

Extract from the Minutes of the 87th Licensing Meeting of the Agency was held on 10 January 2017, in the EPA Headquarters, Johnstown Castle Estate, County Wexford.

1. The 87th Licensing Meeting of the Agency was held on 10 January 2017, in EPA Headquarters, Johnstown Castle Estate, County Wexford.

Directors Present: L Burke (Chair);
D Lynott (via Video Conference), M Crowe, G O’Leary, M
Ó Cinnéide and M Lehane.

3. **Office of Environmental Sustainability**

Air Pollution Act Appeal

Licensee: **M11 Enniscorthy JV**

Frankfort

Gorey

County Wexford

Register No: **E0002-01**

The Directors considered an appeal in relation to a decision by Wexford County Council to grant a licence under the Air Pollution Act 1987 (WCC Reference Number ENV/APL/16/04) to M11 Enniscorthy JV for atmospheric emissions at a site located at Frankfort, Gorey, Co. Wexford. The following documentation was submitted: Recommended Decision and the Report of the Inspector dated 5 January 2017.

Sean O’Donoghue and Gavin Clabby gave verbal presentations.

Inspector’s Report

The Directors noted the Inspector’s Report and approved the recommendations, subject to the following amendment:

Objection 2 ‘Alleged insufficiency of the licence conditions’

Schedule 1.2(a); Emissions to Atmosphere, Monitoring Schedule (Noise)

Amend ‘Note 1’ to read as follows: Night-time measurements should be made between 2300hrs and 0700hrs, Sunday to Thursday, with 2300hrs being the preferred start time.

Recommended Decision

The Directors noted and approved the Recommended Decision, subject to the amendment of:

Decision

Amend the last sentence to read as follows: ‘Notwithstanding said refusal, the Agency acknowledges the grounds of the appeal and furthermore directs Wexford County Council to grant the licence subject to the following amendments to the licence:

Glossary of Terms

Daytime: 0700 hours to 1900 hours

Evening Time: 1900 hours to 2300 hours

Night-time: 2300 hours to 0700 hours

Noise-sensitive location (NSL): Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other installation or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

Emissions to Atmosphere

14. Noise from the plant shall not give rise to sound pressure levels measured at noise sensitive locations in the vicinity of the plant which exceed the limit value(s) set out in Schedule 1.1(a).

15. The industrial plant shall only be operated 05:00 to 19:00 Monday to Friday, and 06:00 to 16:30 on Saturdays.

16. The licensee shall carry out noise monitoring at the two nearest noise sensitive locations. This monitoring shall be undertaken weekly for the first four weeks of operation of the plant, and quarterly thereafter, unless otherwise agreed by Wexford County Council. Monitoring shall be undertaken in accordance with the methodology specified in the ‘Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)’ as published by the Agency.

Schedule 1.1(a): Emissions to Atmosphere, Emission Limit Values (Noise)

Daytime dB L _{Ar,T} (30 minutes)	Evening time dB L _{Ar,T} (30 minutes)	Night-time dB L _{Aeq,T} (15-30 minutes)
55	50	45 ^{Note 1}

Note 1: There shall be no clearly audible tonal component or impulsive component in the noise emission from the activity at any noise-sensitive location.

Schedule 1.2(a): Emissions to Atmosphere, Monitoring Schedule (Noise)

Period	Minimum Survey Duration ^{Note 2}
Daytime	A minimum of 3 sampling periods at each noise monitoring location
Evening-time	A minimum of 1 sampling period at each noise monitoring location.
Night-time ^{Note 1}	A minimum of 2 sampling periods at each noise monitoring location.

Note 1: Night-time measurements should be made between 2300hrs and 0700hrs Monday to Thursday, with 2300hrs being the preferred start time.

Note 2: Sampling period is to be the time period T stated as per *Schedule 1.1 Emission Limit Values (Noise)*, of this licence. This applies to day, evening and night time periods.

Amend the existing schedule 1.2 (stack emissions) as follows:

Frequency
 Samples shall be taken monthly for the first year of operation of the plant with frequency to be reviewed thereafter by Wexford County Council, if required, based on the monitoring results of the previous year.

Following discussion, the Directors decided to refuse the appeal and direct Wexford County Council to grant the licence, under the Air Pollution Act 1987 (Ref. ENV/APL/16/04), as modified, to M11 Enniscorthy JV for their site located at Frankfort, Gorey, County Wexford in accordance with the conditions attached to it.

The Directors also agreed that the Office of Environmental Sustainability;

- will revert to the Board on the approach for future appeals following legal advice; and
- will communicate the learnings from the completion of three appeals to all Local Authorities.