

**Habitats Directive Screening Report
for Cobh Town Development Plan**

**Prepared by Cork County Council Planning Policy Unit
January 2013**

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1 Introduction

1.1 Context

1.1.1 Cobh Town Council has prepared the Cobh Town Development Plan under the provisions of the Planning and Development Acts 2000-2010. The plan sets out the planning strategy and other policies for the town of Cobh in the functional area of Cobh Town Council. The plan adheres to the core strategies set down in higher level plans including the National Spatial Strategy and the Regional Planning Guidelines (2010) for the South West Region. The plan was adopted by the members of Cobh Town Council on December 10th 2012. A separate plan for the environs of the town has been adopted by the neighbouring planning authority, Cork County Council, and is contained within the Midleton Electoral Area Local Area Plan, 2011.

1.1.2 In accordance with requirements set out under section 177 of the Planning and Development (Amendment) Act 2010, and in the EU Habitats Directive, the impacts of the policies and objectives of landuse plans on certain sites that are designated for the protection of nature (Natura 2000 sites¹), must be assessed as an integral part of the process of drafting of the plan. This is to determine whether or not the implementation of plans and their policies could have negative consequences for the habitats or plant and animal species for which these sites are designated. This assessment process is called a Habitats Directive Assessment (HDA) and must be carried out at all stages of the plan making process.

1.1.3 Habitats Directive Screening Assessments were completed for the draft Cobh Town Development Plan, and for the Cobh Town Development Plan proposed amendments. The results of those assessments were referred to the statutory authorities and made available during each of the relevant public consultation periods.

1.1.4 This report briefly summarises the assessment processes which were completed at each stage of the making of the Cobh Town Development Plan. It also incorporates an assessment of final modifications which were made to the Town Plan by members of Cork County Council at their meeting of 10th December, and an AA Screening Conclusion Statement. It should be read in conjunction with the Cobh Town Development Plan. You are referred to the Habitats Directive Screening Report for the draft Cobh Town Development Plan, and the Habitats Directive Screening Report for the proposed amendments to the draft Cobh Town Plan for more detailed information in relation to the assessments which were carried out at each of these stages.

1.2 Legislative Background Habitats Directive Assessment

1.2.1 Habitats Directive Assessment is an iterative process which runs parallel to and informs the plan making process. It involves analysis and review of draft policies

¹ Natura 2000 sites include Special Areas of Conservation designated under the Habitats Directive and Special Protection Areas designated under the Birds Directive. Special Areas of Conservation are sites that are protected because they support particular habitats and/or plant and animal species that have been identified to be threatened at EU community level. Special Protection Areas are sites that are protected for the conservation of species of birds that are in danger of extinction, or are rare or vulnerable. Special Protection Areas may also be sites that are particularly important for migratory birds. Such sites include internationally important wetlands.

as they emerge during each stage of plan making, to ensure that their implementation will not impact on sites designated for nature conservation, nor on the habitats or species for which they are designated. Within this process, regard must also be had to the potential for policies to contribute to impacts which on their own may be acceptable, but which could be significant when considered in combination with the impacts arising from the implementation of other plans or policies.

1.2.2 Article 6 (2) of the Habitats Directive sets out the principle requirements in relation to the protection of these sites – *“Member states shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of the Directive”*.

1.2.3 Articles 6(3) of the Directive sets out the requirement for the assessment of plans and projects affecting Natura 2000 sites as follows:

6(3) Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site and subject to the provision of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

1.2.4 Article 6(4) of the Directive deals with derogation procedures, where it is decided to proceed with a plan/project despite a finding that the potential for the site to incur significant negative impacts cannot be ruled out.

6(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance to the environment, or further to an opinion from the Commission, to other imperative reasons of overriding public interest.

1.2.5 The European Union has provided guidance as to how to complete a Habitats Directive Assessment for land use plans which identifies four main stages in the process as follows:

Screening assessment

The process which identifies whether the plan, either alone or in combination with other projects or plans, could affect any Natura 2000 sites and considers whether these impacts could be significant. No further assessment is required if potentially significant impacts on Natura 2000 sites are ruled out at this stage.

Appropriate assessment

Where the possibility of significant impacts on one or more Natura 2000 sites has been identified during the screening process, detailed assessment of the plan and its potential to impact on identified sites is required. This is called an Appropriate Assessment. It involves consideration as to whether the plan could have adverse impacts on the integrity of any Natura 2000 sites identified during screening, either alone or in combination with other projects or plans, having regard to the site's structure and function and their conservation objectives. Additionally, where impacts are identified, it involves an assessment of the potential mitigation of those impacts. No further assessment is required, if it can be concluded that the plan will not give rise to adverse impacts on the integrity of any Natura 2000 site, having regard to mitigation which is proposed.

Assessment of alternative solutions

Should the Appropriate Assessment fail to rule out the potential for adverse impacts on the overall integrity of one or more Natura 2000 sites, and where it is decided that the plan should proceed, despite such impacts, then it is required to demonstrate that no alternative solutions exist. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions. To proceed any further, it must be proven that no viable alternatives exist.

Assessment where no alternative solutions exist and where adverse impacts remain.

Where it has been shown that there are no viable alternative solutions to avoid adverse impacts on one or more Natura 2000 sites, then it must also be shown that there are imperative reasons of overriding public interest to allow the plan to proceed. In such cases, compensatory measures must be put in place in advance of the implementation of the plan. The fourth stage of the habitats directive assessment process involves the assessment of the proposed compensatory measures.

1.2.6 The process may result in the development of new policy areas and/or the modification or removal of certain policies to be presented in the final plan. The results of this analysis and review may be presented in a Habitats Directive Screening Report, or in a Natura Impact Report which must be produced for each iteration of the plan (draft plan, post consultation amendments, final amendments, final plan). At the end of the plan making process, a Habitats Directive Conclusion Statement is produced which contains a summary of how ecological considerations in relation to Natura 2000 sites have been integrated into the plan.

1.2.7 Landuse plans can only be adopted if it is clear that there is no potential for the plan to give rise to adverse impacts on any Natura 2000 site. Where such impacts have not been ruled out, the plan may only be adopted where it has been

demonstrated that there are no reasonable alternative solutions, that there are imperative reasons of overriding public interest to proceed with the plan, and that compensatory measures have been designed, assessed, and approved by the Minister for Arts, Heritage, Gaeltacht and the Islands, and have been put in place in advance of the adoption of the plans or schemes. In every case in which a local authority envisages approving or proceeding with a plan on the grounds of overriding public interest, the Minister must be consulted.

