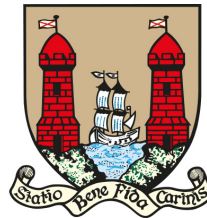


APPROPRIATE ASSESSMENT CONCLUSION STATEMENT

FOR THE CORK CITY DEVELOPMENT PLAN 2022-2028

for: **Cork City Council**

City Hall
Anglesea Street
Cork



Comhairle Cathrach Chorcaí
Cork City Council

by: **CAAS Ltd.**

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AUGUST 2022

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Section 1 Introduction and Background

1.1 Introduction

This is the Appropriate Assessment (AA) Conclusion Statement for the Cork City Development Plan. The obligation to undertake AA derives from Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC as transposed into Irish legislation by, inter alia, the Planning and Development Act 2000, as amended. AA is a focused and detailed impact assessment of the implications of a strategic action (such as a plan or programme) or project, alone and in combination with other strategic actions and projects, on the integrity of any European Site in view of its conservation objectives. This AA Conclusion Statement should be read in conjunction with the Plan and associated documents including the AA Natura Impact Report (NIR).

1.2 Legislative Requirements in relation to AA

In carrying out the AA for the Plan, Planning and Development Act 2000, as amended, requires, inter alia, that the Council considers the matters arrayed in the first column on Table 1.1 below. The second column identifies how these issues have been addressed.

Table 1.1 Matters taken into account by the AA

Matter specified by the Regulations	How addressed by AA
(a) the Natura Impact Report	An AA NIR accompanies this AA Conclusion Statement and the Plan.
(b) any supplemental information furnished in relation to any such report	This AA Conclusion Statement accompanies the NIR that provides additional detail on European Sites.
(c) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Report	Submissions made during the Plan preparation/AA process that were relevant to the AA resulted in updates being made to the AA NIR.
(d) any information or advice obtained by the public authority	
(e) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project	Proposed Material Alterations were screened for the need to undertake Stage 2 AA (Stage 2 AA was undertaken on certain alterations).
(f) any other relevant information	

In addition to the above, the Regulations require that the Council makes available for inspection a determination regarding the outcome of the assessment with respect to whether or not the Plan would adversely affect the integrity of a European site (a copy of this determination is provided at Section 4).

1.3 AA Conclusion Statement

Non-Statutory AA guidance (Department of Environment, Heritage and Local Government, 2009) states that (Section 4.14) it *"is recommended that planning authorities include a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the plan separate to the SEA statement."* This guidance recommends that the following issues are addressed by the AA Conclusion Statement:

- Summary of how the findings of the AA were factored into the Plan (see Section 2);
- Reasons for choosing the Plan as adopted, in the light of other reasonable alternatives considered as part of the AA process (see Section 3);
- A declaration that the Plan as adopted will not have an adverse effect on the integrity of European Sites (provided at Section 4); and
- The NIR (the AA NIR is accompanied by this AA Conclusion Statement and has informed the AA Determination – see Section 4).

As recommended, this AA Conclusion Statement addresses the above issues.

Section 2 How the findings of the AA were factored into the Plan

The SEA and AA team worked with the Plan-preparation team at the Council in order to integrate requirements for environmental protection and management into the Plan.

The Plan was prepared in an iterative manner whereby the Plan and AA documents have informed subsequent versions of the other. The findings of the AA were integrated into the Plan through mitigation measures. These mitigation measures ensure that there will be no significant effects to the ecological integrity of any European site from implementation of the Plan. Mitigation measures relevant to the protection of European sites include those identified on Table 2.1 below.

In addition to the measures identified on Table 2.1, environmental considerations, including those relating to European sites, were integrated into the Plan’s zoning through an interdisciplinary approach. Zoning has been applied in a way that primarily seeks to achieve sustainable and compact growth, taking into account the various requirements set out in the higher-level NPF and Southern RSES. The detailed Plan preparation process undertaken by the Planning Department combined with input from consultants seeks to facilitate zoning that will help to avoid inappropriate development being permitted in areas of elevated sensitivity, such as in areas ecological sensitivity. This approach will help to ensure the avoidance of effects on the integrity of any European site.

