

5 Planning and Policy

5.1 Introduction

This chapter outlines the statutory land use development and planning policy context of the proposed flood relief scheme. The scheme is examined in the context of the policies and objectives of the documents below, which address policy guidance at European Union, national and local levels.

5.2 EU Directives and Policy Guidance

5.2.1 EU ‘Floods Directive’

The EU Directive on the Assessment and Management of Flood Risks (2007/60/EC) (the ‘Floods’ Directive) was transposed into Irish law by the EU (Assessment and Management of Flood Risks) Regulations SI 122 of 2010. The directive requires Member States to assess if all watercourses and coastlines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and co-ordinated measures to reduce this flood risk.

Implementation of the EU Floods Directive is being coordinated with the requirements of the EU Water Framework Directive and the current River Basin Management Plans.

The Office of Public Works (OPW) is the national authority for the implementation of the Directive.

Conformance of the Project to the EU ‘Floods Directive’

The development of the Catchment Flood Risk Assessment and Management (CFRAM) Programme is the direct response to the Floods Directive. The CFRAM identifies areas at risk of flooding and is a strategy for the reduction and management of flood risks in Ireland. See **Section 5.3.2** below for further details of the CFRAM. The design of this proposed scheme is a direct and coordinated measure proposed in line with the requirements of the Floods Directive.

5.2.2 EU Water Framework Directive

The EU has developed the Water Framework Directive (WFD) which establishes a legislative framework for the protection of all waters including rivers, lakes, estuaries, coastal waters and groundwater, and their dependent wildlife and habitats. Specifically, the WFD aims to:

- *“protect/enhance all waters (surface, ground and coastal waters),*
- *achieve ‘good status’ for all waters by December 2015,*
- *manage water bodies based on river basins (or catchments),*
- *involve the public, and*

- *streamline legislation*”.

Conformance of the Project to the EU Water Framework Directive

The proposed scheme is consistent with the EU Water Framework Directive in several ways. Measures to protect/enhance all waters have been incorporated into the design of the scheme (see Chapter 11 Soils, Geology and Hydrogeology). By conforming to the requirements of the CFRAM, the proposed scheme conforms to the aim of managing water bodies based on river basins. In addition, a number of public information days (PIDs) were held in relation to the proposed scheme, as follows:

- PID 1 – Constraints Stage – 26th February 2014 – Douglas Community Centre;
- PID 2 – Emerging Preferred Option – 08th October 2014 – Nemo Rangers sports club (South Douglas road);
- PID 3 – Developed Preferred Option – 04th April 2017 - Douglas Community Centre.

5.3 Irish National Policy Guidance

5.3.1 National Flood Policy

In line with changing national and international patterns on how to manage flood risk most effectively and efficiently, a review of national flood policy was undertaken in 2003-2004. The adopted resulting policy was accompanied by many specific recommendations which led to the development and implementation of the National CFRAM Programme.

Conformance of the Project to National Flood Policy

The design of the proposed scheme has been developed on the basis of the CFRAM. See below for further information.

5.3.2 The National CFRAM Programme

The main objective of the national Catchment-based Flood Risk Assessment and Management (CFRAM) Programme is to achieve the requirements of the EU ‘Floods’ Directive. CFRAM, which commenced in Ireland in 2011, is a strategy for the reduction and management of flood risk in Ireland. It delivers on core components of the National Flood Policy, adopted in 2004, and on the requirements of the EU ‘Floods’ Directive.

The Study Area is located within the South West CFRAM Study. The objectives of the South Western River Basin District CFRAM Study are as follows:

- *“Promote the active participation of the public in addressing flood risk,*
- *Create accurate flood maps for areas at significant risk from flooding,*
- *Develop plans to manage flood risk on a catchment wide scale.”*

Conformance of the Project to the National CFRAM Programme

The proposed scheme has been developed in line with the Irish National Flood Policy. The National Flood Policy designates the OPW as the lead agency in the coordination and management of flood risk in Ireland. It draws on content from the Floods Directive by encouraging the use of both structural and non-structural flood relief measures, which have been incorporated into the design of this scheme. It also requires that flood risk management take place at the River Basin District level. This project focuses on the Ballybrack Stream /Lee Catchment Area, and is therefore in conformance with the provisions of the National CFRAM programme.

