

An
Bord
Pleanála

Planning Appeal Online Observation

Online Reference: (NPA-OBS-
000721)

Online Observation Details

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Lodgement Date:	04/04/2022 11:07:08
Case Number / Description:	312981

Payment Details

Payment Method:	Online Payment
Cardholder Name:	Gary Duffy
Payment Amount:	€50.00

PortWatch
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April 4th 2022

An Bord Pleanala
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An Bord Pleanala Reference ABP-312981-22.
Planning Application ref 20/6955, Cork County Council
Proposed development: Construction of a new agricultural fertiliser facility for Goulding Chemicals LTD and additional port operational use of the jetty to facilitate cargo vessels.

Dear Sir, Madam,

I wish to make an observation on the appeal by Councillor Marcia Dalton on the decision by Cork Co Council to grant permission for the development of a new industrial park at Marino point as described in planning application no 20/6955.

I make this observation on behalf of PortWatch and the individual steering group members who are all residents in the harbour villages .

- PortWatch is a forum for communities of the harbour parishes who are affected by port activities and port industries.
- PortWatch represents residential communities of the harbour parishes of Passage west, Monkstown, Ringaskiddy, Carrigaloe, Rushbrooke and liaises with residents in Bevelly.
- PortWatch team members act as a conduit for communities concerns relating to environmental matters.

On the following pages we will highlight our concerns and objections all based upon experience of environmental problems over many years.

1 General Observations

We have read the planning application, the EIAR and the inspectors report.

We refer to the first schedule attached to the Co Council decision to grant.

This statement is misleading as it admits that the development will "not seriously injure amenities".

This confirms acceptance that it will injure amenities. Surely it is the duty of the Co Council to protect amenities for the members of the public. This plan will significantly impact noise and air quality in the community.

The proposed industrial park is adjacent to a number of communities and located a mere 500m from one in particular Passage West which has a residential population of 5800.

The risk to communities is not “sustainable development of the area”

2 Important Clarification

- a. The applicant is Goulding Chemicals/Belvelly Marino Development Company (BMDC).
- b. BMDC is a joint venture between Port of Cork and Lanber Holdings. Port of Cork has been the owner of the site but ownership is unclear at present.
- c. So which entity is the single point of responsibility here for the undertakings and planning conditions inside the factory and outside on the jetty. Can we assume that Gouldings will take responsibility for the factory and PoC for the jetty/port activities?

The application states that the Belvelly Facility is an established industrial site as if to claim that the proposed development is merely maintaining the status quo. Nothing could be further from the truth. The site has been vacant for the past 20 years.

BMDC is a Public Private Partnership between Lanber Holdings and the Port of Cork Company. As outlined earlier, BMDC purchased Marino Point site in 2017 for future development of a range of potential industrial and port related activities.

It is difficult to get any substantial information on Lanber Holdings, a private unlimited company registered in Wexford.

There is no clear ownership of responsibilities for planning condition compliance defined in either the application for planning permission or in the granting of that permission by Cork Co Co.

Who has responsibility to enforce planning conditions?

Which arm of the State, either EPA or Cork Co Council environment dept, is going to police, monitor and enforce the new conditions of planning and environmental conditions.

This important question needs to be answered as based on experiences with Cork Co Council and PoC over many years very little attention is paid by either party to enforcement of planning conditions.

In fact, the Co Council have admitted on a number of occasions that they do not have the resources nor the technology to carry out their duty of care for the community.

No planning can or should be granted unless this issue is resolved.

3 Dust management

Gouldings are proposing to unload their loose granular material using a crane grab. This is an outrageous proposal in this day and age. A crane grab will generate

excessive dust to fall directly into the water or to blow all over the residential area of Passage West, not 450M away. The experience of the residents in Monkstown from the use of a crane grab for unloading bulk cargo in Ringaskiddy and of the residents in Passage West from the use of a crane grab for unloading bulk cargo in the Passage West dockyard creates a nuisance and has been the subject of multiple repeating complaints to the Port Of Cork. A vacuum system with enclosed hopper is the only unloading method that would be tolerated in any ESPO affiliated port in such circumstances and this is well known to the Port of Cork. While this point has been raised by the Cork County Planning Authority's Environmental Officer it has been ignored in the Planning Permission grant document.

