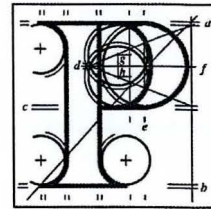


Our Case Number: ABP-312146-21



**An
Bord
Pleanála**

Michelle Hayes
Environmental Trust Ireland
3 Glentworth Street
Limerick

Date: 27 January 2022

Re: Expansion of the Bauxite Disposal Area, extension to the existing Salt Cake Disposal Cell and extension of the permitted borrow pit at Aughinish Alumina Limited
In the townlands of Aughinish East, Aughinish West, Island Mac Teige, Glenbane West, and Fawnamore at or adjacent to Aughinish Island, Askeaton, Co. Limerick

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. A receipt for the fee lodged is enclosed.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of Limerick City and County Council and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Jennifer Sherry
Executive Officer
Direct Line: 01-8737266

PA04

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64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902
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ENVIRONMENTAL TRUST IRELAND
Environment | Conservation | Biodiversity |
Ecology | Climate Change | Heritage | Advocacy



Re: Planning Application ABP - 312146-21

Direct Planning Application to An Bord Pleanála in respect of a Strategic
**Infrastructure Development - Section 37E of the Planning and
Development Act 2000 (as amended),**

Applicant - Aughinish Alumina Limited

Location: - Townlands of Aughinish East, Aughinish West, Island Mac
Teige, Glenbane West, and Fawnamore at or adjacent to Aughinish Island,
Askeaton, Co. Limerick on a site of c.222ha.

TO:

**AN BORD PLEANALA,
64 MARLBOROUGH STREET,
DUBLIN 1.
D01 V902**

Proposed development:

The proposed development will comprise an expansion of the disposal capacity at the existing Bauxite Residue Disposal Area (BRDA) at Aughinish and will *inter alia* consist of the construction of rock fill embankments at the perimeter of the BRDA,

The proposed development will result in a c.12m increase in height (over that previously permitted under Limerick County Council Ref. 05/1836; An Bord Pleanála Ref. PL13.217976) to a maximum height of c.44m OD

The proposed expansion of the BRDA will allow the deposition of an additional c. 8.0 million m³ 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 BRDA through a vertical extension of the exiting perimeter wall and associated cell lining resulting in a c.2.25m crest height increase of the existing cell to c.31.25m OD and a maximum overall height of c.35.50m OD upon closure. The increase in capacity of the SCDC will provide for the storage of an additional c. 22,500 m³ of salt cake.

Additional works include a c.3.9ha expansion of the permitted borrow pit (Limerick City and County Council Ref. 17/714; An Bord Pleanála Ref. ABP-301011- 18) to the east of the BRDA resulting in a total borrow pit area of c.8.4ha with a maximum depth of c. 8.5 m O.D and providing for an additional 380,000m³ of rockfill with blasting and crushing of rock to occur between April and September each year.

Further works include upgrades to the water management infrastructure to accommodate the BRDA development; the continued use of a stockpile area for rock and top-soil storage to the south east of the BRDA; use of top-soil and rock materials for the landscaped restoration and closure of the BRDA (including SCDC); restoration of the extended borrow pit extraction area; lighting; spillway ramps (drainage channels); revised boundary treatments and ancillary associated works above and below ground.

Environmental Trust Ireland raises the following objections against the proposed development by Aughinish Alumina Limited as more particularly described in the planning application on the following grounds.

GROUNDINGS:

1. INTRODUCTION:

The existing facility is an environmental catastrophe waiting to happen. It has a current production output of up to 1.95 million tonnes of alumina per annum which represents 30% of the total alumina produced in Europe. The site is a mere 100 metres from the Lower River Shannon SAC and the River Fergus and River Shannon Estuaries SPA and significant effects on the qualifying interests cannot be ruled out on the basis of the documentation submitted by the Applicant developer in this planning application which is inadequate and incomplete. In 2010, the release of red mud from an aluminium processing plant in Ajka, Hungary in 2010 into the Marcal river resulted in the death of at least 8 people, contamination of the water supply in nearby towns and pollution of the River Danube, which Prime Minister Viktor Orban described as the "*country's biggest ecological disaster*". A similar spontaneous, unpredicted or uncontrolled release with devastating environmental consequences is entirely foreseeable for Aughinish. The proposed expansion will further exasperate the environmental, human and animal health toxicity problems correlated with Aughinish Alumina production facility.

