

AIR POLLUTION ACT 1987, as amended

Air Pollution Appeal Register Number: E0006-01

APPEAL by Lagan Asphalt Limited of Rosemount Business Park, Ballycoolin, Dublin 11 against the decision made on the 3rd day of October 2018 by Mayo County Council to grant, subject to conditions, a licence to Mullafarry Quarry Limited in respect of the operation of a Bitumen, Macadam and Asphalt Plant in the townland of Cloonwillin, Mullafarry, Killala, Co. Mayo. The plant is an asphalt mixing plant with a single exhaust stack. The principle emissions from the exhaust stack are sulphur dioxide, nitrogen oxides, 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 the said Council to grant the licence. Notwithstanding said refusal, the Agency acknowledges the grounds of the appeal and furthermore directs Mayo County Council to grant the licence subject to the amendments detailed in the appendix of this Direction.

REASONS AND CONSIDERATIONS

Having regard to 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 Mayo County Council, the operation of the asphalt plant would not result in air pollution and would 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 European sites, taking into account:

- The submission by the Appellant;
- The observations on the appeal by the Applicant;
- The report of the Inspector dated 27 February 2020; and
- The Appropriate Assessment screening carried out by the Inspector.

A screening for Appropriate Assessment was undertaken to assess, in view of best scientific knowledge and the conservation objectives of the site, if the activity, individually or in combination with other plans or projects is likely to have a significant effect on any European Site. In this context, particular attention was paid to the European Sites specified in Table 1.0 below.



The activity is not directly connected with or necessary to the management of any European Site and the Agency considered, for the reasons set out below, that it can be excluded, on the basis of objective information, that the activity, individually or in combination with other plans or projects, will have a significant effect on any European Site and accordingly determined that an Appropriate Assessment of the activity was not required.

This determination was made considering the scale and nature of emissions to air (including noise) from the asphalt plant, and their distance to terrestrial habitats. Air dispersion modelling demonstrates that, at the boundary of the asphalt plant site, emissions from the activity will not result in ground level concentrations which exceed the relevant air quality standards for the protection of vegetation and the environment; thereby indicating that the impact from the resultant ground level concentrations at the European sites would be negligible.

Table 1.0

1	Killala Bay/Moy Estuary SAC (site code 000458)
2	Killala Bay/Moy Estuary SPA (site code 004036)
3	River Moy SAC (site code 002298)
4	Lackan Saltmarsh and Kilcummin Head SAC (site code 00516)
5	Bellacorick Bog Complex SAC (site code 001922)
6	Lough Conn and Lough Cullin SPA (site code 004228)
7	Glenamoy Bog Complex SAC (site code 000500)

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 13th day of March 2020

PRESENT when the seal of the Agency was affixed hereto:



 Mr Ray Cullinane
 Authorised Person



Appendix

Glossary of Terms

Insert the following Glossary of Terms as follows:

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.

Condition 6: Monitoring

Delete Condition 6.1 of the licence and renumber the following conditions accordingly.

Delete Condition 6.11 and renumber the following conditions accordingly.

Insert new Condition 6.11 as follows:

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 emission limit values:

- (a) Day time: 08:00-20:00 hrs
LAeq (1 hour) = 55dBA
- (b) Night time: 20:00 -08:00 h
LAeq (1hour) =45dBA

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

Insert new Condition 6.12 as follows:

The licensee shall carry out noise monitoring at the noise sensitive locations in the vicinity of the plant. This monitoring shall be carried out quarterly in accordance with the methodology specified in the EPA guidance document '*Environmental Protection Agency Office of Environmental Enforcement Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)*' EPA, 2016.



Appendix A.1 Emissions to Atmosphere

Amend Appendix A.1 Emissions to Atmosphere as follows (changes marked in bold text):

Emission Point Reference No:	A1-1 – Singe Exhaust Stack
Location:	Asphalt Tar Plant
Fuel Type:	(a) Marked Gas Oil w/w/ <0.1% Sulphur (b) Reprocessed fuel oil e.g. 11LS or REL 210 w/w/<1.0% sulphur (c) Light fuel oil w/w/<1.0% sulphur
Volume to be emitted:	Maximum rate per hour: 49,000 m³
Minimum discharge height:	19 m above ground

Parameter	Emission Limit Value mg/m³
Sulphur dioxide (SO₂)	500
Nitrogen oxides (as NO₂)	400
Total Particulates	50

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Amend Appendix A.3 Ambient Air and Dust Deposition Limit Values as follows:

Location: As required under **Condition 6.4**

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Amend Appendix A.4 Ambient Air and Dust Deposition Monitoring as follows:

Location: As required under **Condition 6.4**



