Inspector's Report
ABP-317390-23

Development	Construction of a water treatment plant within mine site complex. NIS lodged with the application.
Location	Knockumber, Navan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	23/341
Applicant(s)	Boliden Tara Mines DAC
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Sustainability 2050
Observer(s)	None
Date of Site Inspection	13th November 2024
Inspector	Elaine Power

Contents

1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.5ha and forms part of the overall landholding at Boliden Tara Mines, which is the largest operating zinc and lead mines in Europe. The mine site is located at the western edge of Navan, Co. Meath. The associated Tailings Storage Facility (TSF), which is where the wastewater is stored, is located c. 2.5km north of the mine site.

1.2. The appeal site is located within the north-eastern portion of the mine site. It is located to the north and east of 5 no. existing settlement ponds and east of the existing Lamella Clarifiers, which form part of the existing water management / treatment system within the mine site. The appeal site is generally level and appears to have been recently cleared. It is generally bound to the south by an existing internal access road, to the north and west by an embankment and undeveloped lands to the east with underground pipelines. There is a wayleave under the eastern portion of the appeal relating to the existing pipelines.

1.3. There are a limited number of residential dwellings, and the Blackwater Retail Park located to the north-east of the appeal site, fronting onto Kells Road. The River Boyne is located c. 100m north of the appeal site.

1.4. The proposed development relates to an activity covered by an Industrial Emissions Licence (Ref. P0 516-04). The overall mine site is a designated Seveso Site, which is monitored by the Health and Safety Authority.

2.0 Proposed Development

2.1. The proposed development comprises the construction of a wastewater treatment plant and ancillary infrastructure. The water treatment plant would augment the extant water management / treatment system within the mine. The proposed development comprises a modular system, with up to 3 x 1000m^3/h treatment capacity extensions in a treatment plant building, with foundations and bunding. The dimensions of the proposed structure would be c. 29m by c.17m and have a maximum height of 5.5m. The existing embankment that forms part of the appeal site would be removed to

facilitate the proposed development. A new berm with planting would be provided along the northern boundary of the proposed development.

2.2. A Natura Impact Statement (NIS) was submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted permission subject to 3 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planners report dated 23rd May 2023 raised no concerns regarding the proposed development and recommended that permission be granted.

3.2.2. Other Technical Reports

Environment Department (Flooding): Email dated 12th May 2023 raised no objection from a flood risk perspective.

Transportation Department: Report dated 15th May 2023 raised no objection.

Environment Department: The planners report states that there is no objection. This report is not on file.

Water Services Department: Email dated 22nd May 2023 states there are no reports required for water, wastewater and surface water.

3.3. Prescribed Bodies

Environmental Protection Agency (EPA): The Board requested comments from the EPA on the 20th November 2024. No comments were received with the 4-week timeframe.

Health Service Executive: Report dated 21st April 2023 considered the proposed development with regard to any potentially significant effect from noise, dust, odour or any potential pollution of surface or groundwater resource. It considers that any construction impacts should be controlled by compliance with mitigation measures

outlined in the CEMP. Operational impacts are mainly confined to surface water. It is noted that all operational impacts are subject to control by the company's IE licence. The report concludes that any proposal which brings about improvement in the treatment and the discharge quality of the water from the site would be supported by the Environmental Health Service.

Health and Safety Authority: Report dated the April 2023 notes that the appeal site is covered by the Seveso Regulations (S.I 209) and raised no objection in principle to the proposed development.

3.4. Third Party Observations

The planning authority received 1 no. third party submission from the appellant. The concerns raised are similar to those outlined in the appeal below.

4.0 Relevant Planning History

Appeal Site

There are a significant number of planning applications relating to the Boliden Tara Mines complex. The most relevant planning history is summarised below.

ABP PL17.315173, Reg. Ref. 22/331: Permission was granted in 2024 for the construction of a rockfill and earthen reinforcement buttress to sections of the extant embankment wall of the Tailings Storage Facility, located c. 2.5km north-east of the appeal site.

ABP PL17.247707, Reg. Ref. NA/160408: Split Decision. Permission was granted in 2017 for the lateral extension to the existing tailings storage facility and permission was refused for the construction of an Integrated Constructed Wetlands. The reason for refusal states *that the subject application fails to provide adequate assurance that the discharges from the proposed integrated constructed wetland would not adversely impact on the environmental quality of the receiving waters in the River Blackwater which is a designated European site.*

Surrounding Sites

Reg. Ref. 22/866: Permission was granted in 2022 for 8 No. warehouse units with ancillary office & staff facilities at Listcartan, c. 2.3km north-west of the appeal site. This application is currently on appeal **ABP. 317154-23.**

5.0 Policy Context

5.1. Meath County Development Plan 2021 - 2027

The appeal site is located outside of the settlement boundary of Navan and is zoned RA Rural Area with the associated lands use objective *to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.*

Section 11.14.5 of the development plan sets out guidance for lands zoned RA. It states that the primary objective is to protect and promote the value and future sustainability of rural areas. Agriculture, forestry, tourism and rural related resource enterprises will be employed for the benefit of the local and wider population. A balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage will be adopted. Permitted uses include the extractive industry.

Boliden Tara Mines is listed as a Seveso Site. It is an upper tier site with a consultation distance of 1,000 metres.

The appeal site is located in Flood Zone C.

Section 11.6.9 of the development plan states that the council recognises the contribution of the extractive industry in supporting jobs in the construction and aggregates section of the County.

The following policies are considered relevant: -

RD POL 21 To ensure that projects associated with the extractive industry carry out screening for Appropriate Assessment in accordance with Article 6(3) of the E.C. Habitats Directive, where required.

RD POL 22 To facilitate the exploitation of the county's natural resources and to exercise appropriate control over the types of development taking place in areas

containing proven deposits, whilst also ensuring that such developments are carried out in a manner which would not unduly impinge on the visual amenity or environmental quality in the area

RD POL 23 To support the extractive industry where it would not unduly compromise the environmental quality of the county and where detailed rehabilitation proposals are provided.

RD POL 24 To seek to ensure that the extraction of minerals and aggregates minimise the detraction from the visual quality of the landscape and do not adversely affect the environment or adjoining existing land uses.

RD POL 52 To ensure wastewater treatment plants discharging into the Boyne catchment or to coastal Natura 2000 sites are suitably maintained and upgraded in advance of any additional loadings beyond their capacity in order to protect water quality, as required.

5.2. *National Planning Framework – Ireland 2040' (NPF)*

The National Planning Framework is a high-level strategic plan for shaping the future growth and development of the county to 2040. The plan sets out 10 no. National Strategic Outcomes. National Strategic Outcome 9 relates to sustainable management of water, waste and other environmental resources and notes climate change will have significant future effects on the availability of water sources and on the capacity of water bodies to assimilate wastewater discharges through lower water levels in rivers and lakes in longer and drier summer periods. The impact of climate change on the water cycle and the resultant impact on water services and flooding therefore need to be considered in settlement strategies.

5.3. *Climate Action Plan, 2024*

The Climate Action Pan was published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

5.4. ***Climate Action and Low Carbon Development (Amendment) Act 2021***

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to make all decisions in a manner that is consistent with the Climate Act.

5.5. ***European Union Water Framework Directive 2000/60/EC (WFD)***

5.5.1. The WFD was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

5.6. **Natural Heritage Designations**

The River Boyne and Blackwater SAC (002299) and River Boyne and Blackwater SPA (004232) are located c. 100m north of the appeal site and treated water from the mine discharges to the River Boyne.

5.7. **EIA Screening**

5.7.1. The proposed development comprises the construction of a water treatment plant to be incorporated into the extant water treatment system within the overall Boliden Tara Mines Complex, adjacent to the existing surface ponds and Lamella clarifier. The development comprises the construction of concrete tanks with ancillary infrastructure to be housed within a structure c.29m by c.17m with a maximum height of 5.5m. The design is based on a modular system with up to 3 x 1000m^3/h treatment expansions. It is stated that the initial phase (Module 1) includes capacity for the treatment of up to 1000m^3/h and foundations and bunding to enable Modules 2 and 3. Thereby increasing capacity by a further 2000 m^3/h.

5.7.2. An Environmental Report was submitted with the application, and I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The Environmental Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on the receiving environment.

5.7.3. The applicants Environmental Report considers that that the proposed development does not fall under projects listed in Schedule 5 Part 1 or 2 of the Planning and Development Regulations, 2001 (as amended) and, therefore, does not require an EIAR.

5.7.4. Schedule 5, Part 2 of the Planning and Development Regulations 2001, as amended and Section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) required for: -

- Class 2(c) *All extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1999.*
- Class 11 (c) *wastewater treatment plants with a capacity greater than 10,000 population equivalents as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.*
- Class 13 *Changes, extensions, development and testing*
  (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

    (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

    (ii) result in an increase in size greater than –

    - 25 per cent, or

    - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater

5.7.5. With regard to class 2(c) minerals are defined in the Minerals Development Acts, 1940 to 1999 as *substances (other than the agricultural surface of the ground and other than turf or peat) in, on, or under land, whether obtainable by underground or by surface working, and includes all mines, whether they are or are not already opened or in work, and also includes the cubic space occupied or formerly occupied by minerals, and, for greater certainty but without prejudice to the generality of the foregoing, the said word includes all scheduled minerals*. The proposed development is located within a mine site, and it would enhance the existing water management / treatment system by providing additional treatment of wastewater from the processing plant, prior to water entering the clear water pond and ultimately discharging to the River Boyne. However, I am satisfied that the proposed development does not form an integral part of the extraction of minerals and, therefore, does not fall within the definition of class 2(c).

5.7.6. It is noted that the appeal site is located within a mine site and that there have been a number of other planning applications relating to this mine site, in particular ABP.315173-22 for the construction of a rockfill and earthen reinforcement buttress to sections of the extant embankment wall of the Tailings Storage Facility which was granted permission in 2024. While the proposed development is for the purpose of improving the quality of water discharged to the River Boyne during the operational lifetime of the mining operation. I am satisfied that the proposed development is a stand-alone development and does not represent project splitting. It is also noted that an EIAR was submitted with ABP. 315173-22.

5.7.7. Class 11(c) relates to wastewater treatment plants with a capacity greater than 10,000 population equivalents. The proposed development would augment the existing water treatment / management system within the mine site and does not comprise a wastewater treatment plant with a capacity greater than 10,000 population equivalents. Therefore, I am satisfied that it does not fall within the definition of Class 11 (c).

5.7.8. Class 13 relates to any change or extension of a development already authorised, that would result in an increase in size greater than 25 per cent, or an amount equal to 50 per cent of the appropriate threshold. The proposed treatment plant is designed to remove suspended solids and Antimony (Sb), in a similar to way to the extant Lamella

clarifiers. It would provide treatment capacity of 3000 m^3/h. The proposed development would augment the extant treatment system and would enhance the ability to treat wastewater. It would not increase the quantity of water entering the system or the total volume of water discharged from the mine, which is controlled by an Industrial Emissions (IE) Licence from the EPA (P0516-04) with a stated maximum allowable discharge to the River Boyne of 2,700m^3/h. Therefore, I am satisfied that it does not fall within the definition of Class 13.

5.7.9. The applicant submitted Schedule 7A information, therefore, a Screening Determination has been completed and is attached as Appendix 2.

5.7.10. Having regard to the nature and scale of the development and by reference to any of the classes outlined above, a mandatory or sub-threshold EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A detailed third-party appeal was received from Sustainability 2050. It includes a copy of the original submission to Meath County Council. Appendix 1 of the submission contains the report 'Removal of Antimony from Reclaimed Water at Boliden Tara Mines', 2014 and Appendix 2 contains 'Boliden – Tara Mine In-Rush Event Assessment', 2022. The relevant planning grounds of the third-party appeal are summarised below.

Principle of Development

- The application lacks sufficient detail with regard to recent relevant circumstances relating to the mine, with its many interdependent elements. The Board should consider the complex as a whole and have regard to the scale of the mine complex in close proximity to an urban area.
- It is unclear why the volume of treatment capacity is to increase from 750m^3 to 3,000m^3. This is an increase of 400%.
- It is unclear if there is a requirement for additional treatment capacity.

- Concerns raised that the proposed development would allow for an intensification of the mine complex.

Environmental Considerations

- The application must have sufficient information to allow the development to be screened for sub-threshold EIA. An EIAR is required that encompasses all development within the mine site since the last EIAR was carried out. It is unclear if the proposed development would pose an unacceptable risk to the environment.
- Concerns raised regarding project splitting with regard to EIAR.
- Insufficient detail regarding the hydrogeological context of the mine.
- Details regarding the maximum discharge from the mine and how much water can be stored in the event of drought conditions should be provided.
- Optimum conditions to water discharge to the Boyne are not defined.
- It is unclear where water would be stored for long periods arising from increased treatment capacity.
- It is unclear if any measures are taken to reduce water ingress into the mine.
- It is unclear if the proposed development would result in a reduction in the water table in areas around Navan.
- It is unclear if the proposed development would reduce drought flow of the Boyne and impair water quality under the Water Framework Directive.
- Concerns regarding a risk of pollution to the public water supply in the River Boyne.
- The emissions from the mine are unclear. How emissions are monitored is unclear.
- The application lacks detail on the process or processes to remove antimony, the chemical change to the treated water caused by the treatment process and the range of pH for the water to be discharged to the Boyne.
- The application is not accompanied by any statement that demonstrates that the mine as a whole has adopted best available techniques regardless of costs.

- The mine complex could have negative impact on human health for workers.
- An increase in treated water volume implies an increase in pumping and associated energy consumption. No information regarding energy consumption, energy efficiency measures and measures to reduce carbon emissions has been submitted.

Other Issues

- Reference to planning conditions attached to PL 17.247707 relating to archaeology, updated Tara Mines Emergency Response Plan and the establishment of a liaison committee.
- The Board should satisfy itself that there are no unauthorised works being carried out within the mine complex and that all works have the appropriate licences.
- Concerns that the proposed development is not adequately described in the submitted documentation and plans.
- The issue of rehabilitation and restoration should be addressed.
- The issue of rehabilitation and restoration of the Tailings Pond is relevant to this application as the issue of remedial works to the tailings pond dam wall particularly if larger amounts of water are to be stored. Large area of the tailing's facility does not have a liner other than the last extension.
- The Board should not rely on the opinion of the applicants' experts and should, if required, engage their own experts in determining this application.

6.2. Applicant's Response

The applicant's response to the third-party appeal is summarised below.

- The proposed development would augment the extant treatment system and would enhance the ability to treat wastewater. It would not increase the total volume of water discharged, which is controlled by an Industrial Emissions Licence from the EPA (P0516-04).
- The proposed development would improve the quality of water discharged to the River Boyne.

- An increase in treated water does not imply an increase in pumping. The quantity of water entering the system would be the same.
- Adequate treatment at the site would reduce the necessity to pump water to the tailing's facility for storage.
- An increase in water treatment capacity would facilitate maximum discharge to the River Boyne during winter months, when the river is a peak flow and the dilution factor allows, while adhering to the IE licence.
- Increased water treatment would reduce metal loading of the discharged water.
- In accordance with the licence the maximum allowable discharge to the River Boyne is 2,700m^3/h
- Current available storage capacity in Stage 6 Tailings Storage Facility (TSF) is 5Mm3.
- The concentration of antimony is a factor that can limit the quantity of water that can be discharged during low flow / drought periods. Increasing capacity to treat water would allow a greater quantity of water to be discharged during these low flow months and, therefore, reduce the necessity to store water.
- The proposed development would not result in increased production capacity.
- This application and the buttressing application (ABP. 315173-22) do not represent project splitting. The projects are entirely independent and separate from each other. The buttressing project is to provide long term stability to the extant tailing facility (Stages 1-5) and the proposed development is solely for the purpose of improving the quality of water discharged to the River Boyne during the operational lifetime of the mining operation.
- Storage availability at the TSF is provided in Stage 6, which is a geo-composite lined facility.
- The proposed development would use the same Best Availability Techniques currently employed in the treatment of dissolved Antimony.
- The chemical change would result in less antimony.
- The pH range would not be affected.
- The facility is adequately described in the planning maps and particulars.
- The quantity of energy is insignificant in the overall complex.

- The proposed development would have a positive impact on water quality within the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA.
- The proposed development does not require a mandatory EIAR and is not sub-threshold. The proposed development is not likely to have significant effects on the environment. The need for EIAR was screened out.
- Conditions attached to other permissions are not relevant.

6.3. Planning Authority Response

The response from the planning authority noted the contents of the third-party appeal and states that they are satisfied that all matters outlined in the submission were considered in the assessment of the planning application as detailed in the Planning Officers Report.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including all the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local / regional / national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Nature of the Proposed Development
- Environmental Considerations
- Other Issues

7.2. ***Principle of Development***

7.2.1. Boliden Tara Mines Limited is the largest operating zinc and lead mines in Europe. Production at the site began in 1977 and since then there has been a water treatment system in operation on the site. Discharge of treated water from the site to the River Boyne, is controlled under IE licence P0 516/04. The IE licence allows for a maximum discharge to the River Boyne of 2,700m^3/h at a dilution ration of 100:1, in this regard for every cubic meter of water discharged there must be a flow of 100 cubic meters in the river.

7.2.2. National Strategic Outcome 9 of the National Planning Framework (NPF) relates to sustainable management of water, waste and other environmental resources and notes *climate change will have significant future effects on the availability of water sources and on the capacity of water bodies to assimilate wastewater discharges through lower water levels in rivers and lakes in longer and drier summer periods.*

7.2.3. The proposed development would enhance the ability to treat wastewater within the extant water treatment system, by removing suspended solids and antimony (Sb). The response to the appeal notes that the concentration of antimony in wastewater is a factor that can limit the quantity of water that can be discharged (under the IE licence) during low flow / drought periods to the River Boyne. Therefore, increasing the capacity to treat wastewater, by removing antimony, would allow for a greater quantity of water to be discharged during low flow months and, therefore, reduce the necessity to store water within the site. It is my opinion that the proposed development is in accordance with the provisions of National Strategic Outcome 9 of the NPF.

