An Taisce
The National Trust for Ireland

Senior Planner
Planning Policy Unit
Cork County Council
County Hall
Carrigrohane Road
Cork

Submitted via online portal

1st July 2021

RE: Draft Cork County Development Plan 2022-2028

A Chara,

An Taisce welcomes the opportunity to comment on the Draft Cork County Development Plan 2022-2028. We wish to make the following submission, which we request the Council take into consideration in the finalisation and adoption of the Plan.

We would also request that the Council make An Taisce known of any further consultation periods regarding the making of the new Development Plan.

Yours sincerely,

Phoebe Duvall
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

Marc Cahill
An Taisce Advocacy Office
An Taisce – The National Trust for Ireland

Niamh Delanty
An Taisce Advocacy Office
An Taisce – The National Trust for Ireland

Ellen O'Hora
An Taisce Advocacy Office
An Taisce – The National Trust for Ireland

Submission on the Draft Cork County Development Plan 2022-2028



An Taisce
The National Trust for Ireland

Tailors Hall, Back Lane, Dublin 8
www.antaisce.org

1. Overarching Comments

The new Cork County Development Plan (hereafter referred to as the CDP or Draft Plan) should represent a catalyst for positive change and facilitate the development of the county in a plan-led, sustainable manner. The CDP should strive to establish a coherent framework for the coordinated sustainable economic, social, cultural and environmental development of the county in line with the UN Sustainable Development Goals.

An Taisce's key objectives in making this submission on the Draft County Development Plan include:

- Ensuring that the climate and biodiversity loss emergencies are addressed at all levels of planning and development;
- Ensuring that national, regional and local policy and guidelines are implemented;
- Reducing Ireland's greenhouse gas emissions in accordance with EU law;
- Protecting town centres, and counselling against unserviced development and sprawl;
- Promoting compact development served by public transport;
- Promoting rapid and extensive shifts toward walking and cycling and away from private car use;
- Reducing unsustainable fossil fuel use such as in heating buildings and in transport (e.g., private car dependency);
- Ensuring the implementation of EU environmental law and protecting habitats and biodiversity, particularly Natura 2000 sites;
- Protecting our water bodies and water quality, including through the prevention of inappropriate development;
- Conserving the quality of the Irish landscape, archaeological monuments and built heritage, particularly protected structures;
- Promoting efficient investment in public infrastructure and services; and,
- Promoting local self-reliance, public health and quality of life.

We are pleased that many of these goals already form key parts of the Draft CDP.

2. Addressing the Climate and Biodiversity Emergencies

Given that the global climate and biodiversity loss emergencies are the defining challenges of our time, An Taisce strongly supports the significantly increased emphasis on climate mitigation and adaptation the Draft Plan, particularly the focus on climate action in Chapter 17.

All climate mitigation provisions in the new CDP must be assessed against Ireland's fair share emissions reduction commitments in line with the Paris Agreement and the need to limit warming to 1.5C over pre-industrial levels. Similarly, the new Plan should ensure that development decisions are also assessed against these commitments. We also recommend that commitments be added to Chapter 6 to address the disproportionate impact of climate change on marginalised communities.

We welcome the addition of a summary of objectives relating to climate action within Chapter 17 of the Draft Plan, and we note that the provision of said summary in a table format outlines the county's future commitments to climate action as seen in Table 17.2. However, we also note that the draft development plan is lacking strong integration of climate action throughout the other chapters within the plan, with some sectors lacking any reference to climate action or climate objectives such as agriculture.

As climate change both impacts and is impacted by all areas of planning and development, An Taisce recommends that each chapter of the new plan be directly assessed against climate objectives and targets, including those outlined in the Paris Agreement and EU policy. The recent Draft Longford Development Plan provides a useful example of climate integration throughout the plan. Each chapter contains a climate context section with climate-specific objectives relating to the theme of the chapter. We recommend that a similar approach be added to the Cork Plan.

2.1 Biodiversity Loss

While the Draft CDP has a strong focus on climate, particularly in changes to the transport sector, An Taisce considers that it does not sufficiently address the concurrent biodiversity loss emergency. The 2018 "Living Planet Report" from the World Wildlife Fund[1] presented a very bleak picture of the state of global biodiversity. There has been an overall 60% decline in species population size in just over 40 years (1970-2014). This decline stands at 83% for freshwater species. We would also draw the Council's attention to a recent paper[2] published by an international cohort of researchers highlighting the scale of the challenge posed by biodiversity loss, the implications for human society and the lack of adequate responses from policymakers.

We submit that the new CDP should directly and thoroughly address the gravity of the biodiversity crisis in a manner commensurate to the way it in which addresses the climate

[1] Living Planet Report, World Wildlife Fund (2018): https://www.worldwildlife.org/pages/living-planet-report-2018
[2] Bradshaw et al (2021) Underestimating the Challenges of Avoiding a Ghastly Future, Frontiers in Conservation Science: https://www.frontiersin.org/articles/10.3389/fcosc.2020.615419/full ; Covered in the *Irish Times* here: https://www.irishtimes.com/news/environment/a-ghastly-future-leading-scientists-offer-bleak-prediction-for-civilisation-1.4456653

crisis. While there are many robust objectives in the Draft Plan aimed at ecological protection, we do not consider that they sufficiently consider the context or address the scale of the current biodiversity loss emergency.

2.2 Just Transition

The equitable and united transition as a society towards renewable energy is a central tenet of national climate policy. Ensuring a 'Just Transition' should be a guiding principle in forward planning. As the economy and society move increasingly away from fossil fuels and emissions-intensive industries, it is imperative that workers and other stakeholders are provided with the resources and training they need to play a positive role in Ireland's decarbonisation challenge.

We recommend that the Just Transition principle is integrated into the final development plan where relevant.

The onset of the Covid-19 pandemic has given rise to the current environment of remote learning and working from home - an unprecedented amount of time spent at home is leading to higher energy consumption levels over extended periods of time. These trends are increasing the amount of households experiencing some degree of energy poverty or vulnerability. Energy poverty is the inability or excessive difficulty to afford adequate heat and electricity. While financial schemes are available for homeowners to retrofit their households and install renewable energy technologies such as solar PV, these are limited and require a prohibitively high capital investment for many. Moreover, elderly and disabled individuals are identified to be those at the highest risk of energy poverty, spending the most time at home and often living in energy inefficient dwellings.

