



h w p l a n n i n g

## **Submission to Draft Cork City Development Plan 2022 - 2028**

Zoning Submission – Lands at Greenfield, Ballincollig, Cork

**Murnane & O'Shea Limited**

October 2021

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**Connecting places.**

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# 01 Introduction

## 01.1 Purpose of Submission

This submission has been made on behalf of Murnane & O’Shea Limited. It has been prepared in response to Cork City Councils invitation for submissions to the Draft Cork City Development Plan 2022 (Draft CDP). This submission is in response to the Councils draft policies and zoning objectives for the settlement of Ballincollig.

Specifically, this submission requests that all the subject lands be included within the ZO-02 ‘*New Residential Neighbourhood*’ zoning objective in the future City Development Plan. It is considered that a misinterpretation of the 2009 Flood Risk Guidelines has resulted in lands, of 2.25 hectares in area, being zoned as future ‘Public Open Space’ (Zoning Objective ZO-16) in the Draft CDP. In the interests of clarity, the extent of the lands in our client’s ownership and its location within the settlement of Ballincollig is outlined in red below.

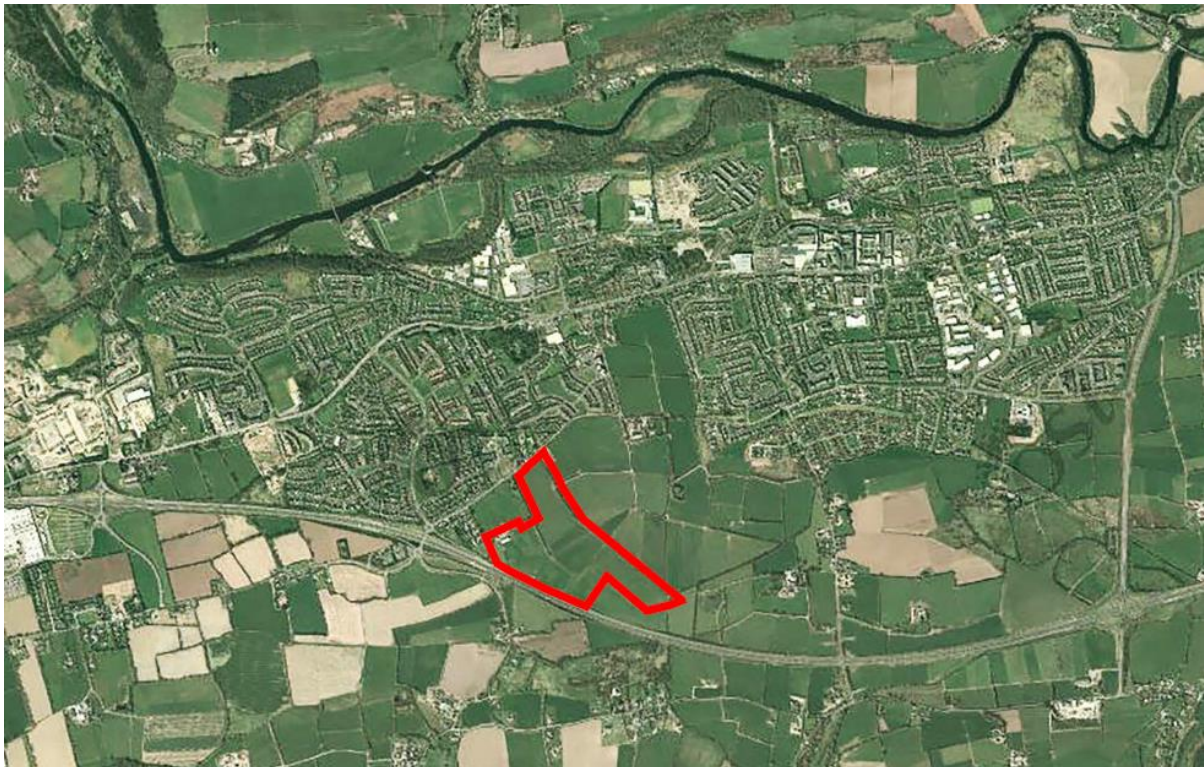


Figure 01 - Subject Lands in Greenfield outlined in Red

## 01.2 Submission Context

Murnane & O’Shea Limited support the inclusion their lands within a ZO-02 ‘*New Residential Neighbourhood*’ zoning objective in the Draft CDP and wish to state their intention of continuing their excellent track record in delivering new housing in Ballincollig during the lifetime of the forthcoming CDP. The Planning Authority will note that our clients have engaged in Section 247 discussions regarding a potential future Strategic Housing

Development at the subject lands and envisage that a pre-consultation request will be submitted to An Bord Pleanála during October 2021 regarding same.