7.2.4. In my opinion the proposed development would be in accordance with National Strategic Outcome 9 of the National Planning Framework to support the sustainable management of water, waste and other environmental resources which notes that *climate change will have significant future effects on the availability of water sources and on the capacity of water bodies to assimilate wastewater discharges through lower water levels in rivers and lakes in longer and drier summer periods.*

7.2.5. The appeal site is located outside of the settlement boundary of Navan and is zoned RA Rural Area with the associated lands use objective *to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.* The extractive

industry is a permitted use in the Rural Area. I am satisfied that the proposed development is in accordance with the sites land use zoning objective.

7.3. *Visual Amenity*

7.3.1. The dimensions of the proposed structure would be c.29m by c.17m and have a maximum height of 5.5m. The existing embankment that forms part of the appeal site would be removed to facilitate the proposed development. The applicants Landscape Planning Proposals report indicates that a new berm with planting would be provided along the northern boundary of the proposed development. Having regard to the limited scale of the proposed development and its location within the mine complex I am satisfied that it would not impact on the visual amenities of the surrounding area. However, if permission is being contemplated it is recommended that a condition be attached that the submitted landscaping plan be implemented.

7.4. *Nature of the Proposed Development*

7.4.1. The third party raised a number of concerns regarding a lack of clarity regarding the nature of the proposed development. Concerns were also raised that the proposed development should be assessed in the context of the overall mine complex and that insufficient detail has been provided with regard to recent relevant circumstances relating to the mine with its many interdependent elements.

7.4.2. In the interest of clarity, the proposed development forms part of the extant water treatment / management system within the Boliden Tara Mines site, which has many interdependent elements. The information submitted with the application indicates that there are 3 no. types of water that are managed on the site. In this regard water ingress to the mine, surface water run-off and water from the processing plant. All water is collected, pumped, stored and treated in the existing water management system, prior to discharge to the River Boyne, under IE licence P0 516/04. Figure 2 of the applicants Environmental Report is a flow diagram outlining the existing water management system within the mine complex and Figure 3 is a flow diagram outlining the water management system incorporating the proposed development.

7.4.3. The applicants NIS describes how water is processed within the mine site. It notes that all surface water run-off is collected by an existing drainage system and directed

to the centralised Site Drainage Pond. Water from the Site Drainage Pond is then pumped to the Reclaim Water Pond.

7.4.4. Water from the processing plant is pumped to the Tailings Storage Facility (TSF). The TSF is designed to operate as a large sedimentation / aeration pond, where solids settle, and clear water is drawn off for re-circulation to the Reclaim Water Pond.

7.4.5. Water from the Reclaim Pond is either pumped to the processing plant for reuse or overflows into the Clear Water Pond and is then discharged to the River Boyne. The NIS further notes that a weir structure at the pond outlet measures the discharge volume to the River Boyne. The discharge is recorded and controlled. The proposed development would not affect the quantity of water entering the system or the discharge rate from the mine.

7.4.6. The proposed development would enhance the existing system by providing additional treatment prior to water entering the clear water pond. I am satisfied that adequate information has been submitted with regard to how the proposed development interconnects with the existing wastewater treatment system within the mine complex to allow for a full assessment of the impacts. Having regard to the nature and scale of the proposed development I am satisfied and that there is no requirement to assess the overall operation of the mine, therefore, this does not form part of my assessment.

7.4.7. The third party also raised concerns that the increased size of the wastewater treatment system would allow for additional wastewater storage within the site. The NIS notes that the tailings area is used for water storage and that it is designed to ensure that there is always excess storage volume available. The response to the appeal notes that the available storage capacity in Stage 6 Tailings Storage Facility (TSF) is 5M m^3. The NIS also states that excess water accumulates in the tailings in the summer months, when flows in the River Boyne are low, and released to the River Boyne in the winter months, when river flows are high. As the concentration of antimony in wastewater is a factor that can limit the quantity of water that can be discharged (under the IE licence) during low flow / drought periods an increase in the capacity to treat wastewater, by removing antimony, would allow for a greater quantity of water to be discharged during low flow months. Therefore, reducing the necessity to store water within the site. Having regard to the information submitted I am satisfied

that the proposed development relates solely to the treatment of water within the extant water management system and would not allow for increased water storage within the site.

7.4.8. The third party also raised concerns that the proposed development would allow for an intensification of the mine complex. In response to the appeal the applicant states that the proposed development would not result in increased production capacity. I am satisfied that the proposed development does not relate to an expansion of the existing mine. In addition, any future development at the site would require planning permission and would be subject to a separate planning application and review of the sites current EPA Industrial Emissions (IE) Licence and does not form part of the assessment of the proposed development.

7.5. *EIA Considerations*

7.5.1. Concerns are raised by the third party that insufficient information has been submitted with the application to allow the development to be screened for sub-threshold EIA. The appellant also considered that it is unclear if the proposed development would pose an unacceptable risk to the environment and, therefore, an EIAR is required.

7.5.2. The EIA Directive is aimed at ensuring that a holistic assessment is carried out of all elements of a development to ascertain its potential effects, both positive and negative. As outlined above in Section 5.3, having regard to the nature and scale of the development and by reference to any of the classes outlined above, I am satisfied that a mandatory or sub-threshold EIAR is not required.

7.5.3. The third party also raised concerns the proposed development in combination with an application (ABP.315173-22) for the construction of a rockfill and earthen reinforcement buttress to sections of the extant embankment wall of the Tailings Storage Facility is project splitting with regard to EIAR. As noted above in Section 5.3, in response to the appeal the applicant notes that the aim of the buttressing project (ABP. 315173-22) was to provide long term stability to the extant tailing facility (Stages 1-5). While the proposed development is for the purpose of improving the quality of water discharged to the River Boyne during the operational lifetime of the mining operation. Having regard to the nature and scale of the proposed development I am

satisfied that the proposed development does not represent project splitting. It is also noted that an EIAR was submitted with ABP. 315173-22.