Table 2.1 Mitigation measures relevant to the protection of European sites

Mitigation measures relevant to the protection of European sites, including:
<p>Objective 4.6 Corridor & Route Selection Process Policies and Objectives relating to new roads and other transport infrastructure projects (including greenways, walkways, cycleways and blueways) that are not already provided for by existing plans/ programmes or are not already permitted, are subject to the undertaking of feasibility assessment having regard to normal planning considerations and environmental sensitivities as identified in the SEA Environmental Report and the objectives of the Plan relating to sustainable mobility.</p> <p>Objective 7.25 Sustainable Tourism To support the sustainable growth of tourism and marketing of Cork City as a multi-faceted visitor destination and a gateway to the southern region, Wild Atlantic Way and Ireland’s Ancient East by:</p> <ul style="list-style-type: none"> • Working in partnership with Fáilte Ireland, businesses and other stakeholders to support tourism investment, innovation and promotional and marketing strategies. • Supporting the implementation of the Cork City Tourism Strategy 2017-2022, the Local Economic and Community Plan-2016-2021 (Pure Cork) and their successor strategies. • To support the implementation of the Tourism Destination Plan for Cork City and East Cork. • Develop existing tourist attractions and activities, while seeking investment in new attractions that help to diversify the tourism market. • Support the development of cultural facilities such as the Crawford Art Gallery and the Cork Events Centre. • Support initiatives that improve the sustainability of tourism, and support eco-tourism along with the reduction of the carbon footprint of tourist accommodation, attractions and activities. • Support high quality proposals, initiatives and pilot projects that represent opportunities to provide new or enhanced visitor facilities and attractions. This also extends to proposals that utilise technology to improve visitors’ experiences and aid interpretation and navigation and seek to better leverage the City’s network of green and blue infrastructure as tourism attractions. • Seeking to manage, where appropriate, any increase in visitor numbers to semi-natural areas in order to avoid significant effects including loss of habitat and disturbance, by ensuring that new any projects, such as greenways, are located a suitable distance from ecological sensitivities, such as riparian zones. • Seeking to manage, where relevant, any increase in visitor numbers to key habitats and / or any change in visitor behaviour in order to avoid significant effects, including loss of habitat and disturbance, by ensuring that new projects and activities are located a suitable distance from ecological sensitivities. Visitor / Habitat Management Plans may be required for proposed projects where relevant and as appropriate. <p>Objective 7.38 Cork Harbour Planning Framework Cork City Council is committed to part-take as a key stakeholder and consultee in the preparation of a Cork Harbour Planning Framework Initiative, in coordination with other Local Authorities and stakeholders in the harbour area, as required under RSES Objective 79 and Cork MASP Objective 3 Cork Harbour, during the lifetime of the Plan. Cork City Council supports the preparation of an agreed framework to guide planning policy in managing the future development of the Cork Harbour Economy (CHE) as set out in RPO79 of the RSES to ensure that the sustainable development of the area not only harnesses the economic and social benefits to the City-region but also ensures that biodiversity, flora and fauna both within and outside protected sites are considered via the appropriate SEA and AA mechanisms.</p> <p>Objective 9.20 Seveso</p> <p>(a) Assessment of Development in Vicinity of Seveso III Sites: Land use proposals for development within the vicinity of sites identified under the Control of Major Accident Hazards Directive and any regulations, under any enactment, giving effect to that Directive, will be assessed having regard to technical guidance provided by the Health and Safety Authority.</p> <p>(b) Relocation of Seveso III Sites: Cork City Council will actively seek the relocation of Seveso III facilities / activities to suitable alternative sites outside the City.</p> <p>Objective 6.3 Cork City Council will seek to work with stakeholders in facilitating safe, improved accessibility to the water environment including the River Lee and Cork Harbour and encouraging uses which optimise the amenity, tourism, recreation and leisure opportunities associated with this blue infrastructure, while contributing towards the protection of protected species and without adversely impacting on the day-to-day economic functions of these assets.</p>
<p>Strategic Biodiversity Goals</p> <p>(1) To protect and enhance designated areas of natural heritage and protected species and to adhere to all relevant biodiversity legislation;</p> <p>(2) To ensure that sites and species of natural heritage and biodiversity importance in non-designated areas are identified, protected and managed appropriately;</p>

Mitigation measures relevant to the protection of European sites, including:

- (3) To create green and blue infrastructure network thereby creating ecological corridors linking areas of biodiversity importance;
- (4) To implement the recommendations of the GBI study and integrate green and blue infrastructure solutions into new developments;
- (5) To ensure all citizens are within 5km of a green and ideally wild space;
- (6) To protect and maintain the integrity and maximise rivers and watercourses within the city;
- (7) To protect and enhance the city's trees and urban woodlands; and
- (8) To promote best practice guidelines for management, control and eradication of invasive alien species.