In light of these trends, Chapter 6 Social and Community could be strengthened by a commitment to prioritise elderly, disabled and lower income individuals when targeting retrofit schemes and building ancillary accommodation. Energy poverty affects individuals' physical and mental health and as a result restricts them from actively participating in the community. Tackling this problem should be an objective outlined in this chapter or Chapter 4 Housing.

Similarly, managing food production and sustainable land use while addressing the climate and biodiveristy emergencies is one of the primary challenges facing Ireland's policy makers and farming communities over the lifetime of the new CDP. The ambition in the Climate Bill currently in the Oireachtas (at the time of writing) to achieve a 51% reduction in emissions by 2030 will require far-reaching and radical changes in all sectors, including agriculture.
Yet these changes must be equitable and support the viability and vibrancy of rural life in Cork. A Just Transition model is needed to plan and deliver a package of complementary interventions to secure livelihoods while shifting rapidly to sustainable methods of food

production. This should help incentivise farm diversification, increase farm incomes and security, restore biodiversity on farmland and good water quality, lower greenhouse gas and ammonia emissions, and contribute to Ireland's food security. We therefore recommend that specific objectives in relation to a Just Transition for agriculture be included in the CDP.

3. Sustainable Settlement

The defining pattern of spatial development in Cork and around Ireland in recent decades has generally been of a sprawling, uncoordinated nature where land has been developed in a 'leapfrog', low-density pattern. This type of land use has diminished the liveability of areas, created places that lack adequate public facilities, and generated car dependency for long commutes.

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for citizens, it is imperative that the new CDP addresses future population growth and continues to encourage a shift away from dispersed, car-orientated development patterns to walkable, cycleable, transit-orientated and consolidated urban forms. A crucial aspect of this will be the maintenance of and improvement in investment in public transport, walking and cycling to offer communities viable alternatives to private cars.

The prioritisation of future development in Cork's towns towards efficient, compact, and serviced locations in accordance with the sequential approach and existing infrastructural capacity is critical. The CDP should be guided by the existing essential social infrastructure (schools, community facilities, etc.) and physical infrastructure (transport, water services, communications, etc.), including realistic prospects for addressing capacity constraints. Where services are not available, there should be a reasonable expectation of their provision within the plan period. Land should not be zoned if there is no reliable prospect of providing key physical infrastructure within the plan period or within a reasonable time period thereafter, such as improved roads, footpaths, drainage and lighting to serve likely future development. The Council should engage with the providers of essential physical and social infrastructure and ensure that the town-specific policies are based on realistic assessments regarding the funding and timing of such infrastructure, recognising that some levels of strategic infrastructure may take a number of cycles to provide.

An Taisce therefore welcomes the many commitments throughout the Draft Plan to, for example:

- Promote compact growth

- *'Achieve permeability and connectivity in town centre / village locations which contributes to the 10 Minute Town Concept and Sustainable Neighbourhood Infrastructure.'* (3.4.7 Settlements and Placemaking)
- Facilitate the use of upper floors of existing building stock for residential purposes in town centres.
- Prioritise brownfield, infill and underutilised land in future development.
- Encourage the renovation of vacant and/or derelict dwellings.

While we welcome the emphasis placed on pedestrian-friendly town centres expressed in Chapter 3 Settlements and Placemaking (Section 3.4.7), there is an absence of concrete measures to deliver this vision. A central tenet of the compact growth principle envisioned for County Cork's Metropolitan and Key Towns and Villages is the 10 Minute Town concept. Without a clearly defined approach to incentivise walking, cycling and public transport modes, as well as discourage car travel for short journeys, compact growth will only contribute to traffic congestion and produce concomitant carbon emissions. We suggest the pedestrianisation of certain city and town centre streets on a trial-run basis, where feasible. In Cork City, the results of pedestrianising busy areas, such as Oliver Plunkett Street, and restricting vehicular access to others have been overwhelmingly positive.

As an additional measure to address compact settlement creation and the issues discussed above, An Taisce recommends that the Council make the seven location test standards for new housing outlined in the now replaced National Spatial Strategy 2002 (see chart below) a mandatory CDP requirement for new housing development. Unlike sustainability and quality of life indicators, these should be strictly enforced threshold standards without which no development should be permitted. This requires that zoning and decisions for new housing be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, public transport access to employment locations, and availability of recreation facilities.

	Evaluation Considerations
The Asset Test	Are there existing community resources such as schools, etc. with spare capacity?
The Carrying Capacity Test	Is the environmental setting capable of absorbing development in terms of drainage, etc.?
The Transport Test	Is there potential for reinforcing usage of public transport, walking and cycling?

The Economic Development Test	Is there potential to ensure integration between the location of housing and employment?
The Character Test	Will the proposal reinforce a sense of place and character?
The Community Test	Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
The Integration Test	Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

Tests for housing locations from the National Spatial Strategy 2002

4. Marine

An Taisce would suggest that instead of the ocean environment being simply another pillar of a sustainable approach to marine planning, in addition to social and economic concerns, it must be recognised that a healthy ocean ecosystem is absolutely fundamental for any economic or social benefits. Without a healthy ecosystem, we cannot have a thriving economy or tangible social benefits. The Plan Objectives for the marine area should directly address the trade-offs that may arise between economic interests and the pressing need to address declining marine biodiversity..

We recommend that an ecosystem approach is adopted by the Council in its marine-related policy involving basing all decisions on the proper functioning of the ecosystems upon which they depend. This would better ensure that the ecological health of marine waters takes precedence over human pressures such as fishing and aquaculture. We consider that an objective to apply this approach for marine planning and policy should be explicitly stated.

4.1 Fisheries and Aquaculture

We also consider that an explicit commitment to ecological protection and an ecosystems approach is required in the objectives relating to aquaculture and fisheries.

We submit that the ambition of Objective EC 8-15 pertaining to aquaculture and fisheries could be strengthened by a commitment to nurture these finite resources using an ecosystems approach. In addition, it is key that the final plan includes an objective to ensure that any economic activity which utilises the marine resource must comply with the Marine Strategy Framework Directive and achieve the legally binding target for 'Good' Environmental Status of coastal and marine waters.

5. Economic Development

5.1 Agriculture

Current models of intensive agriculture in Ireland are resulting in an array of adverse impacts including to water quality, air and climate, and biodiversity.

