

AIR POLLUTION ACT 1987, as amended

Air Pollution Appeal Register Number: E0004-01

APPEALS by Mr. Diarmuid O'Shea of Ballyhillogue, Mourneabbey, Mallow, Co. Cork and Mr. Richard King of Kilbrin, Buttevant, Co. Cork against the decision made on the 19 day of July 2017 by Westmeath County Council to grant, subject to conditions, a licence to Owens Quarry Products Limited in respect of the operation of bitumen macadam and asphalt in the townland of Tyfarnham & Down, Knockdrin, Mullingar, Co. Westmeath (Reference Number: ENV/AE/2017-02). The plant is an asphalt plant comprising of steel feeder bins, a grading and mixing unit and heating system, a bitumen supply and a bag filter. The principal emissions from the exhaust stack are particulates, oxides of nitrogen and sulphur dioxide, all in accordance with plans and particulars lodged with the said Council.

DECISION: The Agency, in exercise of the powers conferred on it by Section 34 of the Air Pollution Act 1987, as amended, and based on the reasons and considerations set out below, hereby refuses the appeal and directs the said Council to grant the licence in accordance with the conditions attached to it. Notwithstanding said refusal, the Agency acknowledges the grounds of the appeal and furthermore directs Westmeath County Council to grant the licence subject to the amendments detailed in the appendix of this Direction.

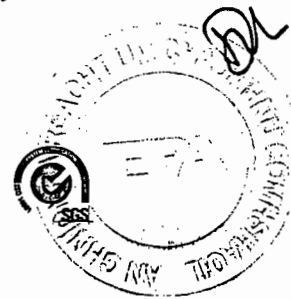
REASONS AND CONSIDERATIONS

Having regard to the location of the asphalt plant, the relevant air quality standards, the information submitted in support of the application and the report of the Inspector, it is considered that, subject to compliance with the conditions, and amended conditions, attached to the licence to be granted by Westmeath County Council, the operation of the proposed asphalt plant would not result in air pollution and would otherwise be compatible with the protection of the amenities of the area and of public health and the environment.

Prior to making its decision the Agency completed a screening exercise in relation to nearby Natura 2000 sites, considering:

- The submission by the Appellants
- The observations of the appeal by the Applicant
- The report of the Inspector dated 26 February 2018
- The Appropriate Assessment screening

Having considered the nature and scale of emissions to air from the asphalt plant, the characteristics of the Natura 2000 sites in the vicinity and the potential impacts of the proposed emission, the Agency was satisfied that no Appropriate Assessment issues arise and concluded on the basis of the information available that the air emissions from the asphalt plant, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site.

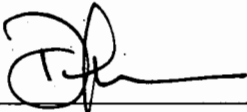


MATTERS CONSIDERED

In making its decision, the Agency had regard to those matters to which, by virtue of the Air Pollution Act 1987, as amended and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

SEALED by the Seal of the Agency on the 14th day of March 2018

PRESENT when the seal of the Agency was affixed hereto:



David Flynn
Authorised Person



Appendix

Insert the following terms, conditions and schedules:

Glossary of Terms

Daytime: 08:00 hours to 20:00 hours

Night-time: 20:00 hours to 08:00 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.

2. Management of the Activity

Insert condition 2.5 after condition 2.4 in the licence to read as follows:

- 2.5. The asphalt plant shall not operate outside the hours of 7:00am to 20:00pm Monday to Friday inclusive and 7:00am to 16:00pm on Saturdays. There shall be no operation on Sundays or public holidays.

3. Interpretation

Amend condition 3.2 as follows:

- 3.2 The concentration and volume flow limits for emissions to atmosphere specified in this licence shall be based on gas volumes under standard conditions of under standard conditions of Temperature 273K, Pressure 101.3 kPa, **dry gas** (no correction for oxygen content)

4. Emissions to Atmosphere

Amend condition 4.2 as follows:

- 4.2. **Quarterly** monitoring and analyses of emissions shall be carried out for the parameters specified in Schedule A (Emissions to Atmosphere) (unless frequency and/or scope of monitoring have been amended in accordance with condition 8.2)

Schedule A (Emissions to Atmosphere)

Amend *Schedule A (Emissions to Atmosphere)* to remove reference to PM₁₀:



Emission Point: Exhaust Stack
Source: Dust Collection Unit
Location: Adjacent to dust collection unit
 (ITM Grid Ref: E642 680.4, N761 571.9)
Volume to be emitted: Maximum in any one day: 338,000Nm³
 Maximum rate per hour: 26,00Nm³
Minimum discharge height: 22.7 m above ground

Parameter	Emission Limit Value (mg/Nm ³)
SO ₂	350
Nitrogen oxides as (NO ₂)	350
Particulates	50

Noise

Amend condition 6.1 (Noise) and insert condition 6.2 as follows:

6. Noise

6.1 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 following limit values:

- (i) Day time: 08:00 – 20:00 h
LAeq (1hr) = 55 dBA
- (ii) Night-time: 20:00 – 08:00 h
LAeq (1h) = 45 dBA.

An appropriate correction shall be applied in the case of tonal or impulsive components in the measurements of noise.

6.2 The licensee shall carry out noise monitoring at the noise sensitive locations in the vicinity of the plant. This monitoring shall be undertaken weekly for the first four weeks of operation of the plant, and quarterly thereafter, and shall be undertaken in accordance with methodology specified in the 'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)' as published by the Agency.

Delete Schedule C (Noise and Dust Monitoring)

7. Dust

Amend condition 7.1 as follows:

7.1 Dust levels shall be monitored every month from April to September (inclusive) at dust deposition monitoring locations D1, D2, D3, **D4, D5 (as shown on Environmental Monitoring Plan Figure PC-1 Rev1, dated February 2017)** and dust levels shall not exceed 350mg/m²/day (30-day composite sample) as measured using the Bergerhoff Method. The results shall be submitted to the Licensing Authority within one month of the end of the period being reported on. On the basis of results submitted over time, the Licensing Authority may review the frequency of monitoring.

