



An  
Bord  
Pleanála

## Memorandum ABP-312981

**To:** Board  
**From:** S. Kehely, SPI  
**Re:** Oral Hearing Direction for development at Belvelly Port Facility, Marino Point, Cobh, Co. Cork  
**Date:** 26<sup>th</sup> May 2022

1. This appeal relates to a proposal for a new agricultural fertiliser facility for use by Goulding Chemicals Ltd. and additional port operational use of an existing jetty to facilitate cargo vessels. The facility comprises a bulk storage facility for granular fertiliser, a building for bagging and palletising fertiliser and staff facilities, external paved storage area for bagged fertiliser, weighbridge, ESB substation and switch room, office building, vehicular store, surface water drainage system and water retention tank, Truck and car parking, fertiliser waste storage tank and ancillary site works. An EIAR and NIS have been prepared and submitted. The proposed development comprises the provision of an establishment to which the Major Accident Directive applies.
2. The application form confirms that the proposed development does not relate to an activity requiring an Integrated Pollution Control Licence, (EPA), an Industrial Emission Directive Licence (EPA) or a waste licence (EPA).
3. The PA granted permission and three third parties have appealed this decision. There are 14 valid observations.
4. This appeal follows a previous grant on permission on 23<sup>rd</sup> Feb 2021 (ref. ABP 307938 - attached) for site infrastructure and improvement to stabilise an existing

larger site (37 hectares) at the Belvelly Port Facility. This was undecided by the Board prior to the decision by cork county council in the subject case.

5. The appeal parties and submissions are briefly as follows:

#### 5.1 First Party

- An appeal has been lodged by McCutcheon Halley on behalf of the applicant under section 48(13(a)) against a condition of permission.

#### 5.2 Third Parties:

5.2.1 Madeline Roberts: The EIAR is too vague. The intensification of the jetty is of serious concern having regard to the current noise arising particularly from the ship generators during the night and impact of this on residents of Passage West which is 500m across the River. Noise and vibration assessments are meaningless in the absence of suggested clarifications as follows:

- "When ships are berthed at Marino Point jetty, will the ships' generators run at night time and for what purpose? Given they generate significant noise and vibration as evidenced by current activity.
- What will the level of noise and vibrations 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?
- 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 fertiliser plant or similar and away from the residential zone? As there is an ESB plant included in the plans this seems a reasonable avenue to explore.
- Will there be curfews/timing restriction on ship engine noise and vibration caused by ship generators at the Jetty and tug boats used to manoeuvre ships?"

Note: This appeal was potentially invalid due to the encashment of the cheque. However this matter was sorted and the appeal was considered valid as per correspondence on file.

5.2.2 Eoin Bell: The grounds of appeal elaborate on the objections made to the planning authority as it is submitted that there were not taken on board. The issues relate to: the Port name, road condition and traffic impact and safety, visual and recreational amenity, noise, dust and PM emissions, project splitting, impact on Belvelly Bridge and public safety.

5.2.3 Cllr. Marcia D'Alton: This appeal is also on behalf of residents of Passage West and refers to:

- The need for mitigating potential adverse impacts for residents of Passage west in relation to development at Marino Point in accordance with the Cobh LAP. Having regard to the nature and scale of adjacent residential development in this area, the grounds are:
  - Impact of noise, (particularly night-time) from the proposed industry on residential amenity,
  - The proposed industry poses an unacceptable risk to water quality in Lough Mahon and threatens the integrity of Natural 2000 sites.
  - No consideration of alternatives to a development that is premature at this location

### 5.3 Observations:

- There are 14 valid observations on the appeal.
- Other observing parties on the appeal were late.

## 6 Statutory Bodies

- The EPA, HSA, Iarnrod Eireann and Gas Networks Ireland have all made comments on the application to the Planning Authority. The HSA notably required further information and in its further submission to the PA, following further information, raised no objection.

- I note the development site relates to a Seveso site but as the HSA has been notified by the planning authority and made submissions on the proposed development as amended/clarified in further information, I do not consider it necessary to seek further submissions.
  - I note the EPA has made written comments in a more general context to the PA concerning the full decommissioning of activities requiring an Integrated Pollution Control licence by the previous occupant of the site - Irish Fertilisers Industries. This letter is addressed dated 19<sup>th</sup> October 2019 and is date stamped 16<sup>th</sup> Feb 2021 by the Planning Department. Notwithstanding the stated non-requirement of licences by the applicant, I consider in view of the nature of the site history and proposed activity that the EPA should be invited to make submissions.
- 7 Responses: The applicant did not respond to the grounds of appeal within the allocated time frame. However in view of the nature of the grounds of appeal, I consider it would be helpful to the Board to facilitate a focused response. In such circumstances, it would I consider be appropriate to issue either a section 131 or 132 notice to the applicant.
- 8 Oral Hearing request: Eoin Bell requested an oral hearing in his appeal. Having reviewed the file and having regard to the material available on the file and the grounds of appeal, I consider that the appeal may be dealt with on the basis of written submissions only and I recommend that an oral hearing not be held.

Suzanne Kehely