7.5.4. I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report. It is noted that the planning authority raised no concerns regarding EIA or the cumulative impact of development in the wider area.

7.6. ***Environmental Considerations***

Water Quality

7.6.1. The third party also raised a number of concerns regarding the impact of the proposed development on the receiving environment. With regard to concerns raised regarding a risk of pollution to the public water supply in the River Boyne it is noted that water is abstracted from the River Boyne at Liscartan, which is upstream of the existing discharge point. As the proposed development is downstream of the abstraction point and would enhance the existing treatment system, by removing antimony and suspended solids, prior to discharge to the River Boyne I am satisfied that the proposed development does not pose a risk to the public water supply.

7.6.2. Concerns are also raised that the application lacks detail on the process or processes to remove antimony, the chemical change to the treated water caused by the treatment process and the range of pH for the water to be discharged to the Boyne. In response to the appeal the applicant notes that the proposed development would use the same Best Availability Techniques currently employed in the treatment of dissolved antimony, the chemical change as a result of the proposed development would result in less antimony and that the pH range for water discharged would not be affected. I

am satisfied that sufficient information has been submitted to fully assess the potential impacts of the proposed development on the receiving environment.

7.6.3. The third party also raised concerns that the proposed development could impair water quality under the Water Framework Directive (WFD). The purpose of the WFD is to protect and enhance all waters as well as water dependent wildlife and habitats, with the aim to achieve 'good' water quality status for all waters subject to the WFD and to mitigate against the risk of a decline in the water body quality status. The information available on the EPA website (www.epa.ie) indicates that the section of the River Boyne that the existing mine discharges to has a 'Poor' status and is deemed to be 'at risk of not achieving good status' under the WFD. The proposed development would remove antimony from wastewater, which discharges to the River Boyne in accordance with its IE licence. I am satisfied that the proposed development would not result in a negative impact on water quality discharging from the site to the River Boyne. Having regard to the information provided I am satisfied that the proposed development would comply with the provisions of the WFD.

Water Storage

7.6.4. The third party raised concerns that an increase in treated water volume implies an increase in pumping and associated energy consumption and that no information regarding energy consumption, energy efficiency measures and measures to reduce carbon emissions has been submitted. In response to the appeal the applicant notes that the quantity of water entering the system would be the same and that an increase in treated water does not imply an increase in pumping. Having regard to the nature and scale of the proposed development in the context of the overall mine site I am satisfied that the impact of the proposed development on energy would not be significant.

Emissions

7.6.5. Concerns were raised that the emissions from the mine complex is unclear, and how they are monitored is unclear. The operation of the overall mine complex falls outside of the remit of this application. It is also noted that the emissions from the mine site, which includes water discharged from the site to the River Boyne, are limited by the IE licence which is monitored by the EPA. The information submitted and the details

of the licence, which are publicly available on the EPA website (www.epa.ie), indicates that the mine operates within the limits of the licence.

7.7. *Other Issues*

Previous Planning Conditions

7.7.1. The third party raised concerns regarding compliance with previous planning conditions and the potential for unauthorised works within the site. While these concerns are noted they are outside of the remit of this appeal and do not form part of my assessment. Meath County Council is the relevant planning authority with responsibility for enforcement.

Rehabilitation and Restoration

7.7.2. The third party considers that the issue of rehabilitation and restoration should be addressed and that the issue of rehabilitation and restoration of the Tailings Pond is relevant to this application as the issue of remedial works to the tailings pond dam wall particularly if larger amounts of water are to be stored. As noted above, the proposed development would not result in any additional storage of water within the mine complex. The applicants environmental report notes that the company has a Closure Remediation and Aftercare Management Plan (CRAMP) and that the proposed treatment plant would be covered in an updated CRAMP. Having regard to the nature and scale of the proposed development, which form part of the existing wastewater treatment system, this is considered acceptable. If permission is being contemplated it is recommended that a condition be attached that the updated Closure Remediation and Aftercare Management Plan (CRAMP) be submitted to the planning authority.

Relevant Experts

7.7.3. The Board should not rely on the opinion of the applicants' experts and should, if required, engage their own experts in determining this application. Having regard to the nature and scale of the proposed development I am satisfied that there is sufficient information on file to fully assess the application.

8.0 **Appropriate Assessment**

Stage 1 – Screening Determination

8.1. *Description of the project*

8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

8.1.2. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of a wastewater treatment plant and ancillary infrastructure. The water treatment plant would augment the extant water management / treatment system within the mine site. The proposed development comprises a modular system, with up to 3 x 1000m^3/h treatment capacity extensions in a treatment plant building, with foundations and bunding. The dimensions of the proposed structure would be c. 29m by c.17m and have a maximum height of 5.5m. The existing embankment that forms part of the appeal site would be removed to facilitate the proposed development. A new berm with planting would be provided along the northern boundary of the proposed development. The appeal site forms part of the overall landholding at Boliden Tara Mines complex, which is the largest operating zinc and lead mines in Europe. The overall mine complex has a stated area of c. 77ha.

8.1. *Submissions*

The third-party notes that the River Boyne forms part of a designated site, and concerns are raised regarding the impact of the proposed development on water quality in the River Boyne.

8.2. *European Sites*

8.2.1. The following designated sites are considered to be within the zone of influence of the appeal site:

- River Boyne and River Blackwater SAC (0002299)
- River Boyne and River Blackwater SPA (0004232)

8.3. *Potential effect mechanisms from the project*

8.3.1. The proposed development would not result in any direct effects such as habitat loss on any European Site.

Construction Phase

8.3.2. The appeal site is located c. 100m south of the River Boyne. Therefore, there is potential for indirect effects on surface water quality during site preparation and earthworks, inlcuding potentially contaminating material such as oils, fuels, lubricants, other construction related solutions and cement-based products would be used on site during the construction phase and the accidental emission of such a material would have the potential to undermine water quality within the river.