1.3 Approach

1.3.1 The approach taken in the preparation of this report follows *European Communities, Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, 2002*, and on *Local Government and Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009*.

1.4 Data Sources

1.4.1 The appropriate assessment of potential impacts on the integrity of Natura 2000 sites in this study was based on a desktop review of information relating to these sites and to the habitats and species that they support, and personal knowledge of the sites. References and data used are cited in the back of this report.

2 Summary of Screening of Draft Plan

2.1 Draft Plan Summary

2.1.1 The draft plan was published on the 29th March 2012. It set out a draft planning strategy and other policies relating to economic development, tourism, the development of the town centre and waterfront, housing, infrastructure, the provision of social and community facilities, heritage and transport, for the town of Cobh in the functional area of Cobh Town Council. A more detailed summary of the draft plan is set out in the Habitats Directive Screening Report for the Draft Plan which was also published on 29th March, and the draft plan is available for review at the Cobh Town Council offices and online on the Cork County Council website.

2.2 Sites Screened

2.2.1 There are no Natura 2000 sites within the boundary of Cobh Town. Two Natura 2000 sites occur within 15km of the boundary of Cobh Town. These are the Great Island Channel Special Area of Conservation which is located approximately 6km upstream from the town, and Monkstown Creek which forms part of the Cork Harbour SPA which is located approximately 2.5km across the river channel from the town. No other Natura 2000 sites were identified which could be impacted by the plan. The Great Island Channel SAC is designated as it supports important mudflat and saltmarsh habitats. However, as it is located 6km upstream from Cobh, it is unlikely to be affected by this plan. The Cork Harbour SPA is designated as it supports nationally and internationally important numbers of a range of wintering waterbird species as well as a breeding population of Common Tern. Having regard to the location of some of this SPA in close proximity and downstream from Cobh Town, more careful consideration of the potential for the plan to give rise to impacts on the species for which this site is designated, and upon the habitats upon which these species are dependant, is required.

2.3 Habitats Directive Screening of Draft Plan

2.3.1 The work of the Appropriate Assessment team commenced with the production of a Biodiversity Issues Paper for Cobh Town in November 2011. This paper identified the Natura 2000 sites within the potential impact zone of the town, policies within the then current plan which could potentially give rise to negative impacts on Natura 2000 sites, and proposed policy relating to the protection of natural heritage. This was provided to the Cobh Town Planning Team and was used during the formulation of the draft plan policy, zoning and objectives.

2.3.2 The AA team reviewed various iterations of the plan as it was being developed, and worked with the Cobh Town Planning Team to ensure that conflicts with Natura 2000 sites were identified and avoided early in the process. The team made a number of recommendations to the Planning Team in relation to certain policy areas relating to emphasising the need to prioritise the provision of adequate waste water treatment, the need for caution in the development of policy for coastal, intertidal and marine areas. These were fully incorporated into the draft plan prior to publication.

2.4 Screening Outcome

2.4.1 A Habitats Directive Screening Report was prepared and issued with the Public Consultation Draft of the draft Cobh Town Development Plan on 29th March 2012. The draft plan did not direct development within or near any Natura 2000 site. While there are issues relating to the lack of wastewater treatment facilities in the town, the plan precludes the discharge of any additional untreated waters to Cork Harbour.

2.4.2 No potential for impact on the Great Island Channel SAC was identified. However, policies contained in the plan relating to the development of marine activity (industrial and tourism related), within Cork Harbour could potentially give rise to impacts relating to increasing pollution and disturbance risk to marine mammal species and to birds for which the SPA is designated. However, where such issues could pertain to a site, policy or zoning, these were identified in the text of the draft plan or at the proposed amendments stage. It was considered that any such impacts could be avoided or mitigated at relevant project stage (eg proposals for development of marina and dockyard). It was written into the draft plan that any these issues would be dealt with through assessment at the project level.

2.4.3 No potentially significant impacts on any Natura 2000 sites were identified during the Habitats Directive Screening process.

3 Summary of Screening of Proposed Amendments

3.1 Draft Amendments Summary

3.1.1 A total of seventeen submissions were made in respect of the draft plan during the public consultation process. None of the submissions raised issues of concern in relation to the Habitats Directive Screening Report for the draft plan, or in relation to the protection of the Natura 2000 network generally.

3.1.2 Following consideration of these submissions, Cobh Town Council proposed to make a number of amendments to the draft plan. The proposed amendments to the plan are set out in full in a document titled proposed Amendments to the Draft

Plan which was published by Cobh Town Council, October 2012. The proposals included amendments to chapters 2, 3, 4, 7, 8 and 9. There were also proposals to amend the Record of Protected Structures and to some of the proposed zonings within the town. Full details of the proposed amendments are contained in the Managers Report to the Town Council published in July 2012.

3.2 Sites Screened

3.2.1 The Great Island Channel SAC, and the Cork Harbour SPA were screened to determine whether the proposed amendments to the plan had the potential to give rise to impacts on these sites. No additional sites were identified to be screened in relation to the proposed amendments.

3.3 Habitats Directive Screening of Proposed Amendments

3.3.1 The proposed amendments were reviewed by the AA team in October 2012, to assess whether these could have the potential to give rise to impacts on any Natura 2000 sites. None of the proposed changes directed development within or near any Natura 2000 site. There was no increase in the population proposed, and the changes were assessed to be unlikely to give rise to increased demands on water or wastewater infrastructure. None of the changes proposed were identified to be likely to increase levels of activity within Cork Harbour beyond those proposed in the draft plan, and some of the amendments which were recommended by the AA team sought to clarify the sensitivities in relation to the development of particular sites within the Town, having regard to potential for impact on the Natura 2000 network.

3.4 Screening Outcome

3.4.1 A Habitats Directive Screening Report was prepared and issued with the proposed amendments to the draft plan in October 2012. Public Consultation on the proposed amendments ran from the 19th October to 16th November 2012. On the basis of the screening assessment which was completed, it was concluded, that there was no potential for the proposed amendments to give rise to impacts on any Natura 2000 site.

