



Ref: **FP2021/058**
(Please quote in all related correspondence)

4 October, 2021

Development Plan Submissions,
Strategic & Economic Development Directorate,
Cork City Council,
Anglesea Street,
City Hall,
Cork
Via online portal. <https://consult.corkcoco.ie>

Re: Notification under the Planning and Development Regulations, 2001, as amended.

Draft Plan Consultation Phase of the Cork City Development Plan 2002-2028
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I refer to correspondence sent to the Department in connection with the above proposed City Development Plan.

Outlined below are the heritage related observations of this Department as co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

The Department welcomes, from a biodiversity perspective, the detailed, well-illustrated draft plan, including the renaming of areas of conservation importance (e.g. the Glashaboy River Conservation Area) from simple SPA or SAC areas, and thereby incorporating their value into the ownership of the Plan. However, there are a number of points, some of which have been raised in previous submissions by this Department, which need to be addressed.

Protection of European Natura Sites (Cork Harbour SPA)

Under Section 10(2)(c) of the Planning and Development Acts 2000-2020, a development plan shall include an objective for the conservation and protection of European sites, which, in the context of this plan, refers to Cork Harbour Special Protection Area (SPA no. 4030), designated under S.I. No. 237 of 2010. Objectives 6.23 and 6.24 appear (from their titles)



to set out to do that, but there has been an error of transposition, in that both refer to rights of way and not designated or proposed sites. Reference to Cork County Development Plan is recommended for the type of wording necessary for such objectives, and also to ensure compatibility of plan objectives for the same site.

Implications for Cork Harbour SPA of development in flood-prone areas

Areas of the City Centre and City and Tivoli Docks, within existing and future flood risk zones (Strategic Flood Risk Assessment maps, pp. 37, 39, 43 & 45), are zoned for new mixed use and residential development (Objectives 10.18, 10.42 and Map 01 ZO2, ZO5, ZO8; Map 05: ZO4). There is an extensive City flood relief project in place, and much of the City Docks area is in a polder, protected by an embankment flood defence to the north between the development site and the River Lee. However, given the number of positive feedbacks which are occurring with climate change processes involved in sea-level rise, it is very likely that in the future additional flood relief measures will be required. Scientific predictions for sea level rise above current levels, if emissions continue unmitigated, vary from 0.6 – 1.3m by 2100 and 1.6 – 5.6m by 2300¹, and IPCC predictions now being suggested to be too low².

The *Flood Risk Assessment* for the recent proposal for a 1,100-unit residential development in the South Docks area (ref. 309059) stated (p. 35) that:

“Given the planned scale of development in docklands, ... it is clear that Cork City Council ... will have no alternative but to invest in raising the polder defences to ensure that they can continue to act as the primary line of flood defence ..., as sea level rise takes place.”

Objective 10.34 allows for this. However, there may be a long-term limit to this, and on p. 38 of the above *Flood Risk Assessment*, it was also accepted that, as sea-level rise exceeds 1m:

“it is considered likely that a harbour wide solution such as a tidal barrier or barrage may become necessary and/or viable”,

¹ Horton, B.P., et al. (2020) Estimating global mean sea-level rise and its uncertainties by 2100 and 2300 from an expert survey. *Climate and Atmospheric Science* **3**: no. 18.

² E.g. Grinsted, A. and Christensen, J.H. (2021) The transient sensitivity of sea level rise. *Ocean Science* **17**: 181-186.



Such barrier options have recently been technically assessed by ARUP for the OPW, including one off Carrigrennan, which would affect the Douglas Estuary part of the SPA³. With increasing frequency of use, and consequent changes to tidal processes, the operation of such a barrier is likely to have significant adverse effects on mudflat / sandflat ecosystems of Douglas Estuary and Lough Mahon. Given that development in the City Centre and the City Docks flood risk zones is planned to continue on an exceptional basis, it is recommended that the NIR assesses the impacts of such an apparently likely downstream tidal barrier at sea level 1.0m above current levels and c.2 °C higher global temperatures on the following:

- (a) The extent of mudflat, useable by wintering birds, remaining at that s.l. height⁴;
- (b) The extent to which many bird species will be wintering in locations further north and no longer in Cork Harbour, with increased global temperature;
- (c) The extent to which a tidal barrier would likely result in the loss of availability of mudflat feeding habitat in the upper Harbour SPA, due to prolonged periods of inundation behind a closed barrier.

Flood Mitigation

Objective 5.5 (Climate and Environmental Action Strategies) states that the Cork City Sustainable Energy and Climate Action Plan will be implemented. The SECA Plan itself does not mention whether it was screened for or subject to Habitats Directive appropriate assessment. It is not mentioned in the NIR for the draft Development Plan. Because the objective is to implement it, if it has not been previously screened, it requires screening for appropriate assessment as part of this plan.

Jacob's Island

Jacob's Island borders the Lough Mahon part of Cork Harbour SPA, and properties there are advertised as being in one of Cork's most important wildlife settings. Objective 10.86 (and Map 06, ZO5) provides for developments of mixed use, including a hotel and business and office space. The conservation question in this area relates to disturbance, and in particular effects of lighting and window strikes by flying birds using the SPA. This objective is not assessed in the NIR.

³ ARUP (2017) *Lower Lee (Cork City) Flood Relief Scheme. Supplementary Report – Option of Tidal Barrier*. Report to Office of Public Works.

⁴ See also van der Wegen, M., Jaffe, B., Foxgrover, A. and Roelvink, D. (2017) Mudflat morphodynamics and impact of sea level rise in south San Francisco Bay. *Estuaries and Coasts* **40**: 37-49.



Wildlife in derelict / unused buildings

Objective 11.11 provides for the refurbishment of farm buildings which are disused or neglected. Often such buildings are used for breeding and roosting by protected species such as bats and barn owls. A licence is required before damaging a bat roost or the active breeding site of owls. An additional clause to Objective 11.11 is recommended, such as: “the wildlife value is surveyed, and any necessary licences obtained, before commencing renovation works.”

C & D waste disposal

An additional sub-objective to Objective 9.11 is recommended to avoid disposal of C & D waste from large projects in designated lands in Cork Harbour SPA, such as: “To ensure that the disposal of construction and demolition waste from large infrastructure projects is fully accounted for, and avoids being disposed in environmentally sensitive sites in the Cork Harbour area.”

Blue infrastructure

It should be a basic principle of Green and Blue Infrastructure (GBI) that the ecological integrity of these areas is maintained, while benefiting from their natural resources for recreation and well-being. However, disturbance of wildlife due to increased access is sometimes a conservation issue, and such infrastructure can result in declines in biodiversity if not carefully managed. The emphasis on GBI in this plan is new and very welcome, but some objectives may need to consider biodiversity impact also. Objective 6.3, for instance, facilitates improved accessibility to Cork Harbour, but protected species are not mentioned in the list of targets for which adverse effects must be avoided, although this is a legal requirement.

You are requested to send any further communications to the Development Applications Unit (DAU) at manager.dau@housing.gov.ie, or to the following address:

The Manager,
Development Applications Unit (DAU)
Government Offices, Newtown Road, Wexford, Y35 AP90

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A handwritten signature in blue ink, reading "Michael Murphy".

Michael Murphy
Administration
Development Applications Unit