5.4 Regional Policy Guidance

5.4.1 Southwest Regional Planning Guidelines 2010-2022

The Southwest Regional Authority is the statutory authority for the Southwest region of Ireland, covering Cork City and County and County Kerry. The Planning and Development Act, 2000 requires Regional Authorities to draw up Regional Planning Guidelines in respect of their region and to review the Guidelines at intervals not exceeding six years. The Regional Planning Guidelines constitute a strategic policy document designed to steer the future growth of the region over the medium to long term.

The Southwest Regional Planning Guidelines 2010-2022 recommend a clear and transparent assessment of flood risk at all stages in the planning process and set out that regional flood risk appraisal and management policy recommendations are necessary to set a policy framework for development at the local level.

The Guidelines highlight the need for developing policy and actions, and encourage co-operation across Councils and regions as the impact of flood and water movement in many places crosses Local Authority and Regional boundaries.

It is an objective of the Guidelines to promote the completion of a review of long term flood risk management options.

Conformance of the Project to the Southwest Regional Planning Guidelines 2010 – 2022

The proposed scheme is in conformance with the Southwest Regional Planning Guidelines because it addresses the need for a risk appraisal and management plan on a regional basis. Understanding that the impact of flooding and water movement spans county borders, the development objectives of Cork City and Cork County have been considered in the scheme design. Finally, by conforming to the CFRAM, the proposed scheme can be considered consistent with the Southwest Regional Planning Guidelines 2010-2022.

5.5 Local Policy Guidance

5.5.1 Cork County Development Plan 2014 - 2022

The Cork County Development Plan 2014 sets out the County strategy in relation to flooding. The Development Plan references the Flood Risk Assessment Management Study being conducted for the Douglas Area, and the approach to flood risk management. This is in line with the Guidelines for Planning Authorities issued by the Minister for the Environment.

The objectives of the County Development Plan seek to prioritise the sustainable development of suburbs and to increase their capacity to attract new investment in employment, services and public transport.

Development Plan Objective CS 3-1 states that the strategic aim for the Cork East-West Environs, covering Douglas, is: *“Consolidate employment at existing employment locations and planned for employment locations (Cork Science and Innovation Park) with improved supporting infrastructure, and in particular public transport improvements to provide linkages to local residential populations and Cork City.”*

Development Plan Objective CS 3-1 states that the strategic aim for the Cork North-South Environs, covering Togher, is: *“Growth in population and employment so that the Cork Gateway can compete effectively for investment and jobs. Develop to complement & consolidate the development of the city as a whole and providing enhanced potential to rebalance the City through new development in the north.”*

Conformance of the Project to the Cork County Development Plan 2014

Community facilities and infrastructural development in areas at risk of flooding require strategic flood risk assessments. The need for flood alleviation measures in Douglas and Togher has been identified (see **Chapter 2 Need for the Scheme and Alternatives Considered** for a history of flooding in the area) and as such it is clear that the flood alleviation measures proposed in this scheme will contribute to achieving the overall objectives of the County Development Plan.

5.5.1.1 Carrigaline Electoral Area Local Area Plan 2015

The *Carrigaline Electoral Area Local Area Plan 2015 (2nd Edition)* is the current LAP that incorporates Douglas and Togher. It was first adopted in 2011 and the second edition was published in 2015. LAPs are currently under review and a Draft Ballincollig Carrigaline Municipal District LAP (2016) has been produced and public consultation held. See section 5.5.1.4 below for details.

