

# Cllr. Marcia D'Alton

Mobile: 085-7333852 • Email: [info@marciadalton.net](mailto:info@marciadalton.net)

Website: [www.marciadalton.net](http://www.marciadalton.net)

Facebook: [www.facebook.com/cllrmarciadalton](http://www.facebook.com/cllrmarciadalton) • Twitter: [@marciadalton](https://twitter.com/marciadalton)



22 Hillcrest,  
Pembroke Wood,  
Passage West,  
Co. Cork.

An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

13<sup>th</sup> September, 2020.

---

## **RE: ABP 307938 – Observation on Appeal**

**Planning Ref: Belvelly Marino Development Company DAC for demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals at the Belvelly Port Facility, Marino Point, Passage West, Co Cork.**

---

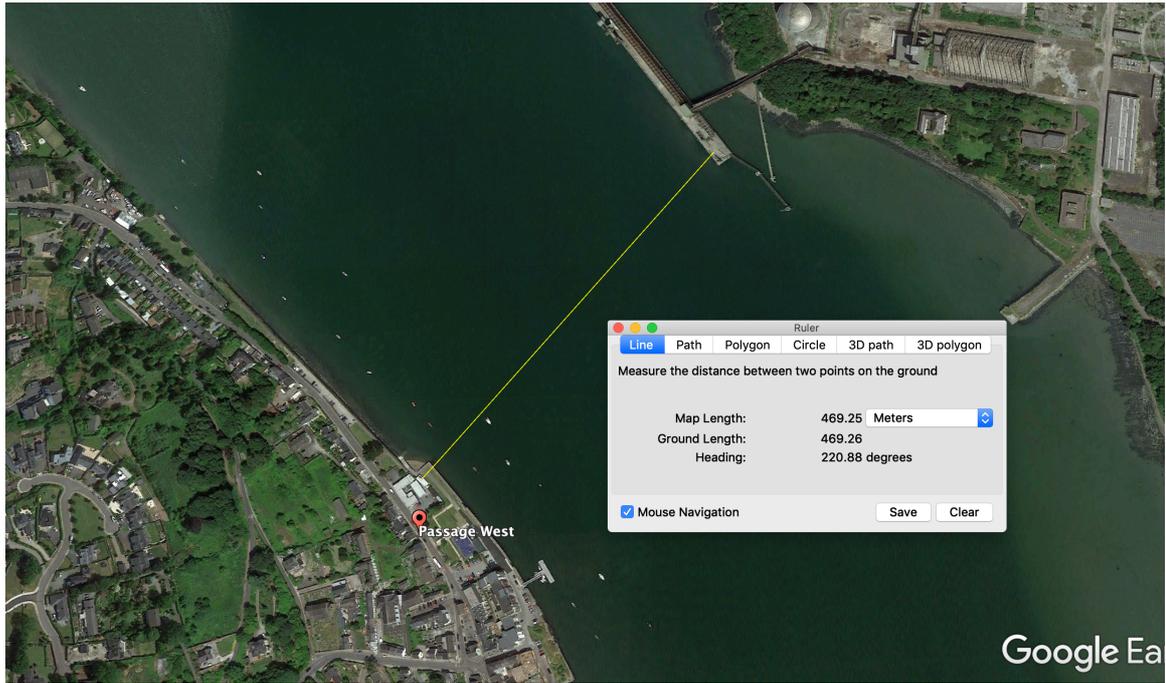
Dear Sir/Madam,

I wish to make this observation on the above planning application in my capacity as a resident of and public representative for the town of Passage West.

This planning application attempts to give the impression that Marino Point is relatively isolated, describing it as having “good separation from population centres” . Passage West is mentioned as being 1 km from the centre of the Marino Point site. The EIAR accompanying the planning application for the proposed development says that no sensitive noise receptors within Passage West town could be identified.

In fact, some homes in Passage West are less than 500 metres across the water from the Marino Point jetty. The jetty is 480 metres from the Passage West PACE Centre (Passage Association of Care for the Elderly), 500 metres from the library, just over 500 metres from the Mariner’s Quay apartments and 584 metres from St. Mary’s Catholic Church. The EIAR fails to mention the significant town centre apartment development proposed for the former Convent of Mercy, approximately 530 metres from the jetty. Moreover, it does not mention the steep topography of the western side of the river which guarantees that homes all the way up the Passage West hills have an intimate audio and visual connection with all activities at the Marino Point site.