However, they consider the inclusion of circa 2.25 hectares of their lands within a ZO-16 'Public Open Space' zoning objective is inappropriate and is not consistent with guidance contained in the 'Guidelines for Planning Authorities on the Preparation of Development Plans 2007', or criteria specified in the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities November 2009' relating to the flooding 'Justification Test' in the preparation of Development Plans.

In the interests of clarity, the extent of the lands identified within the ZO-16 objective in the Draft CDP is illustrated in Appendix A of this submission. We note that the subject lands were not included within Flood Zones A/B in either the 2011 LAP or 2017 LAP's or in the OPW's CFRAM mapping.

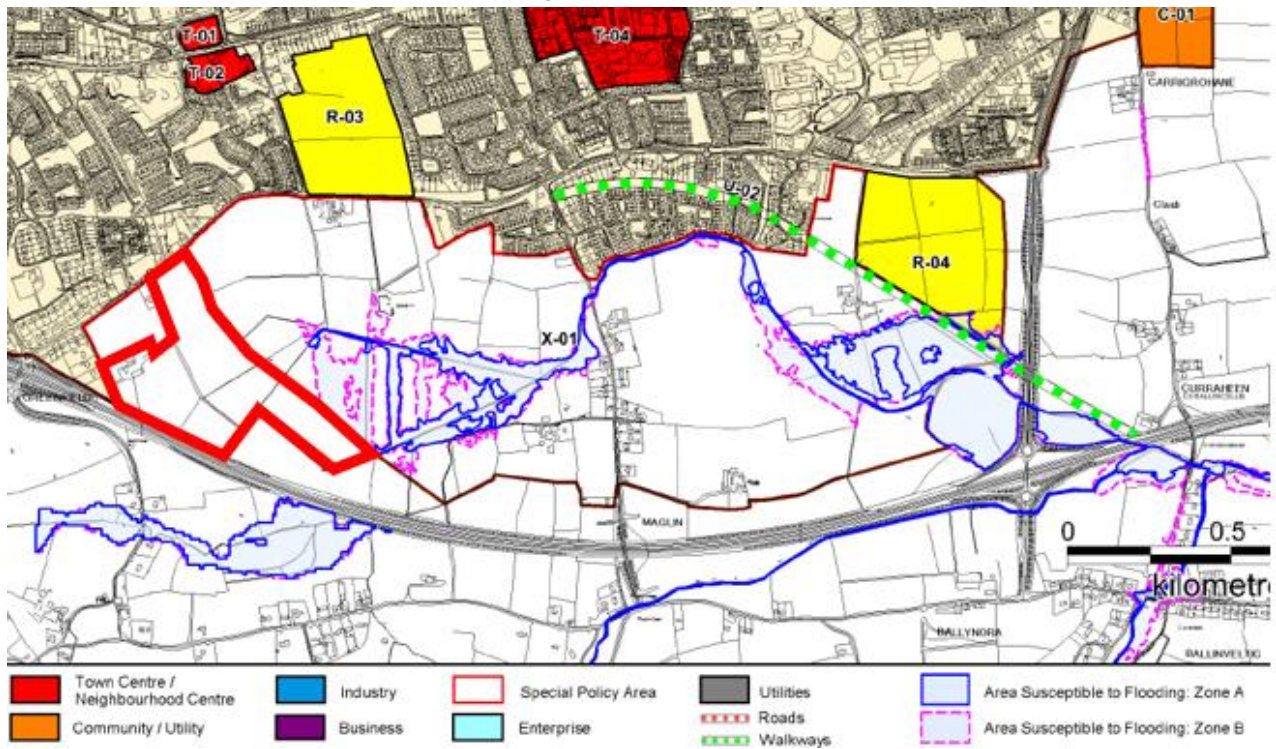


Figure 02 = 2011 LAP Zoning Map - Site Location within X-01 Objective outside Flood Zone A/B Areas