The EPA's latest report on Water Quality in 2019 (published in December 2020)[3] reveals that water quality trends in Ireland continue to be problematic. The report indicates that over one third of rivers and a quarter of lakes are failing to meet their environmental quality standards for nutrients. Of particular concern are the increasing pollution trends since 2015, with nitrate found to be increasing in nearly half of river sites, and phosphate increasing in a quarter of sites. This is in stark contrast to the situation in 2015 when nitrate was increasing in only 1.4% of our rivers, and phosphate in 4%. Runoff from agriculture is a key driver of these declines, particularly as herd numbers and fertiliser use increase.

Cork currently has the highest density of dairy cows in Ireland, and as a result is seeing significant declines in water quality, with the Bandon, Blackwater and Lee being recently highlighted by the EPA as having excessive nitrogen[4].

The latest EPA water quality report discussed above is a clear indication that the water protection measures currently in place under the Nitrates Directive are failing to adequately protect our water quality, despite increased investment in this area, with the establishment of Agricultural Sustainability Support and Advisory Programme (ASSAP), and other measures intended to address this. Ireland has obligations under the EU Water Framework Directive to bring all water bodies into good status by 2027, and roughly 50% of waters are currently failing this.

Ireland is also in ongoing breach of its 116kt per annum limit under the National Emissions Ceiling Directive (2016/2284/EU),[5] 99% of which is caused by agriculture. This breach is currently subject to an EU legal infringement complaint. Ireland is legally obliged under the Directive to decrease its ammonia emissions to 107.5kt by 2030.

---

[3] EPA (2020) Water Quality in 2019: http://www.epa.ie/pubs/reports/water/waterqua/Water%20Quality%20in%202019%20-%20an%20indicators%20report%20(web).pdf

[4] https://www.catchments.ie/assessment-of-the-catchments-that-need-reductions-in-nitrogen-concentrations-to-achieve-water-quality-objectives/

[5] EPA, June 2020, Ireland's Air Pollutant Emissions: https://www.epa.ie/pubs/reports/air/airemissions/irelandsairpollutantemissions2018/EPA-Air-Pollutant-Emissions-website.pdf; https://www.epa.ie/news-releases/news-releases-2021/ireland-continues-to-be-in-non-compliance-with-the-eu-national-emissions-ceiling-directive.php

While previous reporting indicated that Ireland's total ammonia emissions were already in breach of EU thresholds since 2016, this is now recognised as a serious undercount. Data released by the EPA in June 2021[6] highlights that the State has been non-compliant for seven out of the last nine years, driven by growth of the agriculture sector.

Ammonia is a toxic gas that is a major by-product of animal-based agriculture that combines with other pollutants to form $PM_{2.5}$, one of the most dangerous and deadly types of air pollution particles. This small particulate matter is well known to be harmful to health, penetrating deep into the lungs, and is linked to higher death rates, respiratory problems, cardiovascular diseases, cognitive decline and low birth weights. A recent study found that at least 3,000 premature deaths could be prevented annually in the UK by cutting ammonia emissions in half.

This gas also poses a serious threat to biodiversity, with well-established links between ammonia and biodiversity loss. It can cause soil acidification and runoff of polluting nitrates into nearby waterbodies. It also impacts some of the country's most pristine habitats such as bogs and heaths, killing the sensitive species, such as lichens and mosses, and damaging whole ecosystems.

Agriculture is also a major emitter of greenhouse gases and is contributing significantly to Ireland's ongoing failures to reach its legally binding Paris Agreement targets; GHGs from agriculture account for one third of Ireland's total emissions.

It is submitted that stronger objectives are required to promote environmentally sustainable agriculture while reflecting the scale of the changes needed in the agricultural sector to address the aforementioned issues. These issues are also not sufficiently addressed in Chapter 17 on Climate Action. We therefore submit that agricultural development should only be supported in the CDP policy objectives where it is demonstrably shown to not exacerbate deterioration in water quality, to comply with the Habitats Directive, to not exacerbate the current exceedance of national ammonia limits, and to not further increase GHG emissions with respect to EU and national climate change targets. The new CDP should also require compliance with River Basin Management Plans as well as the use of catchment sensitive farming practices. Specific action is also needed to protect the sensitive River Blackwater, which is a habitat for the highly protected Freshwater Pearl Mussel.

We also submit that objectives are required to ensure that permission for agricultural developments is only granted when the direct, indirect and cumulative impacts of a proposal to water, air, climate and biodiversity have been evaluated and mitigated if necessary. This

[6] EPA, June 2021, Ireland's Air Pollutant Emissions: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Irelands-Air-Pollutant-Emissions-report_2021Final.pdf

includes impacts in the wider landholding (outside of the red line-bounded site) resulting from activities resulting from or facilitating the proposal (e.g. slurry spreading in relation to an application requiring slurry storage).

5.1.1 Diversification

An Taisce fully recognises that agriculture will continue to form a key part of the rural economy in Cork. In the interest of making it maximally sustainable, we therefore suggest the inclusion of specific policy objectives promoting agricultural diversification and water protection. We recommend these specifically promote the production of vegetables, grains, nuts, pulses, fruits, etc.

5.1.2 New European Strategies

In May 2020, in furtherance of the European Green Deal, the EU Commission published in parallel "A Farm to Fork Strategy" and the "EU Biodiversity Strategy for 2030 - Bringing nature back into our lives". The Biodiversity Strategy includes 14 key targets, the majority of which are relevant to agriculture (see section 12 below on biodiversity for the full list).

We submit that the policies, objectives and targets of these two strategies should be incorporated into the new CDP. We therefore recommend the inclusion of the following policy objective:

> "*Cork County Council will implement the objectives and targets at county level of the EU 'A Farm to Fork strategy', published in May 2020. The Council will also implement the targets of the 14 point EU Nature Restoration Plan in the 'EU Biodiversity Strategy for 2030 - Bringing nature back into our lives'. Agricultural development proposals must demonstrate compliance with the targets and policies of both strategies."*

5.2 Data Centres

We note that Sections 8.12 and 13.18 address data centre development in Cork. Ireland has been called the "data centre capital of Europe" due to its favourable climate and proclivity to Foreign Direct Investment (FDI). According to Host in Ireland's latest Biannual Report[7] published in May, there are 70 data centres in operation using 900MW with a further eight under construction expected to use an additional 250MW. This proliferation of data infrastructure has largely gone unchecked, and data centres now consume 11% of Ireland's total grid-generated electricity. The Irish Academy of Engineers has projected that this will

[7] https://www.hostinireland.com/report#:~:text=Publication%20Date%2011th%20May%202021&text=Host%20in%20Ireland%20is%20an,location%20to%20host%20digital%20assets.

increase to 31% by 2027, and adding between 1.5 and 3 million tonnes of CO2 to Ireland's overall greenhouse gas emissions by 2028[8].