The 2015 LAP sets out land use zonings and other specific objectives for lands within the Electoral Area, including the ‘Cork City-South Environs’ in which the proposed scheme is located.

The ‘*Zoning Map Cork City Environs 1*’ includes the lands for the proposed Togher Culvert (refer to **Appendix 5.1** of this report), as the following categories:

- ‘Areas susceptible to flooding – Zone A’,
- ‘Areas susceptible to flooding - Zone B’,
- ‘Walkways’,
- ‘Residential’,
- ‘Open Space/Sports Recreation/Amenity’
- “Existing built up area”.

Zoning in the Scheme for lands in the vicinity of the Douglas River is indicated on ‘Zoning Map - Cork City Environs 2’ (refer to **Appendix 5.1** of this report):

- ‘Areas susceptible to flooding – Zone A’,
- ‘Areas susceptible to flooding - Zone B’,
- ‘Walkways’,
- ‘Residential’,
- ‘Open Space/Sports Recreation/Amenity’
- ‘Special Policy Area X-03(a)’ - Douglas Town Centre
- ‘Special Policy Area X-03(b)’ - Douglas Golf Course.

Key Planning Proposals for Douglas and for the Tramore Valley (*Carrigaline Electoral Area Local Area Plan 2011*) are as follows:

“Douglas:

- *Planning Proposal 2.4.12 – It is envisaged that Douglas will evolve into a fully functional mixed use higher order urban centre in terms of both its development density and its retail offer with generally enhanced public transport, accessibility and parking demand management.*
- *Planning Proposal 2.4.13 – In order to achieve this, a holistic view of Douglas is required. It is proposed that during the lifetime of this plan that priority will be given to the completion of a Land Use and Transportation Study (LUTS) for the Douglas Area.”*

“Tramore Valley:

- *Planning Proposal 2.4.14: - Although priority must be given to Douglas, it is envisaged that during the lifetime of this plan, and taking into account market conditions, it is intended to prepare an Integrated Area Plan (IAP) for the Tramore Valley. This IAP will consider proposals for the redevelopment of low density brownfield sites for high density mixed use development which will include business and residential uses and high levels of residential amenity. Consideration will also be given to transportation and parking management. It is envisaged that the area will become more pedestrian and cyclist friendly with connectivity throughout.”*

A specific objective (Specific Zoning Objective ‘X-03: Douglas’) of the LAP is to undertake a Landuse and Transportation Study for the Douglas Area. The Plan (page 41) states that:

“Lands within the clearly defined undaries (X-03 (a) and X-03(b)) will be subject to a Land Use and Transportation Study (LUTS)...”

Specific objective ‘X-02: Tramore Valley’ of the Plan (Page 41) states that:

“...the lands within this broad indicative boundary will be subject to an Integrated Area Plan...”

Conformance of the Project to the Carrigaline Local Area Plan 2015

Many of the areas identified for development, especially Douglas, are at risk of flooding. Similarly, new residential and commercial/industrial development is planned for the area, and it is an objective to ensure that sites are suitable for this development, and not at high risk of flooding. Riverside walkways, parks and other amenities (including sporting facilities and open space) at risk of flooding are to be protected and enhanced. Overall the objectives are to develop, enhance and consolidate the settlements in the area covered by the Carrigaline LAP, which requires that zones be protected from flooding. The proposed FRS will mitigate the risk of flooding and thereby contribute to achieving the goals of the LAP.

Cork County Council have reviewed the LAPs for the county. Douglas and Togher are included under the Draft Ballincollig Carrigaline Municipal District LAP (2016), see section 5.5.1.4 below.

5.5.1.2 Douglas Land Use and Transportation Strategy (DLUTS)

The DLUTS was completed in August 2013 and comprises development proposals for Douglas for a 20 year period covering land use, transportation and urban design.