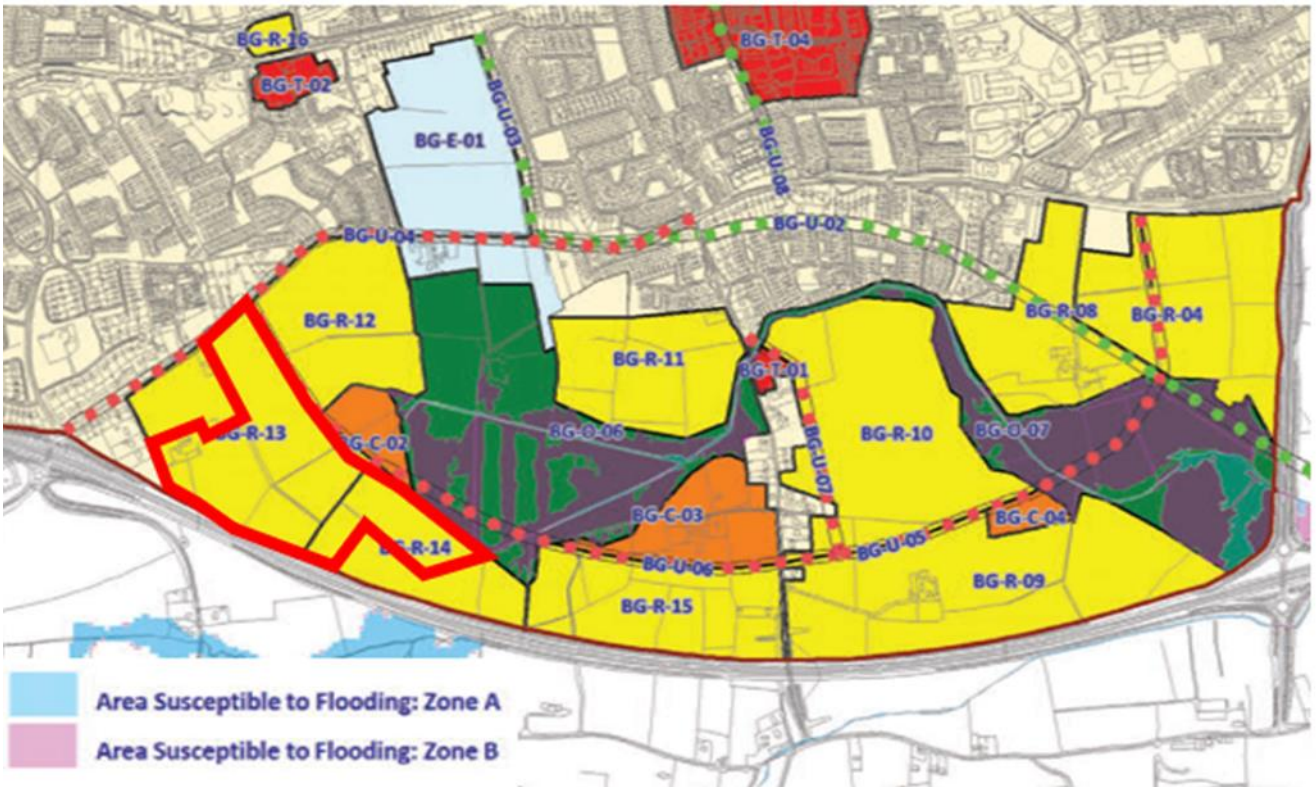


Figure 03 LAP Zoning Map - Site Location within BG-R-13 and BG-R-14 residential zoning objectives - Objective outside Flood Zone A/B Areas



Figure 04 - Site Location outside Flood Risk Zones in CFRAM mapping. [www.floodinfo.ie](http://www.floodinfo.ie)

The basis for the inclusion of the subject lands within the ZO-16 'Public Open Space' is described in paragraphs 10.203 – 10.207 of the Draft CDP and the preparation of a new Drainage Study for the Maglin UEA lands. We note that preliminary findings of the new drainage study have not yet been published, however its findings are still framing future policies and objectives for Ballincollig. As the rationale and recommendations of the new drainage study have not been published, it is not clear if the zoning objectives for the Maglin UEA have accounted for any flood mitigation measures which can be

accommodated and which were previously committed to in recent Local Areas Plans for Ballincollig. We note paragraph 10.206 of the Draft CDP which acknowledges that:

*“The flood zones illustrated in this plan are based on an undefended scenario and do not take the presence of flood protection structures such as walls or embankments into account.”*

It has been acknowledged since the publication of the 2011 LAP, that the flood risk situation at the Maglin UEA has been largely caused by water run-off resultant from the delivery by the state of the N22 Ballincollig bypass to the south. Cork County Council who first identified the future delivery Maglin UEA, identified various measures to resolve the increased flood risk in the Greenfield area resultant from the delivery of the N22. This was recognised in paragraph 1.2.28 of the 2011 LAP.