The Google Earth screenshot overleaf indicates the across-water proximity of the Marino Point jetty from the library/PACE Centre complex on the Passage West waterfront.



1. In 1975, the Minister for Local Government granted planning permission to NET (Nitrigin Eireann Teoranta) – not to IFI (Irish Fertiliser Industries) as stated in this planning application – for development of an ammonia and urea production plant at Marino Point. The NET manufacturing plant had impacts on Passage West not envisaged before its construction. From 1979, partly processed gas was flared off. With the tip of the flare at 78.5m and a flame height of 16.5m, the visual and psychological impact on Passage West was indescribable. Although expected to be largely hydrogen, unburned natural gas sometimes escaped unignited. The ammonia storage facility was the largest in Europe. The impact of ammonia leaks on the physical health of Passage West residents was an extreme concern. The impact of living in such close proximity to ammonia and dusty cargo handling was clearly visible in local schoolchildren, many of whom suffered chest and breathing complaints. This issue was resolved only when cargo handling became entirely enclosed. A major residential waterfront development proposed for Passage West in the early 2000s was constrained because of the Seveso risk associated with what had by then become IFI.



IFI flaring – photo taken from the upper storey of a home overlooking the Passage West dockyard

**There is no town more affected by activities at Marino Point than Passage West. The impact from NET on our town was grossly underestimated by both Cork County Council and the Minister when granting planning permission. There is a learned experience here that must not happen again.**

2. At the time of the NET planning application, the fertiliser factory was hailed as promising a massive contribution to the national economy. It was something Cork simply could not do without. The only debate at the time was location.

There is a sense of déjà vu with this current planning application for Marino Point. The EIAR claims that the Port of Cork must relocate its facilities from Cork City or the Project Ireland 2040 plans regarding the Cork City Docklands and Tivoli developments would be jeopardised. It claims that the Port of Cork has assessed Marino Point as being the most suitable location in Cork Harbour for bulk cargo. It volunteers that because of its “good separation from population centres”, Marino Point “is likely” to be suitable for the relocation of “several” Seveso activities from Cork City. There is little doubt but that the applicant attempts from the outset to portray the Marino Point development as being something that is essential.

I respectfully ask the Board to be mindful that despite the above claims, **this planning application is not for relocation of the Port’s City-based bulk cargo handling facilities. It is not for relocation of “several” Seveso activities from Cork City.** Environmental impact assessment is required in this instance because the planning application relates to *an industrial estate development project where the area exceeds 15 hectares*. The specific activities seeking permission are demolition, infrastructural upgrades and site utility works. **There is nothing in this planning application that is relevant to the national interest.**