By increasing overall energy demand in Ireland through the uninhibited development of data centres, we are actively diluting the end benefit of renewable energy penetration that has been created and added to the grid over the past 20-30 years. Any new data centre should not jeopardise Ireland's existing national climate/renewable energy targets - new data centre development should only be considered if it provides a new, directly linked supply of renewable energy or matches its energy consumption with a commensurate or greater contribution to Ireland's renewable's supply. We therefore welcome Plan Objective ET 13.29 c.

We submit that an additional objective be added to ensure that any new data centre proposal fully assesses the cumulative impacts of the energy use and associated emissions in conjunction with the data centre sector as a whole and evaluates the energy demand in relation to rapidly increasing grid constraints.

5.3 Mineral Extraction

We submit that an additional policy objective be included to require strict enforcement against unauthorised development and of conditions applied to permitted quarry development. We also consider that Section 35 of the Planning and Development Act 2000 (as amended) regarding past failures to comply should be rigorously applied to proposals for continued or expanding quarrying operations.

5.4 Forestry

An Taisce considers that the objectives around forestry should better differentiate between the planting of native woodland and the planting of other species such as sitka spruce, which create what are essentially ecological dead zones. We also suggest that greater emphasis be placed on facilitating the planting of native broadleaf woodlands.

6. Town Centres

An Taisce welcomes the approach taken in the Draft CDP towards promoting town centre vitality and regeneration and the various commitments in the Towns and Villages Policy Objectives. These are also supported by the 2020 Programme for Government, which includes a mandate for implementing a Town Centres First policy to:

[8] http://iae.ie/wp-content/uploads/2019/08/Data-Centres-July-2019.pdf

"*implement a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development, and promote residential occupancy in our rural towns and villages. We will use the National Planning Framework as our template*."

7. Sustainable Tourism

It is a particular objective of An Taisce that future tourism and recreational visitor promotion nationally should be as car-free as possible. A new tourist model is required based on longer area-based stays rather than drive-through tourism, and on enhanced promotion and development of safe greenway cycling routes, and attractive walking and hiking routes for all ages and abilities. It is noted that the 2020 Programme for Government sets out a range of policies on tourism including to: "*Develop Ireland as a **long stay** tourism destination to spread tourism more evenly across the country. This will help reduce emissions and maximise economic return*" (emphasis added).

Plan Objectives TO 10-10 a-e as well as TO 10-11 to provide for additional tourist accommodation in appropriate locations, particularly in existing settlements with services and infrastructure, are noted and welcome.

We also welcome the various Plan Objectives, including TO 10-1, to promote Cork as a destination for low-impact activities that both showcase and protect the county's natural and built heritage:

"*Promote a sustainable approach to the development of the tourism sector within Cork County while; a) Ensuring the protection of the natural, built and cultural heritage assets of the county, including Natura sites, which are in themselves part of what attracts visitors to the county; b) Having regard to cumulative impacts increased visitor numbers and visitor facilitates can have on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change etc.*"

We also welcome the Plan Objectives to continue promoting the development of walking and cycling routes and greenways.

However, there is a need to better integrate sustainable transport integration with tourism. We recommend the inclusion of additional explicit objectives to:

- Increase the access to public transport, walking and cycling options from key tourist destinations and accommodation hubs;
- Increase car-free, long-stay trips; and
- Provide for additional tourist accommodation in appropriate locations, particularly in areas with existing services and infrastructure.

8. Water

The management of surface and ground water in accordance with the provisions of the EU Water Framework Directive (WFD) will be one of the most crucial challenges in this new CDP. Ireland faces an immense challenge in achieving 'good' status in all water bodies by 2027 as required by the WFD (see also the section on agriculture above).

We would submit that a specific objective is needed to require the consideration of WFD compliance in the granting of planning permissions.

8.1 Private Treatment Systems

The ongoing proliferation of private wastewater treatment systems will present significant challenges for the achievement of Ireland's legally binding water quality targets under the WFD. Therefore, the CDP should ensure the adequate provision of serviced sites within close proximity to established water/wastewater infrastructure, where a connection to services can be readily facilitated, and where there is sufficient cumulative capacity within the wastewater treatment plant.

We also recommend the insertion of a policy objective to promote changeover from septic tanks to public collection networks in all cases where this is feasible.

8.2 Unassigned Waterbodies

We would highlight the recent court ruling by Justice Hyland (2018 740 JR), which clarifies how unassigned waterbodies must be treated when assessing planning applications against WFD requirements, with implications for projects in proximity to unassigned waterbodies:

> "*The WFD, as interpreted by the CJEU, requires a Member State to ensure that the requirements of Article 4 are met before permission is granted. It cannot be so satisfied in respect of development affecting a water body whose status has (in breach of the*

WFD and the implementing regulations in Ireland) not been assigned by the EPA." [para 130 2018 740 JR]

It is submitted that the new CDP should take account of this ruling and its implications for granting planning permissions.

8.3 Emission Limit Values

We note that the Draft Plan states that: *"Irish Water's Wastewater Capacity Register identifies 22 treatment plants where the Emission Limit Values of the licence issued by the EPA cannot currently be met".*

While provisions under County Development Plan Objective WM 11-9 to ensure that: *"In settlements where... where design, capacity or licensing issues have been identified in existing plants, new developments will be unable to proceed until adequate wastewater infrastructure is provided"* are welcome, we would submit that this does not adequately address the need to resolve the existing issue ELV exceedances at the 22 identified plants. An Taisce would highlight the need for inclusion of measures to address the ELV exceedances at the 22 treatment plants as a matter of urgency.

8.4. The Planning System and Flood Risk Management

An Taisce note the provisions under County Development Plan Objective WM 11-14, for the management of flood risk, in particular "*Where development in floodplains cannot be avoided, to take a sequential approach to flood risk management based on avoidance, reduction and mitigation of risk".*

We would submit that where mitigation measures are necessary, soft engineering solutions for the management of flood risk should preferentially be employed over hard engineering solutions where possible.

