

10 Horsehead
Passage West
County Cork
T12VPY7

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902

PLANNING APPEAL: I made a submission to the planning authority on application 20/6955,
and I now wish to appeal the decision of the planning authority

Planning Authority: Cork County Council

Planning Application Reference Number: 20/6955

Applicant: Goulding Chemicals Limited

Description of Development: Belvelly Marino Development Company (DAC)

9th March 2022

A chara,

AN BORD PLEANÁLA	
LDG-	050150-22
APP-	
10 MAR 2022	
Fee: €	220
Type:	Cheque
Time:	
By:	Regist.

Please find attached the following:

- A completed written form with my name and address.
- The details of the planning authority and the planning register reference number are provided above and in the written proforma
- The proforma provides information on my grounds of appeal (reasons and arguments) for wanting the planning authority's decision changed
- I have included supporting figures/images
- I have included a copy of my original observation
- The written acknowledgement given to me by the planning authority to confirm it received your submission or observation at planning application stage.
- A cheque for the correct fee of Eur 220
- I can confirm that this submission is made within 4 weeks from the date that the planning authority has made its decision.

Mise le meas,

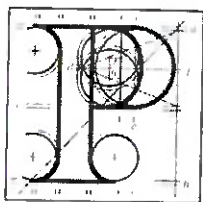
Madeline Roberts

1000

1000

AN BORD PLEANAIA	
LDG	1000
APR	1000
1 MAR 2000	
Feet	1000
Type	1000
Time	1000

1000



An
Bord
Pleanála

Planning Appeal Form

Your details

1. **Appellant's details (person making the appeal)**

Your full details:

(a) Name

Madeline Roberts

(b) Address

10 Horsehead, Passage West, Cork

Agent's details

2. **Agent's details (if applicable)**

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's address

Click or tap here to enter text.

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

☒

The agent at the address in Part 2

☐

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Cork County Council

(b) Planning authority register reference number

(for example: 18/0123)

20/06955

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Marino Point, Cobh

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Background: I am a resident of Passage West which is located approximately 500 meters from the proposed development site. As such, the planning proposal has potential to have a substantial negative impact significantly on the day-to-day life of myself and many other residents of Passage West.

Grounds for appeal: The grounds for my appeal are:

- My submitted observations have been inadequately considered and addressed.
- The Environmental report in 2021 was too vague in its request for additional information leading to an inadequate Environmental assessment.

Basis for observations made:

The current use of the jetty that serves the site is for existing industrial activities at Marino Point and as a 'lay-over berth' for boats when required. Both of these activities result in overnight noise from ship's generators and yet despite regular complaints to the Port of Cork, there is no explanation as to why the generators continue to run all through the night. Complaints made by numerous residents of Passage West have been lodged with Cork County Council Noise Laboratory through their Noise Report Form system with no perceivable response.

The environment report of 22/02/21 states the following:

The BMDC wishes to expand the use of the jetty. Goulding Ltd will have approximately 50 boats a year delivering material to them. And there will be around 40 further vessels unloading material which will include machinery parts,

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

woodchip, deep sea maintenance and exploratory vessel engineering cargo and other miscellaneous dry cargo.

It is acknowledged by the environmental office that the proposed use of the Jetty will increase dramatically.

The environment report of 22/02/21 also states the following:

Normal hours of operation for the Gouldings plant will be 7am to 5pm but during peak demand season the mixing and bagging operations will occur from 7am to midnight. From a noise point of view this is essentially nighttime working and the reversing alarms from machinery will be operating. As stated in the EIAR chapter 14 page 6 the EPA regulations do not allow any tonal or impulsive noises at nighttime. How will nighttime noises be mitigated for? Will there be tonal noises at nighttime? Will any noise monitoring be carried out for peak season demand to ensure that noise levels are below 45dB at night or 50dB in the evenings? Will there also be late unloading of cargo at jetty during these times?

The outcome of the Environmental Report (21/02/21) was to defer the decision on the application subject to further information being submitted however, the request for information was imprecise as the information requested was focussed on 'the site' rather than the Jetty.