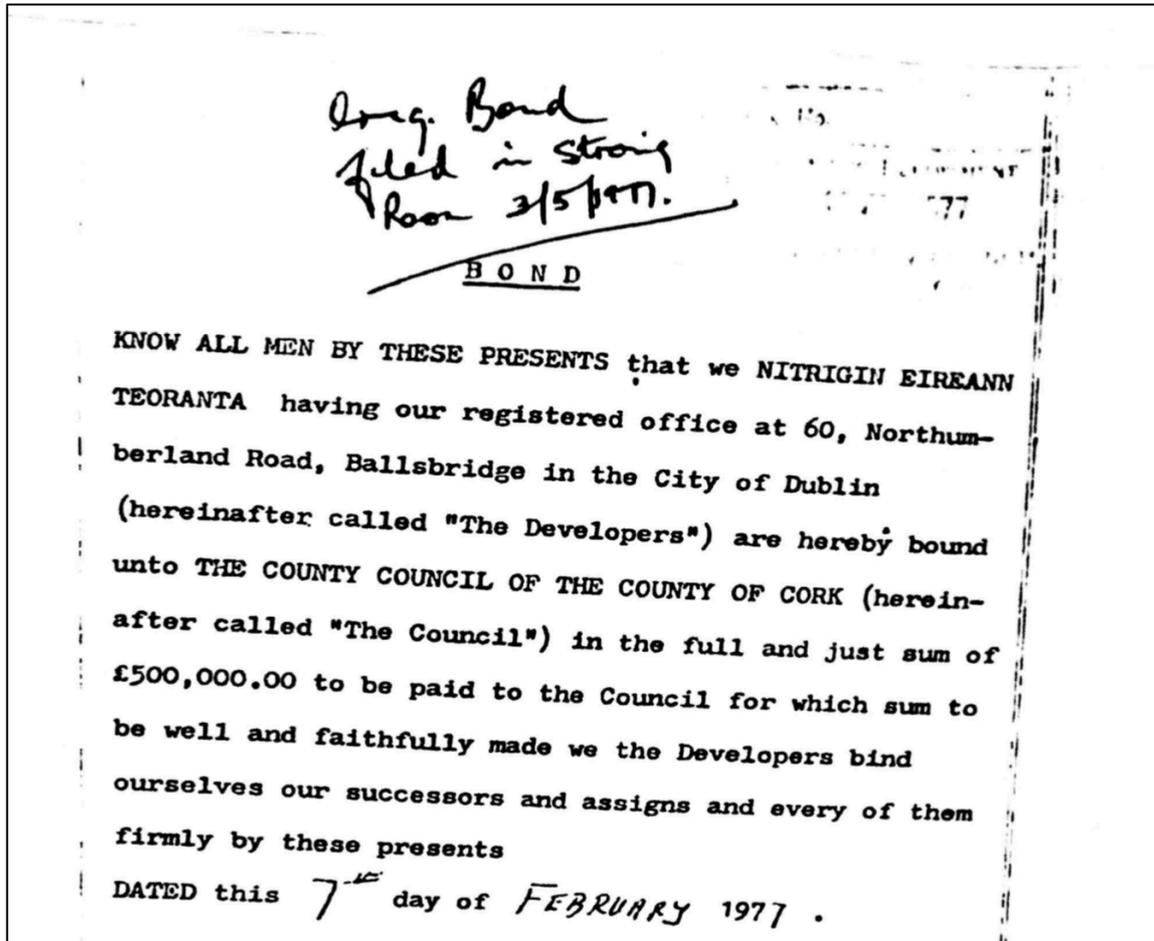
3. Public expectation has always been that when the ammonia/urea complex had ceased to operate, the plant would be removed and Marino Point would revert to greenfield. Condition 34 of the planning permission granted by the Minister to NET provided specifically for this. That same Condition directly invested responsibility for the “taking down and removal of all plant, equipment and installations” and its “reinstatement to agricultural or other such use as may be agreed with the planning authority” to Cork County Council. To insure against this eventuality, NET was obliged to agree a bond with Cork County Council. Documentation on file in County Hall indicates that this bond was agreed and states that it was filed in the strong room of Cork County Council.

**In this regard, the public has been entirely let down. In the 18 years since IFI ceased to operate, the Marino Point landscape has been one of an abandoned industrial site that is clearly visible from Passage West. Cork County Council has utterly failed to implement Condition 34 of the NET planning permission and continues to claim that it cannot find the bond.**

It is understood that the Board does not have a role in the implementation of planning conditions. That rests with the local authority. However when a local authority does not enforce planning conditions, trust breaks down. The public has already a gross sense of let down with regard to the former ammonia/urea complex at Marino Point.

The jetty at Marino Point was constructed by NET for handling two specific cargo types (ammonia and urea) and subsequently to facilitate the importation of methanol to the MarinoChem operation. In 2018, a Section 5 Declaration issued by Cork County Council to the Belvelly Marino Development Company (BMDC) in 2018 considered modifications to the cargo unloading facilities and open storage of dry bulk material at the Marino Point jetty to be exempted development. This

decision was taken without public input. It was issued without restriction on the type of dry bulk material that might be moved or stored on the quayside, without consideration for its characteristics, without restriction of its volume and without mention of the ships that would be bringing it to and unloading it from the jetty. My understanding is what is essentially a carte blanche on jetty activity was green-lighted by Cork County Council to the potentially massively detrimental impact on quality of life for residents of Passage West.



Extract from the bond agreed between NET and Cork County Council

4. The BMDC planning application attempts to present the proposed development as being an essential upgrade to an "established industrial estate". The planning application essentially comprises nothing other than site clearance and infrastructure/utility upgrades in preparation for what is to come. The EIAR anticipates no impacts to air, climate, land or soils once the site development works have been completed (Section 4.4.2). It predicts a more natural vista from the shoreline at Passage West in the short-term (Section 11.3.1). The Planner's Report identifies no associated operational traffic impact. No Seveso risk will arise (Section 4.4.3).

Of course there would be no negative operational impacts identified from the development described in this planning application. The proposed project essentially has no operational phase. It is site preparation only.

