

AIR POLLUTION ACT 1987, as amended

Air Pollution Register Appeal Register Number: E0002-01

APPEAL by Ms Elayne Grant, of 5 Slí na Slaine, Enniscorthy, County Wexford against the decision made on the 8th day of August 2016 by Wexford County Council to grant, subject to conditions, a licence to M11 Enniscorthy JV in respect of the operation of an asphalt plant in the townland of Frankfort, Gorey, County Wexford (Reference Number: ENV/APL/16/04). The plant is an asphalt batching plant comprising of five feeder bins, a grading and mixing unit and heating system, a bitumen supply, bag house and a 17 metre stack. The principal emissions from the exhaust stack are sulphur dioxide, oxides of nitrogen, particulates and other products of combustion from the production process, 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 said Council to grant the licence. Notwithstanding said refusal, the Agency acknowledges the grounds of the appeal and furthermore directs Wexford 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 proposed asphalt plant, the relevant air quality standards, the information submitted in support of the application, and the information submitted as part of the appeals process, as well as 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 Wexford 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, taking into account:

- the submission by the Appellant,
- the observations on the appeal by the Applicant,
- the report of the Inspector dated 5th January 2017,
- the Appropriate Assessment screening carried out by the Inspector.



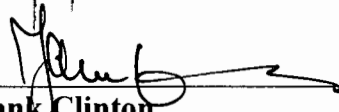
Having considered the nature and scale of the activity in question, the characteristics of the Natura 2000 sites in the vicinity and the potential impacts of the proposed activity, the Agency was satisfied that no Appropriate Assessment issues arise and concluded on the basis of the information available that the emissions to air from the activity, 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 19th day of January 2017

PRESENT when the seal of the Agency was affixed hereto:



Frank Clinton
Authorised Person



Appendix

Insert the following terms, conditions and schedules:

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, and 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, Sunday 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, based on the monitoring results for the previous year.

