

8th February 2021

Proposed Amendment No 1 Submissions, Strategic and Economic Development, City Hall, Anglesea Street, Cork T12 T997

# Re: Proposed Amendment no.1 Ballincollig Carrigaline Municipal District Local Area Plan 2017

A chara.

Thank you for your authority's work in preparing proposed "Amendment No.1 Ballincollig Carrigaline Municipal District Local Area Plan 2017" (the proposed amendment).

The Office of the Planning Regulator (the Office) wishes to acknowledge the work your authority has put in to the preparation of the draft amendment against the backdrop of an evolving national and regional planning policy and regulatory context, including the National Planning Framework (NPF), the Southern Regional Assembly (SRA) Regional Spatial and Economic Strategy (RSES) and the establishment of the Office.

The Office acknowledges at the outset the pressing need within your area to provide for the growth of the city in line with the NPF and RSES, including provision of newhomes to meet the objectives of Government's *Action Plan for Housing and Homelessness, Rebuilding Ireland* plan. Unprecedented structural and policy changes have also taken place within the planning system since the making of the Cork County Development Plan 2017 (the operative development plan until the making of the Cork City Development Plan). In particular, the amendment of the mutual boundary between Cork city and county planning authorities, under the Local Government Act 2019, creates significant complexities for the planning of the city until the making of the new city development plan.

However the Office advises that the rezoning of **further** areas of metropolitan greenfield lands within the expanded city boundary would be more appropriately provided for under the current development plan review process. This would enable the planning authority to demonstrably

provide an overall strategy for the proper planning and sustainable development of its entire functional area in an evidence based approach, consistent with NPO 36 of the NPF, RPO 35 of RSES and the requirements of the section 28 *Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities* (DHLGH, 2020).

As your authority will be aware, a key function of the Office is the assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. The planning authority is required to implement or address recommendation(s) made by the Office.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

The Office has evaluated and assessed the proposed amendment to the LAP under the provisions of sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000, as amended (the Act). This submission makes 1 recommendation and 1 observation on the proposed Amendment to the No. 1 Ballingcollig Carrigaline Municipal District Local Area Plan 2017.

#### 1.0 Transport and Accessibility

#### 1.1 Context and Rationale for Recommendation 1

The Cork Metropolitan Area Transport Strategy 2040 (CMATS) sets out the integrated land use transport strategy for transport infrastructure for the metropolitan area necessary to facilitate the significant growth (50-60% population increase) envisaged for the city over the period of the NPF. The subject lands are not identified as an area for growth in the CMATS land use distribution. It is

not situated along an existing or proposed rail corridor and it located at a distance of at least 650m from the nearest BusConnects route (indicative, only) although a public bus service is indicated along Carrigaline Road (adjacent). Therefore this peripheral greenfield site is not ideally located to accommodate population expansion in terms of existing or proposed public transport provision.

However, CMATS does envisage the Ballybrack Cycleway will run along the Carrigaline Road) which will form part of a coherent cycle network for the city. And provision has been made for connectivity / permeability to/from the adjacent site to the north on which a Strategic Housing Development has been approved.

The site is located adjacent the existing N28 (Bloomfield to Ringaskiddy) junction, which provides access onto the N28, southbound, and egress, northbound to the Carrigaline Road. The N28 forms part of the EU TEN-T network and is proposed to be upgraded to motorway under the Tll's M28 road scheme, as provided for under the National Development Plan, with the said junction upgraded to a full grade separated junction with access and egress in both directions. The subject lands will therefore be highly accessible to the national road network and will therefore be attractive to private car based development.

The Council's Planning Report recognises that the development may be contingent on the timing and delivery of the M28 scheme and ancillary upgrades and that it is essential that all access arrangements are agreed in advance at Development Management stage.

The *Strategic Land Reserve report* informed the proposed amendment. It noted that the adjacent road network suffers from heavy peak hour congestion which overspills onto the N40 and the N28 (strategic National Primary routes for the region) and that the need for the limited capacity of the existing transport network to be allocated more efficiently to ease congestion, accommodate public transport and facilitate greater pedestrian and cycle connectivity. It advised that consideration of the subject lands should progress to the next stage for detailed assessment including a Traffic and Transport Study, however the proposed amendment does not demonstrate that it is informed by a Traffic and Transport Study/Assessment.

The Spatial Planning and National Roads Guidelines (DECLG, 2012) require that in preparing development and local area plans, planning authorities must ensure that the strategic traffic function of national roads is maintained by limiting development that would give rise to generation of short trips on national road, and must assess the trip generation aspects of any land use zoning objectives and how such trip generation is to be catered for, promoting the use of sustainable modes, while protecting the strategic function of the national roads network. In particular, the

guidelines require the plan take account of and carefully manage lands at national road interchanges or junction, avoiding potentially compromising the capacity and efficiency of same.

# Recommendation 1 - Traffic and Transportation Assessment

Having regard to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DEHLG, 2012), the planning authority is required to undertake an evidence based traffic and transportation assessment to inform the amendment. This assessment should be undertaken in consultation with the NTA and TII, and in accordance with the aforementioned Guidelines and the 'Area Based Transport Assessment' (ABTA) guidance/advice notes published by the two authorities, taking account of the published CMATS. It should determine:

- (i) the potential impact on the implementation and operation of the existing N28 and M28 road scheme (an EUTEN-T route and strategic national road); and
- (ii) the potential capacity of the site to be served by active and sustainable transport modes within the catchment.

Where it cannot be demonstrated that:

- the proposed land use and transport scenario satisfies the overall objectives and guiding plan principles with appropriate transport implementation measures, including timescales for delivery and funding; and/or
- (ii) the strategic function of the N28 and future M28 will be maintained / protected with the development of the site for residential development,

the Office recommends your authority not make the amendment as proposed.

## 1.2 Context and Rationale for Observation 1 (Strategic Environmental Assessment)

The Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment Guidelines for Regional Authorities and Planning Authorities' were issued by the Minister under section 28 (November, 2004)

The Guidelines provide that consideration of likely significant effects on the environment includes consideration of the effects on material assets, such as transportation infrastructure. In view of the peripheral location of the subject lands adjacent the N28/proposed M28, there is potential for the development of these lands to become heavily car based and to result in significant effects on the aforementioned road infrastructure. As the subject road infrastructure forms part of the strategic network and part of the designated EUTEN-T route and is subject of a proposed major upgrade to motorway standard, the potential for adverse effect would be of increased significance.

There is no indication in the Environmental Report that the likely significant effect has been considered in accordance with the requirements of the Directive and the Section 28 Guidelines.

# Observation 1 - Strategic Environmental Assessment

The planning authority is advised to review the SEA to more fully consider the potential impact of the proposed amendment, alone and taken cumulatively, on the N28 and proposed M28 road scheme as a material asset.

#### 2.0 Climate Action

The planning authority should be cognisant that the proposed amendment to zone peripheral lands remote from existing or proposed quality public transport facilities / infrastructure will have implications for the implementation of sustainable settlement and transport strategies under the future Cork City development plan, in accordance with the requirements of section 10(2)(n) of the Act.

This will be an important consideration in terms of demonstrating consistency with section 10(2)(n) in the forthcoming development plan review process.

#### 3.0 Compact Growth

The National Planning Framework (NPF) identifies managing the sustainable growth of compact cities, towns and villages as a National Strategic Outcome. In order to achieve this goal, NPO3a set out a clear target to 'deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints'.

End-note 17 (appendix 4) to the NPF states that the 'existing built-up footprint' is 'defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre'.

The land subject of the proposed amendment is located on the south-eastern periphery of Cork city and are greenfield in nature and agricultural in use. The planning authority considers the subject lands to be an infill within the 'existing built-up footprint' of the city and suburbs, having regard to the

definition of the NPF. This area is generally equated with the CSO defined 'town' boundary illustrated as a layer on the myplan.ie viewer, however in the case of Cork city (and some other settlements) it is evident that this boundary does not conform to the UN criteria.

In the interest of clarity, the Office advises that the 'existing built up footprint' must be considered within the broader provisions of the NPF concerning compact growth, including infill and brownfield development and urban regeneration.

This will also be an important consideration in terms of demonstrating that NPO3 targets can be achieved in the forthcoming development plan review process.

## In summary

The Office requests that your authority addresses the recommendation outlined above, which is made in the context of the provisions of section 31AO(3)(a) of the Act, in order to ensure that the LAP is consistent with relevant national and regional policy obligations, guidelines and legislative requirements.

The report of the chief executive of your authority prepared for the elected members under Section 20 of the Act must summarise these recommendations and the manner in which they should be addressed.

On adoption of the amendment, the Office will consider whether the amendment has been made in a manner consistent with the recommendations of the Office and whether the plan sets out an overall strategy for the proper planning and development of the area.

Your authority is required to notify this Office within five working days of the making of the amendment to the local area plan and send a copy of the written statement and maps as made, in accordance with section 31AO(5) of the Act. Please note that this statutory timeline differs from the requirement for other consultees and must be complied with.

Where the planning authority decides not to comply with a recommendation of the Office, or otherwise makes the plan in such a manner as to be inconsistent with any recommendations made by the Office, then the chief executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matters further as regards the making of any recommendations to the Minister in relation to the provisions of sections 31AO and 31AP of the Act.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations