


This Report has been cleared for submission to the Director by Programme Manager, Marie O'Connor

Signed: Marie O'Connor Date: 25th August 2022

 <p>MEMO</p>	Office of Environmental Sustainability
To: Eimear Cotter, Director	Date: 25th August 2022
From: Jim Johnson	
Subject: Appeal of a decision by Mayo County Council to grant an Air Pollution Act licence (Reference AP12) to Wills Bam Joint Venture, for the operation of an asphalt plant at Drumaleheen, Castlebar, Co. Mayo.	
Appeal Registration No: E0009-01	

Recommendation: The Board/Director is asked to **APPROVE** the decision recommended hereunder with respect to the appeals submitted to the Agency in relation to the Air Pollution Act licence granted to Wills Bam Joint Venture.

1 Background

Air Pollution Act licences are single media licences for certain industrial processes not included in the First Schedule of the EPA Act 1992 as amended and are granted by Local Authorities under the Air Pollution Act 1987 as amended. The industrial processes are listed in the Third Schedule of the Air Pollution Act 1987.

Under Section 34(1) of the Air Pollution Act an appeal may be made in relation to the granting or refusing of a licence under the Act. As of the 31 August 2015, the Agency is the statutory authority for appeals in relation to Air Pollution Act licences. Prior to this date the statutory authority for these appeals was An Bord Pleanála.

The licence relating to this appeal is for the operation of an asphalt plant at Drumaleheen, Castlebar, Co. Mayo. On 08th February 2021 Mayo County Council (MCC) issued a notice of a decision to grant a licence for the operation of the plant (Reference number in Register: AP 12). The purpose of the plant is to supply asphalt for the N5 Westport to Turlough Road Project which was granted planning permission by An Bord Pleanála. The plant is to be temporarily located at a site along the road project development just south of the N60 Castlebar to Breaffy Road approximately 2km southeast of Castlebar town.

The plant includes a dryer with an oil burner which is used to dry aggregate material before it is mixed with bitumen to produce asphalt. Waste gases from the burner pass through a bag-house with dust filters before discharging to atmosphere from a 17m high stack.

2 Third Party Appeal

The Agency received one third party appeal against the decision of Mayo County Council from Mr Dónal Ó Gallachóir on 05 March 2021. Mr Ó Gallachóir also made a submission on the

appeal on 13th April 2021. Mayo County Council made a submission on the appeal on 07 December 2021.

In his appeal and submission Mr Ó Gallachóir expressed concern about the health effects of emissions, odours and dust arising from the operation of the plant. Mr Ó Gallachóir also submitted that MCC should have rejected the licence application because of inadequacies in the newspaper notice and licence application. Mr Ó Gallachóir also submitted that he is subject to noise, dust and vibration from construction works and traffic associated with the N5 road development works and expressed concern that traffic to and from the asphalt plant will cause additional pollution. However, these construction and traffic related issues are outside the scope of the Air Pollution Licence and subject to separate controls and noise limits under planning permission and will not be considered here. The Agency's consideration of the appeal is limited to the appeal of the decision of the Local Authority to grant the licence and to the conditions attached to the licence.

The issues raised in the appeals are dealt with under the headings below. The submission made by MCC in relation to the Third-Party Appeal are dealt with under the relevant headings. However, the original documents may be referred to for greater detail and expansion of points.

3 Consideration of the appeal

3.1 Air, noise and odour emissions

Mr Ó Gallachóir raised a number of concerns about the impact of air emissions, odour, dust and noise released into the atmosphere from the plant on the health of local residents and the local environment.

Mayo County Council in its submission on the appeal stated the following:

- that in determining the licence application made by WBJV, MCC was satisfied that the applicant demonstrated that the operation of the asphalt plant will use best practicable means to prevent or limit air emissions.
- that air dispersion modelling assessment and noise impact assessment conducted as part of the application process show that environmental concentrations and noise levels from the proposed activity will be below relevant standards.
- that Conditions in the licence will control the management of the activity and emissions to the atmosphere. Monitoring, recording and reporting of associated activities are all conditioned in the licence issued to the applicant.
- In considering the location of the asphalt plant MCC had regard to the environmental assessment of the overall roads project and the temporary nature of the proposed facility.