We know that what is ultimately planned by BMDC for Marino Point would be something very different from that which is presented in this planning application. That was made clear at their

public consultation events. Concurrent to this one, a planning application is being prepared for a move by Gouldings Fertilisers from their current city-centre location to Marino Point. The construction phases of this proposed project and the expected fertiliser-related project are anticipated to overlap. **Although this planning application assesses the combined traffic-related impacts of both projects, it does not include a detailed assessment of the combined magnitude of any other environmental-related impact from both projects: groundwater, surface water, noise, landscape.** Section 11.3.3 tells us that the cumulative visual impact after the agricultural fertiliser facility is built is likely to be adverse. From what baseline? From the baseline of the cleared site that the current planning application seeks permission for? Or is it from the baseline of the redundant industrial structures that residents of Passage West have been staring at for 18 years? Because if the latter, that's a pretty bleak outlook.

Section 8.2 states that "there will be no additional shipping traffic created by the proposed demolition and site infrastructure works development". Even though the works include works to facilitate heightened development at the jetty and the proposed relocated fertiliser facility will involve intensification of shipping with handling of a dusty cargo.

BMDC's intention is that Marino Point would be an industrial estate with a number of tenants of which the fertiliser facility would be the first. It anticipates that each of those industrial tenants would make a separate planning application for their intended operation. So where would the baseline be set? Would it be from the 2002 – 2018 period when IFI was closed and there was no industrial activity at Marino Point? Would it be set from after the site's infrastructural upgrade? Or would it be set from a new baseline after each tenant arrives? So that the noise experienced each time gets noisier. The dust experienced gets dustier. Yet with the arrival of each new tenant, the degree of worsening would be predicted to be only a marginally increased environmental load?

**It is my very strong opinion that this planning application constitutes the second step in the salami-slicing of a major port and industrial development that has the potential to have significant negative impacts on the residential amenity and environment of Cork Harbour for decades to come.**

5. One of the huge issues for Passage West arising from the BMDC's approach is identifying who would take responsibility in the event of negative amenity. This is a particular concern in relation to noise. Noise at the jetty is already a problem for homes along the waterfront in Passage West. I received the following message from a resident during this past week:

*"We have been dealing with lack of sleep over many weeks with the 24/7 engine noises, tannoys and constant loud humming of the ships being berthed so close to our residence. Since March of 2020 and before we have rang Port of Cork, Marino Point repeatedly, emailed and all to no avail. I was talking to [neighbour] and they said they were going to replace their single glazed windows, etc to cut down the noise. We have double glazing & shutters and earplugs and yet our whole household is awakened from our sleep starting at 11pm sometimes going through like the clappers then until the next day. Or in the case of Brittany Ferries, a whole week of torture. Our older neighbours are almost apathetic about the noise pollution, saying they can't sleep with the window open and 'sure it will only get worse anyway'. Do you please have any information for us residents going forward? Sleep is a human right I would think? My daughters are exhausted next day at school & college, as are we at work."*

**With the anticipated development of an industrial estate behind an already noisy jetty, it is critical for us in Passage West that BMDC would have an overarching responsibility for all environmental aspects of that industrial estate.** Should noise from the Marino Point industrial park keep this same resident awake, this resident should be able to make contact directly with a responsible BMDC overseer. That complaint should be logged, the BMDC overseer should set about investigating

from where the offending noise arose and should then communicate with the source of the noise such that it is addressed. The BMDC overseer should also inform the licensing/permitting authority pertinent to the operation which generated that noise. The BMDC overseer would of course reassure the affected resident of the steps that have been undertaken such that the resident could feel confident that their difficulty was being addressed in a genuine way.

This is NOT the experience of residents in Ringaskiddy who live adjacent to the Port of Cork's deepwater berth. Residents in Ringaskiddy are frequently disturbed by noise, whether from ships' engines, generators or reach stackers. They report to me that when they contact the Port of Cork with their complaint, the outcome is similar to that described in the above message I received from this resident of Passage West.

6. It is vital for us in Passage West that the issue of noise is taken seriously at this early stage. The overall experience of cumulative noise whether from the jetty, from an industry or from both is that which is important to residential amenity.

