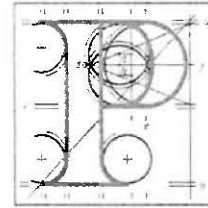


**Our Case Number:** ABP-318302-23



**An  
Bord  
Pleanála**

An Taisce  
c/o Pheobe Duvall  
Tailors' Hall  
Back Lane  
Dublin 8  
D08X2A3

**Date:** 25 March 2024

**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

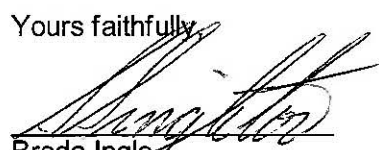
Dear Sir / Madam,

An Bord Pleanála has received your recent letter in relation to the above mentioned case. The contents of your letter have been noted.

If you have any queries in relation to the matter please contact the undersigned officer of the Board at [laps@pleanala.ie](mailto:laps@pleanala.ie)

Please quote the above-mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully

  
Breda Ingle  
Executive Officer  
Direct Line: 01-8737291

CH08

**Tel**  
**Glaó Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

**Tel** (01) 858 8100  
**LoCall** 1800 275 175  
**Fax** (01) 872 2684  
**Website** [www.pleanala.ie](http://www.pleanala.ie)  
**Email** [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

**Attachments:**

20240321-ABP-318302.pdf

---

**From:** Phoebe Duvall <[Phoebe.Duvall@antaisce.org](mailto:Phoebe.Duvall@antaisce.org)>

**Sent:** Thursday, March 21, 2024 11:58 AM

**To:** Bord <[bord@pleanala.ie](mailto:bord@pleanala.ie)>

**Subject:** Ref. 318302

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Please find attached a submission from An Taisce in relation to Ref. 318302.

Kind regards,

Phoebe Duvall

**Senior Planning and Environmental Policy Officer**

*An Taisce - The National Trust for Ireland*

*5 Foster Place, Dublin 2, Ireland*

*Phone: 01 454 1786*

*[www.antaisce.org](http://www.antaisce.org)*

*Company Reg. No. 12469 | Charity Ref. No. CHY4741 | Charity Regulator No. 20006358*

*An Taisce is a membership-based charity*

*Join at [www.antaisce.org/membership](http://www.antaisce.org/membership)*

**Please note that I work Monday through Thursday.**



**An Taisce**

*The National Trust for Ireland*

*5 Foster Place*

*Dublin 2, Ireland*

*D02 V0P9*

**20240321-ABP-318302**

An Bord Pleanála  
64 Marlborough Street  
Dublin 1

Sent by email to: [bord@pleanala.ie](mailto:bord@pleanala.ie)

21<sup>st</sup> March 2024

**Ref: 318302**  
**App: Aughinish Alumina Limited**  
**For: 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**  
**Site: Aughinish East, Aughinish West, Island Mac Teige, Glenbane West, and Fawnamore at or adjacent to Aughinish Island, Askeaton, Co. Limerick**

A Chara,

Thank you for referring the applicant's submission of 19<sup>th</sup> January 2024 to An Taisce for comment.

An Taisce would refer the Board to our original submission on the initial application (Ref. 312146). Our comments in that submission stand, with particular regard to:

- The need for the Board to assess the application against Article 4 of the Water Framework Directive, including Article 4(1)(c) on the protection of water-dependent Natura 2000 sites. The Article 4 assessment should take account of relevant case law, including CJEU Cases C-461/13 and C-529/15;
- The need to establish full compliance with Article 6(3) of the Habitats Directive taking account of the relevant case law as cited in our original submission;
- The need to assess the potential likelihood and impacts of a containment area failure in the context of climate change-exacerbated risks, and the need for the Board to carry out a full flood risk assessment, also in the context of climate change-exacerbated risks; and
- The need to ensure that the long-term plan for the subject site complies with environmental legal obligations under, for example, the Water Framework Directive and Habitats Directive; contains actions to be taken should a breach of the

An Taisce is a membership-based charity | Join us at [www.antaisce.org/membership](http://www.antaisce.org/membership)

An Taisce – The National Trust for Ireland | *Protecting Ireland's heritage, safeguarding its future*

Registered Office: Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland | [www.antaisce.org](http://www.antaisce.org) | +353 1 707 7076 | [info@antaisce.org](mailto:info@antaisce.org)

Company Limited by Guarantee no. 12469 | Charity CHY4741 | Charity Regulator no. 20006358 | EU Transparency Register no. 473905437651-60

**Directors:** Stuart McCaul (Chair),

Trish O'Connell (Vice Chair), John Conroy (Treasurer), Olivia Rogers, Rónán O'Brien, Finbarr Murray

containment area occur post-closure; and is assessed against climate change-exacerbated risks.

Additionally, in their submission of 19<sup>th</sup> January 2024, the applicant discusses updates to climate policy since the original application was lodged in 2021 (Ref. 312146), including the Climate Action and Low Carbon Development (Amendment) Act 2021 (the Climate Act) and provisions therein regarding carbon budgeting, sectoral emissions ceilings, etc.

In relation to emissions from the alumina facility, the applicant states:

*"[Aughinish Alumina Limited]'s greenhouse gas emissions are increasingly stringently regulated through AAL's mandatory participation in the EU Emissions Trading System, with the national aggregated total of the ETS sector intended to make an important contribution to delivering the required greenhouse gas emissions abatement to meet Ireland's 2030 and 2050 climate targets."*

We would highlight that the required participation of the development in the EU Emissions Trading Scheme and the purchase of the associated emissions permits relates to mitigation obligations under EU climate law. This does not negate, prevent or act in place of the obligations under the national carbon budgets and sectoral emissions ceilings in accordance with the Climate Act, which covers both the ETS and non-ETS sectors. Therefore, it is submitted that the Board still must evaluate the subject proposal for alignment with national level emissions reduction obligations per the Climate Act.

Please acknowledge our submission and advise us of any decision made.

Yours sincerely,

Phoebe Duvall

*Senior Planning and Environmental Policy Officer  
An Taisce – The National Trust for Ireland*