Green and Blue Infrastructure, Open Space and Biodiversity Development Objectives

Strategic Objective 5: Green and Blue Infrastructure, Open Space and Biodiversity

To strengthen the green and blue infrastructure of Cork City. To protect and promote biodiversity and habitat connectivity and protect natural areas. To protect and enhance Cork City's unique landscape character and maritime heritage. To ensure all of Cork City's residents have access to open spaces, recreation and amenity facilities and natural areas.

A strong green and blue infrastructure network is essential to the quality of life of Cork City's residents and contributes towards the creation of places where people want to live and work. It is an objective of Cork City Council to achieve a healthy, green and connected City with high-quality and interconnected open spaces, parks, diverse natural areas and green and blue corridors.

Proposals for new development in Cork City will respect and reflect the topography, landscape and ecology of the City, and will protect and enhance the City's green and blue infrastructure by ensuring that development does not fragment existing networks of green and blue infrastructure. Proposals for new development will demonstrate how green and blue infrastructure, open space, sport and recreation, landscape and biodiversity are considered commensurate to the scale and context of the development in the development process. Large-scale developments will incorporate open spaces to contribute to the green and blue infrastructure in the City.

Objective 6.6 Rivers, Waterway and Wetlands

- (a) To protect and maintain the integrity, and maximise the potential, of the natural heritage and biodiversity value of rivers, associated watercourses and wetlands in Cork City, and to
- (b) To promote an integrated approach to optimising opportunities associated with rivers, waterways and wetlands generate biodiversity, recreation, tourism, and economic benefits.

Objective 6.22 Natural Heritage and Biodiversity

- (a) To protect, promote and enhance Cork City's natural heritage and biodiversity.
- (b) To support the implementation of the National Biodiversity Plan and the All-Ireland Pollinator Plan and successor publications in Cork City.
- (c) To support and implement the biodiversity actions from the Cork City Heritage and Biodiversity Plan (2021-2026) in partnership with all relevant stakeholders.
- (d) Cork City Council will seek to establish and use a City biodiversity database, accessible across all council departments for consideration in land management decision-making.
- (e) Cork City Council will work with communities to enhance, and the delivery of new, biodiversity-rich areas throughout the City including individual buildings, streets, public and private spaces by supporting the provision of green roofs and walls, rain gardens, biodiversity-rich parklets, rainwater harvesting, natural banks and naturalised SUDS.
- (f) Cork City Council will seek, where appropriate, to enhance the linear habitat connectivity, including the interconnection and enhancement of:
 - Woodlands, gardens, open spaces, fields and hedgerows.
 - Coastal habitats, river catchments, lakes, streams, ponds.
 - Aquatic, marginal and bank side habitats.
 - Parks, playing fields and recreational areas.
 - Upstream of mapped flood zones.
 - City transport routes.

Objective 6.23 Designated Sites and Protected Species

To protect and enhance designated sites and areas of natural heritage and biodiversity and the habitats, flora and fauna for which it is designated, and to protect, enhance and conserve designated species.

Objective 6.24 Information to be considered for development affecting designated sites

To ensure that development proposals affecting designated sites have regard to the sensitivities identified in the SEA Environmental Report prepared in respect of this Plan.

Objective 6.26 Alien Invasive Species

To support the implementation of measures to control and prevent the introduction, establishment or spread of ecologically damaging alien invasive species (e.g. Japanese Knotweed and Himalayan Balsam).

Paragraph 6.62 "As with all Plan provisions, Objectives in this Section will be implemented subject to compliance with the Habitats and Birds Directives and other ecological protection objectives"

Paragraph No. 6.63 "No plans, programmes, etc. or projects giving rise to significant cumulative, direct, indirect or secondary impacts on European sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans, programmes, etc. or projects)."

Paragraph 6.64 "Any agricultural or fishing/aquaculture activities related developments or would be considered subject to compliance with the Habitats and Birds Directives and in consultation with Inland Fisheries Ireland as relevant".

Objective 9.19 External Lighting

To require that external lighting proposals minimise the harmful effects of light pollution, are energy efficient, and do not have an excessive impact on residential or visual amenity, biodiversity or result in the distraction of road users.

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the project to proceed; and c) Adequate compensatory measures in place.