4 Screening Of Final Modifications To Amendments

4.1 Modifications to the Amendments

4.1.1 Seven submissions were received by Cobh Town Council relating to the proposed amendments. None of these submissions related directly to the Habitats Directive Screening Report, however, one of the submissions sought to omit references to land use, traffic, flooding and Natura Impact Assessment within policies relating to the Dockyard on the basis that these issues are dealt elsewhere in the plan, and that they could inhibit the sites potential to make a valuable contribution to the town. The proposed amendments, submissions on same, and the Town Managers recommendations in relation to the submissions were considered by Cobh Town Council on 10th December 2012.

4.1.2 A number of the proposed amendments to the plan were accepted, some of these with modifications, and a number were rejected against the recommendation of the Town Manager. One amendment was accepted against the recommendation of the Town Manager. Rejected amendments, and modifications to accepted amendments are set out in Table 1 below. Consideration of the potential for these final changes to give rise to impacts on any Natura 2000 site is assessed below.

4.2 Sites Screened

4.2.1 The Great Island Channel SAC, and the Cork Harbour SPA are screened below to determine whether the agreed modifications to the amendments had the potential to give rise to impacts on these sites. No additional sites were identified to be screened in relation to the proposed amendments.

4.3 Rejected Amendments and Modifications To Proposed Amendments

4.3.1 Table 1 below lists the rejected amendments and any final modifications which were made to proposed amendments to the Cobh Town Plan by Town Council Members at their meeting on 10th December when the plan was adopted. Preliminary consideration of the potential for the changes to give rise to impacts on Natura 2000 sites is set out in column four of the table.

Table 1: Rejected Amendments, Modifications to Amendments Agreed by Cobh Town Council and Preliminary Screening

Amendment No.	Title/Text of proposed change including modified text	Comments	Potential for impact on Natura 2000 sites																																				
Chapter 2 Strategic Context and Core Strategy																																							
01.02.01	<p>Delete existing paragraphs 2.3.9- 2.3.18 and associated tables and replace it with the following:</p> <p>Population</p> <p>2.3.9. — In 2006 the population of Cobh town and its environs was 11,303, an increase of 1,492 people or 15% over that recorded in 2002. While the growth experienced in the environs area was strong at 56%, the population in the town council area actually fell by 3% in the same period. The preliminary results of the 2011 census indicate that the population of the town has declined slightly.</p> <p>2.3.10.— The County Development Plan Strategy makes provision for population growth of 3,240 persons in Cobh in the period 2006-2020. The number of households is expected to grow by 2,295 in the same period.</p> <p>2.3.11.— The target population for the Town Council area is 6,798 persons in 2020 which would be an increase of 257 persons over the 2006 census figure.</p> <table border="1" data-bbox="443 991 1236 1337"> <thead> <tr> <th colspan="6" data-bbox="443 991 1236 1038">Table 2.1: Cobh Population and Households 2002-2020</th> </tr> <tr> <th data-bbox="443 1038 629 1139"></th> <th data-bbox="629 1038 734 1139">Census 2002</th> <th data-bbox="734 1038 840 1139">Census 2006</th> <th data-bbox="840 1038 965 1139">Census 2011</th> <th data-bbox="965 1038 1093 1139">Target 2020</th> <th data-bbox="1093 1038 1236 1139">Growth 2006-2020</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 1139 629 1171">Population</td> <td data-bbox="629 1139 734 1171"></td> <td data-bbox="734 1139 840 1171"></td> <td data-bbox="840 1139 965 1171"></td> <td data-bbox="965 1139 1093 1171"></td> <td data-bbox="1093 1139 1236 1171"></td> </tr> <tr> <td data-bbox="443 1171 629 1238"><i>Town & Environs</i></td> <td data-bbox="629 1171 734 1238">9,811</td> <td data-bbox="734 1171 840 1238">11,303</td> <td data-bbox="840 1171 965 1238">n/a*</td> <td data-bbox="965 1171 1093 1238">14,543</td> <td data-bbox="1093 1171 1236 1238">3,240</td> </tr> <tr> <td data-bbox="443 1238 629 1305"><i>Town Council Area</i></td> <td data-bbox="629 1238 734 1305">6,767</td> <td data-bbox="734 1238 840 1305">6,541</td> <td data-bbox="840 1238 965 1305">6,498</td> <td data-bbox="965 1238 1093 1305">6,798</td> <td data-bbox="1093 1238 1236 1305">257</td> </tr> <tr> <td data-bbox="443 1305 629 1337"><i>Environs</i></td> <td data-bbox="629 1305 734 1337">3,044</td> <td data-bbox="734 1305 840 1337">4762</td> <td data-bbox="840 1305 965 1337">n/a*</td> <td data-bbox="965 1305 1093 1337">7,745</td> <td data-bbox="1093 1305 1236 1337">2,940</td> </tr> </tbody> </table>	Table 2.1: Cobh Population and Households 2002-2020							Census 2002	Census 2006	Census 2011	Target 2020	Growth 2006-2020	Population						<i>Town & Environs</i>	9,811	11,303	n/a*	14,543	3,240	<i>Town Council Area</i>	6,767	6,541	6,498	6,798	257	<i>Environs</i>	3,044	4762	n/a*	7,745	2,940	Amendment was modified / updated with by Census Data (shaded Text).	None
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	<table border="1" data-bbox="443 339 1093 411"> <tr> <td>40-59 years</td> <td>6%</td> <td>20%</td> <td>5%</td> </tr> <tr> <td>Over 60 years</td> <td>16%</td> <td>7%</td> <td>15%</td> </tr> </table> <p data-bbox="405 448 1547 504">2.3.14. There is less disparity in household size between the town and the environs, as outlined in Table 2.3 below.</p> <table border="1" data-bbox="443 544 1288 746"> <caption data-bbox="663 549 1070 571">Table 2.3 Household Structure—2006</caption> <thead> <tr> <th>Household Size</th> <th>Town Council</th> <th>Environs</th> <th>National</th> </tr> </thead> <tbody> <tr> <td>3 people or less</td> <td>73%</td> <td>70%</td> <td>69%</td> </tr> <tr> <td>4 people +</td> <td>27%</td> <td>30%</td> <td>31%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p data-bbox="405 799 779 821"><i>Housing Demand and Land Supply</i></p> <p data-bbox="405 839 1541 962">2.3.15. Within the Town Council Area Average Household size stood at 2.68 persons in 2006. National trends for falling household size show that this is reducing by an average of 0.28 persons per annum suggesting that by 2020 average household size within Cobh town could be down to 2.3 persons and this would be consistent with wider European trends.</p> <p data-bbox="405 1003 1563 1059">2.3.16. It is estimated that population growth in the period to 2020 will give rise to an additional 512 new households, necessitating the provision of an additional 588 new housing units.</p> <table border="1" data-bbox="421 1098 1308 1321"> <caption data-bbox="696 1107 1037 1129">Table 2.4: Housing Demand 2010-2020</caption> <thead> <tr> <th></th> <th>Population Growth 2011-2020</th> <th>Household Growth 2011-2020</th> <th>Housing Units 2011- 2020</th> </tr> </thead> <tbody> <tr> <td>Cobh Town</td> <td>257</td> <td>512</td> <td>588</td> </tr> </tbody> </table>	40-59 years	6%	20%	5%	Over 60 years	16%	7%	15%	Household Size	Town Council	Environs	National	3 people or less	73%	70%	69%	4 people +	27%	30%	31%						Population Growth 2011-2020	Household Growth 2011-2020	Housing Units 2011- 2020	Cobh Town	257	512	588		
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	<p>2.3.17.— Geo directory data suggests that the number of dwelling units within the Town Council area increased by 273 units in the period 2006-2011 (Table 2.5), leaving a balance of 315 units to be provided in the period to 2020. Census information for 2010 will be available in April 2012 and the housing stock analysis can be updated as necessary.</p> <table border="1" data-bbox="407 504 1503 639"> <thead> <tr> <th colspan="3" data-bbox="407 504 1503 571">Table 2.5 Cobh Town Council Housing Stock</th> </tr> <tr> <th data-bbox="407 571 831 608">Dwellings 2006</th> <th data-bbox="831 571 1146 608">Dwellings 2011</th> <th data-bbox="1146 571 1503 608">Growth 2006-2011</th> </tr> </thead> <tbody> <tr> <td data-bbox="407 608 831 639">2,846</td> <td data-bbox="831 608 1146 639">3,119</td> <td data-bbox="1146 608 1503 639">273</td> </tr> </tbody> </table> <p>Source: Geo directory</p> <p>2.3.18.— Within the Town Council Area two plots of land that are zoned for residential use in the 2005 Plan remain undeveloped. Planning permission has been granted on both sites (which comprise 3.53ha in total) for a total of 81 dwelling units but construction has yet to commence. One of the permissions for 20 units has recently expired. In order to achieve the target level of growth set out in this Plan, and optimise the housing yield from the development land available within the Town Council Area, the Council will encourage higher density development at appropriate locations within the town, will promote living over the shop schemes in the town centre and encourage the conversion of former retail premises, such as those along Harbour Row to residential use. While it is acknowledged that there is a plentiful supply of land in the Environs, the Town Council's priority is to direct as much population growth as possible to the town.</p> <p>2.3.19.—</p> <table border="1" data-bbox="443 1066 1364 1289"> <thead> <tr> <th colspan="6" data-bbox="443 1066 1364 1142">Table 2.6: Cobh Housing Supply 2010-2020</th> </tr> <tr> <th data-bbox="443 1142 591 1211"></th> <th data-bbox="591 1142 741 1211">Total Zoned Land (ha)</th> <th data-bbox="741 1142 891 1211">Yield from zoned Lands</th> <th data-bbox="891 1142 1005 1211">Infill Yield</th> <th data-bbox="1005 1142 1176 1211">Total Housing Yield</th> <th data-bbox="1176 1142 1364 1211">Phase 1 2011-2016</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 1211 591 1289">Cobh Town</td> <td data-bbox="591 1211 741 1289">3.53</td> <td data-bbox="741 1211 891 1289">81 units</td> <td data-bbox="891 1211 1005 1289">32 units</td> <td data-bbox="1005 1211 1176 1289">113 units</td> <td data-bbox="1176 1211 1364 1289">113</td> </tr> </tbody> </table>	Table 2.5 Cobh Town Council Housing Stock			Dwellings 2006	Dwellings 2011	Growth 2006-2011	2,846	3,119	273	Table 2.6: Cobh Housing Supply 2010-2020							Total Zoned Land (ha)	Yield from zoned Lands	Infill Yield	Total Housing Yield	Phase 1 2011-2016	Cobh Town	3.53	81 units	32 units	113 units	113		
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	<p><u>Population</u></p> <p>2.3.9. In 2011 the population of Cobh town and its environs was 12,347, an increase of 1,044 people or 9% over that recorded in 2006. While the growth experienced in the environs area was positive at 23%, the population in the town council area actually fell by 0.7% in the same period.</p> <p>2.3.10. The Core Strategy for County Cork, as set out in the Cork County Development Plan identifies a 2020 population target for Cobh town and environs of 14,543. The level of growth is expected to equate to in the order of 6,034 households by 2020.</p> <p>2.3.11. The target population for the Town Council area is 6,798 persons in 2020 which would be an increase of 298 persons over the 2011 census figure. Household growth for the same period is estimated at 388.</p> <table border="1" data-bbox="432 758 1346 1209"> <thead> <tr> <th colspan="5" data-bbox="432 758 1346 831">Table 2.1 Cobh Population and Households 2006-2020</th> </tr> <tr> <th data-bbox="432 831 734 904"></th> <th data-bbox="734 831 853 904"><u>Census 2006</u></th> <th data-bbox="853 831 1003 904"><u>Census 2011</u></th> <th data-bbox="1003 831 1160 904"><u>Target 2020</u></th> <th data-bbox="1160 831 1346 904"><u>Growth 2011-2020</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="432 904 734 938"><u>Population</u></td> <td data-bbox="734 904 853 938"></td> <td data-bbox="853 904 1003 938"></td> <td data-bbox="1003 904 1160 938"></td> <td data-bbox="1160 904 1346 938"></td> </tr> <tr> <td data-bbox="432 938 734 971"><u>Town & Environs</u></td> <td data-bbox="734 938 853 971">11,303</td> <td data-bbox="853 938 1003 971">12,347</td> <td data-bbox="1003 938 1160 971">14,543*</td> <td data-bbox="1160 938 1346 971">2,196</td> </tr> <tr> <td data-bbox="432 971 734 1005"><u>Town Council Area</u></td> <td data-bbox="734 971 853 1005">6,541</td> <td data-bbox="853 971 1003 1005">6,500</td> <td data-bbox="1003 971 1160 1005">6,798</td> <td data-bbox="1160 971 1346 1005">298</td> </tr> <tr> <td data-bbox="432 1005 734 1038"><u>Environs</u></td> <td data-bbox="734 1005 853 1038">4,762</td> <td data-bbox="853 1005 1003 1038">5,847</td> <td data-bbox="1003 1005 1160 1038">7,745</td> <td data-bbox="1160 1005 1346 1038">1898</td> </tr> <tr> <td data-bbox="432 1038 734 1072"></td> <td data-bbox="734 1038 853 1072"></td> <td data-bbox="853 1038 1003 1072"></td> <td data-bbox="1003 1038 1160 1072"></td> <td data-bbox="1160 1038 1346 1072"></td> </tr> <tr> <td data-bbox="432 1072 734 1106"><u>Households</u></td> <td data-bbox="734 1072 853 1106"></td> <td data-bbox="853 1072 1003 1106"></td> <td data-bbox="1003 1072 1160 1106"></td> <td data-bbox="1160 1072 1346 1106"></td> </tr> <tr> <td data-bbox="432 1106 734 1139"><u>Town & Environs</u></td> <td data-bbox="734 1106 853 1139">4,142</td> <td data-bbox="853 1106 1003 1139">4,618</td> <td data-bbox="1003 1106 1160 1139">6,034 #</td> <td data-bbox="1160 1106 1346 1139">1,433</td> </tr> <tr> <td data-bbox="432 1139 734 1173"><u>Town Council Area</u></td> <td data-bbox="734 1139 853 1173">2,444</td> <td data-bbox="853 1139 1003 1173">2,568</td> <td data-bbox="1003 1139 1160 1173">2,821</td> <td data-bbox="1160 1139 1346 1173">388</td> </tr> <tr> <td data-bbox="432 1173 734 1206"><u>Environs</u></td> <td data-bbox="734 1173 853 1206">1,698</td> <td data-bbox="853 1173 1003 1206">2,050</td> <td data-bbox="1003 1173 1160 1206">3,213</td> <td data-bbox="1160 1173 1346 1206">1,163</td> </tr> </tbody> </table> <p>2.3.12. <u>The disparity in overall growth rate targets between the town and environs reflects the strong supply of greenfield development land within the environs while there is very little such land within the town boundary. The brownfield and infill development opportunities available within the town will need to</u></p>	Table 2.1 Cobh Population and Households 2006-2020						<u>Census 2006</u>	<u>Census 2011</u>	<u>Target 2020</u>	<u>Growth 2011-2020</u>	<u>Population</u>					<u>Town & Environs</u>	11,303	12,347	14,543*	2,196	<u>Town Council Area</u>	6,541	6,500	6,798	298	<u>Environs</u>	4,762	5,847	7,745	1898						<u>Households</u>					<u>Town & Environs</u>	4,142	4,618	6,034 #	1,433	<u>Town Council Area</u>	2,444	2,568	2,821	388	<u>Environs</u>	1,698	2,050	3,213	1,163		
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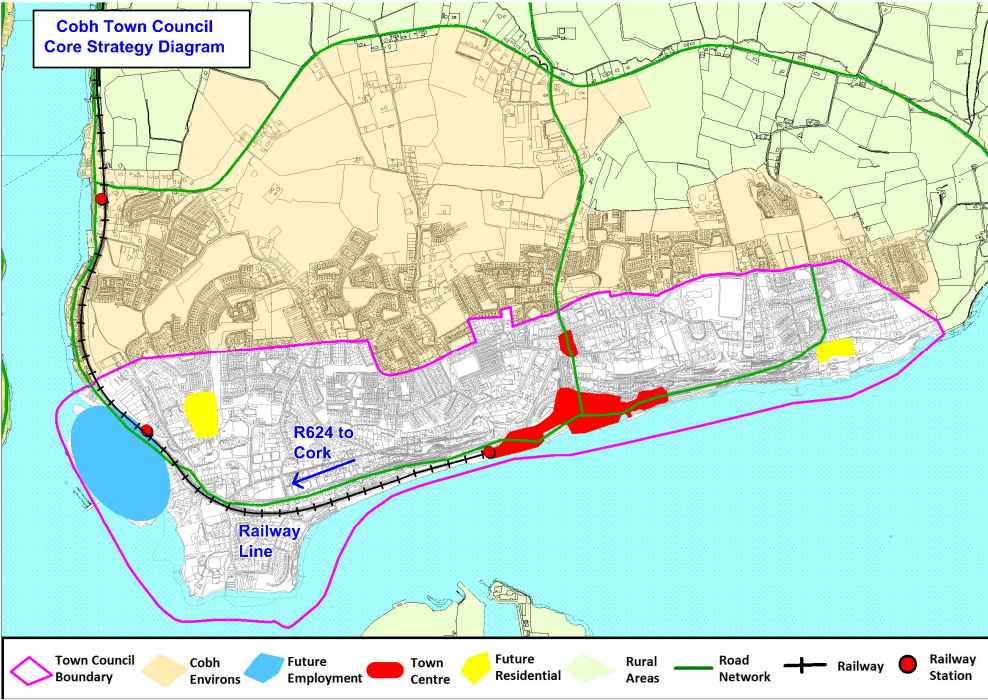
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	<p><u>be designed to optimise densities on these relatively small sites, work with the topography, and respect the character of adjacent area. The town has a good stock of family and period housing, a relatively young population and a very attractive coastal environment which will inevitably attract population over time especially if proposals to enhance the economic, employment, tourism base of Cobh and enhance the quality of the waterfront are delivered. The population within the Town Council area needs to be sustained and expanded if possible through the development of infill schemes and the redevelopment of the upper floors of town centre properties for residential use. The Midleton Electoral Area Local Area Plan has made provision for significant growth in the environs of the town.</u></p> <p>2.3.13. The 2006 Census indicates that there is marked difference in the population structure of the town and the environs and this is outlined in the table below. Within the town boundary the population structure is broadly in line with national trends while the population structure within the environs is younger, reflecting the fact that most of the housing within the environs has been built in recent years and caters for young families (Table 2.2).</p> <table border="1" data-bbox="443 863 1429 1069"> <thead> <tr> <th colspan="4">Table 2.2 Population Structure – 2006</th> </tr> <tr> <th>Population profile</th> <th>Town Council</th> <th>Environs</th> <th>National</th> </tr> </thead> <tbody> <tr> <td>Under 40 years old</td> <td>57%</td> <td>73%</td> <td>60%</td> </tr> <tr> <td>40-59 years</td> <td>6%</td> <td>20%</td> <td>5%</td> </tr> <tr> <td>Over 60 years</td> <td>16%</td> <td>7%</td> <td>15%</td> </tr> </tbody> </table> <p>2.3.14. There is less disparity in household size between the town and the environs, as outlined in Table 2.3 below.</p> <table border="1" data-bbox="443 1198 1285 1332"> <thead> <tr> <th colspan="4">Table 2.3 Household Structure – 2006</th> </tr> <tr> <th>Household Size</th> <th>Town Council</th> <th>Environs</th> <th>National</th> </tr> </thead> <tbody> <tr> <td>3 people or less</td> <td>73%</td> <td>70%</td> <td>69%</td> </tr> </tbody> </table>	Table 2.2 Population Structure – 2006				Population profile	Town Council	Environs	National	Under 40 years old	57%	73%	60%	40-59 years	6%	20%	5%	Over 60 years	16%	7%	15%	Table 2.3 Household Structure – 2006				Household Size	Town Council	Environs	National	3 people or less	73%	70%	69%		
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	<table border="1" data-bbox="405 339 1391 1034"> <thead> <tr> <th colspan="3" data-bbox="405 339 1391 403">Table: 2.7 Core Strategy Table: Population and Housing 2010-2020</th> </tr> <tr> <th data-bbox="405 403 862 467"></th> <th data-bbox="862 403 1202 467">Cobh Town Council</th> <th data-bbox="1202 403 1391 467">Environs*</th> </tr> </thead> <tbody> <tr> <td data-bbox="405 467 862 571">Population Allocation 2011-2020 (growth)</td> <td data-bbox="862 467 1202 571">298</td> <td data-bbox="1202 467 1391 571">1,898</td> </tr> <tr> <td data-bbox="405 571 862 635">Housing required</td> <td data-bbox="862 571 1202 635">446</td> <td data-bbox="1202 571 1391 635">2,088</td> </tr> <tr> <td data-bbox="405 635 862 699">Existing zoning (ha)</td> <td data-bbox="862 635 1202 699">3.53</td> <td data-bbox="1202 635 1391 699">72.4#</td> </tr> <tr> <td data-bbox="405 699 862 762">Proposed zoning (ha)</td> <td data-bbox="862 699 1202 762">3.53</td> <td data-bbox="1202 699 1391 762">72.4#</td> </tr> <tr> <td data-bbox="405 762 862 826">Housing yield (Residential lands)</td> <td data-bbox="862 762 1202 826">81</td> <td data-bbox="1202 762 1391 826">2088</td> </tr> <tr> <td data-bbox="405 826 862 890">Housing yield (other lands)</td> <td data-bbox="862 826 1202 890">32</td> <td data-bbox="1202 826 1391 890">0</td> </tr> <tr> <td data-bbox="405 890 862 954">Total yield</td> <td data-bbox="862 890 1202 954">113</td> <td data-bbox="1202 890 1391 954">2088</td> </tr> <tr> <td data-bbox="405 954 862 1034">(Shortfall) or Excess</td> <td data-bbox="862 954 1202 1034">(333) +</td> <td data-bbox="1202 954 1391 1034">0</td> </tr> </tbody> </table> <p data-bbox="405 1050 1581 1121">*Source Midleton Electoral Area Local Area Plan 2010; # Includes 42.4ha of zoned residential & approx. 30 ha as part of XC-01 site where 700 dwellings are to be provided.</p> <p data-bbox="405 1137 1581 1225">+Population target for the town is ambitious in order to capture the optimum level of development within the town council area. Any shortfall is likely to be taken up by development within the environs of the town.</p>	Table: 2.7 Core Strategy Table: Population and Housing 2010-2020				Cobh Town Council	Environs*	Population Allocation 2011-2020 (growth)	298	1,898	Housing required	446	2,088	Existing zoning (ha)	3.53	72.4#	Proposed zoning (ha)	3.53	72.4#	Housing yield (Residential lands)	81	2088	Housing yield (other lands)	32	0	Total yield	113	2088	(Shortfall) or Excess	(333) +	0		
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	 <p>The diagram shows the Cobh town area with various planning zones. A pink outline marks the Town Council Boundary. Yellow areas represent Future Residential zones, and blue areas represent Future Employment zones. A red area indicates the Town Centre. A green line shows the Road Network, and a black line with cross-ticks shows the Railway Line. A red dot marks a Railway Station. The map also shows Cobh Environs (orange), Rural Areas (light green), and the R624 road to Cork. A legend at the bottom identifies these symbols.</p> <p>Figure: 2.2 Core Strategy Diagram</p>		
Chapter 3 Economic Development and Tourism			
01.03.02	Delete existing paragraph 3.3.6 and replace it with the following, renumber subsequent paragraphs:	Members decided to modify the	Requires further consideration (see

Amendment No.	Title/Text of proposed change including modified text	Comments	Potential for impact on Natura 2000 sites
	<p><u>3.3.6 As part of the wider strategy of promoting Cork Harbour as an international energy hub the site may have potential in relation to off shore / marine energy developments e.g. in the manufacture / repair of plant associated with such development. Cork Harbour is also being promoted for marine leisure activities and additional marinas which may in future generate more demand for the facilities on site from the pleasure boat sector. In this context the Plan recognises the specialised and strategic nature of the facilities available at the Rushbrooke Dockyard and seeks to retain these facilities on site and promote the continued development of the site as a Dockyard and for complementary marine related/ marine engineering industrial development which relies on the unique facilities available on site. It is considered reasonable that the site should primarily be used for industrial activities that need to utilise the specialised infrastructure available on site. There are ample other industrial lands available around Cork Harbour where more general industrial uses can be accommodated. Similarly, there are capacity issues with the R624 which needs to be upgraded. In this context any development which would involve significant traffic volumes, including using the site as a port, will need to demonstrate that the development would not unduly impact on the R624. Flood risk is also an issue as the Lee CFRAMS draft flood maps have identified parts of the site as being at risk of flooding. The potential for any proposed future uses within the dockyard area to impact on Natura 2000 sites, in particular on the Cork Harbour Special Protection Area, will be assessed in accordance with legislative requirements as set out in objective HE-04.</u></p>	<p>amendment (see table 2 below).</p>	<p>table 2 below).</p>
<p>01.03.03</p>	<p>3.4 Employment Zoning Objectives</p> <p><i>Rushbrooke Dockyard</i></p> <p>3.4.1 Rushbrooke Dockyard is a strategic industrial site. The Town Council acknowledges the unique nature of the site and seeks to protect its function primarily for marine retailed related uses. Due to its location adjacent Rushbrooke Railway Station it has considered that there is also potential to provide a park and ride facility on the site.</p>	<p>Members decided to reject the amendment and revert to the draft plan text (see Table 2).</p>	<p>Requires further consideration. See Table 2.</p>

Amendment No.	Title/Text of proposed change including modified text	Comments	Potential for impact on Natura 2000 sites				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; text-align: center; vertical-align: top;">Obj. No.</td> <td style="text-align: center;">Development Plan Objective Industrial Use Dockyard</td> </tr> <tr> <td style="vertical-align: top;">D-01</td> <td> <p>To retain and develop the site as a dockyard in view of the strategic and specialised nature of its infrastructure and to facilitate the development of complementary marine retailed related industrial uses <u>marine engineering development which relies on the unique facilities available on site.</u></p> <p><u>General industrial uses, which are not reliant on the specialised marine / engineering facilities on offer at the site, may be more appropriate to other locations.</u></p> <p>Part of the site is also considered suitable for the provisions of a park and ride facility to serve Rushbrooke Train Station.</p> <p><u>There are capacity issues with the R624 which needs to be upgraded. Development proposals involving significant traffic volumes, including using the site as a port, will need to demonstrate via a Traffic and Transportation Assessment (TTA) that the proposal will not unduly impact upon the adjoining Regional Route (R624).</u></p> <p>Development of the site shall be contingent on the availability of appropriate and sustainable waste water treatment facilities.</p> <p>Parts of the site have been identified as being at risk of flooding. Any development proposals within the areas at risk of flooding will normally be accompanied by a detailed flood risk assessment that complies with the requirements of the Ministerial Guidelines 'The Planning System and Flood Risk Management' as described in objectives INF -10 to INF-15 of this plan.</p> <p><u>The potential for any proposed future uses within the dockyard area to impact on Natura 2000 sites, in particular on the Cork Harbour Special</u></p> </td> </tr> </table>	Obj. No.	Development Plan Objective Industrial Use Dockyard	D-01	<p>To retain and develop the site as a dockyard in view of the strategic and specialised nature of its infrastructure and to facilitate the development of complementary marine retailed related industrial uses <u>marine engineering development which relies on the unique facilities available on site.</u></p> <p><u>General industrial uses, which are not reliant on the specialised marine / engineering facilities on offer at the site, may be more appropriate to other locations.</u></p> <p>Part of the site is also considered suitable for the provisions of a park and ride facility to serve Rushbrooke Train Station.</p> <p><u>There are capacity issues with the R624 which needs to be upgraded. Development proposals involving significant traffic volumes, including using the site as a port, will need to demonstrate via a Traffic and Transportation Assessment (TTA) that the proposal will not unduly impact upon the adjoining Regional Route (R624).</u></p> <p>Development of the site shall be contingent on the availability of appropriate and sustainable waste water treatment facilities.</p> <p>Parts of the site have been identified as being at risk of flooding. Any development proposals within the areas at risk of flooding will normally be accompanied by a detailed flood risk assessment that complies with the requirements of the Ministerial Guidelines 'The Planning System and Flood Risk Management' as described in objectives INF -10 to INF-15 of this plan.</p> <p><u>The potential for any proposed future uses within the dockyard area to impact on Natura 2000 sites, in particular on the Cork Harbour Special</u></p>		
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4.4 Screening of the Agreed Modifications and Rejected Amendments

4.4.1 Assessment of modifications made to the plan prior to adoption.

Modification Reference	Nature of the modification	Potential for Impacts on Natura 2000 sites.
<p>01.03.02</p> <p>Refers to paragraph 3.3.6 draft plan</p>	<p>On foot of a submission made on behalf of Cork Dockyard Holdings Ltd, members voted to modify this proposed amendment and to omit the final five sentences which were included in the proposed amendment to paragraph 3.3.6 relating to the Dockyard Site at Rushbrook. The modification has resulted in the omission of text relating to potential requirements to complete Flood Risk Assessments and Natura Impact Assessment for development proposals at this site, on the basis that these issues are dealt with elsewhere in the plan.</p>	<p>While it is desirable that the particular environmental sensitivities of individual zones, including the dockyard, would be made clear in the relevant text and accompanying policy statements, the omission of the text from the plan neither changes the sensitivities of the site, nor the legislative obligations on Cobh Town Council to comply with the Habitats and Birds Directives, and with the Planning and Development (Amendment) Act 2010, in relation to the assessment of the potential for any developments proposed on this site to give rise to impacts on Natura 2000 sites. These obligations are set out in Chapter 8 of the plan.</p>
<p>01.03.03 refers to zoning D-01 of the dockyard.</p>	<p>This proposed amendment related to the dockyard. It sought to clarify that uses of the site should be restricted to marine related industrial uses. It also sought to highlight environmental sensitivities of the site including potential for flood risk and proximity to the Cork Harbour SPA.</p> <p>Members voted to reject amendment 01.01.03 in accordance with a submission made on behalf of Cork Dockyard Holdings Ltd, on the basis that the proposed amendment could inhibit the sites potential to make a valuable contribution to the town.</p> <p>Part of the text which was included in the amendment, sought to make clear the sensitivity of the site having regard to the nearby SPA, and to clarify that any proposals on the site may be subject to Appropriate Assessment at project stage.</p>	<p>This proposed amendment related to the dockyard. It sought to clarify that uses of the site should be restricted to marine related industrial uses. It also sought to highlight environmental sensitivities of the site including potential for flood risk and proximity to the Cork Harbour SPA.</p> <p>Members voted to reject amendment 01.01.03 in accordance with a submission made on behalf of Cork Dockyard Holdings Ltd, on the basis that the proposed amendment could inhibit the sites potential to make a valuable contribution to the town.</p> <p>Part of the text which was included in the amendment, sought to make clear the sensitivity of the site having regard to the nearby SPA, and to clarify that any proposals on the site may be subject to Appropriate Assessment at project stage.</p>

4.4.2 Screening Outcome

On the basis of the above, it is concluded that there is no potential for the modification which was made to amendment 01.03.02, or the rejection of amendment 01.03.03 to give rise to negative impacts on any Natura 2000 site.

4 Finding of No Significant Impacts Report Matrix

Screening Conclusion Statement Cobh Town Development Plan

Cobh Town Development Plan FONSI Report Matrix	
Name and Location of Natura 2000 sites subject to screening for appropriate assessment	Great Island Channel Special Area of Conservation (1058) – Site is approx 6km upchannel from Cobh Town. Cork Harbour Special Protection Area (4030) – The nearest part of this site is approx 2.5km downstream from Cobh Town.
Description of the plan	The Cobh Town plan sets out the planning strategy and other policies relating to economic development, tourism, the development of the town centre and waterfront, housing, infrastructure, the provision of social and community facilities, heritage and transport, for the town of Cobh in the functional area of Cobh Town Council. The plan is available to view on the Cork County Council website, the Cobh Town Council website, and at the Cobh Town Council offices.
Is the plan directly connected with or necessary to the management of the Natura 2000 sites identified above	No
Are there other projects or plans that together with the amendments being assessed could affect the site (provide details)	There is continuous pressure to increase development around Cork Harbour. This is promoted through a range of plans including the Cork County and City Development Plans and the Local Area Plans for Midleton; Carrigaline and Blarney as well as plans for development and expansion of port activities and marine recreation and tourism activities. Many of these plans could give rise to projects which result in increased pressure on water quality, pressure to infill and to reclaim parts of the shoreline; to increase port, cruise line and recreational marine activity, as well as recreational activity along the shoreline. Any such projects could contribute to habitat loss and give rise to significant disturbance to species within the harbour when considered cumulatively.
Assessment of Significant Effects	
Describe how the plan (alone or in combination) is likely	There are no Natura 2000 sites located within the boundary of Cobh Town Council, and there are no policies contained in the plan which will give rise to direct loss of habitat within

<p>to affect Natura 2000 sites)</p>	<p>any designated site.</p> <p>A number of potentially negative impacts were identified during the screening of the draft plan, its amendments and the modifications which were made to same. These are set out below:</p> <p>The plan provides for an increase in the population of Cobh, however, the towns waste water treatment plant does not have the capacity to treat current loadings, and untreated wastewater is discharged directly to the estuary at present. Increasing the level of discharge of untreated wastewater to the estuary would contribute to negative impacts on water quality, and has the potential to contribute to negative impacts on estuarine feeding habitats used by species for which the SPA is designated.</p> <p>The plan contains policies and text relating to the development of recreational activity along the shoreline, to the development of a marina adjacent to the town, and to the development of the dockyard site. Any of these policies could cause intensification of recreational, industrial and maritime uses within coastal, intertidal and marine environments adjacent to the Cork Harbour SPA which could increase the risk of disturbance to species; and which could increase the risk of pollution in the harbour.</p>
<p>Explain why these effects are not considered significant</p>	<p><i>Protection of water quality arising from lack of adequate wastewater treatment facilities</i></p> <p>Policy INF-01 of the plan seeks to encourage the implementation of the Cork Lower Harbour Sewerage Scheme and it requires the provision of appropriate and sustainable waste water infrastructure for new developments in the town in advance of the commencement of any new discharges from these. The policy precludes any increase in discharge of untreated wastewater to the harbour. On this basis, it is considered that the plan will not cause any increase in discharge of untreated wastewater to the harbour, and therefore is unlikely to contribute to negative impacts on water quality in the harbour.</p> <p><i>Potential for disturbance to species for which the SPA is protected, and for increased risk of contamination of water arising from possible intensification of recreational and other uses of coastal, intertidal and marine areas promoted by policies contained in the plan.</i></p> <p>Policies EDT-13 and 14 set out Councils policy in relation to the development of a Marina, and to the development of Marine Recreational opportunities in the Town and</p>

	<p>adjacent areas. The policies highlight the potential sensitivities relating to these proposals and identify the potential for such sites to give rise to impacts on the Cork Harbour SPA. It is considered that such impacts can be avoided or mitigated through sensitive planning and having regard to the environmental sensitivities of the sites at the project stage.</p> <p>While no such sensitivities are identified in relation to policy relating to the dockyard site (EDT-3), nonetheless Cobh Town Council is obliged to ensure that any proposals relating to same are fully assessed and authorised in accordance with policies HE-03 and HE-04, and only where it can be shown that such proposals will not give rise or contribute to impacts on the integrity of any Natura 2000 site.</p>
List of agencies consulted	The draft Cobh Town Development Plan and proposed amendments to same, as well as the Appropriate Assessment Screening Reports for both documents were referred to all of the statutory consultees including the EPA, the Minister for Arts, Heritage, Gaeltacht and the Islands, and An Taisce during two public consultation phases. No issues were raised in relation to the screening by any of the Statutory Authorities.
Response to consultation	No issues were raised in relation to the Habitats Directive Screening Reports on either the draft plan or the proposed amendments. One submission made in respect of the proposed amendments sought the omission of references relating to Natura Impact Assessment in the context of the dockyard site. Council members decided to omit these references prior to the adoption of the plan.
Data Collected To Carry Out The Assessment	
Who carried out the assessment	Planning Policy Unit, Cork County Council
Sources of data	National Parks and Wildlife Service Site Synopses and other data relating to Natura 2000 sites.
Level of assessment completed	Screening
Where can the full results of the assessment be accessed and viewed	This report, the Habitats Directive Screening Statement for the draft Cobh Town Plan (March 2012), and the Habitats Directive Screening Statement for the proposed Amendments to the Cobh Town Development Plan (November 2012).
Date Assessment Completed	January 2013

6 Relevant Documents and References

Cobh Town Council, Draft Development Plan. Published March 2012.

Cobh Town Council, Draft Development Plan, Managers Report on the Issues Raised by Submissions and Recommended Amendments. Published July 2012.

Cobh Town Council, Proposed Amendments to Cobh Town Plan. Published October 2012.

Cobh Town Council. Cobh Town Development Plan 2013. Published January, 2013.

Cork County Council, Habitats Directive Screening Report for Draft Cobh Town Development Plan. Published March 2012.

Cork County Council, Habitats Directive Screening Report for proposed Amendments to Cobh Town Plan. Published October 2012.

Environment, Heritage and Local Government, National Parks and Wildlife Service. 2008. The Status of EU Protected Habitats and Species in Ireland.

Environment, Heritage and Local Government, National Parks and Wildlife Service. Various Years. Natura 2000 Site Synopses.

Environment, Heritage and Local Government. 2009. Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities.

European Communities. 2000. Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC. Luxemburg.

European Communities. 2002. Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Luxemburg.