3.1 It is extraordinary that the EIAR proposes to avoid dust during unloading by the following:

Best practice guidelines will be followed during operation to minimise fugitive dust emissions. The following mitigation measures will be employed:

- Crane operation at the jetty:
 - Ensure that grab is operating properly and does not leak fertiliser or dust when full.
 - When grabbing fertiliser, grab shall not be lifted clear of hold until excess fertiliser has fallen or been shaken off.
 - Avoid overfilling grab.
 - Fully lower grabs into hopper.
 - Keep grab as low as possible over hopper to minimise drop height before opening.
 - Take care not to spill fertiliser over the edges of the hopper.

This is the exact same method of operation employed in Ringaskiddy and Passage West at present and it simply does not work as portrayed in the planning application. See attached photos of the dusty environment in Ringaskiddy and a badly maintained grab bucket. It is very clear that the authors of the EIAR made no attempt to witness the current operations employing their proposed modus operandi.



Dust emissions at unloading in Ringaskiddy



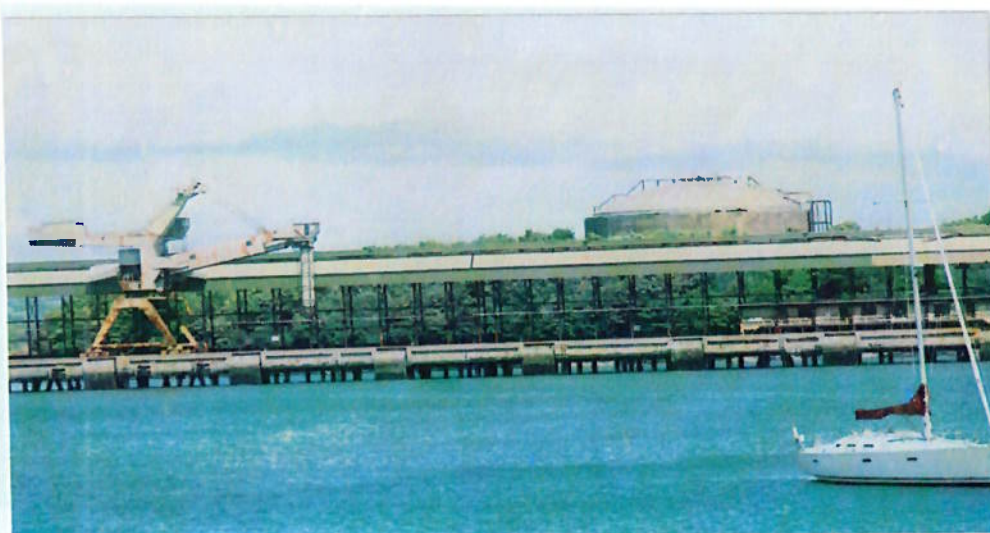
Badly maintained grab bucket at Ringaskiddy

- 3.2 It is quite bizarre that in response to a request from the Planning Authority Cork Co Co for further information on the use of a vacuum system the applicant responded as follows

ii) Should a vacuum system be used? Will a vacuum hopper be used?

With the employment of the unloading/loading procedures described above and the provision of the jetty stormwater collection system, a vacuum system is not considered necessary. Standard hoppers and environmental hoppers will be used depending on the cargo type being unloaded.

This is bizarre given that the last time there was a similar operation at Marino Point when IFI operated a fertiliser plant there more than 20 years there was an enclosed conveyor system employed to limit dust emissions as evidenced by this photograph taken at the then IFI facility > 20 years ago.



3.3 A further request from the planning authority provided the following incredible response

i) How is the unloading of woodchip to be managed in terms of dust?

The unloading of loose wood chip will use a clam shell grab which loads the material into the awaiting truck or trailer. The equipment will be well maintained and the area regularly cleaned using a combination of road sweepers and hand sweeping. Woodchip by its nature does not pose a dust issue loading/unloading.

This is factually incorrect as witnessed constantly at the ports in Passage West and Ringaskiddy. The below photo shows the line of dust on a car windscreen witnessing the unloading process at Ringaskiddy.



