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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 17/714**

**Appeal** by Cappagh Farmers Support Group care of Pat Geoghegan of Boolaglass, Askeaton, County Limerick against the decision made on the 31<sup>st</sup> day of January, 2018 by Limerick City and County Council to grant subject to conditions a permission to Aughinish Alumina Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** A ten-year permission for development on a site of circa seven hectares located adjoining the existing Aughinish Alumina Limited plant for the provision of a Borrow Pit with an extraction area of circa 4.5 hectares to extract circa 374 cubic metres of rock over a ten-year period. The extraction area is sought up to a maximum depth of circa 8.5 metres O.D., with extraction to occur between April and September each year. The proposed development includes the demolition of a contractors shed and all ancillary site development, areas of stockpiling, landscaping and boundary treatment works above and below ground, including restoration of the extraction area. Aughinish Alumina Limited carries out an activity requiring an Industrial Pollution Prevention and Control Licence (now replaced by an

Industrial Emissions Licence – Licence Register Number P0035-06). The development and operation of the proposed Borrow Pit is not a licensable activity. An Environmental Impact Statement (EIS) will be submitted to the planning authority with the application, all at Aughinish East, Aughinish West, Island Mac Teige, Glenbane West, Morgan North and Fawnamore at or adjacent to Aughinish Island, Askeaton, County Limerick.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

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

- (a) the planning history of the site,

- (b) the established industrial operation on the larger landholding and the location of the site within the landholding,
- (c) the nature, purpose, scale and form of the proposed development and its location relative to nearby sensitive receptors,
- (d) the provisions of the Limerick County Development Plan 2010 - 2016, as extended, and the Strategic Integrated Framework Plan for the Shannon Estuary, 2013 - 2020,
- (e) the requirement to obtain an Industrial Emission Licence for the overall installation at the site, which includes the application site, from the Environmental Protection Agency,
- (f) the written submissions made in respect of the planning application and appeal, and
- (g) the report and recommendations of the Inspector,

and considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would comply with the provisions of the Development Plan and would not be prejudicial to public health. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development and emissions arising from it, the Screening Report submitted with the application, the Inspector's report and submissions on file. The Board adopted the report of the Inspector and agreed with the screening assessment and conclusion carried out in the Inspector's report that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code 002165) and River Shannon and River Fergus Estuaries Special Protection Area (Site Code 004077) or any other European site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment**

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

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application;
- (c) the submissions from the planning authority, the appellant and prescribed bodies in the course of the application and appeal, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the developer, adequately 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 developer and submissions made in the course of the planning application.

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:

Emissions to air including dust, noise and vibration. Significant impacts will be avoided by the incorporation of best practice measures into operational procedures. The applicant will also be required to seek a review of the Industrial Emissions Licence which will specify emission limits for all relevant parameters and to operate the proposed development in accordance with same. Monitoring of compliance with emission limit values will fall to the Environmental Protection Agency.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, and other measures set out in the environmental impact assessment report (sections 5.7, 7.5, 8.6, 9.5, 10.5, 11.5, 12.6, 13.6 and 14.5 and 15.5) 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.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further details and particulars submitted on the 29<sup>th</sup> day of November, 2017 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 with the planning authority 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. All environmental mitigation measures outlined in the environmental impact assessment report (as set out in sections 5.7, 7.5, 8.6, 9.5, 10.5, 11.5, 12.6, 13.6 and 14.5 and 15.5) shall be implemented in full. Compliance with, and effectiveness of mitigation measures, shall be demonstrated in an annual report of compliance to the planning authority. The planning authority shall make the annual report available for public inspection.

**Reason:** In the interest of environmental protection.

3. Blasting shall only take place outside of the period between April to September in any year.

**Reason:** In the interest of clarity and to limit the extraction and blasting to the periods specified in the application.

4. All proposed screening measures, including improvements to boundaries and the provision of any fencing and berms, shall be completed prior to commencement of extraction on site.

**Reason:** In the interest of visual amenity.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to 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 management.

6. 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.

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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**