*1.2.28 - “River training works (North Maglin River Tributary) are proposed under the Collection System Upgrade. Construction of this would be post 2012. There will be land acquisition and wayleave issues relating to proposed river training works.”*

Paragraph 3.3.55 and table 3.2 of the 2017 LAP specified that the implementation of a new SUD strategy would be implemented in Maglin to accommodate development in this area of the UEA.

*3.3.55 - “Parts of the Maglin Urban Expansion site are also at risk of flooding and this issue will need to be addressed as part of the preparation of the framework masterplan for those lands.”*

<b>Table 3.2 : Phase 2: Development Programme: Ballincollig</b>	
<b>Phasing of Development</b>	<b>Strategic Infrastructure and Service Requirements*</b>
<b>Prior to Granting of Planning Permission for Phase 2</b>	<ul style="list-style-type: none"> <li>Phase 2 Transport Assessment required to identify road and transport infrastructure and required timing for delivery</li> </ul>
<b>➤ 1,770 * Dwelling Units</b>	<p><u>Open Space</u></p> <ul style="list-style-type: none"> <li>Completion of Phase 2 area of Linear Park and Castle Protection zone</li> </ul> <p><u>Water Services</u></p> <ul style="list-style-type: none"> <li>Provision of capacity for waste water treatment and collection</li> <li>Implementation of SUDs Study Recommendations</li> </ul> <p><u>Transport</u></p> <ul style="list-style-type: none"> <li>Killumney Road Upgrade Phase 1 and 2.</li> <li>Construction of Link Road West</li> <li>Construction of Link Road /Killumney Road junction roundabout</li> <li>Implementation of Ballincollig Cycling and Walking Network</li> </ul> <p><u>Education</u></p> <ul style="list-style-type: none"> <li>Provision of a sites for a Primary and Secondary School</li> </ul>

Figure 05 - Table 3.2 of 2017 LAP

However, these works have yet to commence. Our clients have concerns that works that were previously committed to be implemented by Cork County Council, and which would have alleviated flood risk in this area, are no longer being considered.

### 01.3 Submission Request

For the reasons outlined above, this submission requests that all of the subject lands be included within the ZO-02 ‘New Residential Neighbourhood’ zoning objective in the 2022-

2028 Cork City Development Plan. We consider the inclusion of circa 2.25 hectares within zoning objective ZO 16 '*Public Open Space*' is contrary to the long-standing commitments of Cork County Council and contrary to the 2009 Flood Risk Management Guidelines for Planning Authorities.

In the interests of clarity, a 'Proposed Zoning Map' illustrating the entirety of the subject lands within an extended ZO-02 zoning objective is attached in Appendix B of this submission.



# 02 Assessment

## 02.1 Flood Risk Management Guidelines for Planning Authorities – 2009

We consider that the land-use objectives of the future CDP and specifically the Maglin UEA should reflect the statutory objectives of the 2009 Flood Risk Management Guidelines. Chapter 4 'Flooding and Spatial Planning' of the guidelines describes a key message as.

*“The application of the sequential approach and, in some exceptional cases, the Justification Test should be used by planning authorities in successfully and transparently incorporating flood risk into the decision-making process on development plans and enabling town centre and minor infill developments to proceed. Development plans must include a statement of how the Guidelines have been implemented.”*

Box 4.1 of the guidelines (page 37) refers to the 'Justification Test for Development Plans'. In the identification of lands for future development in Development Plans, specific criteria relating to the Justification Test must be satisfied.

As the lands were excluded from Flood Zones A/B in both the 2011 and current 2017 LAP's and zoned for residential development, the lands satisfied the criteria of the Justification Test identified in the Guidelines. This confirms that the zoning of the lands in the 2011 and 2017 LAPs was consistent with all criteria specified in the 2009 Guidelines. Both of these adopted plans were prepared in accordance with the Flood Risk Guidelines and contained a Strategic Flood Risk Assessment.

Figure 06 Box 4.1 – 2009 Guidelines

**Box 4.1: Justification Test for development plans**

Where, as part of the preparation and adoption or variation and amendment of a development/local area plan<sup>1</sup>, a planning authority is considering the future development of areas in an urban settlement that are at moderate or high risk of flooding, for uses or development vulnerable to flooding that would generally be inappropriate as set out in Table 3.2, all of the following criteria must be satisfied:

- 1 The urban settlement is targeted for growth under the National Spatial Strategy, regional planning guidelines, statutory plans as defined above or under the Planning Guidelines or Planning Directives provisions of the Planning and Development Act, 2000, as amended.
- 2 The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:
  - (i) Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement<sup>2</sup>;
  - (ii) Comprises significant previously developed and/or under-utilised lands;
  - (iii) Is within or adjoining the core<sup>3</sup> of an established or designated urban settlement;
  - (iv) Will be essential in achieving compact and sustainable urban growth; and
  - (v) There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.
- 3 A flood risk assessment to an appropriate level of detail has been carried out as part of the Strategic Environmental Assessment as part of the development plan preparation process, which demonstrates that flood risk to the development can be adequately managed and the use or development of the lands will not cause unacceptable adverse impacts elsewhere.

N.B. The acceptability or otherwise of levels of any residual risk should be made with consideration for the proposed development and the local context and should be described in the relevant flood risk assessment.

We note Circular PL 2/2014, dated 13 August 2014 which clarifies advice stated in the 2009 Guidelines regarding the preparation of Development Plans.

*“During the preparation of the development plan (or a variation of a development plan) in areas located in flood zone A&B, where the existing use zoning is classified as a “vulnerable use”, the planning authority should consider if the existing use zoning of the ‘vulnerable use’ is still the appropriate zoning for the area. Where the planning authority considers that the existing use zoning is still appropriate, the planning authority must specify the nature and design of structural or non- structural flood risk management measures required prior to future development in such areas, in order to ensure that flood hazard and risk to the area and to other adjoining locations will not be increased, or if practicable, will be reduced.”*

As previously referenced the subject lands were subsequently zoned for residential development in the 2017 LAP and not included within any flood risk zone. Measures to address the potential increases in surface water run-off generated from the delivery of the N22 bypass have been identified in both the 2011 and 2017 LAP’s. The delivery of these works which have not yet been undertaken which would resolve any perceived flood risk issues in this portion of the UEA.

We consider the Draft CDP, which has been informed by the unpublished Drainage Study for the Maglin UEA, represents an incomplete assessment of the flood risk situation in the area. We particularly note paragraph 10.206 of the Draft CDP which acknowledges that the flood zones illustrated in the Draft CDP mapping are based on an undefended scenario and do not take the presence of flood protection structures such as walls or embankments.

Our clients regret that no reference is made in the Draft CDP to previously committed drainage and surface water upgrades in the Maglin UEA which would resolve the drainage issues resulting from the construction on the N22 to the south. The future undertaking of these works would resolve any potential flood risk considerations at the proposed ZO-16 ‘Public Open Space’ at our client’s landholding and result that residential development could be delivered at the lands during the lifetime of the plan.

We note Section 6.4 of the 2009 Guidelines which states that:

*“Planning authorities must strike a fair balance between avoiding flood risk and facilitating necessary development, enabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding.”*

We consider that all of the lands in our client’s ownership should be zoned for residential development and the same is consistent with the 2009 Flood Risk Guidelines.

## 02.2 Strategic Importance of the Delivery of the Maglin UEA

Ballincollig is identified as a ‘Metropolitan Town’ in the Cork MASP of the Regional Spatial & Economic Strategy for the Southern Region (RSES). Section 7.2 of the Cork MASP recognises the strategic importance of the delivery of the Maglin UEA in terms of Cork meeting its ambitious population targets set out in the National Planning Framework. The

RSES targets 3,570 no. residential units at Maglin with key infrastructure priorities including.

- Maglin Urban Expansion Area Phased Infrastructure Packages and
- a Sustainable Urban Drainage Strategy.

Location	Brief Description and Indicative Yield: <i>Yields are indicative only, will be revised in the context of compact growth targets, departmental guidelines and development plans.</i>	Infrastructure Priorities subject to required appraisal, planning and environmental assessment processes
<b>Ballincollig</b>	<p>Ballincollig is the largest and fastest growing town in Cork, building on its IT specialism and potential for improved public transport links to the City via the Cork Science and Innovation Park.</p> <p>Urban Expansion Area of Maglin.</p> <p><b>Potential Residential Yield: 4582 (includes Maglin UEA 3,570).</b></p>	<p>As per Chapter 3 Objective on investment for holistic infrastructure for metropolitan areas.</p> <ul style="list-style-type: none"> <li>• Maglin Urban Expansion Area Phased Infrastructure Packages.</li> <li>• CMATS recommendations re road network / public transport (LRT in particular).</li> <li>• Waste Water Infrastructure upgrades.</li> <li>• Water Supply Upgrades.</li> <li>• Local Road improvements (Killumney Road Upgrade, Maglin Road realignment).</li> <li>• Delivery of Cork Northern Ring Road.</li> <li>• Sustainable Urban Drainage Strategy.</li> <li>• Investment in retrofitting infrastructure and services (physical, social and recreational) to improve quality of life for communities.</li> </ul>

Figure 07 - RSES Targets for Ballincollig

The Core Strategy of the Draft CDP places a similar strategic importance in the delivery of the Maglin UEA as a new growth centre for significant population and housing growth. This is reflected in Draft CDP Objective 10.55 – ‘South Ballincollig (Maglin) Expansion Area’ which aims to:

*“To support the compact growth and development of South Ballincollig Expansion Area as a strategic City consolidation and expansion area, as identified in the Core Strategy. All development shall be designed, planned and delivered in a co-ordinated and phased manner, using a layout and mix of uses that form part of an emerging neighbourhood integrated with the wider area.”*

We also note Draft CDP Objective 10.59 ‘Ballincollig Flood Risk’ which states that.

*“Development in Ballincollig will only be permitted in areas not at identified risk of flooding. Additionally, all new proposed development proposals within the Maglin / South Ballincollig Expansion Area shall be accompanied by individual site-specific flood risk assessments.”*

Given the strategic importance of the delivery of the Maglin UEA as confirmed in the RSES, we consider that the Draft CDP should prioritise the delivery of critical infrastructure to

facilitate its future delivery. This includes the implementation of the previously committed drainage upgrades to resolve increased surface water run-off generated from the construction of the N22 Ballincollig bypass. We consider these works are necessary as the extent of public open space provision in the Maglin is excessive and will prevent housing targets from being achieved during the lifetime CDP.

# 03 Request

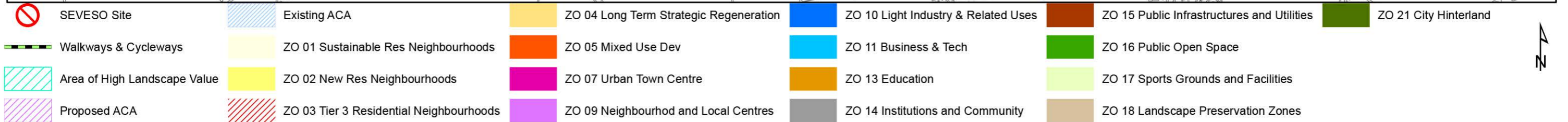
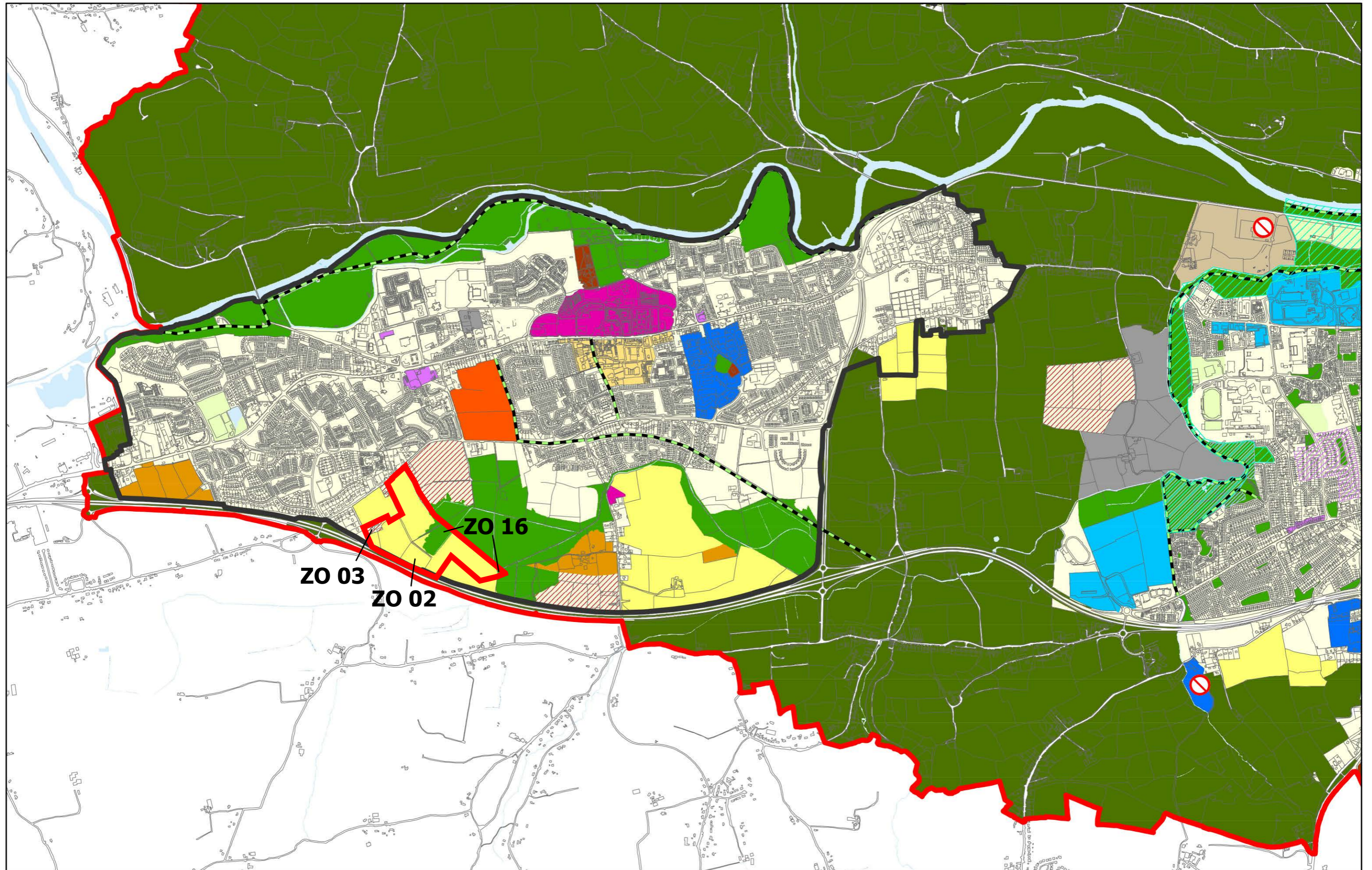
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In summary, we request that the entirety of our clients landholding be included in the ZO-02 '*New Residential Neighborhood*' zoning objective for Ballincollig in the 2022-2028 Cork City Development Plan for the following reasons.

- The subject lands have not been included in either Flood Risk Zones A/B in the 2011 or 2017 LAPs for Ballincollig and are not categorised as being at risk of flooding in CFRAM mapping. The 2011 and 2017 Local Area Plans had specific objectives for the delivery of a Sustainable Urban Drainage strategy for Maglin which would facilitate future development at the lands and address potential increase water run-off resultant from the delivery of the N22 Ballincollig Bypass.
- The Draft CDP refers to the preparation of a new Drainage Study for the Maglin UEA lands as a basis for the inclusion of a portion of our clients in a ZO-16 Public Open Space zoning objective. The findings of the new Drainage Study have not yet been published and it is not evident to what extent any mitigation measures have been assessed in the revised flood risk analysis of the Maglin UEA.
- The inclusion of the subject lands within an extended ZO-02 residential objective satisfies the Justification Test for the preparation of Development Plans in the 2009 Flood Risk Management Guidelines. Long standing flood risk management measures have been identified and committed to in the past two adopted LAPs. These LAPs were both were prepared in accordance with the Flood Risk Guidelines and contained a Strategic Flood Risk Assessment confirming that the identification of the lands for future residential use are in accordance with the Justification Test.
- The efficient delivery of the Maglin UEA during the lifetime of the 2022-2028 CDP is a key strategic objective of the Draft CDP and RSES. It is considered that the delivery of critical infrastructure to enable development at the lands is a key determinant regarding its ultimate delivery. We request that the objectives of the future CDP fully align with the population and housing targets set out for the UEA and those previous commitments made by Cork County Council relating to the delivery of a Sustainable Urban Drainage strategy be enshrined as key objective.

# Appendix A

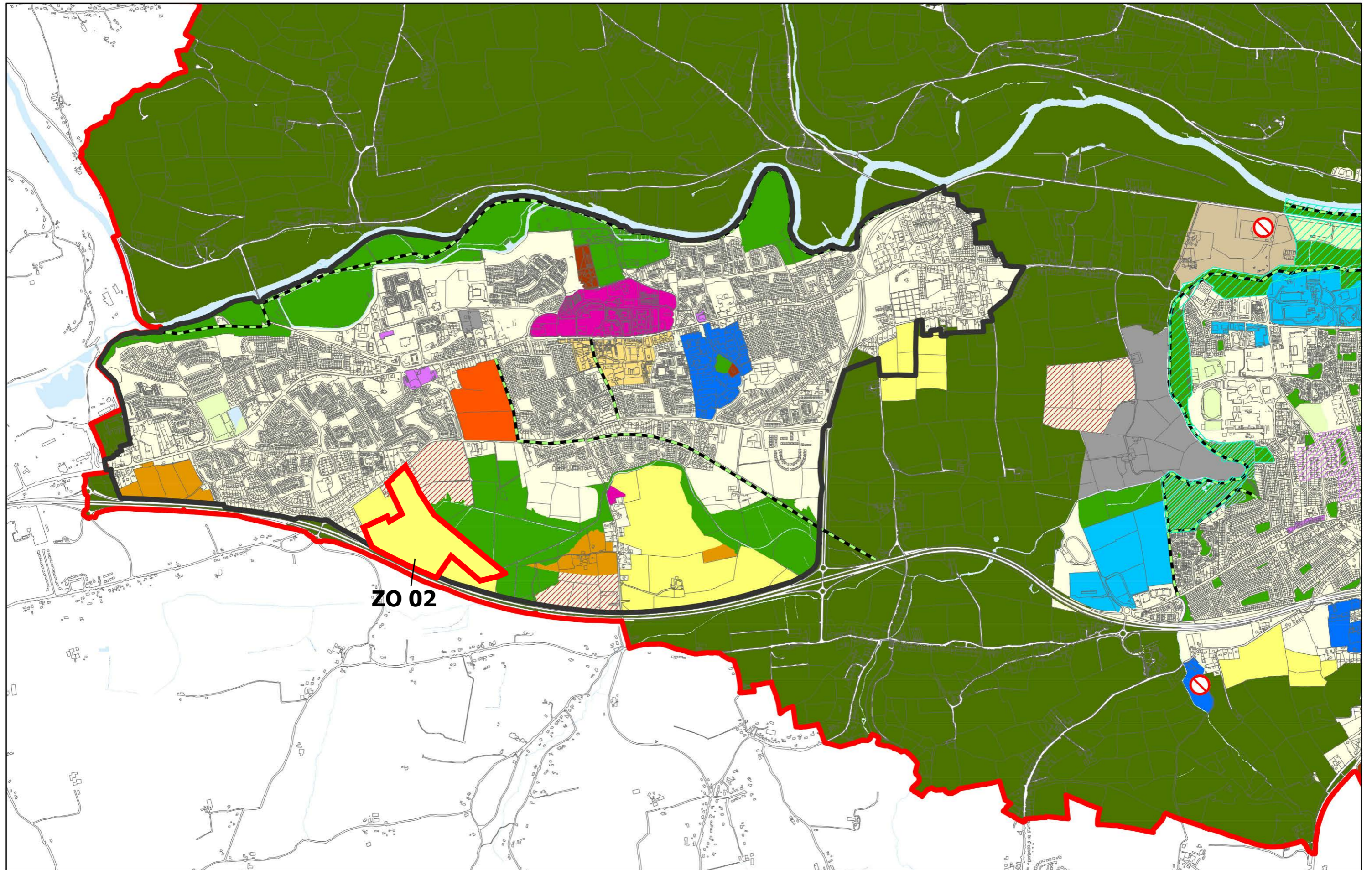
Zoning Map in Draft CDP



# Appendix B

Proposed Zoning Map with subject lands within an expanded ZO-02 Residential Zoning Objective





ZO 02