Line of dust on car wind screen from bulk material being unloaded at Ringaskiddy

3.4 The Planning permission granted by Cork County Council states that the Developer shall provide "Proposals for the suppression of dust on site" However, Cork County Council places no onus on the developer to monitor, record and report the dust emissions from the site in accordance with an ISO 14000 management system and to report on the dust emissions to Cork County Council and other interested parties e.g. PortWatch, on a monthly basis. This should be demanded in order to protect the environment.

3.5 Air quality monitoring

The Planning permission granted by Cork County Council states that the developer shall provide continuous ambient air monitoring for PM2.5 and PM10 at a location to be agreed with the Planning Authority. There should be an onus on the Developer/Operator to record and report the air quality as a result of this condition.

4 Noise management

The Planning permission granted by Cork County Council states that the Developer shall provide "Proposals for the control of on-site noise especially in the evenings and nighttime"

However, Cork County Council places no onus on the developer to record the noise emissions from the site in accordance with an ISO 14000 management system and to report on the noise emissions to Cork County Council and other interested parties e.g. PortWatch, on a monthly basis. This should be demanded in order to protect the environment.

- 4.1 The Planning permission granted by Cork County Council states that Scheduled night-time working shall be notified in advance to the Planning Authority and appropriate monitoring of noise emissions shall be undertaken as required by the Planning Authority. This is tantamount to Cork County Council permitting the proposed facility to operate 24/7 which is contrary to the permission pertaining to this site at present and will create an unacceptable nuisance to the residents of the area. Under no circumstances has the Port of Cork a licence or planning permission to operate 27/7. It is noted in the standard cut and paste response from the PoC to complaints about noise, the following verbiage is used *"The Port of Cork has always been a 24/7/365 operating port and this will continue for all operations. However, generally our port customers request cargo operations during the day. There are, however, from time to time occasions when the demands of shipping schedules, global port congestion or inclement weather dictates that 24hr working is necessary in order to turnaround vessel's.* This issue needs to be settled once and for all. The PoC has no authority to operate 24/7/'365' (sic) at any location in Cork Harbour.

- 4.2 What about noise from ships generators at night?
Why is there no ship to shore power or portside power specified as a requirement so that ships generators don't have to be running all night creating a nuisance. The noise from ships generators is not mentioned in any part of the application, nor is it referred to in discussion of night time noise, and yet this can be one of the greatest sources of night time noise. Provision of portside power is accepted as a standard facility in ports worldwide nowadays and Marino Point should not be an exception.

5 **Quality of life in the Cork Harbour area**

The EIAR states that "One of the principle concerns in the development process is that people, as individuals or communities, should not experience a reduction in their quality of life from direct or indirect effects arising from the construction and operation of a development."

There is absolutely no doubt whatsoever that the local communities will experience a deterioration in their quality of life if this development is completed as requested in this planning application. The local communities will experience

- more noise at night time, interrupting sleep
- more dust emissions from an archaic crane grab unloading system
- more unnecessary heavy truck road traffic

- 5.1 We already know from the way the Port of Cork manages the Ringaskiddy port that the local communities in Ringaskiddy and Monkstown experience

- more noise at night time, interrupting sleep
- more dust emissions from an archaic crane grab unloading system
- more unnecessary heavy truck road traffic

These issues have been the subject of extensive complaints to Port of Cork and to Cork County Council in the past 18 months alone and complaints on these matters are becoming more frequent as evidenced by the increased community interest in the PortWatch <https://portwatch.org> organisation.

6 Environmental Management System

The following Environmental Management Arrangements have been submitted by the applicant in response to a request for further information from the Planning Authority. This response is a joke. This is the same structure claimed by PoC to be in operation for its existing facilities at Ringaskiddy and it simply is NOT adhered to. There is no systematic process employed by PoC to monitor and regularly report on dust, air quality and noise at the Ringaskiddy facility which is in operation for 40 years. The Planning authority, CCC, will freely admit that it simply does not get involved in the EMS as it does not have the resources. No systematic noise monitoring and reporting takes place at Ringaskiddy. CCC does not specify any requirements in regard to dust monitoring.