8.3.3. Any uncontrolled release of contaminated surface water to the River Boyne would likely be rapidly diluted and distributed prior to reach the designated sites. Notwithstanding this, the ongoing discharge of waters with high concentrations of contaminating substances could over time lead to the deposition of such contaminants, which has the potential to undermine the conservation status of the River Boyne and River Blackwater SAC and SPA.

Operational Phase

8.3.4. There are no natural water features within the appeal site or the overall mine site. All water within the mine is collected, pumped, stored and treated in the existing water management system, prior to discharge to the River Boyne, under IE licence P0 516/04. The water treatment system discharges directly to the River Boyne. Therefore, a failure of the proposed water treatment system could have a direct impact on water quality within the river, which forms part of both River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232).

8.3.5. The proposed development would form part of the extant water management / treatment system within the mine. There are several components of the overall water management system that have the potential to have an indirect impact on water quality, including a failure of the dam wall of the Tailings Storage Facility and a leakage of pipes.

8.3.6. The River Boyne and River Blackwater SAC is designated for freshwater species including River lamprey and Salmon, that require high water quality, these sensitive receptors are at possible risk via the pathways identified.

8.3.7. Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- Accidental release of contaminates to surface water during the construction phase.
- Failure of the proposed wastewater treatment plant during the operational phase.
- Failure of the extant water treatment system during the operational phase.

8.3.8. Having regard to the above, it is my opinion that further assessment is required for the River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232).

8.1. *Screening Determination*

8.1.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites (River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

8.1. *Stage 2 – The Natura Impact Assessment*

8.1.1. Table 25 of the applicants NIS provides a summary of the potential impacts and their sources on qualifying interests of River Boyne and River Blackwater SAC (0002299), the River Boyne and River Blackwater SPA (0004232). Section 3.4 of the NIS provides a range of measures to mitigate any potential negative impacts on water quality during both the construction and operational phases.

8.1.2. Having reviewed the documents, submissions and consultations I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the designated sites alone, or in combination with other plans and projects.

8.2. *European Sites*

8.2.1. A description of the sites and their Conservation and Qualifying Interests (QI's) / Special Conservation Interests (SCI's), including any relevant attributes and targets for these sites, are set out in the Section 2.5 of the NIS and are also available on the NPWS website (www.npws.ie).

8.2.2. The following tables provide an assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field as outlined in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Table 1: AA Summary Table for River Boyne and River Blackwater SAC (002299)

River Boyne and River Blackwater SAC (0002299) **Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community (M/R)** **Detailed Conservation Objectives available: https://www.npws.ie**			
Qualifying Interests: Alkaline fens (M), Alluvial forests with Alnus glutinosa and Fraxinus excelsior (R), Lampetra fluviatilis (River Lamprey) (R), Salmo salar (Salmon) (R) and Lutra lutra (Otter) (M)			
	Summary of Appropriate Assessment		
Special Conservation Interest (SCI)	**Conservation Objectives Summary**	**Potential Adverse Effects**	**Mitigation Measures**
Alkaline fens (M),	Restore favourable conservation condition in relation to habitat area, distribution, ecosystem function, vegetation structure and composition and physical structure.	The main areas of alkaline fen in the SAC are documented to occur in the vicinity of Lough Shesk, Freekan Lough, Newtown Lough in the upper reaches of the Stonyford River. Water quality impacts are not envisioned due to the intervening distance and dilution factor. Therefore, the proposed development would not have an adverse effect on the integrity of this habitat.	No protective measures required.
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (R),	Restore favourable conservation condition in relation to habitat area, distribution, physical structure, vegetation structure and composition	Alluvial forest habitats are remote from the appeal site. Water quality impacts are not envisioned due to the intervening distance and dilution factor. Therefore, the proposed development would not have an adverse effect on the integrity of this habitat.	No protective measures required.

Lampetra fluviatilis (River Lamprey) (R),	Restore favourable conservation condition in relation to distribution, extent and population	Given the nature of the works there will be no direct disturbance or displacement of River Lamprey or Salmon. Potential indirect impacts include: <u>Water Quality:</u> Activities associated with construction phase may result in the release of silt / sediment laden water run-off. Failure of the proposed wastewater treatment plant or any element of the existing water treatment system during the operational phase. Therefore, the proposed development has the potential to result in a change in the chemical and / or nutrient status of the water and changes in deposition of silt in habitat.	See Section 3.4 of the NIS. Construction related mitigation measures include: - Temporary environmental screens to prevent construction debris, abrasive materials, oils, chemicals or other construction materials from entering any watercourse / drain for the duration of the works. Plant, equipment etc shall be free of any mechanical defects and be well maintained. The cleaning out of concrete delivery trucks and equipment shall not cause run-off to enter any watercourse. All works to be carried out in accordance with best practice guidelines. Operation phase related mitigation measures include: Discharge from the mine would continue to be recorded and controlled
Salmo salar (Salmon) (R)	Restore favourable conservation condition in relation to distribution, population, number and distribution of reeds and water quality.		

			from the Mill Central Room, which is manned 24 hours per day, 7 days per week. The continued use of an automatic gauging station on the river to provide a continuous record of the water level and the flow within the River Boyne. The pumping of tailings to, and reclaimed water from, the tailings facility is fully automated and controlled. The pipelines are fitted with leak detection systems. If a leak is detected the system would shut itself down in a controlled fashion. The route of the pipelines are walked and inspected every day
Lutra lutra (Otter) (M)	Maintain the favourable conservation condition in relation to distribution, the extent of terrestrial and freshwater habitat, couching sites and holts, fish biomass and barrier to connectivity.	Given the nature of the works there will be no direct disturbance or displacement of otters. Potential indirect impacts: Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off. Failure of the proposed wastewater treatment plant or any element of the	As above

		existing water treatment system during the operational phase. Therefore, the proposed development has the potential to result in a change in the chemical and / or nutrient status of the water with a potential impact on aquatic prey	

Overall conclusion: Integrity Test

Based on the information provided, I am satisfied that adverse effects can be excluded for this SAC site and that no effects of any significance would occur to SCI species utilising habitats within the development site. No uncertainty remains.