The developer response to the request for information was as follows:

FI states that no tonal or impulsive emissions are expected from operations at the proposed fertilizer facility. However, the reverse alarms on the machines can be quite tonal. It is stated that flat spectrum alarms on forklifts or loaders will eliminate tonal noise. This will need to be demonstrated with frequency spectrum

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

etc during the OEMP. FI states that noise monitoring surveying will be carried out 2 months after commissioning. A survey should be carried out during peak season for Gouldings when operations are between 7pm and midnight as this will probably be the most problematic night noise to ensure that the tonal noises are eliminated as no tonal noises are allowed at nighttime under EPA guidance.

Please note, that the plant and the jetty are not in the same area of Marino Point and enclosed with this submission are figures demonstrating the proximity of the Jetty to Passage West (490 metres). The distance from the Jetty to the proposed site is 649 metres which is much further away than distance from the jetty to the local residents. Hence, the noise/vibration assessments made in relation to the proposal are meaningless to the residents of Passage West.

When each Ship arrives and departs the jetty, tug boats (often more than one) are required to manoeuvre the ship in and out of its berthing position. The additional activity at the jetty will involve noise and vibration from the ships and tug boats and there should be conditions placed on the timing of these activities as highlighted in the above as '*no tonal noises are allowed at night time under EPA guidance*'.

The elements above primarily consider night-time working at the fertilizer plant with no specific focus on noises at night-time at the Jetty, and in particular the noise from ship generators which is the key element for residents of Passage West (and as per my observation).

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

My observation (enclosed) made to Cork County Council was in respect of the impact of the noise and vibration that the ship's generators have on the local residents which has not been considered or addressed as part of the proposal.

Summary:

- There will be a substantial increase in the number of ships berthing at Marino Point Jetty with associated noise and vibration from these ships and tug boats.
- The request for additional information from the primary environmental report did not specifically request information about tonal and impulsive noise from the Jetty area of the site despite this being the basis of my (and others) observation.
- The Marino Point Jetty is the closest point to the town of Passage West and as such, clarity about the activities at the Jetty are paramount in consideration on the planning proposal.

Suggested clarifications:

The Environmental Impact questions that have yet to been addressed as part of the planning approval process are as follows:

- When ships are berthed at Marino Point Jetty, will the ship's generators run at night time and for what purpose? Given they generate significant noise and vibration, as evidenced by current activity.
- What will be levels of the noise and vibration emanating from the ships berthed at the Jetty (day and night), including those from the tug boats?
- How can the impact of levels of the noise and vibration emanating from the ships berthed at the Jetty be minimised for the residents of Passage West?

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

- Is it feasible that once ships have berthed, that their engines are turned off and that any power supply needed for their operations is generated 'in land' at the site of the fertilizer plant or similar and away from any residential zones? As there is an ESB plant included in the plans, this seems a reasonable avenue to explore.
- Will there be curfews/timing restrictions on ship engine noise and vibration caused by ship generators at the jetty and tug boats used to manoeuvre the ships?

Thank you for your kind consideration.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing

☐

No, I do not wish to request an oral hearing

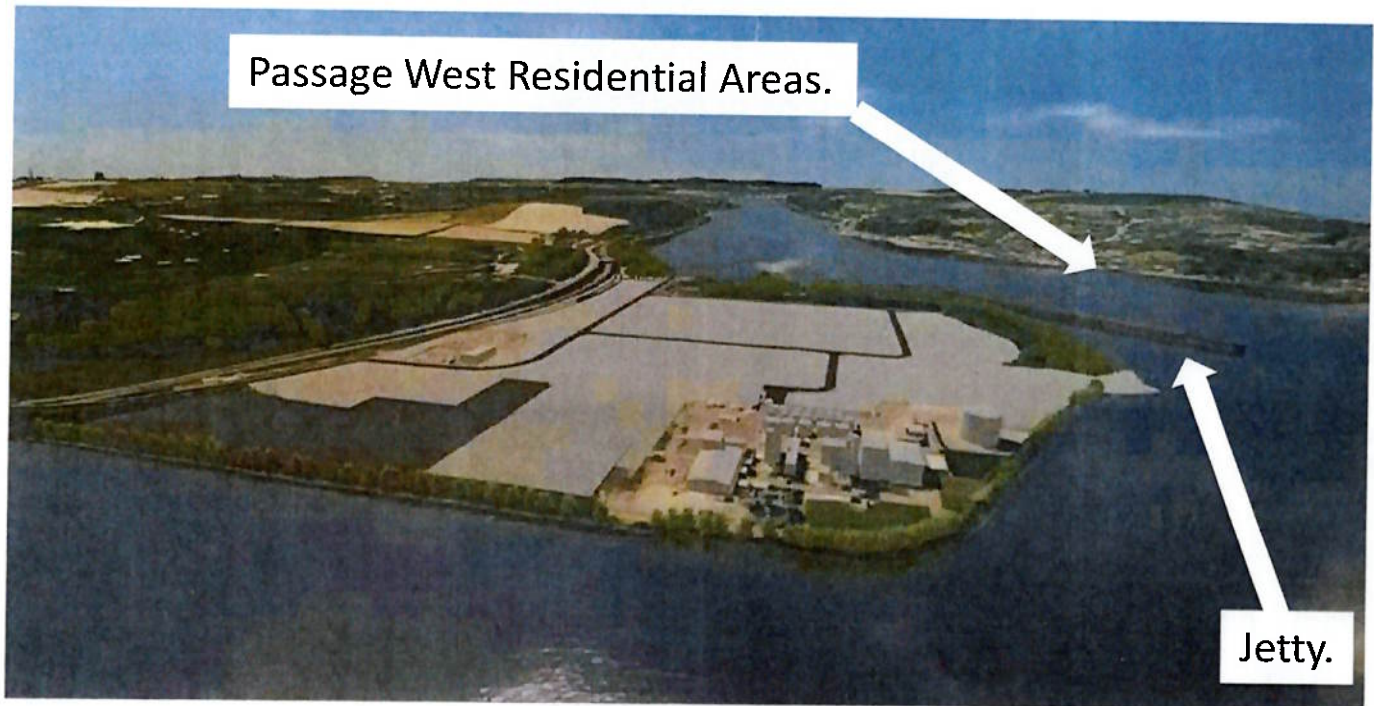
☒

NALA has awarded this document its Plain English Mark
Last updated: April 2019.



Developer 3D of Site plan, Jetty position and proximity to Passage West with additional labels for clarity.

One of the few images demonstrating the proximity of the Jetty and ships to Passage West



Developer 3D of Ship berthed at Jetty at a site distant to the proposed Goulding's Plant and distant to the site of the environmental Assessment for noise and vibration

