

We, Joan Sutton, Denis Harley, Pat Goggin, John Paul Murphy, Norma Barrow, Patricia Carroll, Peter Cronin and Pauline Cudmore (addresses attached as Appendix I) who are members of

- Murphy's Rock and Bride Valley support Group
- Murphy's Rock Residents Association
- Kilcully and Ballincroilig Public Participation Network

wish to make a submission on behalf of the community groups we represent with some observations on the proposed development - Case reference number **313994**

The address of the proposed development is Cork GAA lands, Old Whitechurch Road, Kilbarry, Cork City.

The proposed development

This is an area of 14.84 ha, located at Kilbarry off the Old Whitechurch Road on the northern edge of Cork City, approx. 1.2km north of Blackpool suburbia. The main part of these irregularly shaped lands (8.68ha) are relatively elevated and under grass, having been previously in use as a playing pitch and recreational area for decades.

Kilbarry — Cork

<https://maps.apple.com/?ll=51.928326,-8.474473&q=Kilbarry—Cork&spn=0.004000,0.010357&t=h>

This area was and is a playing field / recreational area for the local population. Prior to 2004 this area was part of and actively used by Delaney's hurling and football club. The members of our organisations both played on those fields, use the area for recreation and were active in the social life of Delaney's hurling and football club. In particular those who lived within the Mallow Road area, Blackpool, Farranree, and Parklands were active users of the area.

We object to the proposed development plans on a number of issues

- **Inappropriate development for the location, where there is already an excess of SHD development in the area.**
- **This development would create a car dependent isolated community.**
- **Creating a greater city sprawl and eroding the green belt.**
- **Threat to a unique intact river valley, wildlife area and an important recreational area for generations.**
- **Protection of wildlife (Annex 4 species) under the Birds and Habitat Directive.**
- **Need to remove and remediate the illegal waste dumpsite.**
- **Impact on social, cultural and unique character of existing smaller settlements.**

In the pre-application consultation meeting with the Cork City planning authority on 08/09/2020 the main items discussed are recorded as

- Relationship with the proposed Northern Distributor Road
- Provision of the amenity park.
- Calculation of net site area.
- Encroachment on the amenity zoned lands.
- Internal road design.
- Open space design and landscaping.
- The incorporation of SUDS measures.
- Relationship with floodlighting of adjoining pitches.

- Compliance with Cork City recreation and interim recreation policy.

Remediation of the waste dumpsite

A new road the N20, was being built in the late 1980s and early 1990s from Mallow into Cork City ending at Christy Ring Bridge. The construction works of the road generated huge volumes of spoil and waste. Particularly obnoxious waste was removed from the river bed area around Watercourse Rd and Christy Ring Bridge, which included the demolition of flats in the City. During that period up to 350,000 tonnes of waste was dumped onto this area. The dumping was declared illegal, as it was in breach of nine EU environmental laws, by the European Commission in 2004 (see extract from the Irish examiner 16th July 2004).

Cork City Council were the responsible authority for ensuring that the works were completed in accordance with all relevant statute requirements including the plans for removal and disposal of waste materials.

Cork County Council are the relevant authority for protection of the environment and providing enforcement of breach of environmental laws and regulations around the area of Murphy's Rock and the Glennamought. Tributary

The National Roads Authority were the authority that was tasked with building of the roads. Their duties included compliance with the relevant laws and regulations to ensure proper disposal of the excavated material that arose from the construction works.

The Cork GAA as owners of the land had a responsibility to ensure that their land was not used for the illegal dumping of any waste material. They hold the responsibility to ensure that all relevant laws and regulations are complied with when in any activity that occurs on their lands.

[567265,575229 \(ITM\)Scale 1:2500© Ordnance Survey Ireland](#)

This mixed noxious waste has never been removed despite the requests of local residents and the European Commission ruling.

We earnestly request that before any planning approvals are considered by An Bord Pleanála for the development of this site, that the site should be restored to sport and recreational lands as they existed prior to the illegal dumping by the current playing fields.

Under the Freedom of Information Act we have requested the files on the waste management case from the EU and files relating to the management of waste during the building of the Mallow Road from the NRA.