Background noise monitoring was carried out for the purposes of the EIA accompanying this planning application. Noise monitoring locations N6, N7, N8 and N9 are those which relate to Passage West. There was comprehensive monitoring carried out at N6, i.e. the Mariner's Quay apartments. However the duration of noise monitoring at N7 – N9 was short and the times during which the monitoring was carried out was not always relevant. In the case of N7, i.e. representative of background for residents of Toureen Terrace, the monitoring was done at 09.15 - 13.45 on a Friday (28/06/2019). This would be a relatively busy time, although not rush hour, and is not representative of the background night-time noise that is critical for residents. N8 and N9 were also monitored on weekday mornings for similar durations.

The homes at Carrigaloe are also very close to Marino Point. I am in contact with residents in Carrigaloe and am aware of many of their concerns regarding the redevelopment of the Marino Point site. Their homes are represented by N5. Monitoring at N5 was carried out from 16.15-17.15 on Friday 28/06/2019 and again on Monday 10/07/2019 from 13.00-16.00. I feel strongly that the times of this monitoring does nothing to support residents. It neither sets out a night-time background nor does it illustrate the high levels of traffic noise to which they are currently subject during morning and evening weekday rush hour.

There is no guidance given as to what real life experiences caused the peaks and troughs demonstrated in Appendix 12.3. Best practice is to indicate what background events might have been responsible, whether a dog barking, a bird singing, a truck passing, etc.

**The noise monitoring assessment does not take account of the effects of water.** Section 12.2.2 of the EIA incorrectly implies that a vast body of water (Lough Mahon) separates Marino Point from Passage West. In fact the stretch of water separating the Great Island from Passage West is so narrow that colloquially it is called "the river". It is not Lough Mahon, but rather the West Passage after which our town is named. Sound always seems to be amplified when it travels over water. This is because the water cools the air above its surface. Cool air slows down the sound waves near the water's surface, causing refraction of the sound wave. This effect is further accentuated at night. When air cools at night-time, refraction of the sound wave is directed further downward. **It is vital that consideration is given to this in the EIA.**

Chapter 15 of the EIA in relation to noise provides more evidence of the loose approach to noise that can make life so difficult for nearby residents:

- “Where is becomes necessary to introduce potentially noisy plant or processes which have not been assessed in this EIAR, noise impacts associated with same will be evaluated in advance.” Evaluated by whom? Who would take the decision as to whether that noisy plant may or may not be used?
- “Any requirement to undertake breaking of concrete outside of daytime hours will be assessed in advance.” Again, assessed by whom? Approved by whom? Under what circumstances could it ever be deemed necessary to break concrete at night time?

**It is critical that continuous noise and air monitoring would be installed along the greenway in Passage West. If planning permission is to be granted for development of an industrial complex and bulk loading/unloading, it is critical that this continuous noise and air monitoring is installed now. Whatever happens at Marino Point must be synonymous with best practice and must not have a detrimental impact on homes and sensitive receptors in Passage West.**



Passage West – photograph taken from behind the Marino Point jetty

7. IFI ceased operating in 2002. There has been no intrusive industrial activity on the site since that time. Renewed industrial activity at Marino Point is a very new experience for both local residents and adjacent protected wild areas. The expectation of the local community was that Condition 34 of the NET planning permission relating to a return of the Marino Point site to greenfield would be upheld. In view of this, if the Board is mindful of granting permission to this proposed development, **it is entirely reasonable that the Board would require a significant element of community gain to be associated with the industrial park development proposed for Marino Point. I ask that this would be conditioned accordingly.**
8. Water quality in Lough Mahon declined from Good status in 2007-2009 to Moderate status in 2010-2015. Lough Mahon is a designated Nutrient Sensitive Area. (EPA, 2018. *Lee-Cork Harbour Catchment Assessment 2010-2015*). The EPA’s latest Water Quality In Ireland report shows that of 39 estuarine and coastal water bodies analysed from 2008 to 2018, six showed a significant decreasing trend in winter median nitrogen concentration. One of these six was Lough Mahon. Cork Harbour failed the environmental quality standard for dissolved oxygen.

Although Section 7.2.8.2 of the EIAR submitted with the planning application for this proposed development describes the dilution within Lough Mahon as being “massive”, the on-the-ground reality is that the EPA has defined Lough Mahon as being an At Risk waterbody (EPA, 2018).

Groundwater on the Marinochem premises is also contaminated. Marinochem is currently carrying out quarterly monitoring to identify trends. The BMDC proposed development would interfere with groundwater. This is addressed in the EIAR. Whether that interference would impact on the Marinochem groundwater situation is not addressed. All groundwater discharges to nutrient-sensitive Lough Mahon and has a potential affect on the designated areas of Lough Mahon SPA and the Belvelly Channel SAC.

