

An  
Bord  
Pleanála

**Board Order**  
**ABP-312146-21**

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**Planning and Development Acts, 2000 to 2021**

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

**Application** for permission under section 37E of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 8<sup>th</sup> day of December, 2021 by Aughinish Alumina Limited care of Tom Phillips and Associates, Planning Consultants, 80 Harcourt Street, Dublin 2.

**Proposed Development:** The proposed development will consist of works to facilitate an expansion of the disposal capacity at the existing Bauxite Residue Disposal Area (BRDA). The works will generally consist of the construction of rock fill embankments at the perimeter of the Bauxite Residue Disposal Area, offset internally and founded on the previously deposited and farmed bauxite residue, in two-metre-high vertical lifts. The proposed development will result in the footprint of the Bauxite Residue Disposal Area decreasing as it increases in height. The proposed development will result in a circa 12 metres increase in height (over that previously permitted under Limerick City and County Council Planning Register Reference Number: 05/1836; An Bord Pleanála Planning Reference Number: PL13.217976) to a maximum height of circa 44 metres Ordinance Datum upon closure. The proposed expansion of the Bauxite Residue Disposal Area will provide for the deposition of an additional circa 8.0 million cubic metre bauxite residue over the lifetime of the development. The proposed development also provides for an

expansion of the existing capacity of the Salt Cake Disposal Cell (SCDC), which is located within the Bauxite Residue Disposal Area through a vertical extension of the existing perimeter wall and associated cell lining resulting in a circa 2.25 metre crest height increase of the existing cell to circa 31.25 metre Ordinance Datum and maximum overall height of circa 35.50 metre Ordinance Datum upon closure. The increase in capacity of the Salt Cake Disposal Cell, will provide for the storage of an additional circa 22,500 cubic metres of salt cake.

Additional works will include a circa 3.9 hectare expansion of the permitted borrow pit (Limerick City and County Council Planning Register Reference Number: 17/714; An Bord Pleanála Planning Reference Number: ABP-301011-18) to the east of the Bauxite Residue Disposal Area (BRDA), resulting in a total borrow pit area of circa 8.4 hectares with a maximum depth of circa 8.5 metres Ordinance Datum and providing for an additional 380,000 cubic metres of rockfill with blasting and crushing of rock to occur between April and September each year.

Further works will include upgrades to the water management infrastructure to accommodate the Bauxite Residue Disposal Area development; the continued use of a stockpile area for rock and top-soil storage to the south east of the Bauxite Residue Disposal Area; use of top-soil and rock materials for the landscaped restoration and closure of the Bauxite Residue Disposal Area (including the Salt Cake Disposal Cell); restoration of the extended borrow pit extraction area; lighting; spillway ramps (drainage channels); revised boundary treatments and ancillary associated works above and below ground. Aughinish Alumina Limited carries out an activity on the site requiring an Industrial Emissions Licence (Licence Register Number: P0035-07)

All located within the site of circa 222 hectares in the townlands of Aughinish East, Aughinish West, Island Mac Teige, Glenbane West and Fawnamore at or adjacent to Aughinish Island, Askeaton, County Limerick.

## Decision

**GRANT permission under section 37G of the Planning and Development Act 2000, as amended, 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.**

**DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.**

### 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 28<sup>th</sup> 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 Special Area of Conservation (Site Code: 002165) and the River Shannon and River Fergus Estuaries Special Protection Area

(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 on 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.

**DECISION QUASHED**



## CONDITIONS

1. The proposed 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 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.

**Reason:** In the interest of clarity.

2. 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.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. The mitigation measures identified in the Natura Impact Statement shall be implemented in full.

**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.

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

**Reason:** In the interest of protecting biodiversity.

5. 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 management.

6. 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.

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

7. 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.

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



## Schedule of Costs

In accordance with the provisions of section 37H(2)(c) of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is €52,604.

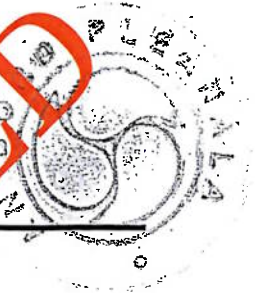
A breakdown of the Board's costs is set out in the attached Appendix 1.



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John Connolly  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 31<sup>st</sup> day of August 2022



DECISION QUASHED

**DECISION QUASHED**