We also have brought the matter of the illegal dumping to Minister Ryan's attention.

Our ref: CCAE-MOS-00535-2022

2nd August 2022

Dear Pauline,

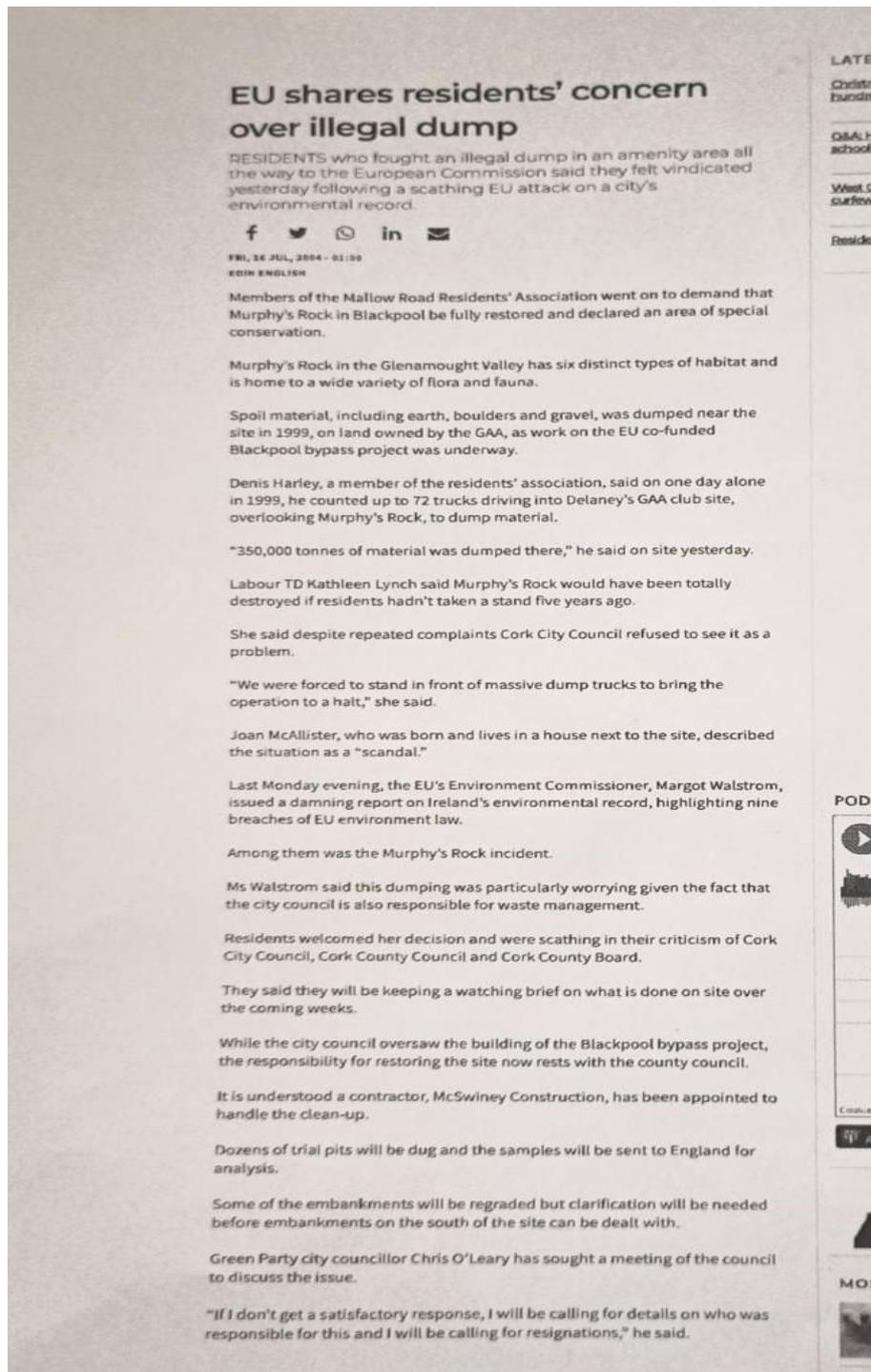
On behalf of the Minister of State for the Department of the Environment, Climate and Communications with special responsibility for Communications and Circular Economy, Ossian Smyth T.D., I would like to thank you for your recent correspondence regarding illegal dumping.