I am grateful that the Cork County Council Environmental Officer noticed the “poorly defined responsibilities” in the proposed arrangements for managing the risk of water pollution during loading/unloading operations. I am also grateful that he had concern for the “potential size and scale of development, unknown future uses/cargos to be unloaded and the sensitivity of the receiving environment”. I concur that an online TOC monitor on the pumped outlet with an automated system of shutoff with diversion to storage of contaminated surface water would be the absolute minimum protection necessary. I also concur that TOC trigger limits and actions should be agreed with Cork County Council. However it would be equally necessary to identify end management of the stored contaminated surface water. The proposed chain of responsibility is that the jetty user responsible for the contamination should deal with it. That is insufficient and again, it is really important that the BMDC would have overall responsibility for implementing quality and environmental control.

## Conclusion

We in Passage West are not unfamiliar with living close to a dock. The Royal Victoria Dockyard has operated bulk loading and unloading activities in the centre of our town for almost 100 years. The noise, dust, visual impact and associated traffic impacts in a very negative way on the progression of our town.

Living with a dockyard has taught us a number of important fundamental lessons, all of which have relevance to the development of Marino Point by BMDC:

- Specify environmental standards to which the facility must operate. Consider that these same environmental standards will likely still be applicable in 25-30 years time. Future-proof them.
- Plug-in onshore power is a necessity and must be provided from the outset. It should not be necessary or permissible for a ship to run its generator at night.
- Loading and unloading should never be permitted at night or on a Sunday or bank holiday.
- Handling of scrap should not be permitted due to the associated noise.
- It is almost impossible to control dust from open storage of fine bulk loads. They should be handled by conveyor and stored under cover.

If the Board is mindful of granting planning permission for the proposed development, I ask these basic rules would be conditioned from the outset.

In considering this application, I would also respectfully ask the Board to consider the following:

- The Port of Cork intends to move its city-based activities downstream. Marino Point is the chosen location for bulk cargo. Without public consultation or attached conditions, Cork County Council has already given permission for use of the Marino Point jetty by the Port of Cork. This planning

application may be the only opportunity afforded to control the impact of jetty operations on nearby residences and the environment.

- This planning application covers only the construction phase of what is envisaged as becoming a significant industrial park served by an adjacent jetty. A planning application to facilitate the first tenant is on the cusp of being lodged with Cork County Council. The envisaged industrial park would bear little resemblance to the large tracts of land typical of an IDA industrial park. Development at the Marino Point industrial complex would be tight. Landscaping to minimise visual impact would, as has always been the case on this marine promontory, a challenge. Considering merely the site preparation in isolation represents project splitting.
- Dividing responsibility for environmental impact would lead to confusion and ultimately to pollution. If the Board is mindful of granting this planning application, it is critical that BMDC would be conditioned to take overall responsibility for the environmental performance of each of its tenants. BMDC would act as the point of contact for affected neighbours and would act as the primary initial contact for any environmental authority.
- Continuous monitoring of noise and dust at both Passage West and Carrigaloe should be expected from the outset.
- Cork County Council has already given a carte blanche for jetty operations. If the Board were to grant permission for the proposed site preparation without looking ahead as to the potential downstream on-site activities, the Board would essentially be similarly giving carte blanche to the land-based side of the operation. The Do Nothing Scenario in Chapter 1 of the EIAR references the potential for relocation of “several Seveso activities from Cork City”. This has nothing to do with the planning application at hand yet as night follows day, if the Marino Point site is prepared and available, permission will be given for anything that facilitates the long-desired redevelopment of the docklands in Cork City. I support the redevelopment of the docklands but it cannot be at the uncontrolled expense of the residents and environment of Cork Harbour.

I therefore respectfully ask that the Board would refuse this planning application on the grounds of project splitting leading to an inability to identify potential impacts from the proposed development, an inability to evaluate the magnitude of these potential impacts on this sensitive site and consequently an inability to control environmental pollution from the proposed development. This refusal would afford the applicant the opportunity to re-enter the planning process at a future date, presenting the intended development in a more transparent manner and with a realistic assessment of what its environmental consequences might be.

Please find enclosed payment of €50.

Yours faithfully,



---

Marcia D'Alton, B.E., M.Eng.Sc.  
Independent Member, Cork County Council