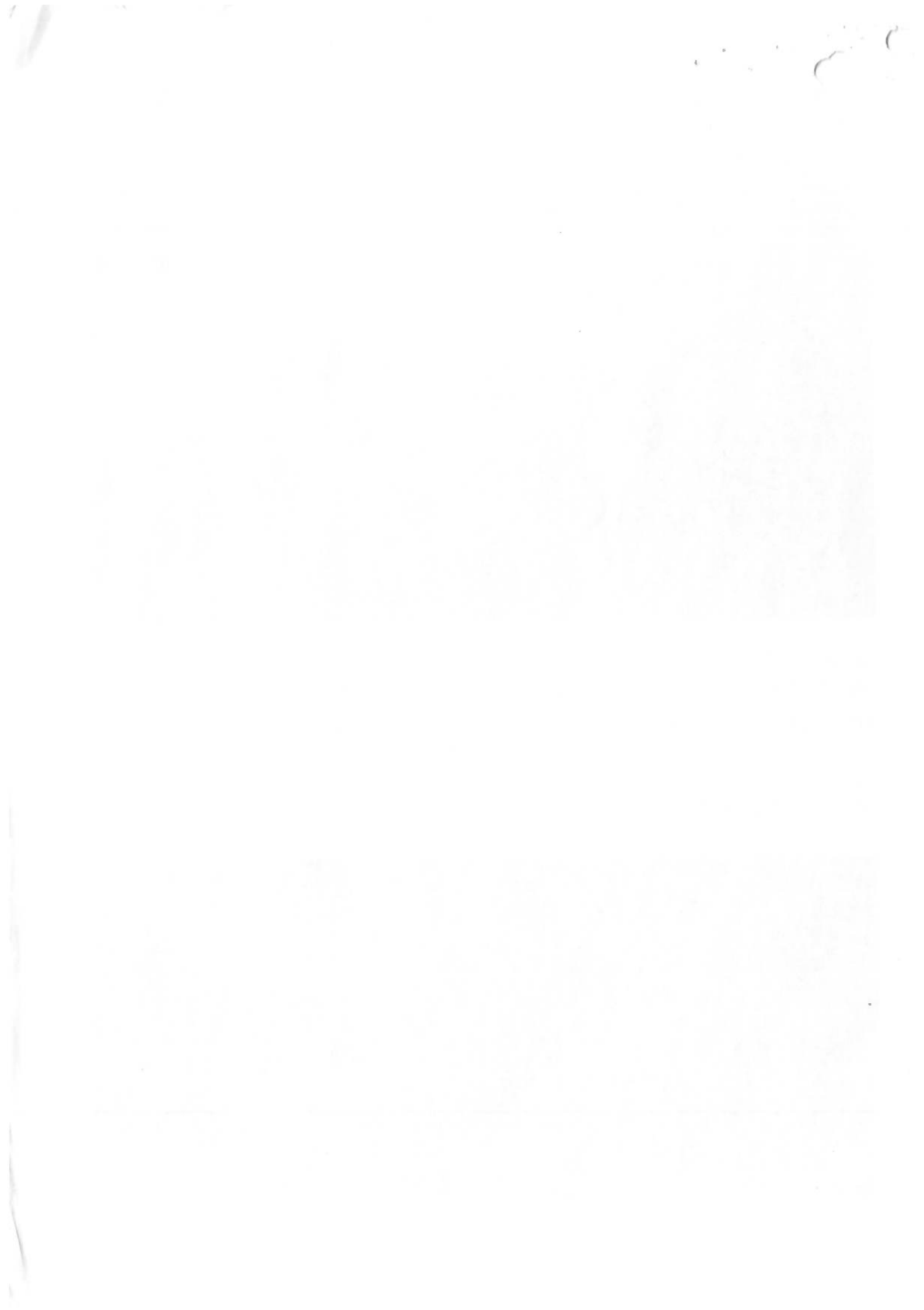


Developer 3D of Jetty at a site distant to the proposed Goulding's Plant. It is notable that the developer images rarely demonstrate the proximity of the site and jetty to residential areas.



Google Map Aerial view of Site, Jetty position and proximity to Passage West. The Environmental assessment of noise/vibration was made for the Plant Site and NOT at the Jetty or for residents of Passage West.