Consideration of the appeal

Air emissions from the stack

It is noted that the applicant submitted an air quality impact report to MCC on 06th August 2020 as part of the licence application (Air quality Impact of Asphalt Plant at Drumaleheen, Castlebar Co. Mayo). The report included results of air dispersion modelling that predicted the impact of air emissions from the plant stack on ambient air quality in the area. Having reviewed the report, I am satisfied that the modelling was carried out in accordance with published Agency guidance and was sufficiently detailed and conservative to assess the impact of emissions to air from the asphalt plant stack. For example, the background concentrations used were representative of the site - PM₁₀ and NO₂ from an EPA ambient air monitoring station at Castlebar, 2.8 km from the site and SO₂ concentrations from a station in Kilkitt, Co. Monaghan which is in the same air quality zone as the site (Zone D). These were also in line

with ambient concentrations measured at the site as outlined in Chapter 13 of the EIS (Environmental Impact Statement) submitted with the application. Modelling was carried out with the plant at maximum volume flow and maximum concentrations of NO₂, SO₂ and particulates in the stack exhaust gas in order to capture worst case operating conditions. The model used hourly meteorological data from two nearby stations - Claremorris (wind speed, wind direction and air temperature) and Knock (cloud cover) and was run using 5 years of meteorological data (2015-2019). Predicted environmental concentrations, which included background concentrations were substantially below the National Ambient Air Quality Standards (NAQS). The modelling can be considered conservative as it is unlikely that the plant would operate continuously at the emission limits.

The table below gives details of the worst case predicted impact of the pollutants outside the site boundary which are considered characteristic of the proposed air emissions.

Parameter	Averaging Period	Background concentration (µg/m ³)	Process contribution to PEC (µg/m ³)	Predicted Environmental Concentration (PEC) (µg/m ³)	PEC as % of Air Quality Standard	Air Quality Standards (µg/m ³) Note 1
Nitrogen Oxides (as NO ₂)	99.8%ile hourly	8	33	41	21%	200
	Annual	8	3	11	28%	40
NOx	Annual Note 2	12	9	21	70%	30
SO ₂	99.7%ile hourly	4	60	64	18%	350
	99.2%ile daily	4	30	34	27%	125
	Annual Note 2	2	4.7	6.7	34%	20
Particulates (as PM ₁₀)	90.4%ile daily	11.5	2.9	14.4	28%	50
	Annual	11.5	0.9	12.4	31%	40

Note 1: Air Quality Standards Regulations, SI180/2011.

Note 2: National Air Quality Standard for the protection of ecosystems

The air dispersion modelling assessment shows that the predicted environmental concentrations are below the relevant air quality standards and that the operation of the plant will not have a significant impact on the receiving environment.

Annual average NOx and SO₂ concentrations were also predicted at the Manulla and Clydagh rivers that form part of the River Moy catchment Special Area of Conservation (SAC Site Code No 002298). The rivers are about 3.5km from the plant site. The contribution of the asphalt plant to the predicted environmental concentration is very low.

Location	Parameter	Background concentration (µg/m ³)	Process contribution to PEC (µg/m ³)	Predicted Environmental Concentration (PEC) (µg/m ³)	PEC as % of Air Quality Standard	Air Quality Standards/ Guidelines (µg/m ³)
Manulla River	Nitrogen Oxides (as NO ₂)	3	0.1	3.1	10%	30 ^{Note 1}
	SO ₂	2	0.1	2.1	10%	20 ^{Note 2}
Clydagh River	Nitrogen Oxides (as NO ₂)	3	0.1	3.1	10%	30 ^{Note 1}

Location	Parameter	Background concentration (µg/m ³)	Process contribution to PEC (µg/m ³)	Predicted Environmental Concentration (PEC) (µg/m ³)	PEC as % of Air Quality Standard	Air Quality Standards/ Guidelines (µg/m ³)
	SO ₂	2	0.1	2.1	10%	20 ^{Note 2}

Note 1: Critical level for protection of vegetation

Note 2: Annual & Winter critical level for the protection of ecosystems

The licence has a number of conditions that control emissions from the stack as follows:

- Condition 5.2 limits emissions to atmosphere from the plant to those in Appendix A.1. Air dispersion modelling has demonstrated that the impact of these emissions will be significantly below the relevant limit values in the air quality standards.
- Condition 5.1 requires that prior to the facility becoming operational, a commissioning programme for the new plant shall be agreed with the Licensing Authority to demonstrate the achievement of the necessary operational parameters and the specified emission limit values of this licence.
- Condition 6.3 requires monitoring of emissions from the stack at a monthly frequency for nitrogen oxide and sulphur dioxide in the first year (to be reviewed thereafter) and continuous monitoring of particulates (Appendix A.2).
- The licence also requires the use of low sulphur fuels (Appendix A.1).