Section 3 Consideration of Alternatives

3.1 Introduction

Based on the outputs of Cork City Capacity Study and other relevant supporting documents that directly informed the preparation of the Plan, Cork City Council have identified three alternatives from an initial sift of the following four options:

1. City Wide Growth Strategy
2. Transport Orientated Development no.1 (applying narrow walking bands)
3. Transport Orientated Development no.2 (applying wider walking bands)
4. Compact Liveable Growth

Option 2 has been discounted as this scenario is over reliant on the delivery of the light rail transport in the City, which is currently at the initial stage of design (route selection process). The construction and delivery of the light rail transport is a long-term project (post-2031) within the Cork Metropolitan Area Transportation Study (CMATS).

Cork City Council assessed the three remaining alternatives for the Plan, to determine whether or not they are available and appropriate.

3.2 Description of Alternatives Considered

Alternative 1: City Wide Growth

This alternative applies the densities allowable under the existing land uses zonings set out in the Cork City Development Plan 2015-2022 and the relevant zonings in the Cork County Municipal District Local Area Plans (2017). As such the alternative combines Cork City Councils and Cork County Councils current land use planning approach to the recently extended City Council area.

This scenario gives a full understanding of the current land use planning approach for the current Cork City administrative area, as extended on May 2019. The yields from all extant planning permissions are accounted for. Where no extant planning permission exists an average density, assumption has been applied based on the relevant land use zoning objective.

Alternative 2: Transport Orientated Development

This alternative focuses on the key transport routes and land use areas identified in the Cork Metropolitan Area Transportation Strategy (CMATS). A Transport Orientated Development approach is applied to future land use planning, by maximising the provision of housing, employment, public services and leisure space within close proximity to existing and future transport nodes (e.g. rail and/or bus) that are serviced by frequent, high quality services.

This alternative applies different densities at different locations, as appropriate; with higher densities where sustainable transport mode opportunities are planned for (e.g. light rail transport route). The yields from all extant planning permissions are accounted for.

Alternative 3: Compact Liveable Growth

This alternative seeks to develop Cork City as a compact, sustainable city of scale and the regional driver of growth by creating sustainable, liveable, integrated communities and neighbourhoods while ensuring that at least half (50%) of all new homes are delivered in the existing built up footprint.

A tiered approach to land use zoning is applied ensuring that new homes are provided at appropriate densities in brownfield and infill locations and in greenfield locations within and contiguous to existing City footprint.

3.3 Summary of Assessment

Having carried out a spatial assessment of the implications of the Plan that would be provided for by **Alternative 1 "City Wide Growth Scenario"** and the other alternatives, taking account of the higher-level NPF and Southern RSES objectives and the need to comply with the densities set out in Ministerial Guidelines, including those related to the Sustainable Residential Development in Urban Areas (2009) and Urban Development and Building Heights (2018), the Council confirm that Alternative 1 "City Wide Growth Scenario" as applied, would contribute towards proper planning, environmental protection and management and sustainable development to a significant degree less than Alternatives 2 and 3. The scenario allows for significant expansion into the existing city hinterland through the provision of low to medium densities. This scenario does not maximise the significant potential to deliver more appropriate densities to further justify the objective and projects identified in CMATS, particularly the light rail transport. Due to the extent of expansion proposed, this scenario also has greater potential negative impacts in terms of climate change, green and blue infrastructure management, the need for new physical and social infrastructure and the successful delivery of a compact, vibrant city of neighbourhoods.

Having carried out a spatial assessment of the implications of the Plan that would be provided for by **Alternative 2 "Transport Orientated Development Scenario"** and the other alternatives, taking account of the higher-level NPF and Southern RSES objectives and the need to comply with the densities set out in Ministerial Guidelines, including those related to the Sustainable Residential Development in Urban Areas (2009) and Urban Development and Building Heights (2018), the Council confirm that Alternative 2 "Transport Orientated Development Scenario" as applied, would contribute towards proper planning, environmental protection and management and sustainable development to a significant degree less than Alternative 3. The scenario achieves compact growth by focusing future development within areas that are highly accessible to frequent public transport services. The scenario is particularly successful in delivery high densities that can be used to justify the delivery of an LRT for the city in a shorter time frame than is set out in CMATS (post 2031). The compact nature of growth proposed also helps mitigate potential impacts in terms of climate change, green and blue infrastructure management and the reduced need for new physical and social infrastructure. However, this scenario is less successful in enhancing the existing wide range of neighbourhoods and towns to create a vibrant city of neighbourhoods. This scenario also primarily focuses on delivering higher density living, requiring an immediate and significant shift away from current average housing densities delivered in Cork City over the last 20 years.