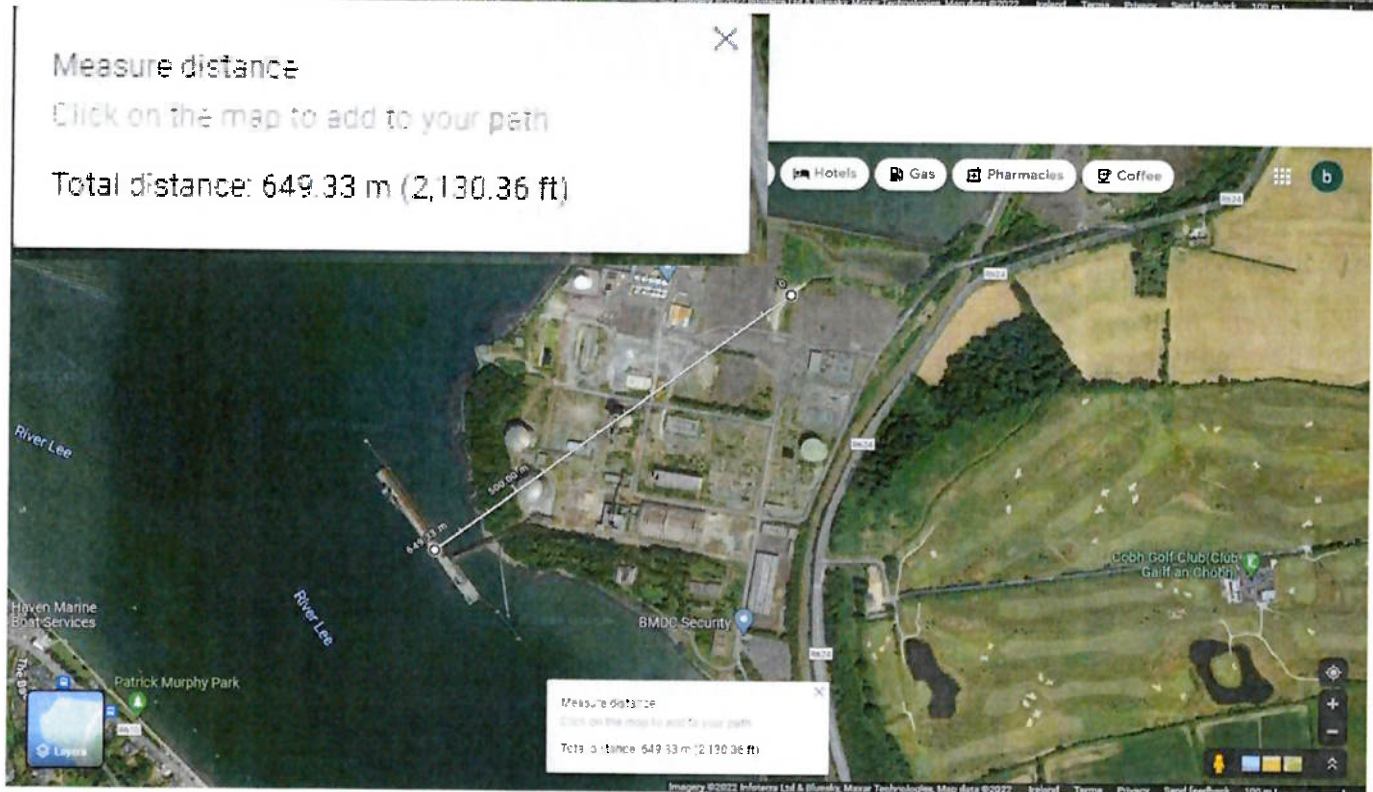
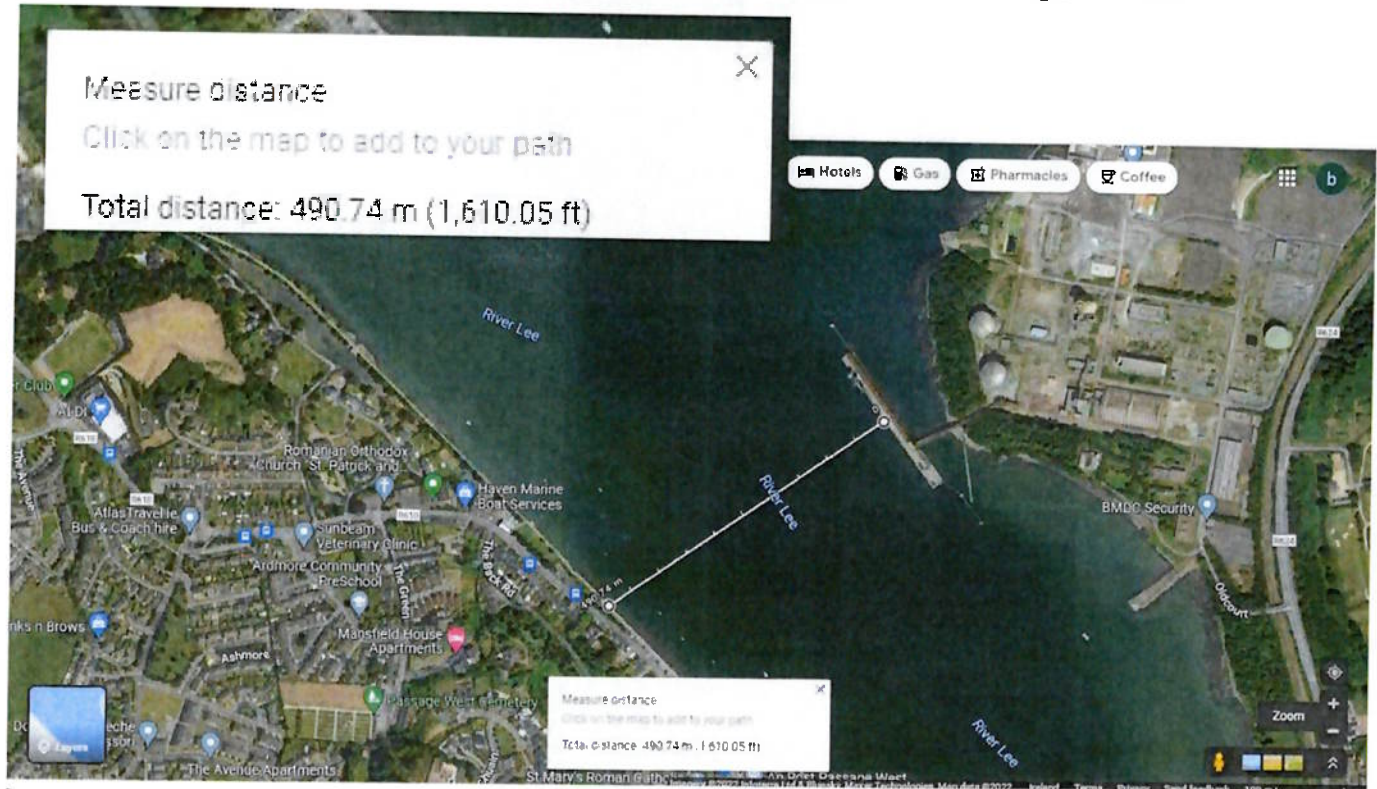