It is noted that the reference conditions in Condition 3.1 do not control for oxygen content, but that the concentrations modelled in the air quality assessment report were based on an oxygen content of 17%. I recommend Condition 3.1 be changed to specify 17% oxygen content as a reference.

Fugitive dust emissions

The licence has a number of conditions to control and prevent fugitive dust emissions:

- Condition 2.6 requires that machinery, equipment or other facilities used for the storage, treatment, production or transportation of dusty materials shall be enclosed. Where full encapsulation is not feasible, dust containing waste gas shall be collected and fed to a dust collector.
- Condition 2.7 requires water sprays to be used on site and on access roads during dry weather to ensure dust emissions are kept to a minimum.

Odour

The licence has a number of conditions to control and prevent odour from fugitive emissions:

- Condition 2.5 requires the licensee to ensure that all operations on-site be carried out in a manner such that air emissions or odours do not result in significant impairment or interference with amenities beyond the site boundary.
- Condition 5.6 requires the applicant to prepare a programme to the satisfaction of the local authority to identify and reduce fugitive emissions to air including all areas where particulates may be generated as well as all volatile emission points including bitumen storage tanks, mixing tower emissions and asphalt treatment/storage emission points.

Noise

A noise assessment report was carried out by the applicant to assess the impacts of noise from the plant on nearby receptors. This was received by MCC on 06th August 2020 ("Noise impact assessment: Proposed hot mix asphalt plant" dBA Damian Brosnan Acoustics). The modelling was carried out in accordance with the EPA document Guidance Note for Noise:

Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4) (2016). The report found that subject to the recommended mitigation, noise levels at all receptors would comply with the limits set out in NG4 and the limits set out in planning permission for the N5 road development project. The report proposed that noise monitoring be undertaken during the first weeks following commissioning of the asphalt plant (weather permitting) and thereafter at quarterly intervals. Monitoring results would be used to confirm the effectiveness of noise mitigation measures and to identify any further mitigation requirements if necessary.

The licence has a number of conditions to control noise from the asphalt plant as follows:

- Condition 6.10 requires the licensee to carry out noise monitoring at the two nearest noise sensitive locations to be undertaken within the first four weeks of operation of the plant and quarterly thereafter. The minimum duration of monitoring surveys is specified in Appendix A.5.
- Condition 6.9 of the licence requires that noise from the plant not give rise to sound pressure levels at noise sensitive locations that exceed the limits in Appendix A.5 which apply at noise sensitive locations. These noise limits are as per EPA Guidance¹ for the sector.

Based on the conditions above, and subject to the recommended change, I consider that the controls and limitations of emissions will ensure the protection of the environment from air, dust and odour emissions from the plant and that the concerns of the appellant have been addressed.

Recommendation

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% O₂**.

Reason: To clarify the interpretation of emission limit values.

3.2 Adequacy of the licence application process

Mr Ó Gallachóir submitted that MCC should have rejected the application and requested a new one due to 'misleading information', 'irregularities' and 'inconsistencies' in the application and in the applicant's responses to requests for further information from MCC. The main points raised are as follows:

3.2.1 Issues with the application newspaper notice

- a) That the emission concentration for SO₂ in the newspaper notice (110 mg/m³) was different to that in the licence application (97ppm) and that it was necessary for MCC to request clarification on these and other figures,
- b) That the capacity of the plant in the newspaper notice (maximum output 250 ton per hour) was different to that in the application form (maximum output 300 ton per hour), and more generally that the licence granted was for a plant structure/capacity different to what was described in the notice or the application.
- c) That the name of the applicant in the newspaper notice and application form was 'WBJV' whereas the licence was granted to Wills Bam Joint Venture,

¹ EPA Guidance Environmental Management in the Extractive Industry (Non-Scheduled Minerals) 2006

- d) The newspaper notice or original application form didn't mention that the plant would be a mobile plant,
- e) That the wording of the newspaper notice was 'confusing, ambiguous and spurious' – that it could have been interpreted that the plant would emit 250 tonnes/hour of emissions to air and that it could be interpreted that the plant would be located at the applicant's premises which is at Breaffy Road as opposed to Drumaleheen,
- f) That the newspaper notice for the asphalt plant application was published in The Irish Examiner newspaper which does not have a wide readership in the area.