An Taisce submits that consideration of the potential impacts from climate change should be included as an assessment requirement for applications for planning permission in areas at risk of flooding**.**

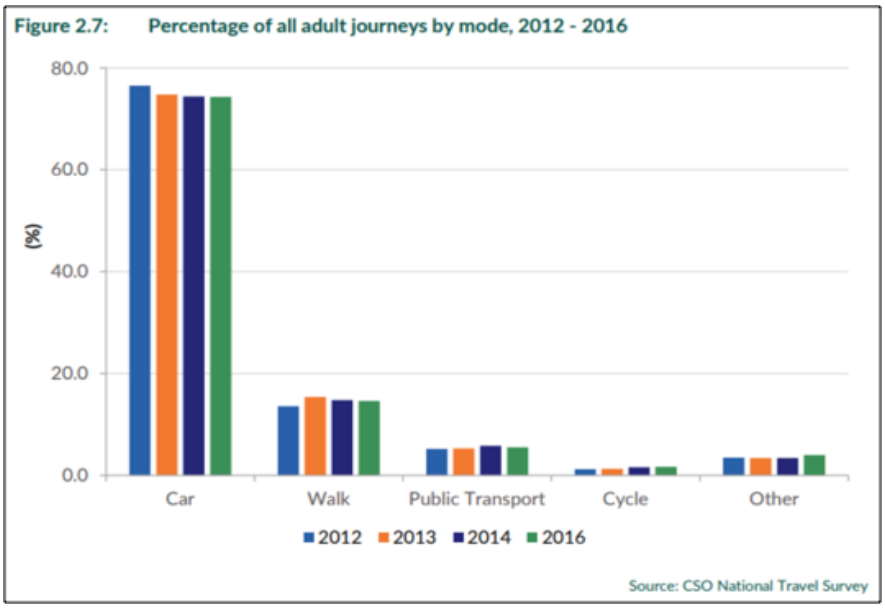
9. Sustainable Transport

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for people in Cork, it is imperative that the CDP addresses future

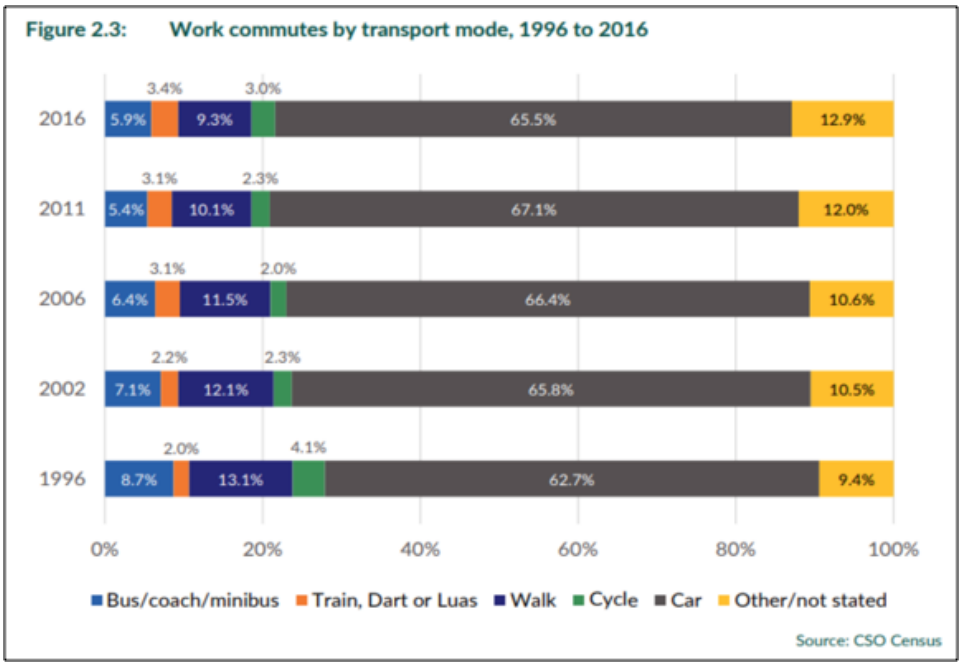
population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. A crucial aspect of this is that investment in public transport, walking and cycling is maintained and improved in order to offer communities a viable alternative to private cars.

The data presented in a recent Government review of sustainable mobility policy make it unequivocally clear that Ireland has failed to achieve the modal shift in transport that was envisioned in the Smarter Travel policy (2009) and a suite of other transport-related policies. Yet, as noted in the review, transport accounted for over 27% of Ireland's emissions in 2017, with 52% of that generated by private cars.

CSO data show that private car dependence is extremely high across Ireland - 74.3% of all journeys are made by car. 15% are made on foot while only 5.5% are by public transport and 2% by bicycle (see chart below). We note that the National Cycling Strategy, which ran in parallel to Smarter Travel, provided that 10% of all journeys would be made by bike by 2020. Notably, public transport use and accessibility in smaller towns and rural areas is also particularly poor.



Similarly, a cornerstone target of the Smarter Travel policy was that commuting journeys made by car should drop from 65% to 45% by 2020 while commuter journeys by walking, cycling and public transport should increase to account for 55%. As the 2016 census data below shows, we have completely failed to achieve that. In fact, the share of car journeys to work has risen since 1996 and actually surpassed the Smarter Travel baseline of 65%. The percentage of commutes made by cycling, walking or taking the bus has decreased and is nowhere near the 55% share stipulated by Smarter Travel.



An Taisce welcomes the many transport and mobility provisions which aim to support the objectives of compact development and facilitate a modal shift away from car dependency. While we acknowledge that the '*targets identified here seek to be realistic, reflecting the very high 2016 level of car use in the County*', we would highlight that Cork's modal shift targets fall short of national targets. It is noted that the county's baseline share travelling to work by private car in 2016 stood at 82%, with a target of 60% to be achieved by 2028.

An Taisce welcomes the settlement-specific target shares from walking to be achieved by 2028. We note that the county baseline modal share from cycling in 2016 stood at 0.85%, and the target share of 4% to be achieved across the county by 2028.

It is therefore imperative that the positive measures proposed to facilitate a modal shift be realised, to maximise Cork's ability to achieve and exceed its targets, and bring the county in line with national travel policy targets.

One specific measure that An Taisce recommends for inclusion is an explicit objective ensuring that sufficient public transport capacity as well as safe cycling and pedestrian infrastructure be provided prior to or in tandem with any new residential development. Increased sustainable transport infrastructure and capacity provision needs to come before expanded residential development, particularly in larger towns and their catchment areas.