Significant disturbance has been excluded.

Adverse effects from contamination can be effectively prevented by mitigation measures.

The proposed development would not delay or prevent the attainment of the Conservation objectives of any of this SAC.

Table 2: AA Summary Table for River Boyne and River Blackwater SPA (0004232)

River Boyne and River Blackwater SPA (0004232) **Conservation Objectives: To maintain the favourable conservation condition of Kingfisher in River Boyne and River Blackwater SPA** **Detailed Conservation Objectives available: https://www.npws.ie**			
Qualifying Interest: Kingfisher (Alcedo atthis)			
		Summary of Appropriate Assessment	
Special Conservation Interest (SCI)	**Conservation Objectives Summary**	**Potential Adverse Effects**	**Mitigation Measures**
Kingfisher (Alcedo atthis)	Maintain the favourable conservation condition in relation to population, productivity, distribution, extent and quality of nesting, water quality, barriers to connectivity, disturbance to breeding sites.	Kingfishers foraging and nesting habitats along the River Boyne are remote from the appeal site and as such there should be no direct impacts Potential indirect Impacts: Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off. Failure of the proposed wastewater treatment plant or any element of the existing water treatment system during the operational phase. Therefore, the proposed development has the potential to result in a change in the chemical and / or nutrient status of the	See Section 3.4 of the NIS. Construction related mitigation measures include: - Temporary environmental screens to prevent construction debris, abrasive materials, oils, chemicals or other construction materials from entering any watercourse / drain for the duration of the works. Plant, equipment etc shall be free of any mechanical defects and be well maintained.

		water with a potential impact on aquatic prey	The cleaning out of concrete delivery trucks and equipment shall not cause run-off to enter any watercourse. All works to be carried out in accordance with best practice guidelines. Operation phase related mitigation measures include: Discharge from the mine would continue to be recorded and controlled from the Mill Central Room, which is manned 24 hours per day, 7 days per week. The continued use of an automatic gauging station on the river to provide a continuous record of the water level and the flow within the River Boyne. The pumping of tailings to, and reclaimed water from, the tailings facility is fully automated and controlled. The pipelines are fitted with leak detection systems. If a leak is detected the system would shut itself down in a controlled fashion.

			The route of the pipelines are walked and inspected every day

Overall conclusion: Integrity Test

Based on the information provided, I am satisfied that adverse effects can be excluded for this SPA site and that no effects of any significance would occur to Kingfishers utilising habitats within the zone of influence of the proposed project. No uncertainty remains.

Significant disturbance has been excluded.

Adverse effects from contamination can be effectively prevented by mitigation measures.

The proposed development would not delay or prevent the attainment of the Conservation objectives of any of this SPA.

8.2.3. It is noted that the construction phase mitigation measures are standard practices for construction sites and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. However, in the event that the pollution control and surface water treatment measures were not implemented or failed it is my opinion that there is potential for likely significant effects on the qualifying interests of Natura 2000 sites from surface water run-off and therefore, these standard practices are considered to be mitigation measures in the context of Appropriate Assessment.

8.3. *In Combination Effects*

8.3.1. Cumulative Impacts are addressed in Section 2.6 of the applicants NIS.

8.3.2. As the proposed project would not affect the integrity of any European site within the zone of influence, I am satisfied that there will be no adverse effects on the integrity of any European sites to arise as a consequence of the proposed project acting in-combination with any other plans or projects.

8.4. *Appropriate Assessment Conclusion*

8.4.1. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended).

8.4.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Boyne and River Blackwater SAC (0002299) and River Boyne and River Blackwater SPA (0004232). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.4.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the site's Conservation Objectives.

8.4.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the River Boyne and River Blackwater SAC (0002299) and River Boyne and River Blackwater SPA (0004232).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the designated sites.

8.4.5. It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.

9.0 Recommendation

It is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

The proposed development, comprising the construction of a wastewater treatment plant and ancillary infrastructure to augment the extant water management / treatment system within the mine site, would enhance the treatment of wastewater within the mine prior discharge to the River Boyne. Having regard to the nature and scale of the proposed development and its location within the overall mine site it is considered that subject to compliance with the conditions set out below, it would not give rise to a significant risk of pollution and would not have an unacceptable impact on the biodiversity or visual amenity of the area and would be in accordance with the provisions of the Water Framework Directive and consistent with the provisions of the Climate Act, 2021. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **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 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

   Reason: To protect the integrity of European Site

3. The landscaping scheme, as submitted with the application, shall be carried out within the first planting season following the completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
   Reason: In the interest of visual amenity

4. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

   Reason: To safeguard the amenity of property in the vicinity.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to and 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

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

   Reason: In the interest of proper planning and sustainable development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

_____

Elaine Power

Senior Planning Inspector

19th December 2024

Appendix 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 317390-23
Proposed Development Summary	Construction of water treatment plant within mine site complex.
Development Address	Knockumber, Navan, Co. Meath

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	
	No	No further action required

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?

Yes			EIA Mandatory EIAR required
No			Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	**Comment (if relevant)**	**Conclusion**
No		N/A		No EIAR or Preliminary Examination required
Yes		Class 2(c): All extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1999.	The proposed development is located within a mine site. It would provide	Proceed to Q.4

		Class 11 (c): Wastewater treatment plants with a capacity greater than 10,000 population equivalents as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule. Class 13: Changes, extensions, development and testing. (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would: - (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – 25 per cent, or an amount equal to 50 per cent of the appropriate threshold, whichever is the greater	additional treatment of wastewater from the processing plant, prior to discharging to the River Boyne. I am satisfied that the proposed development, which forms part of an extant water management / treatment system, does not form an integral part of the extraction of minerals and, therefore, does not fall within the definition of class 2(c). The proposed development below the applicable thresholds relating to Class 11(c) and Class 13.	