The contents of your email have been noted and I will bring this to the attention of the Minister.

Kind regards,

Gerry Smith

Minister of State's Office



Extract from Cork Examiner 2004

It is our firm belief that these lands should be retained as community recreational and playing fields. The area has already lost substantial green space and community accessible space to accelerated construction of housing in the last 5 years, where there is already insufficient infrastructure for the burgeoning population in the immediate area.

No recreational or playing fields are envisaged to be constructed in the vicinity in the most recent development plans for Cork City. It is vitally important for the sustainable well-being of our City and our people that adequate recreational and playing areas be established with inclusive reasonable access for all the citizens of the City.

The proposed development takes over the land that is now and has been used for recreation for decades. The river side area of the site has been designated in the most recent Cork City development plan as an ‘open space’, with proposed plans for a ‘Blue and Green Way’ linking up with the lower Bride Valley “Blue and Green Way”. While there are many such developments on the south side of the City, there is a significant dearth of such facilities on the North side of the City, which makes this particular site even more precious to the local population.

<https://consult.corkcity.ie/sites/default/files/2022%20MAP%2004%20North%20Central%20Suburbs%20H.jpg>

<https://corknaturenetwork.ie/wp-content/uploads/2022/01/Cork-map-wild-walks.pdf>

Protection of wildlife and compliance with the Birds and Habitat’s directive

The proposed development will encroach upon and destroy the six identified specific habitats for native mammals, especially the otters, bird, fish, river invertebrates, insects such as bees and other pollinators, wildflowers, shrubs, and native trees. The impact of the proposed development will contribute to an irreparable and irredeemable biodiversity loss. Cork will lose another bionetwork that has established itself over decades creating a peaceful haven, in a beautiful wilderness that has provided a recreational and walking area forever in living memory. This amenity has been available and used by the local population since the very beginning of Cork City and up to the present day, as evidenced by the multiple pathways through the area on satellite images.

Plans that the area will become a fenced enclosure with laid out paths, cut and finely trimmed grassland which will be devoid of nature’s bountiful biodiversity and a place for people to encounter, learn and value the open space which is now finally getting the recognition it deserves as a significant contributor to sustainability and community well-being. The proposed development on this particular site goes against all the Government’s and Cork City Council’s stated commitments to the UN Sustainable Development Goals for the future and action plans for the mitigation of climate change.

We want this area to be maintained as a nature reserve for the benefit of the entire community (which includes people, wild animals, plants, fungi and lichens) that currently call this place home. Looking to the future we need this amenity for the holistic development of our young people, for their education and mental well-being and as a space with facilities for sport activity or just walking through this wonderful area. Do not allow this area to be destroyed.

Birds

The CJEU in c-473/19 in respect of the **protections afforded all wild birds** provided clarification in this regard and needs to be reflected in the approach when considering this application.

Protection of Wildlife

Otters are present in this area and we would expect given the wetland nature of the site and its seclusion it may well be used as a natal holt. **Otters** breed all year round and a female can establish a natal holt up to a 1km away from a water body to keep cubs safe. Otters are subject to strict protection under Art 12-16 of the Habitats Directive.

Bats also an Annex IV species under the Habitats Directive.

With regard to protections under both Directives the **ecological surveys are not adequate.**

A reminder of what is planned and what the community stand to lose if the development as planned goes ahead. Land will be excluded from public usage and existing walkways will no longer be accessible. The riparian zones will be done away with and many breeding areas for native species will disappear for ever.



Boundary and roads to the planned site



Impact on the community

The proposed amenity area is on a steep slope which will be inaccessible to parents with small children and buggies or wheelchairs and will not be **accessible to the general public**, therefore cannot refer to itself as an amenity area. It represents the ‘left over land’ that cannot be built on by the potential developer.