Google Map Measurements

- Upper image: Jetty position and proximity to Passage West = 490m
- Lower image: Jetty position and proximity to Site = 649m

The Environmental assessment of noise/vibration was made for the Plant Site and NOT at the Jetty or for residents of Passage West.



10 Horsehead
Passage West
County Cork
T12VPY7

The Secretary, Planning Department,
Cork County Council,
County Hall,
Cork.

Planning Application Reference Number: 20/6955

Applicant: Goulding Chemicals Limited

Description of Development: Belvelly Marino Development Company (DAC)

3rd February 2021

A chara,

I wish to make a submission regarding the current planning application Ref: 20/6955 at Marino Point.

I have serious concerns regarding the future negative impact to the residents of Passage West from noise pollution (both works and operations) of the proposed development at Marino Point.

You will be aware that many homes in Passage West are less than 500 metres across the water from the Marino Point Jetty and that there is a steep topography to the western side of the river where myself and many others reside – not emphasised in the planning application.

Not only does sound travel faster over water, but the steep topography creates an 'amphitheatre' situation where sound travels loudly across the water to Passage West and echoes further up the hills. In addition, there is significant associated vibration.

Vibrations and noise from ship generators and engines that dock at Marino Point are currently felt and heard in homes (directly and indirectly) opposite Marino Point. Some of these ships have their engines or generators running all day and night. Due to the close proximity to residential areas and the timing of existing operations a negative impact is already present and yet further development is planned which can only add to the problem.

A very recent example of this is the Reinhold Schutte tanker which was docked at Marino Point last weekend 30/01/20-01/02/20; it's engines and pumps ran day and night. I am aware that The Port of Cork received several complaints from local residents (including myself) due to noise and vibration pollution.