Similarly, part of the Plan's commitment to the 'sustainable provision' of childcare services and schools in response to a growing population and post-primary education demand, cycling

infrastructure such as lanes and bike parking must be a prerequisite for planning permission. It is no longer sufficient to simply ensure that such services are connected to public transport.

9.1 Programme for Government

The 2020 Programme for Government sets out as an overarching mission: *"A Better Quality of Life for All"* with *"A national clean air strategy," "Better work life balance"* and *"a fundamental change in the nature of transport in Ireland"* as key objectives. It sets out as immediate priority actions:

> *"Necessary improvements in climate impact, quality of life, air quality and physical and mental health demand that every effort is made by the Government to make active travel and public transport better and more accessible."*
>
> *"Each local authority will be immediately mandated to carry out an assessment of the road network, to see what space can be allocated for pedestrians and cyclists. This should be done immediately*."

In light of the Programme for Government mandate and the aforementioned transport data, we cannot overstate the urgency with which the Council needs to address the current unsustainability of transport in the county and the ongoing failure to achieve meaningful progress toward a modal shift away from private car use. We therefore recommend that provision for the immediate review called for in the Programme for Government be included in the CDP.

9.2 Road Investment

Any future investment in motorway or dual carriageway schemes, other than small-scale bypasses to relieve urban congestion points, would be a misdirection and misspending of limited public money.

An Taisce would highlight in particular plans for new road infrastructural developments, such as the M20 Cork to Limerick Motorway and N22 Ballyvourney to Macroom road, which would serve to increase capacity for and encourage private car usage, to the detriment of modal shift and emissions reduction targets.

We submit that policy and investment in Cork should be reprioritised away from road infrastructure (with the exception of necessary maintenance and town bypasses) and redirected to support public and active transport projects and cycling infrastructure in line with

the Programme for Government commitment to a 2:1 ratio of expenditure between new public transport infrastructure and new roads.

Significant amounts of existing road space needs to be reallocated for high quality segregated cycle lanes and footpaths.

10. Energy

We welcome the Draft Plan's robust consideration of renewable energy development of various types and scales across Cork and well as the many policy objectives supporting and facilitating this. We also welcome the recognition that the development of renewables must be done with regard to ecological constraints, Habitats Directive requirements, heritage considerations, landscape, local amenity, etc.

10.1 Gas Network and Fossil Fuels

With regard to ET 13.24, An Taisce submits that there is no capacity for further expansion of the fossil gas network under national, EU and international climate policy. Fossil gas must be phased out of our energy mix as rapidly as possible if we are to reach our Paris Agreement targets to keep warming under 1.5C. Further expansion of gas networks also risks that infrastructure becoming "stranded assets" as Ireland makes the required transition away from fossil fuels.

We therefore recommend that the objective to develop further gas supplies and expand the gas network be removed. We also suggest an objective banning the use of fracked gas in the energy mix. An objective should also be included to require proposals for new fossil fuel infrastructure or for proposals requiring significant fossil fuel use to provide an emissions assessment evaluating the impact of proposal on progress towards binding national emissions targets.

10.2 Offshore Oil

With regard to ET 13.25, we would highlight that to comply with national and international targets on carbon emission reductions, that there must be no future expansion of oil exploration or extraction. In accordance with this, the current Government has ceased issuing of licenses for oil extraction meaning there is no justification for the reservation of sites for future expansion of oil related development in Whitegate.

With regard to ET 13.26, there is no basis for any provision of accommodating future oil field development in Irish coastal waters if global targets are to be met such as stated for the potential for the Bantry Bay Oil Terminal in Whiddy Island.

10.3 Carbon Capture and Storage

With regard to the depleted Kinsale Head gas field (Section 13.12.5), An Taisce would highlight that the future technological development of carbon capture and storage (CCS) of any significant scale and in any immediate time frame is very uncertain. With regard to ET 13.19, we submit that future development in Cork should focus on emissions reductions by proposing policies for transitioning away from fossil fuel use rather than relying on an uncertain technology such as CCS. We submit that 13.12.5 should include a caveat that any CSS development must be predicated on the determination of its overall feasibility and efficacy.

10.4 Bioenergy and Anaerobic Digestion

In principle, we welcome the development of bioenergy through anaerobic digestion but *only* where the sustainability of this resource is justified. In order for bioenergy to be deemed renewable and to contribute to overall emissions reduction, the feedstock sources and the supply chain of these feedstocks must be assessed to be sustainable.

For example, while the burning of biogas generated from biomass, slurry, etc. might be deemed 'carbon neutral', the emissions that contribute to the growth, harvesting and transport of the feedstock must also be considered, and can negatively impact bioenergy's overall contribution to climate mitigation. The fertiliser used to accelerate the growth of energy crops and feed cattle, which eventually produce slurry, not only produce emissions but also contribute to water pollution. In the worst cases, the emissions mitigation potential of biogas may be negligible.

We would highlight that anaerobic digesters suffer from significant fugitive emissions problems via methane leaks. The effect of the leakage of this potent greenhouse gas may greatly reduce or cancel out the claimed climate benefits of using biogas in place of fossil fuels.[9] Digesters also do not remove ammonia from the digestate.

[9] Paolini, V., Petracchini, F., Segreto, M., Tomassetti, L., Naja, N., Cecinato, A., 2018. Environmental impact of biogas: A short review of current knowledge. Journal of Environmental Science and Health, Part A 53, 899–906. https://doi.org/10.1080/10934529.2018.1459076; Grubert, E., 2020. At scale, renewable natural gas systems could be climate intensive: The influence of methane feedstock and leakage rates. Environ. Res. Lett. https://doi.org/10.1088/1748-9326/ab9335; Liebetrau, J., Reinelt, T., Agostini, A., Linke, B., 2017. Methane emissions from biogas plants. IEA Bioenergy; Ebner, J.H., Labatut, R.A., Rankin, M.J., Pronto, J.L., Gooch, C.A., Williamson, A.A., Trabold, T.A., 2015. Lifecycle Greenhouse Gas Analysis of an Anaerobic Codigestion Facility Processing Dairy Manure and Industrial Food Waste. Environ. Sci. Technol. 49, 11199–11208. https://doi.org/10.1021/acs.est.5b01331; Baldé, H., VanderZaag, A.C., Burtt, S.D., Wagner-Riddle, C., Crolla, A.,

Anaerobic digestion predicated on increased grass/energy crop production should not be permitted in light of the increased levels of fertiliser input needed to grow the grass and the associated water quality and climate impacts. The use of existing waste streams for energy provision are often a more sustainable option as they do not promote an increase in production of energy crops, which can increase NO_2 soil emissions and water quality impacts through higher requirements of fertiliser.

