

## **AIR POLLUTION ACT 1987, as amended**

### **Air Pollution Appeal Register Number: E0009-01**

**APPEAL** by Mr Dónal Ó Gallachóir against the decision made on the 08<sup>th</sup> day of February 2021 by Mayo County Council to grant, subject to conditions, a licence to Wills Bam Joint Venture in respect of the operation of an asphalt plant in the townland of Drumaleheen, Castlebar, County Mayo (Reference Number in Register: AP12). The asphalt plant is a mobile plant that includes a rotary dryer, mixing tower, bag-house, storage bins and a 17m exhaust stack. 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 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 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 schedules and conditions, attached to the licence to be granted by Mayo 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.

In making its decision the Agency completed a screening exercise in relation to nearby Natura 2000 sites, taking into account:

- the submissions by the Appellant,
- the observation on the appeal by Mayo County Council,
- the report of the Inspector dated 25<sup>th</sup> August 2022, 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 industrial plant, 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 Site River Moy SAC (SI000001 Code 002298).



The industrial plant 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 industrial plant, 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 industrial plant 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 European sites. Air dispersion modelling demonstrates that emissions from the industrial plant will not result in ground level concentrations which exceed the relevant air quality standards for the protection of vegetation and ecosystems.

### **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 5<sup>th</sup> day of September 2022**

**PRESENT when the seal of the Agency was affixed hereto:**

  
\_\_\_\_\_  
**Ms Tara Gillen, Authorised Person**



## Appendix

### Insert Condition 1.4 as follows

**1.4** For the purpose of limiting emissions, the periods during which the licensed production facility shall conduct operations involving emissions to air shall be between 05:00 and 21:00 hours Monday to Friday and 06:00 to 16:30 on Saturday.

The facility shall not operate on Sundays or Public Holidays.

The Licencing Authority may, on receipt of a written request from the Licensee, agree to hours of processing and operation of the plant for agreed temporary periods outside those set out above.

**Reason:** to clarify the scope of the licence.

### Amend Condition 3.1 as follows

**3.1** The concentration limits for emissions to atmosphere specified in this licence shall be based on gas volumes under standard conditions of: Temperature 273 K, Pressure, 101.3 kPa., dry gas, 17% O<sub>2</sub>.

**Reason:** To clarify the interpretation of emission limit values.