4. Has Schedule 7A information been submitted?		
No		**Preliminary Examination required**
Yes		**Screening Determination required**

Inspector: _____ **Date:** _____

Appendix 2: EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP 317390-23	
Development Summary	Construction of water treatment plant within mine site complex.	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	**No**	
2. Has Schedule 7A information been submitted?	**Yes**	Scheule 7A information is provided in the applicants Environmental Report
3. Has an AA screening report or NIS been submitted?	**Yes**	AA Screening and an NIS were submitted with the application.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	**Yes**	The existing Boliden Tara Mines facility has an IE Licence (P0 516-04). The proposed development would operate within the limits of this existing licence.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	**Yes**	• The Appropriate Assessment Screening Report and NIS had regard to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) • The Environmental Report had regard to Directive 2011/92/EU (EIA) as amended by Directive 2014/52/EU (the EIA Directive). • European Union Water Framework Directive 2000/60/EC (WFD) • The Strategic Environmental Assessment (SEA) for the Meath County Development Plan 2021-2027.

B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	**Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	**No**	The proposed development comprises an additional treatment unit to the extant water treatment system within the mine complex. The proposed development would allow for the enhanced removal of suspended solids and antimony (heavy metal).	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	**No**	The proposed development would occur on a c. 550sqm site within the existing mine site complex (c. 75 ha).	No
1.3 Will construction or operation of the project use natural resources such as land,	**Yes**	Construction materials would be typical.	No

soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?		Development of this site will not result in any significant loss of natural resources or local biodiversity.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	**Yes**	*Construction Phase* Construction activities would require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature. The implementation of a Construction and Environmental Management Plan would satisfactorily mitigate potential impacts. *Operational Phase* During the operational phase the proposed development would form part of the wastewater system within the mine complex. This system processes water from the processing plant. This wastewater contains metals and other elements which have the potential to be harmful to human health.	No

		The proposed development would not alter the function or operation of the existing tailings facility. The operation of the treatment unit would continue to operate under the company's IE licence.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	**Yes**	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. The proposed development would enhance the extant wastewater treatment system by further removing suspended solids and antimony. No waste would be generated during the operational phase	No

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	**No**	No significant risk identified. The proposed development would enhance the extant wastewater treatment system by further removing suspended solids and antimony prior to discharge to the River Boyne under IE Licence P0 516-04.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	**Yes**	Potential for construction activity to give rise to noise and vibration emissions. Any noise and vibration emissions would be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. No operational impacts identified.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	**No**	No significant risk identified. The proposed development would enhance the extant wastewater treatment system by further removing suspended solids and antimony prior to discharge to the River Boyne which is controlled under IE Licence P0 516-04.	No

1.9 Will there be any risk of major accidents that could affect human health or the environment?	**No**	The overall site is a designated Seveso Site and is regulated by the by the Seveso Regulations (S.I 209). The proposed works would not alter the function or operation of the existing tailings facility. No significant risk identified during the operational phase. Any risk arising from construction will be localised and temporary in nature.	No
1.10 Will the project affect the social environment (population, employment)	**No**	There would be a limited number of jobs created during the 10-month construction phase. However, this is not considered to be significant.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	**No**	No. The proposed development would enhance the extant wastewater treatment system by further removing suspended solids and antimony prior to discharge to the River Boyne. The proposed development is not part of a wider large-scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.	No

2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: • European site (SAC/ SPA/ pSAC/ pSPA) • NHA/ pNHA • Designated Nature Reserve • Designated refuge for flora or fauna • Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	Yes	The site is located within the existing mine site c. 100m south of the River Boyne and treated water from the mine is discharged to the River Boyne under IE Licence P0 516-04. The River Boyne forms part of both the River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232). Based on the information provided in the AA Screening Assessment and NIS, I am satisfied that, subject to mitigation measures, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the site's Conservation Objectives. No uncertainty remains. The site is not located within an NHA / pNHA, or a designated nature reserve. The site is not a designated refuge for flora or fauna and the proposed development would not impact on any place, site or feature of ecological interest.	No

2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	**No**	No such species arise at this location.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	**No**	No such features arise at this location.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	**No**	The site is located within, and forms part of, Boliden Tara Mines, which is the largest operating zinc and lead mines in Europe. The proposed development would support the current operations on site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	**Yes**	The proposed development comprises an additional treatment unit to the extant water treatment system within the mine complex which discharges to the River Boyne. It would enhance the ability of the existing system to treat wastewater, by removing suspended solids and antimony (Sb). All water is collected, pumped, stored and	No

		treated in the existing water management system, prior to discharge to the River Boyne, which is controlled under IE licence P0 516/04. The IE licence allows for a maximum discharge to the River Boyne of 2,700m^3/h. It is not proposed to increase the discharge rate from the mine to the River Boyne. Therefore, the proposed development would not impact on the volume of water within the River Boyne. The appeal site is located within Flood Zone C and there is no risk of flooding within or adjacent to the appeal site.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	**No**	No risks are identified in this regard.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	**No**	The site is served by the local road network. The construction phase would be c. 10 months. No significant contribution to existing congestion is anticipated during this phase. There would be no impact on transportation during the operation phase of the proposed development.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	**No**	The appeal site is located within the existing Boliden Tara Mines complex.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	**No**	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	**No**	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	**No**	No other relevant considerations	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	**X**	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to the criteria in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following: -

(a) The nature and scale of the proposed development, which forms part of an extant water management / treatment system and does not form an integral part of the extraction of minerals and, therefore, does not fall within the definition of class 2(c) of the Planning and Development Regulations 2001 (as amended). The proposed development also falls significantly below the threshold in respect of Class 11(c) and Class 13 of the Planning and Development Regulations 2001.

(b) The provisions of the Meath County Development Plan 2021-2027 and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),

(c) The location of the site in an established mine and the existing pattern of development in the vicinity,

(d) The results of relevant assessments of the effects of the environment submitted by the applicant, including an Appropriate Assessment Screening Report and Natura Impact Statement, a Flood Risk Assessment and a Landscape and Visual Impact Assessment.

(e) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the NIS.

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003)

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____