Having carried out a spatial assessment of the implications of the Plan that would be provided for by **Alternative 3 "Compact Liveable Growth Scenario"**, taking account of the higher-level NPF and Southern RSES objectives and the need to comply with the densities set out in Ministerial Guidelines, including those related to the Sustainable Residential Development in Urban Areas (2009) and Urban Development and Building Heights (2018), the Council confirm that Alternative 3 "Compact Liveable Growth Scenario" as applied, would contribute towards proper planning, environmental protection and management and sustainable development more than Alternatives 1 and 3. The scenario achieves compact growth by primarily focusing future development within strategic sites, such as City Docks, sites located within the rich existing network of neighbourhoods, urban towns and hinterland settlements in the city and a number of expansion sites adjoining the city. The scenario focuses on developing areas accessible to frequent public transport services, delivering a range of increased densities that justify the delivery of an LRT, BusConnects routes and the Greenways as set out in CMATS. The compact nature of growth proposed also helps mitigate potential impacts in terms of climate change, green and blue infrastructure management and the reduced need for new physical and social infrastructure. This scenario is successful in enhancing the existing wide range of neighbourhoods and towns to create a vibrant city of neighbourhoods. The increased densities proposed in this scenario are challenging, requiring a stepped shift away from current average housing densities delivered in Cork City over the last 20 years.

3.4 Selected Alternatives for the Plan

The selected alternative for the Draft Plan that was placed on public display was Alternative 3 "Compact Liveable Growth Scenario".

However, various alterations (see Section 5), were adopted as part of the final Plan that were previously advised against for planning and environmental reasons, meaning that the final, adopted Plan is a mix of Alternatives 1 and 3. These alterations would not provide the most evidence-based framework for development and have the potential to undermine sustainable development and proper planning.

3.5 Reasons for Selecting Chosen Alternatives

The selected alternatives for the Plan are indicated above.

These alternatives have been incorporated into the Plan having regard to both:

1. The environmental effects (including those related to ecology and European sites) which are identified by the SEA (informed by the AA) and are summarised above; and
2. Planning - including social and economic - effects.

Section 4 AA Determination



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Appropriate Assessment Determination

under Section 177V of the Planning and Development Act 2000, as amended,
for the

Cork City Development Plan 2022-2028

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Cork City Council relating to the potential for the Cork City Development Plan 2022-2028 that is being adopted to have effects on the integrity of European sites.

In carrying out this Appropriate Assessment (AA), the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following:

- The Consolidated Natura Impact Report;
- The Natura Impact Report for the Proposed Material Alterations;
- The Natura Impact Report prepared for the Draft Plan;
- Written submissions made during the Plan preparation process; and
- Ongoing advice on AA from the Council's agents.

As part of the AA, it was identified that the Plan may, if unmitigated, have significant effects on 4 (no.) European sites. Factors that could potentially affect the integrity of European sites include:

- Provisions (such as those relating to: housing and community development; transport and mobility; climate and environment; green and blue infrastructure, open space and biodiversity; economy and employment; heritage, arts and culture; environmental infrastructure and management; key growth areas and neighbourhood development sites; and placemaking) that introduce sources for effects through construction phase such as habitat destruction, light pollution, hydrological interactions and disturbance effects;
- Loading pressures from the operational phase of developments – these sources could result in habitat loss, disturbance effects, interactions with water quality and habitat fragmentation; and
- Increasing visitors to sensitive areas during the operational phase of, for example, recreational developments.

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusions presented and determines that:

- Implementation of the Plan would have had the potential to result in effects to the integrity of European sites, if unmitigated.
- The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed by the inclusion of mitigation measures that will prioritise the avoidance of effects in the first place and reliably mitigate effects where these cannot be avoided. In addition, any lower-level plans and projects arising through the implementation of the Plan will themselves be subject to AA when further details of design and location are known.
- In-combination effects from interactions with other plans and projects have been considered in this assessment and the mitigation measures have been incorporated into the Plan – these measures are robust and will ensure there will be no effects on the integrity of European sites as a result of the implementation of the Plan either alone or in-combination with other plans/projects.
- Having incorporated mitigation measures, the Plan is not foreseen to give rise to any effect on the integrity of any European site, alone or in combination with other plans or projects¹. This evaluation is made in view of the conservation objectives of the habitats or species, for which these sites have been designated.

Signed:

Name:

Date:

¹ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be: a) no alternative solution available, b) imperative reasons of overriding public interest for the plan to proceed; and c) Adequate compensatory measures in place.