3. Environmental Management Arrangements

3.1 Environmental Management

The POCC Environmental Management System (EMS) is certified as compliant with ISO 14001:2015 by Bureau Veritas; an independent accredited body of conformity to these specific requirements. The POCC EMS is audited annually to ensure ongoing compliance.

Aspects of the EMS are outlined in this document which also contains references to specific procedures.

3.1.1 Environmental Planning

The environmental planning for Belvelly Port Facility is based on information from the relevant Planning Permission¹ and environmental assessments of all operations in relation to the Belvelly Port Facility.

3.1.2 Monitoring & Checking

The significant environmental aspects of the Belvelly Port Facility are monitored regularly by carrying out the following at a frequency as stated below:

Monitoring & Checking	Frequency
Dust	As agreed with CCC
Noise	As agreed with CCC
Emissions to Air	As requested
Electricity	Monthly
Diesel	Monthly
Waste	Annual
Internal Audits	Bi-annual
Jetty Surface water	As agreed with CCC
Foul effluent post treatment	As agreed with CCC

3.1.3 Actions Register

A record of environmental actions is maintained as part of the EMS. The progress of all actions is reported initially to the Environmental Support Manager. If further action is required it is then reported to the Port Engineering Manager. Such actions will include information taken from:-

1. Environmental Inspections
2. Audit actions; non-conformances & observations
3. Progress of actions following environmental incidents
4. Significant communications with stakeholders
5. Significant issues requiring management action
6. Complaints

These actions are closed out, signed and dated by the appropriate person in the appropriate timeframe; as recommended in POCC Environmental Management Plan Section 4.3.3.

Communications;

The following Communications statement detailing the procedure for complaint handling is simply untrue. The Port of Cork has a standard reply to all complaints regarding noise and dust at Ringaskiddy and Passage West and it is "cut & pasted" to suit the variations in complaints.

3.2 Communications

3.2.1 Environmental Complaints

All environmental complaints are handled in accordance with Procedure SEMS 09.10 - Procedure to treat an environmental complaint and logged in accordance with SEMS 09.11 – Complaints Log.

POCC maintain two 24-hour points of contact which are available to complainants at all times: Port Operations and Tivoli Security HQ.

All complaints must be reported to the Environmental Support Manager as soon as possible after they are received. All environmental complaints will be recorded in the Complaint Register. The register is maintained by the Environmental Support Manager who also allocates responsibility for resolving any issues and follows up on complaints to ensure they are resolved. All complaints are followed up with the complainant and are not closed out on the Complaint Register until contact has been made with the complainant.

Any issues that are deemed to be significant will be reported to the Port Engineering Manager &/or the Harbour Master and the relevant authorities as appropriate.

Complaints are reviewed during internal audits by the relevant Lead Auditor as internal audits take place but at least quarterly where any additional measures to improve performance are discussed.

All communications will comply with the requirements of Section 4.3.3 of Port of Cork's Environmental Management Manual.

We at PortWatch believe this application from Gouldings/BMDC is flawed in so many ways. The EIAR quotes text book responses to issues of noise and dust emissions which bear no relationship with the reality of the PoC operations today. No adequate consideration has been given to the protection of the living environment for people. There has been an order of magnitude more paper printed here on the protection of birds than people and communities. The applicant should be told to go back to the drawing board and take seriously their responsibilities to communities in the Cork Harbour area.

We want to emphasise that when PortWatch was set up, the group's aim was to hold both the port companies and Cork County Council accountable in their responsibilities for the welfare of the lower harbour communities. We aimed to achieve this through representation and collaboration, not through conflict. We have met with the Port of Cork on a number of occasions and we acknowledge their recent efforts towards improved communication. However, aware as they are of difficulties that their existing operations cause to local people, it is inexcusable that the causes of those difficulties, all of which would be present at the proposed

Marino Point site, would not be proactively addressed from the outset in this current planning application.

We therefore strongly request that this application be refused by An Bord Pleanala.

Yours Sincerely

Bob Mc Laughlin
Chairman PortWatch

Gary Duffy
PortWatch

