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Environmental Protection Agency HQ. P.O. Box 3000, Johnstown Castle Estate, Co. Wexford.



1st December 2020

References
Reg. No. E0007-01
PA Reg. Ref: AP 13/20

Dorota Richards,
Programme Officer,
Office of Environmental Sustainability,
Environmental Protection Agency,
Headquarters, PO Box 3000,
Johnstown Castle Estate,
County Wexford, Y35 W821

Re: Appeal – Licence for the operation of an asphalt plant to John Madden and Sons Limited at Tonroe, Ardrahan, County Galway

Dear Ms Richards,

We refer to yours of the 23rd ult in above matter.

We wish to make the following submissions and observations in relation to the above-referenced Appeal:-

1. The above-mentioned Applicant Company, throughout the various processes of its planning and air-licence application, the latter of which is the subject of this appeal, failed in its presentation to give reasonable and satisfactory identification, dimension, descriptive details and/or specific reference for the purpose of identifying the requirement of a chimney/exhaust stack. This stack would normally be located within the proposed Asphalt Plant site and the operation of which should be capable of complying with the Air Quality Standards Regulations, 2002 (SI No. 271 of 2002).
2. The location of at least thirty-five (35) private and currently occupied dwellings, standing in close proximity to the proposed Asphalt Plant site should have alerted the applicant Company to the potential danger of the exposure of residents to obnoxious gases and odours emanating from the proposed Plant. The applicant Company failed in its duty of care and its environmental management practice obligations towards these and other 'in-line' residents by its failure to manage community relations in a proactive manner.
3. The applicant Company, through its application process, failed to identify a necessary requirement or to make provision for impact assessments on the effects of the potential emission of toxic and obnoxious odours and air pollutants, from its proposed Asphalt Plant, on the users of neighbouring and surrounding properties. Guidance Notes for the assessment of odours and air pollution evidence are issued by the Institute of Air Quality Management – Version 1.1 July 2018.
4. Dust and various chemical and other obnoxious odours and discharges emanating from such a proposed Asphalt Plant, as described in connection with the above application/appeal, are likely to be significant and are likely to have the potential to

have a significant negative impact on the close proximity residential amenity at Tonroe, Ardrahan, in the County of Galway and are likely to pose serious risk to the local environment and to public health.

5. The operation of such a proposed Asphalt Plant, a licence for which is now the subject of this appeal, will endanger the promotion of the preservation of best ambient air quality compatible with sustainable development in accordance with the EU Ambient Air Quality and Cleaner Air for Europe (CAFÉ) Directive (2008/50/EC. There is no guarantee that all air emissions associated with this development will be within Environmental Quality Standards, as set out in the Air Quality Standards Regulations 2011 (SI No.180 of 2011) and amending Regulation and Directives.
6. The issuing authority for the Air Pollution Licence, which is the subject of this appeal, is Galway County Council. The said Council promotes Air Quality Objectives and one of these Objectives is outlined as Objective CC6-Air Quality Galway County Development Plan 2015-2021.
7. We, the under-signed, reside within close proximity of the many residents referenced herein. We share their views and concerns with regard to the operation of the proposed Asphalt Plant. We believe that these concerned citizens were not informed of Asphalt Plant proposals, due in part, to poorly displayed public Notices and also due to inaccurate written information emanating from informed sources. This information clearly states that the referenced Air Pollution Licence was granted in November 2020. We express our very serious and grave concerns, in our opposition to the granting of such an Air Pollution Licence. We are strongly of the knowledge and opinion that these concerns are shared by the local community in its entirety.
8. We also object to the grant of such an Air Pollution Licence on the basis that the monitoring results, being submitted in support of the licence application, do not represent Asphalt Plant activity, or any emission or discharge from such activity. Monitoring and analysis equipment may well be in place, but, technically, this equipment is recording and analysing from within a 'green-field' site. There is no Asphalt Plant activity at this site. We believe that the monitoring and analysis data presented in support of the Air Pollution Licence, which is the subject of this appeal, has no statutory relevance.
9. The applicant Company submitted a declaration which states that its application requirement did NOT relate to a development which comprises or is for the purpose of an activity requiring an integrated pollution prevention and control licence. It is our submission and contention that the purpose, function, spirit and relevance of the Air Pollution Act, 1987, as amended, has been nullified within the Company's Licence application, by this acknowledgement.
GCC-P-12(B)-00; page 6/12 of the Planning Application refers.

Yours sincerely,

Michael Brennan

Rosario Brennan