2. No Radiological Assessment since 2008

Although the existing bauxite disposal area has considerable expanded since 2008, there has been no assessment by the Radiological Protection Institute of Ireland since 2008, now part of the EPA. It should be noted that radioactive isotopes of Thorium 232 and Uranium 238 are naturally occurring in bauxite. This is a significant omission from the safety documentation furnished.

3. Groundwater vulnerability:

Groundwater vulnerability over much of the site is high to extreme and there are karst features. Groundwater monitoring revealed excess amounts of arsenic and mercury.

4. AA ASSESSMENT and EIA was not properly conducted:

The Applicant applied a completely arbitrary Zone of Influence of 15km in its AA Assessment. This should have been assessed on a case specific basis particularly having regard to the nature of the installation, heavy metal toxicity and so forth.

Distances to nearby Natura 2000 sites are:

Lower River Shannon SAC 002165	0.01km
River Shannon & River Fergus Estuaries SPA 004077	0.01 km
Barrigone SAC 000432	0.45 km
Stack's to Mullaghareirk Mts.,	
West Limerick Hills & Mt. Eagle Bog SPA 004161	6.61 km
Askeaton Fen Complex SAC 002279	8.13 km
Curraghchase Woods SAC 000174	11.05 km

Notwithstanding the proximity, most of these were ruled out at AA Screening stage for further assessment.

"The application site is proximate to two designated sites, the Lower River Shannon SAC and River Shannon & River Fergus Estuaries SPA. Barrigone SAC is designated for habitats and one fauna species; Marsh Fritillary *Euphydryas aurinia*. "

Improperly ruled out at AA Screening:

"The Stacks to Mullaghareirk Mts., West Limerick Hills & Mt. Eagle SPA is designated for Hen Harrier only. Due to the location of this designated site in relation to the AAL facility, a lack of suitable Hen Harrier habitat within the application site and no potential direct or indirect hydrological link; no impacts on this designated site are therefore expected as a result of the proposed development and this designated site will not be assessed further in this report."

" Askeaton Fen Complex SAC is designated for the protection of qualifying habitats only and does not contain any fauna that could suffer disturbance/displacement impacts (including ex-situ impacts) as a result of the operations at the AAL facility. There will be no direct or indirect loss of habitat and no disturbance impacts on this designated site are expected as a result of the proposed development and this site will not be assessed further in this report. "

"Curraghchase Woods SAC is designated for the protection of qualifying woodland habitats and for Lesser Horseshoe Bat, *Rhinolophus hipposideros*. No habitats

associated with this designated site are located within the operational footprint of the refinery plant, including within the application site boundary and there is no potential direct, or indirect, hydrological link with the site and no known day roost for the species has been recorded on the island. There is also limited foraging potential for the species within the application site boundary. "

Cumulative and in combination effects were not properly considered or at all.

5. No adequate or proper assessment has been conducted under the Habitats Directive or under the Environmental Impact Assessment Directive of the impact of the water and air emissions on ecosystems, species or on European sites. The documentation submitted by the Applicant is inadequate for the Board to reach a conclusion that no reasonable scientific doubt remains that the proposed development will not have an adverse effect on the integrity of the European sites.

6. The Applicant applied for planning permission for the bauxite disposal facility relatively recently. In 2021, it obtained a licence to operate the bauxite disposal area. In the same year (2021), the Applicant has applied to significantly expand the facility for which it had just months earlier received a licence from the EPA. Clearly, the proposal is disjointed, presented in a piecemeal manner and constitutes project splitting contrary to the provisions of EU law.