The submission of MCC did not comment on the content of the newspaper notice.

Consideration of the appeal

The Air Pollution Act, 1987, (Licensing of Industrial Plant) Regulations, 1988 (hereafter referred to as "the Regulations") provide for the licensing authority to request such particulars as they may reasonably require for consideration of the application. With regard to SO₂ concentrations MCC applied emission limit concentrations in the licence that were modelled by the applicant and demonstrated compliance with the relevant air quality standards.

The information to be contained in the newspaper notice is specified in Regulation 6(2) of the Regulations as follows:

(2) A notice under sub-article (1) shall contain, as a heading, the words " Air Pollution Act, 1987 , Licensing of Industrial Plant", and shall—

(a) state the name of the applicant and the name of the local authority to which application is being made,

(b) state the nature and location of the industrial plant in relation to which application is being made, and

(c) give a general description of the industrial process and of the emissions made or to be made from the plant.

It is noted in the newspaper notice the applicant's name as 'WBJV'. While it would have been more appropriate to give the name in full i.e. Wills Bam Joint Venture, the notice fulfilled its function in informing the public of the licence application.

The newspaper notice stated the name of the local authority and that the plant was a 'hot mix asphalt plant' to be located at the N5 Project works site, at Drumaleheen, Castlebar, Co. Mayo and with emissions to air of SO₂, NO₂ and CO. While the notice stated the capacity of the plant, it is not required in the legislation which specifies a general description of the industrial process. What is relevant is the air emissions from the plant and the licence limits these to what was modelled in the air quality assessment report in the application. I consider the content of the notice is sufficient to describe the nature of the plant and the emissions to be made as required by the regulations.

In relation, to reference to a mobile plant – Appendix 1 of the original application included specifications for a mobile plant.

Regulation 6 of the Regulations requires that, prior to making an application for a licence, the applicant publish a notice of their intention to make a licence application in 'a newspaper circulating in the functional area of the local authority'. As The Irish Examiner is circulated in County Mayo the requirements of the regulations are met.

3.2.2 Other notices

- a) Mr Ó Gallachóir submitted that the period from the public notice (newspaper advertisement) of the grant of the licence (16th February 2021) was insufficient to allow enough time to submit an appeal on the licence (deadline 08th March 2021). That the appellant should have been informed either by MCC or the applicant when the licence was granted
- b) Mr Ó Gallachóir submitted that a public notice was not displayed on or near the site to notify the public that a licence application was being sought

Consideration of the appeal

- a) The timeline for submission of appeals was in accordance with the regulations. Under Regulation 13(2) a notice of a decision to grant or refuse an application 'may, where the local authority so decide, be published in a newspaper circulating in their functional area'. However, the regulations do not specify a minimum time period from the date of such a notice for the decision to be appealed.
- b) There is no requirement under the Regulations for a notice to be displayed at the site of an intention to apply for a licence.

Recommendation

No change

3.2.3 Adequacy of air and noise assessments in the licence application

Mr Ó Gallachóir made a number of points in relation to information in the air and noise assessment reports in the licence application:

- a) that different distances were cited from the plant to nearby houses, the reports did not accurately describe the number of houses in the area or consider that local residents could be vulnerable receptors,
- b) that the asphalt plant will be located close to a wetland which could be impacted by emissions from the plant,
- c) that a higher stack is necessary to ensure adequate air dispersion than what has been proposed,
- d) that the application incorrectly refers to the topography of the site as generally flat and also that there is the potential for pollutants to be dispersed towards the appellant's area,
- e) that a licence shouldn't be issued for a plant at Drumaleheen as it had the highest annual mean PM₁₀ and NO₂ concentrations of monitored locations along the road development,
- f) that MCC are allowing the increase of air pollutant emissions by licensing this plant in addition to an existing asphalt plant in the area rather than trying to decrease air pollution,
- g) that Wills Bam minimised the noise impacts by not including the traffic noise situation at the site presently.