The goals of the DLUTS are to:

- *“provide a framework for future planning decisions,*
- *optimise the traffic and transport network,*
- *provide a guide to the investment in transport infrastructure,*
- *identify the capacity of the town centre for additional retail and other development,*
- *inform the future use of two areas zoned ‘Special Policy Areas’ (‘Douglas Town Centre - X-03a’, and the lands described as Douglas Golf Course – X-03b) in the Carrigaline Electoral Area Local Plan (2011).”*

A number of traffic and transportation proposals are outlined in the strategy, including the following:

- *“a proposed East West Link Bridge linking Donnybrook Hill to the Carrigaline Road.*
- *38km of walking and cycling routes including Mangala/Ballybrack Stream, Tramore Valley Park and City connectivity.”*

Land use proposals in the DLUTS with regard to community facilities, recreation and amenities include:

- *“Existing Schools and Douglas Golf Course to remain in present locations,*
- *Urgent need for multi-purpose leisure facility for sports and community clubs,*
- *Urgent need for additional playing fields in Douglas,*
- *Provide walkways/cycleways to connect Donnybrook along Mangala/Ballybrack Stream,*
- *Provide improvement to community park amenity area and provide pedestrian/cycle linkage to City Tramore Valley Park.”*

DLUTS Land Use Policy LU-02 is “to consolidate the town centre into 5 precincts comprising the Woollen Mills, Douglas Village Shopping Centre, Cinema Site, Barry’s Fields and Douglas Court Shopping centre. The priority is to fill existing retail vacancy, and there will be a plan-led approach to town centre development which will provide for an additional 25,000sqm floor space by 2032, and approximately 175 residential units...”

Regarding ‘Community Facilities and Recreation’, the DLUTS states “there is a requirement for a multi-purpose leisure facility in Douglas to cater for sports clubs, community organisations and leisure. This facility should be located in or near to the Town Centre to serve the community as a whole. The preferred location for this facility is adjacent to the existing GAA playing pitches and schools for ease of access for the users. Road access to the lands to the west of the GAA playing pitches will require careful assessment.” (refer to Section 8.4.2.1 of the DLUTS).

DLUTS Land Use Policy LU-05 states that “the DLUTS Study Area is the preferred location for the provision of a multi-purpose leisure facility in Douglas to cater for sports clubs, community organizations sand leisure activities. In addition, playing fields, parks and walkways/cycleways that provide a link to the Tramore Valley Park over the N40 and access to Vernon Mount walkway through to Grange, providing an alternative link for Grange and Frankfield residents to get to Douglas Town Centre without using a vehicle....”

Conformance of the Project to the DLUTS

The main tenets of the DLUTS are to support and encourage commercial and residential development alongside the provision and protection of community facilities, amenities and transportation links. The proposed scheme conforms to these objectives by committing to protect existing and future property and infrastructural developments from the risk of flooding.

5.5.1.3 Proposed Amendment to the Carrigaline Electoral Area Local Area Plan 2011- Amendment No. 2 Douglas LUTS (November 2013)

Following on from the DLUTS, Cork County Council proposed an Amendment to the *Carrigaline Electoral Area Local Area Plan 2011* for public consultation. The Proposed Amendment *The Carrigaline Electoral Area Local Area Plan 2011- Amendment No. 2 Douglas LUTS (Nov. 2013)* states that “*in terms of zoning provisions, the plan is amended by the changes to the zoning of the area known as X-3(a) and (b), Douglas Town Centre and Douglas Golf Course, respectively*”.

The purpose of the proposed amendment was to incorporate the recommendations of the DLUTS into the Local Area Plan for the Carrigaline Electoral Area. The amendment was approved and its provisions have been incorporated into the Draft 2016 Ballincollig Carrigaline Municipal District LAP 2016 (see Section 5.5.1.4 below).

Section 1.4.42 of the amendment to the LAP states that “*DLUTS has recommended that X-03b zone be retained as an open space and recreation zone for use by the Douglas Golf Course*”.