The internal road design does not provide for a safe or assessable passage through the development for ambulance or fire services, nor will it facilitate the significant requirement for car parking by residents of the development.

Open space is minimal. There is no readily accessible green area to a large part of the development for families and older residents. There are too many units and too little “green space” areas provided in the plans. Cork City Council has recently spent huge sums of money remediating areas in the City that were similarly planned in the past. Lessons need to be learnt from the social consequences of environmentally impoverished planning in the past.

There is no technical data supplied in an EAS as to how the flood lighting from adjoining pitches will be mitigated.

The planned outlined fenced off area near the river is in direct opposition to plans by the City and County Councils to develop and improve access to waterways and wild walk ways for the purpose of recreation and improving well-being. Being close to nature is now recognised as fundamental to nurturing a positive attitude in communities and enhancing well-being.

The planned development appears to have played down many of these concerns, as there is **no reference to the impact on the proposed development** of the Northern Distributor Road

It is our collective opinion the proposed development is counter to:

- (i) National and regional guidelines for protecting and conserving biodiversity, which include the City Councils recent proposals to extend the ‘Blue and Greenway’ along the area adjacent to Glennamought Tributary. The Inland Fisheries guidelines for

‘riparian zones’ to protect rivers and streams, especially in city areas. They recommend a minimum of a 5-meter buffer zone on each side of the river. **Run-off from the site and management of storm drains has not been detailed sufficiently** (there is no technical summary report available) to guarantee that polluted water will not enter the Tributary and negatively impact the water quality or create extra sedimentation in the river negatively impacted the water flow and damaging the fragile ecosystem.



Fish kill in Glennamought tributary 25th July 2022 due to a pollution source being investigated by Inland Fisheries and LAWPRO

The proposed development plan and its incursion onto a valued natural amenity is contrary to the targeted actions plans and policies of the NPWS as set out in their most recent plans. In the forward, the then Minister for Culture, Heritage and the Gaeltacht, Heather Humphreys T.D. states *“It is in the interests of every citizen to be aware of the centrality of biodiversity in our everyday lives and the range of benefits we obtain not only from ecosystem services but from the intrinsic good of our environment and its amenities. It is our responsibility to be aware of biodiversity and to take whatever steps we can to help protect and conserve it for the generations that follow.”*

- The NPWS plan’s objectives lay out a clear framework for Ireland’s national approach to biodiversity, ensuring that efforts and achievements of the past are built upon, ensuring conservation of biodiversity in the wider countryside;
- expanding and improving on the management of protected areas and protected species;”

(ii) Public health concerns–

- There is no mention of the illegally dumped materials, which took place prior to 2004.
- The possible restriction of access by fire appliances and their current limited capacity to manage incidents in tall buildings (Crowe, Strategic Review, June 2022)
- The removal of public access to a vital green space for walking and benefiting mental health. A public right of way along the banks of the Glennamought tributary has been established over decades and was formerly acknowledged by the City and County Councils in the early 1990’s (Appendix III). It continues to be used as a place to walk by the local community. This has not been referenced in the proposed plans. Visual information from drones and archival film footage

support this claim. From the available information it appeared that the established public right of way would be blocked.

<https://drive.google.com/drive/mobile/folders/1ZIR49-elWze-BefP0K5-XyaFVbJBDhF-?usp=sharing>

- The importance of the role of mature trees to provide shade in time of excessive heat and that play a significant role in reducing the air temperature in the City, has been ignored by the planned development.

<https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/how-trees-fight-climate-change/>

- The risk of a landslide on the proposed development site which could endanger life and other properties in the immediate area. The development is sited on the edge of a valley where such concerns were raised at a City Council meeting in March, where zoning was being considered.

<https://www.echolive.ie/corknews/arid-40905401.html>

- The impact on the valley and beyond when there is sudden torrential rain and there are no green areas to hold the temporary flood waters.
- The density of the proposed housing development without adequate local infrastructure to cater for the population bloom that will accompany the development.
- The lack of consideration in the plans for already severely stretched local resources in the area and people's ongoing dependence on cars. This is counter to the City Councils stated objectives to reduce car usage within the City boundaries.

(iii) Local considerations listed below have not been considered.

- **Significant visual impairment**, as the height of the proposed 6 storey buildings in a semi-rural environment, is not in keeping with any other developments in the area.
- The Glennamought tributary valley and the Bride River Valley are areas that are of great import to all the residents of north Cork, who now have fewer open green spaces. It also holds special significance to the local community as a place of **historical heritage** and is in daily use by walkers and dog owners for generations.



9. KILCULLY MILLS

One of the 4 mills at Kilcully was recorded in 1820 as an iron mill and disused textiles (carding) mill and is in ruins. Near this is Elwood's mill which was called Hayes in the early 1800s. Largely intact today this was used as a dancehall in the middle 1900s. Another ruined mill was a corn mill and only some small walls of the 4th remain. All 4 of these mills were served by the same millrace which twists and descends steeply and its construction, depth and course is still intact. The millpond is said to have been located between the old and the new Kilcully graveyards.



10. TOBAR BARRY WELL

In the townland of Kilbarry close to Murphy's Rock this well is mentioned as far back as the 9th Century. It is thought there was a church 20 yards East of the well although there are no traces. Cill Barra means Church of Barry - St. Finbarr. Some historical accounts suggest that the community from St. Finbarr's monastery (Gilalibey) relocated for a short time to avoid Viking Raids to Foirthrib Aedh in Magh Tuath. Magh Tuath means Plain to the North. Kilnap, another townland nearby, literally translates as Cill a N'ap - church of the abbots. This could indicate monastic links to settlements locally.

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Compiled by Teresa O'Brien.

THANKS TO;

Cork Corporation.

Blackpool Historical Society -

Tom Foley.

Mallow Road Residents Association -

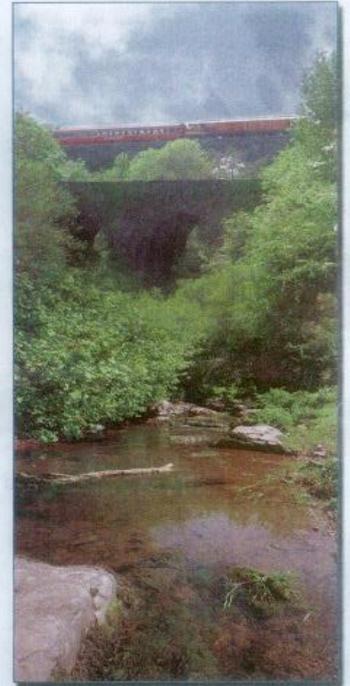
Sean Hoaly.

Padraig O'Riain.

Pat Goggin.

Dagmar O'Riain.

John Sheehan Photography.



Murphy's Rock and the Glenamought Valley

1. EIGHT ARCH BRIDGE

This beautiful structure was built in 1849 for the Great Southern & Western Railway as prior to this the Cork - Dublin Line ended in Mallow. The local corn/flour mill was converted for stonecutting.



There were 150 stonecutters employed daily on the cutting of the stone dressings for the bridge. The scheme for bringing the line to Cork was awarded to William Dargan in August 1846 at a cost of £600,000. Work was provided for 15,000 - 20,000 men. The line from Mallow to Kilbarry was most difficult and consisted of a series of cuttings, fillings and viaducts. Mallow's viaduct had 10 arches, Monard's 11 arches and Kilnap's 8. The tunnel to Cork, a very dangerous difficult feat of engineering, took a further 7 years to complete. A temporary terminus was constructed at Kilbarry called Victoria Station, due to the Queen's visit to Cork and opened on the 19th October 1849. The Cork terminus at Kilbarry now includes Father Rodger's Park and in 1844 9 pieces of silver ring money were found near there by a Mr. Wyse digging a drain on Mr. Smith Barry's (Fota Island) land.

2. KILNAP BRIDGE/ SHAW'S MILLS

Kilnap Bridge road bridge which has 7 arches, some buried, runs adjacent to the Eight Arch Bridge. It is known as Shaw's Bridge.

Shaw's Mills 1 corn and 1 flour were built in the 1820s by Scottish engineer Robert Thom. Mr. Shaw was very prominent in local life and Mrs. Shaw ran a school-knitting class to help destitute females. 40 girls of all ages produced stockings and socks sold in England especially in Liverpool and earned two - three shillings a week.

The mills were driven by wheels powered from the dam close by.

In 1902 the mills were in disuse and became the sculptural/monumental works of brothers Dan & John Maguire until the 1950s. In 1945 the Maguire brothers built the Main Alter, Our Lady's Alter and the Children's Alter (to Seamus Murphy's design) for Blackpool's new Church of The Annunciation. The stone saw was powered by peltou wheel turbine steam engines. In 1945 the dam broke and was never rebuilt. Three generations of Maguires still live in the valley.

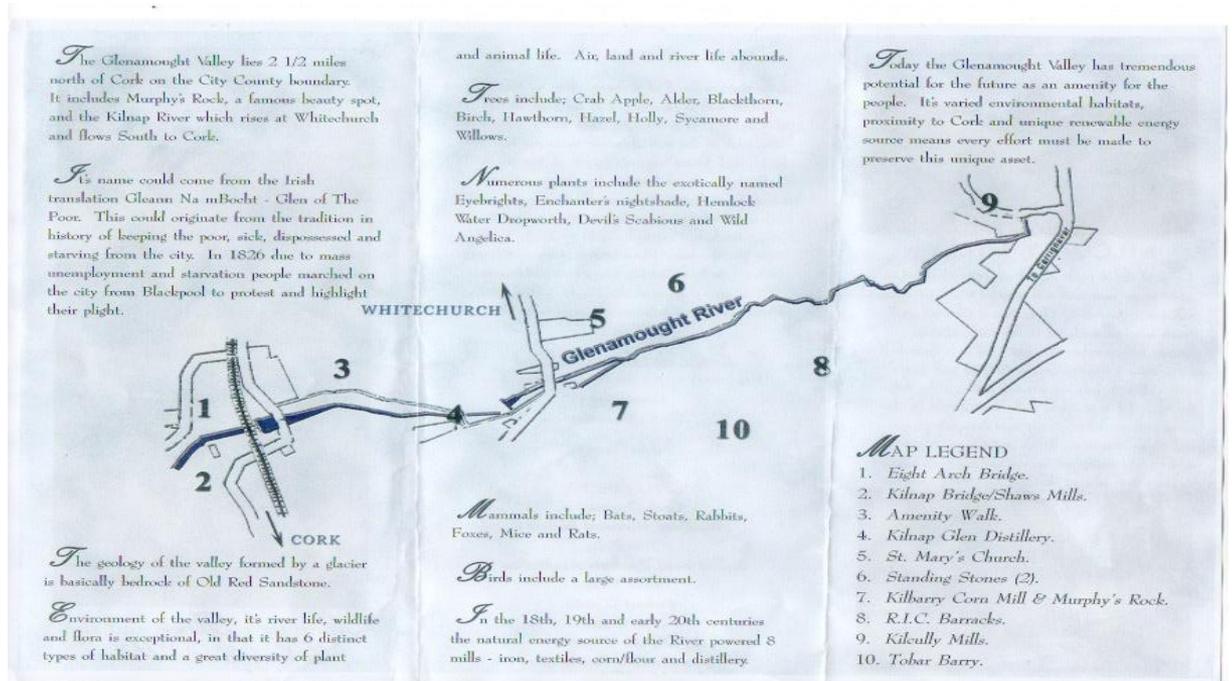


3. AMENITY WALK

This off road pedestrian walk was established by the Mallow Road Residents Association in conjunction with Cork Corporation and Cork County Council in 1990. It runs along the northern ridge from Kilnap Bridge to Glenamought Bridge. Easily accessible, it is quiet and peaceful with seats at 4 points overlooking the river and valley below.



- **The demolition of the hurling manufacturing factory -a strong Cork tradition- and 6 cottages that ought to be preserved as part of the City's heritage.** These are not mentioned in the planning application
- Community households in the immediate vicinity will **lose their privacy** as they would be significantly overlooked.
- Loss of an **established right of way** to a long held public amenity



The public walk amenity recognised by Cork City and Cork County Councils in !990

- Loss of a long-held community amenity, as evidenced by the number of walkers and dog owners who have created **identifiable walking trails** amid the green space.
- **Loss of significant biodiversity and breeding grounds** for an entire spectrum of native flora and fauna that have made their homes there over hundreds of years.
- **Interference with local access to satellite communication** for the community due to the height and position of the proposed development.
- The proposed altered skyline will negatively impact visitors to the City, as it will be an eyesore. The entrance to the City is currently wonderfully green with large belt of deciduous trees on the hill.
- **The loss of a site for ecological awareness education and skill development by local scout groups and schools.**
- "I think it is the most ecologically diverse site in the City." J
- "The apartments will directly overlook my garden." D
- "The height of some of the proposed buildings is of particular concern on three fronts. (i) the stability of the ground / the geology and hydrology is in our opinion unsuitable for such structures. (ii) the incongruence of such high buildings in a semi-rural setting. (iii) the invasion into the personal space of the community that live beneath these buildings, which will now be overlooked." P

- “There has been no consideration given to the community who have used the area as an amenity for family outings and walking” J2
- “The development will prevent me from connecting to satellite because of the height of the apartments” H
- “It’s our dúchas, a place of happy memories and a place to meet and greet newcomers to the community” OC
- “It is our “Riviera of the North” Niall Tóibín
- “It is the last decent green space left in the entire city and for its’ biodiversity alone needs to be protected not exploited and abused” C
- “The south side of the City have oodles of recently upgraded and developed public amenities, the north side of the City has one, if you exclude the two in Blarney” (Appendix II)
- “A haven in the Summertime, **a place to be content.** Yes, such a special wonderworld, what happy day's there spent. ‘Twas there we tried with hook and line, to catch the flashing trout. With our picnic packs of bates of bread, and raza too no doubt. Or, watch the wily shiny fox, as he headed to his den. Where scent of Summer flowers,**Where Nature shone its’ glory,**” Local Bard

Environmental concerns are many-fold and some are detailed below as there has been no Environmental Impact Technical Summary report made available to us.

- The **sewage scheme** for the Proposed Development is not investigated. The EIA should include the total flows (Foul and Surface Water). The capacity of the existing infrastructure should be shown. The EIA should indicate if the sewage is treated (including degree of treatment) or allowed to flow directly into local rivers.
- The EIA does not indicate the total impact of **water runoff** from the Proposed Development nor its impact on the local water courses.
- While the reports EIA and Planning indicate authorities to be consulted, it does not report any input from the said authorities.
- The proposed development does not address **cyclist safety** issues.
- There is a River Bride Drainage scheme and LAWPRO restoration proposals are not mentioned in the EIAR.
- The proposed attenuation tank and head wall do not comply with the recommendations from Inland Fisheries Ireland to Cork City Council.
- The EIAR does not include a review of the **flood prevention** proposals made by Cork City Council regarding the Bride River and Glennamought River
- The EIAR does not include “**Flood Alleviation Measures**” for the Glennamought River and the Bride River by Cork City Council.
- The EIAR does not include a review of the **habitat for salmonids** in the Glennamought. A recent study concluded:
 - “The Glennamought River between the Viaduct and the Industrial Estate downstream near its confluence with the River Bride had very high densities of salmonids as observed during electro-fishing surveys in 2014. The river had clean swift flowing water and clean substrata which evidently have helped maintain the rivers unpolluted status (i.e. good status Q4 water quality at sites 7 & 8).”
- The Proposed Development does not show how it will maintain the local natural environment not to mention improvements.

- **We have been restricted** in our review of the Proposed Development due to our not being able to have copies of all the relevant documents provided to us.
- These submissions and observations clearly indicate that a full Environment Impact Assessment Study and Management Plan should be carried out.
- We would welcome an opportunity to review this Proposed Development with An Bord Pleanála. We feel that it should be mandatory practice to include consultation with local communities who are impacted by proposed works, particularly when the normal planning process is restricted.
- How storm waters and run off from the proposed development are to be managed has not been detailed in the proposed plans. There is no Environmental Impact Screening Report, this is particularly significant given the status of the River Bride and Glennamought Tributary. There is **no consideration given to protective measures for the fish and other macro and micro invertebrates** in the River Bride nor the Glennamought Rivers and how the quality of water in these waterbodies will be impacted by **excess sediment and run off** entering the river during the construction period and beyond as the proposed development is on a steep slope covered by vegetation **which has acted as a sponge for excess rain water and a filter to protect the freshwater adjacent to the tributary**. If this vegetation is removed this will have significant negative consequences for the Glennamought tributary which has spawning beds for trout, other fish and is a significant food source for a variety of wildlife in the fen ecosystem that currently exists below the site.
- **Temporary flood attenuation has not been addressed**. Any ‘hard measures’ as proposed by the development plan will exacerbate the natural flow of the river and impede its’ ability to deal with flash flooding, the like of which we saw this year.
- The wetland areas on either side of the river have traditionally been a natural part of the river management system for decades, holding back water from flooding lower areas along the river. This wetland and fen are a significant part of flood management for the Bride river. **The proposed development will infringe on the nature-based solution to flood management for the Blackpool area**.
- There is no environmental management plan included in the application for the duration of the build or for the long term. **There is no mention of remediation to any negative environmental impact. There are** hundreds of breeding bird’s in the area, flocks of stonechats, chaffinches, ducks, swans to mention but a few. Otters and other mammals use the valley floor for foraging. There is no mention how the precious lichens found in the area are going to be impacted upon or the other microscopic plants and animals which contribute to the unique array of biodiversity in the area planned for development. There is no considerations given to the specific ecological habitats that will be negatively impacted by the any development along the tributary. This river is home to a large number of wildlife species, some of which are under threat. Dippers, Bats, Woodcock, Hawks, Kites, Falcons, Heron, Lepidoptera, Dragonflies, Damselflies and many specialist plants such as the Bee Orchids, Pignut, Devil’s Bit Scabious marsh plants, such as Marsh Fritillary, fungi and lichens which are becoming rare in the environs of Cork City and need to be conserved and protected.
- At a recent event “Space for Nature in Cork City”, organised by UCC green Campus and Cork Environmental Forum who produced a summary document highlighting the **extent of community interest in nature and sustainable development**.
- The proposed development will negatively impact the potential success of LAWPROs’ prioritised action restoration of the River Bride (Cork City), which has been given high

priority and includes the Glennamought Tributary (010) of the Bride. E1679 – IE SW 19G 880990 see desk study AFA report 029.

- **We could lose our otters and bats.** This would really be a backward step for the City as their presence in our rivers gives out a positive message to all those who are concerned about the state of our local natural environment.
- Previous local concerns have been dismissed on planning matters or have been ignored. On their own admission the majority of the personnel involved in decision making for the area admit to not knowing the area at all.

<https://www.irishexaminer.com/news/munster/arid-40931021.html>

We, are requesting an oral hearing on this matter, as it will have such a long term significant negative impact on the Bride Valley, the community on the North side of the City as well as the immediate local community and its' environs.

Appendix I

Submissions and Observations received by:

1. **Joan Sutton**, Kilcully, Dublin Pike, Cork. T23 KO33
2. **Denis Harley**, Bridge House, Old Mallow Road, Cork.
3. **Pat Goggin**, Vetten Heights, Kilbarry, Old Whitechurch Road, Cork. T23 TXE9
4. **John Paul Murphy**, Spring Lodge, Kilcully, Whites Cross, Cork. T23 WD62
5. **Norma Barrow**, Holly Cottage, Ballincrokig, Whites Cross, Cork. T23 YK07
6. **Patricia Carroll**, Marian Lodge, Kilcully, Whites Cross, Cork. T23 KC94
7. **Peter Cronin**, Bean Barra, Dublin Pike, Whites Cross, Cork. T23 CR74
8. **Pauline Cudmore**, 25 Seanacloc, Tower, Blarney, Cork .T23 D704