The submission by MCC on these points is included in Section 3.1 above.

Consideration of the appeal

In relation to the points raised in the appeal, the following is noted:

- a) As part of the application process MCC requested clarification on the distance from the plant/site to the nearest house – 260m (air quality impact report) or 100m (noise impact report) (Item 2 further clarification request 05th October 2021). In its response (14th December 2020), the applicant confirmed that the stack of the plant would be 260m from the nearest house, and that the distance in the noise modelling report (100m) was from the boundary of the asphalt site. The noise report was revised to take this into account. It is noted that *Section 2.0 Site location* of the air quality impact report refers to '4 neighbouring houses within 300m of the asphalt plant'; however, the report assessed impacts at the 14 nearest houses up to 500m from the plant (Table 6, Figure 11 of the report). In conclusion, both air and noise assessments adequately assessed impacts at nearby noise sensitive locations. In addition, it should be noted that residential properties are included in the definition of noise sensitive location in the licence.
- b) The air quality impact report assessed potential impacts on ecological receptors. The predicted ambient concentrations were below the NO_x and SO₂ limits for the protection of vegetation and ecosystems beyond the site boundary.
- c) The stack height (17m) included in the modelling assessment proved adequate for the dispersion of pollutants at the emission limits proposed.
- d) The air quality assessment adequately described and accounted for the topography of the area in the air dispersion model.
- e) The licence application included Chapter 13 of an Environmental Impact Statement (EIS) that appears to come from a planning application. The chapter includes results of ambient monitoring (NO₂ and PM₁₀) as well as predicted concentrations of PM₁₀ and NO₂ under different scenarios for the road development. The predicted concentrations of PM and NO₂ at Drumaleheen were higher than other locations; however, they were significantly below the limits in ambient air quality standards. In addition, the applicant carried out an air quality impact assessment of emissions from the asphalt plant – described in Section 3.1 above.
- f) The air assessment submitted by the applicant demonstrated that SO₂, NO₂ and particulate emissions from the plant when combined with existing (background) concentrations would meet the requirements of the relevant ambient air quality standards.
- g) The baseline noise survey was to assess the background noise levels and whether the location could be considered an 'area of low background noise'. It was not for the purposes of monitoring the construction noise levels. Construction noise would have obscured any potential impacts from the asphalt plant in the model assessment.

Based on the above and the controls and emission limits specified in the licence, I consider that there will be no significant impacts from the operation of the plant.

<p>Recommendation</p>

<p>No change</p>

3.2.4 Other aspects of the licence application process

Mr Ó Gallachóir submitted that the application should have been rejected by MCC on a number of grounds related to the application as follows:

- a) that the competence of the applicant to operate an asphalt plant is questionable, because MCC requested the applicant to provide additional information from 'a suitably qualified person'

- b) that the licence was granted for a plant with a maximum capacity of 250 tonnes/hour, but the applicant stated the maximum capacity would be 300 tonnes/hour
- c) that the licence was granted for a temporary asphalt plant, but the original licence application did not refer to a temporary plant.
- d) that the applicant did not adequately address the request of MCC to clarify why they had applied for licences for four asphalt plants along the N5 road development
 - o MCC response is included in Section 3.1 above.
- e) that the applicant did not comply with the timelines for further information set out by MCC
 - o In its submission MCC stated they were satisfied that all statutory timelines were complied with
- f) that the applicant did not state who would be operating and managing the plant – themselves or a contractor
- g) because the applicant did not provide details of decommissioning of the plant in the application.
- h) because the applicant didn't provide a noise and dust monitoring plan as requested by MCC
 - o MCC response is included in Section 3.1 above.
- i) because MCC failed to clarify what management system is in place to control any possible contamination from the plant to groundwater
 - o MCC response is included in Section 3.1 above.
- j) because the hours of operation of the asphalt plant in the licence application are different to the hours during which work will take place for the N5 road development as specified in the An Bord Pleanála planning permission
 - o In its submission, MCC stated that operating hours were not specified in the licence, these are governed by the over-riding operating hours for the roads project.

