpiling and successive planting/seeding works. This impact is balanced by the nature of the landscape which is considered to be a moderated working landscape characterised by industrial development and which is robust.

Water

- The proposed development does not comprise any change to the 2 no. licenced discharges. The surface water runoff from the bauxite residue is to continue to percolate through the rock fill stages and discharge to the encompassing Perimeter Interceptor Channels with no discharges to groundwater. There is no requirement for a connection to a water mains or abstraction from groundwater.
- The Industrial Emissions licence details surface water discharges and monitoring requirements in addition to groundwater monitoring requirements. On the basis of the assessment provided based on extensive monitoring data and investigations which are site specific, empirical and provide scientific certainty, and considering inter alia the objectives as set out in Article 4 of the

Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status, the proposed development would not result in a risk of deterioration of any ground or surface water body or otherwise jeopardise the attainment of good status for any water body.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with national, regional and local planning policy, would not have significant negative effects on the environment, would not give rise to a risk of pollution, would not seriously injure the amenities of property in the vicinity, would not be detrimental to the visual or landscape amenities of the area, would not interfere with traffic safety, and would be consistent with the relevant provisions of the Climate Action Plan 2024. Furthermore, the Board has performed its functions in relation to the making of its 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures including monitoring measures contained in the submitted Environmental Impact Assessment Report shall be implemented

Reason: To protect the environment.

3. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

Reason: To protect European Sites.

4. All mitigation measures in relation to archaeology and cultural heritage as set out in the Chapter 5 of the Environmental Impact Assessment Report included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

5. All vegetation removal shall take place outside the bird nesting period.

Reason: In the interest of protecting biodiversity.

6. 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 the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste development.

7. A Construction and Environmental Management Plan (CEMP) shall be submitted to an agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and orderly development.

8. Blasting at the borrow pit shall not take place outside the period between the 1st day of April and 30th day of September in any year and shall be limited to a maximum of 7 no. blasting events annually.

Reason: In the interest of orderly development and to limit the extraction of blasting to the period specified in the application.

9. A Community Benefit Fund shall be established to support facilities and services which would benefit the community in the local area. Details of the fund including specific contribution amount and its management and operation shall be submitted for the written agreement of the planning authority prior to commencement of development or, in default of such

agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is considered reasonable that the operator of the facility shall contribute towards the cost of environmental recreation or community facilities which would be of benefit to the local community.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Eamonn James Kelly
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Date: 24/03/2025