In relation to the wording of the submission, Section 3.12 of the EIAR volume 1 mentions loading and unloading of bulk cargo on the jetty which will take place from 7am-7pm Mon-Sat. There is no indication to the length of time the ships are likely to berth at the jetty prior to and after loading / unloading, or whether or not the engines / generators will be running day and night (as they do currently).

I urge that serious consideration be given to the impact of noise and vibration pollution from the future development and operations at Marino Point. Planners need to take into account that there should be monitoring and limits to the amount of noise from both ships and operations. I also feel there should be time curfews allocated to both operations and engine noise from the ships that dock at Marino Point.

Whilst I understand industrial operations of some kind are inevitable across at Marino Point. I feel it is of paramount importance that impact of future industrial development does not adversely affect myself or the many other residents of Passage West.

Mise le meas,

Madeline Roberts



Form no. 3

Articles 28 and 35

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON
A PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE
THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO
APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY
FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA
THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE
PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME

Cork County Council

PLANNING APPLICATION REFERENCE NO.

20/6955

A submission/observation, in writing, has been received via our online system, from:

Madeline Roberts
10 Horsehead
Passage West
Cork

ON 03/02/2021 in relation to the above planning application.

The appropriate fee of €20.00 has been paid.

**The submission/observation is in accordance with the appropriate provisions of the
Planning and Development Regulations, 2001, as amended, and will be taken into
account by the Planning Authority in its determination of the planning application.**

County Hall, Carrigrohane Road,
Cork.

CORK COUNTY COUNCIL
PLANNING DEPARTMENT
ONLINE SUBMISSIONS SYSTEM

Date: 03/02/2021

Comhairle Chontae Chorcaí Cork County Council

Head Office: County Hall, Cork



Madeline Roberts
10 Horsehead
Passage West
Cork

03/02/2021

APPLICANT: Goulding
Chemicals Limited

DEVELOPMENT: The construction of a new agricultural fertiliser facility for use by Goulding Chemicals Limited; and additional port operational use of the jetty to facilitate cargo vessels. The agricultural fertiliser facility will be constructed to the north of the site and will comprise: i. A bulk storage building for the storage of granular fertiliser, ii. A building accommodating a bagging and palletising facility and staff facilities, iii. External paved product storage areas for the storage of bagged fertiliser, iv. Weighbridge, ESB substation and switch room, and office building, v. Vehicle store, vi. Surface water drainage system and water retention tank, vii. Truck parking, staff and visitor parking, fertiliser waste storage tank and all ancillary site works. An Environmental Impact Assessment Report (EIAR) has been prepared and will be submitted to the planning authority with the application. A Natura Impact Statement (NIS) will be submitted to the planning authority with the application. The proposed development comprises the provision of an establishment to which the Major Accident Directive applies.

AT: Belvelly Port Facility Marino (Townland) Marino Point Cobh, Co. Cork

FOR: Permission

PLANNING REGISTRATION NO: 20/6955

A Chara,

I wish to acknowledge receipt of your online submission/observation on 03/02/2021 concerning this application. I wish to confirm that your submission/observation has been received within the period of five weeks beginning on the date of registration of the application and is therefore considered a valid submission/observation.

Copies of site map/plans and particulars submitted in connection with the application will be available for inspection at this department during office hours (9.00 a.m. to 4.00 p.m., Monday to Friday) until the application, or any appeal thereon, is finally determined. The applicant shall be given your name and content of the submission/observation should it be requested.

Comhairle Chontae Chorcaí Cork County Council

Head Office County Hall, Cork



Your submission will form part of the documentation available for inspection by the public. You will be notified when a decision is made on the application.

This document should be retained. If you wish to appeal such decision a copy of this acknowledgement together with the attached official document must accompany your appeal to An Bord Pleanála.

CORK COUNTY COUNCIL
PLANNING DEPARTMENT
County Hall, Carrigrohane Road,
Cork.