However, with regard to the use of slurry, intensive cattle farming is also a major emitter of greenhouse gases and is contributing significantly to Ireland's ongoing failures to reach its legally binding Paris Agreement targets; GHGs from agriculture account for one third of Ireland's total emissions. Any use of slurry for bioenergy production should not be reliant upon or drive further bovine agriculture intensification.

To ensure the sustainability of biogas production, the sustainability of the biogas's end use must also be fully assessed. Permission for biogas facilities should only be granted where the biomethane will not be mixed with fossil gas, as this would exacerbate lock-in to fossil fuel use and contribute negatively to Ireland's potential to reach its 2030 emissions reduction targets. Biogas cannot be considered to be sustainable if it relies on fossil gas for its end use.

Supplying biogas to off-grid industrial users would be a potentially sustainable option, provided it is used for electricity generation and is not mixed with fossil gas. Biogas can also be sustainably used to power buses and delivery vehicles in urban areas, which will have the parallel benefit of reducing air pollution.

The CDP must therefore ensure that any provision of bioenergy, including that associated with GRAZE project, is accomplished in a sustainable manner. We submit that the above points require Plan Objective ET 13.17 to be clarified. Objectives supporting bioenergy development should be amended to specify that this will only be supported where it can be demonstrated that the feedstock source is sustainable and where the end product will not be mixed with fossil gas.

We also recommend that future bioenergy development be conditioned against anaerobic digestion requiring additional growing of grass and other energy crops in light of the adverse environmental impacts previously outlined regarding grass-based production specifically.

Desjardins, R.L., MacDonald, D.J., 2016. Methane emissions from digestate at an agricultural biogas plant. Bioresource Technology 216, 914–922. https://doi.org/10.1016/j.biortech.2016.06.031

10.4.1 Landfill Gas

We welcome the recognition of the potential to utilise waste energy from landfill sites as a potential source of fuel for bioenergy development as also discussed in section 13.10.5 of the Draft Plan. We would welcome the encouragement of future projects utilising such a fuel source which would reduce adverse environmental impacts (provided it is not mixed with fossil gas), reduce methane output of landfill sites, and would also contribute to a functioning circular economy.

11. Green Infrastructure

11.1 Greenways

We welcome the progress made to date on the feasibility studies for the redevelopment of the abandoned rail networks in Cork as greenways. We recommend that specific targets for further progress during the lifetime of the new CDP be set in the Draft Plan.

11.2 Urban Greening

We would highlight Point 11 of the aforementioned EU Biodiversity Strategy that: "*Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*" With regard to greening urban and peri-urban areas, Section 2.2.8 of the Biodiversity Strategy states:

> "*Green urban spaces, from parks and gardens to green roofs and urban farms, provide a wide range of benefits for people. They also provide opportunities for businesses and a refuge for nature. They reduce air, water and noise pollution, provide protection from flooding, droughts and heat waves, and maintain a connection between humans and nature.*
>
> *The recent lockdowns due to the COVID-19 pandemic have shown us the value of green urban spaces for our physical and mental wellbeing. While protection of some urban green spaces has increased, green spaces often lose out in the competition for land as the share of the population living in urban areas continues to rise.*
>
> *This strategy aims to reverse these trends and stop the loss of green urban ecosystems. The promotion of healthy ecosystems, green infrastructure and nature-based solutions should be systematically integrated into urban planning, including in public spaces, infrastructure, and the design of buildings and their surroundings.*

To bring nature back to cities and reward community action, the Commission calls on European cities of at least 20,000 inhabitants to develop ambitious Urban Greening Plans by the end of 2021. These should include measures to create biodiverse and accessible urban forests, parks and gardens; urban farms; green roofs and walls; treelined streets; urban meadows; and urban hedges. They should also help improve connections between green spaces, eliminate the use of pesticides, limit excessive mowing of urban green spaces and other biodiversity harmful practices. Such plans could mobilise policy, regulatory and financial tools.

To facilitate this work, the Commission will in 2021 set up an EU Urban Greening Platform, under a new 'Green City Accord' with cities and mayors. This will be done in close coordination with the European Covenant of Mayors. The Urban Greening Plans will have a central role in choosing the European Green Capital 2023 and European Green Leaf 2022.

The Commission will support Member States and local and regional authorities through technical guidance and help to mobilise funding and capacity building. It will also reflect these objectives in the European Climate Pact."

While only Cork City currently has a population of over 20,000, we would nevertheless recommend that the new Development Plan should provide for the development of Urban Greening Plans for the county's larger towns, particularly those such as Middleton which are targeted for significant growth over the next decade. We would nevertheless encourage the development of urban greening plans in smaller towns as well. Specific timelined and targeted policies for achieving urban greening objectives during the plan period should be developed.

In the spirit of an integrated planning and policy approach, we recommend that urban greening and green infrastructure is tied in with compact growth objectives discussed in Chapter 3 Settlements and Placemaking and Chapter 4 Housing. For instance, the CDP could promote the adoption of green balconies and rooftops as part of the proposed density plan for increased building heights. While an increase of greenery in urban areas will enhance the visual amenity for locals and visitors, it will play a role in enhancing local biodiversity, providing pollinators with an opportunity to thrive. Integration of such low-cost measures with social and environmental co-benefits would strengthen the final plan.

12. Biodiversity

Ireland has a poor record when it comes to protecting the natural environment. The sprawling nature of development is a driving force for habitat fragmentation, biodiversity loss and agriculture-related land loss and is contributing to climate change.

The 2019 report on "The Status of EU Protected Habitats and Species in Ireland" (prepared every six years as required by Article 17 of the EU Habitats Directive)[10] illustrates the poor condition of Ireland's biodiversity. Out of Ireland's 59 European protected habitats, 85% were assessed as being in an unfavourable conservation status and 46% suffering from ongoing declines. The report highlighted agriculture and development (housing, commercial, industrial, and recreational) as two of the primary threats facing these habitats.

In light of the above, the urgency with which we need to address the biodiversity loss emergency must be reflected in the CDP. As such, we are pleased to see the suite of policies aimed at biodiversity protection and enhancement, including for Cork's Special Areas of Conservation, Special Protection Areas, and Natural Heritage Areas (existing and proposed).

However, the implementation and enforcement of these policies must be upheld in the planning process at all levels.

12.1 Habitats Directive Requirements

In light of the aforementioned poor state of many of Ireland's protected habitats and species, we would highlight the strict legal requirements of the Habitat's Directive with regard to the granting of planning permission where the proposal could impact Natura 2000 sites.

It is now well established in law that approval can only be granted for plans and projects when it has been established beyond all reasonable scientific doubt that the subject proposal will not adversely impact any Natura 2000 sites.

In Case C-258/11, Sweetman & Others v An Bord Pleanála & Others, it was held that the provisions of Articles 6(2)–(4) of the Habitats Directive must be interpreted together "*as a coherent whole in the light of the conservation objectives pursued by the directive*" and that they impose a series of specific obligations necessary to achieve and maintain favourable conservation status. A plan or project will negatively impact upon a site if it prevented the "*lasting preservation of the constitutive characteristics*" of the site for which it was designated, with reference to the site's conservation objectives. Significantly it was determined that

[10] Habitats Directive Article 17 Report Summary 2019: https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

"*authorisation for a plan or project ....may therefore be given only on condition that the competent authorities ....are certain that the plan or project will not have lasting adverse effects on the integrity of the site. That is so where* ***no reasonable scientific doubt remains*** *as to the absence of such effects*" [emphasis added].

The competent authority must therefore refuse authorisation for any plans or projects where there is uncertainty as to whether the plan or project will have adverse effects on the integrity of the site. It was also held in paragraph 44 that:

> "*So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it* ***cannot have lacunae*** *and* ***must contain complete, precise and definitive findings*** *and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned (see, to this effect, Case C 404/09 Commission v Spain, paragraph 100 and the case-law cited)...*" [emphasis added].

In Kelly v An Bord Pleanála & Others, [2013 No 802 J.R.] with reference to Commission v Spain c-404/09, the High Court held in paragraph 36 that the competent authority must carry out an Appropriate Assessment for a plan or project in light of the best scientific knowledge in the field. It was also held that the competent authority must lay out the rational and reasoning which was used to arrive at the determination.

The case repeated the conclusion of the CJEU at paragraph 44 in the aforementioned Case C-258/11, namely that an AA "*cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt*." Consequently, it was held that an AA must include "*examination, analysis, evaluation, findings, conclusions and a final determination*."

The Kelly Judgement has provided a very helpful clarification of the requirements of an AA and in particular in paragraph 40, a summary of what must be delivered by the process in order to be lawfully conducted:

> *"(i) Must identify, in the light of the best scientific knowledge in the field, all aspects of the development project which can, by itself or in combination with other plans or projects, affect the European site in the light of its conservation objectives. This clearly requires both examination and analysis.*
>
> *(ii) Must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require analysis, evaluation and decisions. Further, the reference*

to findings and conclusions in a scientific context requires both findings following analysis and conclusions following an evaluation each in the light of the best scientific knowledge in the field.

(iii) May only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where upon the basis of complete, precise and definitive findings and conclusions made the Board decides that no reasonable scientific doubt remains as to the absence of the identified potential effects."

If uncertainty exists regarding the potential impact of any proposed development full account should be taken of the precautionary principle, and the development should be refused.

12.2 EU Biodiversity Strategy

We recommend that the implementation of the 14 points in the EU Biodiversity Strategy 2030 should be included as a specific biodiversity objective:

1. *Legally-binding EU nature restoration targets will be proposed in 2021, subject to an environmental impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.*
2. *The decline in pollinators is reversed.*
3. *The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.*
4. *At least 10% of agricultural area is under high-diversity landscape features.*
5. *At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.*
6. *Three billion new trees are planted in the EU, in full respect of ecological principles.*
7. *Significant progress has been made in the remediation of contaminated soil sites.*
8. *At least 25,000 km of free-flowing rivers are restored.*
9. *There is a 50% reduction in the number of Red List species threatened by invasive alien species.*
10. *The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.*
11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*
13. *The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.*

14. *The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.*

13. Built and Cultural Heritage

Ireland's unique built and cultural heritage is increasingly threatened with destruction. Ireland is a signatory to UNESCO's Convention Concerning the Protection of the World Cultural and Natural Heritage ratified by Ireland in 1991 and the Granda Convention ratified in Ireland in 1995. These conventions provide the basis for our national commitment to the protection of architectural heritage, the importance of "*handing down to future generations a system of cultural references*". To be effective, it relies on its signatory countries implementing their own national protective regimes.

The CDP should ensure the effective promotion of the Architectural Heritage provisions of Planning and Development Act 2000 (as amended) and therefore the protection of Cork's built heritage, including Architectural Conservation Areas (ACAs) and Protected Structures.

Crucially, we submit that Chapter 16 should be amended to include policies for monitoring buildings at risk and using the provision of Section 59 of the Planning Act to serve notices of endangerment to negligent property owners.

13.1 Youghal

Youghal is an historic medieval walled town of national importance where major issues on functional decline have been evident over the last few decades. We consider that a special initiative is required for Youghal which would protect and enhance its cultural and architectural heritage and significance while at the same time identifying how town centre revitalisation can be promoted.

14. Strategic Environmental Assessment

The Council has a legal obligation to ensure that the SEA process is robust, effective, and identifies all likely significant effects on the environment under the range of considerations set out in the Annexes to the SEA Directive. To ensure integration of environmental considerations into the plan, a general policy or land use zoning should not be maintained where likely significant effects on the environment are identified.

An Taisce would highlight Article 10, which sets out the provisions for the monitoring of a programme subject to SEA and the obligation for remedial action where unforeseen adverse effects arise:

1. *Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
2. *In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provisions of Article 10 are not just for monitoring but, notably, for the remediation of unforeseen adverse effects. Section 8.12 of the 2001 European Commission guidance states that "*Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g. regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances*."

The Council should ensure that monitoring of significant envriomental effects is carried out and that any unforeseen adverse impacts that arise are remediated.

15. Implementation and Monitoring

In the absence of rigorous application of policy, the divergence between policy and practice results in unsustainable, economically inefficient, structurally weak and spatially dispersed settlement patterns. Therefore, it is of paramount importance that the new CDP moves beyond objectives within the text and towards robust targets, actions and measures to achieve the tangible implementation of the plan's objectives and policies. The success or otherwise of the forthcoming CDP can only be judged against quantifiable and implementable criteria which are subject to ongoing monitoring. This will be fundamental in creating a sustainable and healthy future for Cork that supports the wellbeing of both people and planet.