7. The cumulative and in combination assessments are completely inadequate and in particular of the significant industrial activities in the wider area include the currently coal-fired power station at Moneypoint on the opposite side of the estuary; the oil-fired power station at Tarbert or the Irish Cement facility at Mungret, Limerick. These have not been properly or adequately addressed in the planning application. In fact, they have ruled out completely from consideration rendering the AA Assessment and the EIAR defective and fatally flawed.

8. The EIAR is inadequate and is not in accordance with the mandatory requirements set out in the 2014 EIA Directive.

9. The proposed project and the assessment of it by An Bord Pleanála is required to comply with the public participation requirements of the Aarhus Convention. The documentation provided by the Applicant is inadequate and not conducive to effective and meaningful public participation.

Impact of blasting on integrity of Bauxite Residue Disposal Area :

External Emergency Planning - Applicability of COMAH / SEVESO 11

The HSE made a submission to the EPA in 2019 on licence application P0035-07 by Aughinish Alumina Limited which stated:

*"The Department of Public Health have noted during the planning stage that **"the close proximity of the proposed development and associated quarrying activity to the BRDA could potentially have an impact on the integrity of the BRDA"**. The technical engineering expertise required for evaluating whether the BRDA infrastructure would be at risk is outside the scope of public health but it would be highly relevant that this assessment is obtained by the Planning Authority to establish whether any implications exist for the existing BRDA External Emergency Plan, whose development was coordinated by the Local Authority. This office has added External Emergency Plan simulation exercises which have focused on overflow of stormwater into nearby land drains. The potential influence, minimal or otherwise, of the borrow pit on the BRDA should be considered for future exercises."*

These concerns were expressed by the HSE acting on Gas Networks Ireland advice and were in the context of a previous application. In the current application, significant expansion of the BRDA is envisaged which in turn results in necessarily increased risk to the integrity of the BRDA.

In addition, the salt cake disposal cell which is categorized as hazardous waste is also to be significantly expanded. The Board is referred to the COMAH /Seveso 11 Regulations for sub-threshold development particularly in the context where there is already an External Emergency Plan in existence prior to the proposed expansion. A proper consideration of the applicability in relation to major accidents at the Aughinish facility will necessarily involve assessment and investigation of the cumulative and in combination factors.

11. Climate Change:

The documentation submitted by the Applicant has failed to address or properly address the impact of climate change on the proposed development and in particular, the anticipated increased frequency of flooding, extreme weather and rainfall events. Instead of 1 in 1,000 year flood events, or 1 in 200 year or 1 in 100 year flood events, the spectre of storm surges up the Shannon estuary is a major

factor in flooding which has been ignored. Indeed, in 2014, there was major flooding in the King's Island Area of Limerick City as a result of storm surges in the Shannon Estuary which resulted in a major flood relief scheme. A similar flooding in Aughinish which is closer to the mouth of the estuary would have devastating environmental impacts. Likewise, extreme weather and rainfall events have not been assessed for their impacts on any part of the Aughinish works and in particular, on the bauxite residue disposal area which is not sealed and the vast red mud dust area is readily visible to an observer viewing the estuary from the Coast Road between the tourist areas of Foynes, Loughill and Glin. Leachate and run off from the hazardous salt cake disposal cell and the bauxite residue disposal area into the estuary and the groundwater has not been properly considered in any aspect of the planning documentation.

For the above mentioned reasons, Environmental Trust Ireland urges An Bord Pleanála to refuse this planning application which poses serious environmental and human health risks, is detrimental to the integrity of the European sites and is contrary to the proper planning and sustainable development of the area.

Environmental Trust Ireland reserves the right to make further submissions in this matter.

Payment of €50 attached herewith.

Dated this 20th January 2022.

For and on behalf of Environmental Trust Ireland.

Environmental Trust Ireland,
C/O Michelle Hayes, Solicitor,
President, Environmental Trust Ireland,
3 Glentworth Street,
Limerick.