Consideration of the appeal

- a) MCC in its request for further information on 04th February 2020, requested an air impact assessment be carried out by 'a suitably qualified person'. In this context 'a suitably qualified person' refers to their ability to conduct an assessment of the impact of air emissions e.g. by air dispersion modelling and not the operation of the plant.
- b) The licence controls the amount of air emissions to air from the plant by specifying maximum limits for the volume flow and concentrations of parameters.
- c) The reference to a temporary plant was not stated in the original application form – this was clarified subsequently. On 04th May 2020 MCC requested the applicant to provide details of the anticipated timeframe for the operation of the plant. In its response of 06th August 2020 the applicant stated that it anticipated the plant to be in operation for about two years (from Q4 2020/Q1 2021 to Q4 2022). The licence was issued for a 'Temporary Asphalt Plant for the N5 Westport to Turlough Road scheme'.
- d) Applications for other air pollution licences are outside the scope of the appeal. The Agency's consideration of the appeal is limited to the granting of the licence for the plant at Drumaleheen (Reference AP12).

- e) With respect to the timelines for the application – the relevant timelines in the regulations were complied with. From the documentation provided to the Agency, it appears that Mayo County Council issued two requests for further information as part of its consideration of the application – on 04th February 2020 and 05th October 2020. The responses submitted by the applicant were received on 06th August 2020 and 14 December 2020. While the first request specified a timeline of 3 months for a response, it is noted that the applicant requested an extension which was accepted by Mayo County Council.
- f) The licence was issued to Wills BAM Joint Venture, and as such they are legally responsible for complying with the conditions of the licence.
- g) Regulation (8) specifies the information to be included as part of a licence application; a decommissioning plan is not specified.
- h) It is noted that Condition 6.2 requires the licensee to submit a monitoring plan for emissions to atmosphere, ambient air, dust deposition and noise monitoring in the area surrounding the plant within one month of the date of issue of the licence. I consider that the licence conditions provide for the protection of the environment by way of control and limitation of emissions to air.
- i) Controls on discharges to water are outside the scope of the Air Pollution Act licence.
- j) The licence does not specify hours of operation. I recommend that operation of the plant be limited to the hours specified in the application form.

Overall, I consider that the assessment of the licence application complied with the licensing regulations.

Recommendation: include the following condition

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.

3.2.5 Planning and other matters raised

Mr Ó Gallachóir raised a number of further points in the appeal and submission that are outside of the scope of the appeal. These include matters related to planning permission for the asphalt plant; the presence of an existing asphalt plant in the area; noise, dust and vibration from the N5 road development project; obligations of MCC under the Aarhus Convention to provide information; and the objectivity of MCC in granting a licence for the plant.

4 Appropriate Assessment

The APA licence relating to this appeal is for an existing asphalt plant which is located in the townland of Drumaleheen, Castlebar, Co. Mayo.

The proposed emissions from the plant include the following:

- Air emissions of nitrogen oxides, sulphur dioxide and particulates from the exhaust stack.
- Fugitive dust emissions from aggregate storage and transportation.

- Bitumen fumes through the vent pipes on the bitumen storage tanks.
- Noise emissions.

Appendix 1 lists the European Sites assessed, their associated qualifying interests and conservation objectives.

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 at River Moy SAC (Site 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.

5 Overall recommendation and notes

It is recommended that the Agency, in accordance with Section 34 of the Air Pollution Act 1987 as amended, direct Mayo County Council to grant the licence (Reference AP12) under the Air Pollution Act 1987 to Wills Bam Joint Venture (WBJV), for atmospheric emissions at a site located at Drumaleheen, Castlebar, Co. Mayo, subject to the amendments detailed in this report.

Signed



Jim Johnson
Inspector ELP

Appendix 1 Appropriate Assessment

List of European Sites assessed, their associated qualifying interests and conservation objectives.

Site Code	Site Name	Distance from the asphalt plant	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives
002298	River Moy SAC	Approximately 3.4km southeast	<p>Habitats</p> <p>6510 Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)</p> <p>7110 Active raised bogs*</p> <p>7120 Degraded raised bogs still capable of natural regeneration</p> <p>7150 Depressions on peat substrates of the Rhynchosporion</p> <p>7230 Alkaline fens</p> <p>91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p> <p>Species</p> <p>1095 Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>1106 Salmon (<i>Salmo salar</i>)</p> <p>1092 White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>1355 Otter (<i>Lutra lutra</i>)</p> <p>1096 Brook Lamprey (<i>Lampetra planeri</i>)</p>	NPWS (2016) Conservation Objectives: River Moy SAC 002298. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs