

Appendix 10.1

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Relevant Legislation, Policy and Guidelines

This report has been prepared with regards to the following legislation, policy documents and guidelines as relevant:

- CIEEM (2015) Guidelines for Ecological Report Writing;
- CIEEM (2018) Guidelines For Ecological Impact Assessment in the UK and Ireland Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester;
- Cork County Council Planning Department (2013) Biodiversity and the Planning Process: Guidance for Developers on the Management of Biodiversity Issues During the Planning Process;
- DoEHLG (2010) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government;
- European Communities (2018) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission;
- EC (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, Office for Official Publications of the European Communities, Luxembourg. European Commission;
- EC (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. European Commission;
- EC (2013) Interpretation Manual of European Union Habitats. Version EUR 28. European Commission;
- EPA (2017) Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports. Environmental Protection Agency;
- EPA (2003), Advice Notes on current practice in the preparation of Environmental Impact Statements. Environmental Protection Agency;
- Environmental Protection Agency (2017) Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR). Environmental Protection Agency.
- Fossitt, J., 2000. *A Guide to Habitats in Ireland*. The Heritage Council, Kilkenny;
- HA (2001) DMRB Volume 10 Section 4 Part 4 - Ha 81/99 - Nature Conservation Advice In Relation To Otters. The Highways Agency;
- National Parks and Wildlife Service (NPWS) (2013) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin, Ireland;
- NRA (now TII) (2008) Environmental Impact Assessment of National Road Schemes – A Practical Guide Rev. 1. National Roads Authority;
- NRA (now TII) (2009) Guidelines for the Assessment of Ecological Impacts of National Road Schemes Rev. 2. National Roads Authority;
- NRA (now TII) (2008) NRA Guidelines on Ecological Surveying Techniques for Protected Flora and Fauna on National Road Schemes). National Roads Authority;
- NRA (now TII) Environmental Assessment and Construction Guidelines (both adopted and draft versions)

Studies were also carried out in accordance with the following legislation:-

- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 2009/147/EC (codified version of Directive (79/409/EEC as amended ((Birds Directive)) – transposed into Irish law as European Communities (Birds and Natural Habitats) Regulations 2011;
- European Communities (Environmental Impact Assessment) Regulations, 1989 to 2006;
- European Communities (Environmental Liability) Regulations, 2008 (S.I. No. 547 of 2008);
- European Communities (Quality of Salmonid Waters) Regulations, 1988 (S.I. No. 84 of 1988);
- Flora Protection Order, 2015;
- Planning and Development Act 2000-2019;
- Roads Acts 1993 to 2007(as amended);
- Water Framework Directive (2000/60/EC), and
- Wildlife Act 1976 Revised updated to 20 December 2018.

Relevant Cork CDP Objectives

Cork CDP 2015-2020 Objective	Objective Text
WS 5-1	Surface Water and SuDS a) Ensure that all new developments incorporate sustainable drainage systems (SuDS). b) Provide adequate storm water infrastructure in order to accommodate the planned levels of growth expected for the County.
WS 5-2	River Channel Protection Ensure that where practical development is kept at 10m or other appropriate distance from stream and river banks and adequate protection measures put in place.
WS 5-3	Surface Water Management Manage surface water catchments and the use and development of lands adjoining streams, watercourses and rivers in such a way as to minimise damage to property by instances of flooding and with regard to any conservation objectives of European sites within the relevant catchments and floodplains.
HE 2-1	Site Designated for Nature Conservation provide protection to all natural heritage sites designated or proposed for designation under National and European legislation and International Agreements, and to maintain or develop linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites.
HE 2-2	Protected Plant and Animal Species Provide protection to species listed in the Flora Protection Order 1990, on Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2, Chapter 4 of the plan.
HE 2-3	Biodiversity outside Protected Areas. Retain areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network, and to protect these from inappropriate development. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It

	particularly includes habitats of special conservation significance in Cork as listed in Volume 2 Chapter 3 Nature Conservation Areas of the plan.
HE 2-4	Protection of Wetlands Ensure that an appropriate level of assessment is completed in relation to wetland habitats subject to proposals which would involve drainage or reclamation. This includes lakes and ponds, watercourses, springs and swamps, marshes, heath, peatlands, some woodlands as well as some coastal and marine habitats.
HE 2-5	Trees and Woodlands a) Protect trees the subject of Tree Preservation Orders. b) Preserve and enhance the general level of tree cover in both town and country. Ensure that development proposals do not compromise important trees and include an appropriate level of new tree planting and where appropriate to make use of tree preservation orders to protect important trees or groups of trees which may be at risk or any tree(s) that warrants an order given its important amenity or historic value. c) Where appropriate, to protect mature trees/groups of mature trees and mature hedgerows that are not formally protected under Tree Preservation Orders.
HE 2-7	Control of Invasive Species Control the spread of invasive plant and animal species within the county.
GI 3-1	Green Infrastructure - New Developments Require new developments to contribute to the protection, management and enhancement of the existing green infrastructure of the County and the delivery of new green infrastructure, where appropriate.
GI 3-2	Green Infrastructure - Significant Developments Require significant new developments (multiple residential developments including Part 8 applications, retail, industrial, mineral extraction etc) to submit a green infrastructure plan as an integral part of any planning application. This plan should identify environmental assets and include proposals which protect, manage and develop green infrastructure resources in a sustainable manner.
GI 10-2	Surface water Protection Protect and improve the status and quality of all surface waters throughout the County, including transitional and coastal waters.
GI 10-3	Groundwater Protection Preserve and protect groundwater and surface water quality throughout the County.
GI 13-2	Light Emissions Seek the minimisation and control of light pollution associated with activities of development, having regard to relevant standards, published guidance and the receiving environment.