Section 1.4.44 of the amendment to the LAP states that the DLUTS “*has identified a number of town centre zonings that are distinct precincts which have established retail uses, where mixed use development can, and should, take place. It is forecast that by 2032, these precincts can accommodate an additional 175 residential units and up to 25,000m² of mixed use (offices and retail) development. These precincts are shown on Zoning Map 3 as TC-01 to TC-05*”.

Table 1.10 of the amendment to the LAP includes the redevelopment of the following Retail Priority Areas:

- Cinema Site (TC-04)
- St. Patrick’s Woollen Mills (TC-01)
- Douglas Court (TC-05)
- Barry’s Field (TC-03).

The amended LAP Zoning Map (2013) is appended to this report (refer to **Appendix 5.1**). The land use zonings displayed on this map were adopted, along with the other amendments, and remain unchanged to date. They are representative of the current land use zonings.

The amendments to the Carrigaline Electoral Area LAP (2011), in the general vicinity of the Study Area, include, but are not limited to, the following policies and specific zoning objectives:

Urban Design Policy UD4 relates to the Cinema Site and states that “*there is an opportunity to prepare an Overall Planning and Development Scheme which would involve all landowners*”.

Urban Design Policy UD5 relates to the redevelopment of St. Patrick’s Woollen Mills.

Specific Zoning Objective No. TC-01 – St. Patrick’s Woollen Mills recommends the redevelopment of the whole site, to include mixed use development including offices, retail and residential uses. However, Policy TC-01 states that the redevelopment should only result in an increase of 25% to the floor space of the existing buildings. The policy states that the site can cater for an additional 70 dwellings, and that car parking for new development should follow the revised parking standards of the County Development Plan.

Specific Zoning Objective TC-02 - Barry's Field recommends the development of the site i.e. *"a mixed use development of 4,000sqm"* to include office and commercial development. The construction of a new municipal car park of at least 200 bays is considered.

Specific Zoning Objective TC-04 - Cinema Site recommends the overall planning and development of the entire site and includes *"the provision of a comprehensive mixed-use development with an additional 5,500sqm of non-residential floor space and 70 residential units"*. The development of the site *"will incorporate the cinema, the car park, vacant land and the old TSB site and the filling station site...It is desirable to enable the relocation of the filling station and rehabilitation of the site for the construction of a landmark building....Future buildings should form and edge along the relief road on the north of the site..."*.

Specific Zoning Objective TC-05 – Douglas Court recommends that *"an Overall Planning or Development Scheme is prepared for the entire site which can be implemented on a phased basis. This shall include the provision of a mixed-use development with an additional 7,500sqm non-residential floor space...."*.

Specific Zoning Objective U-07 – *"Provision of new road and bridge between Grange Road and the Carrigaline Road over the Ballybrack River Valley"* (refer to LAP Zoning Map amended 2013 (Proposals for X-03(a) & X-03(b)) in **Appendix A3** of this report).

Specific Zoning Objective O-12 – *Douglas Golf Course*. The amendment (page 9) states that DLUTS has recommended that the X-03b zone be retained as an open space and recreation zone for use by the Douglas Golf Course.

Specific Zoning Objective O-13 – *Open Space and Recreation Area. Provision of a multi-purpose leisure facility in Douglas to cater for sports clubs, community organizations and leisure activities. In addition, playing fields parks and walkways/cycleways that provide a link to the Tramore Valley Park over the N40 and access to Vernon Mount walkway through to Grange, should be provided* (refer to LAP Zoning Map amended 2013 (Proposals for X-03(a) & X-03(b)) in Appendix A3 of this report).

Specific Zoning Objective O-14 – *Douglas Community Park – Improved access to the community park from the north and south should be provided. Within the park, improved lighting, landscaping and security measures should also be provided* (refer to LAP Zoning Map amended 2013 (Proposals for X-03(a) & X-03(b)) in Appendix A3 of this report).

Specific Zoning Objective O-15 – *Active open space for informal public recreation to be landscaped and planted.* (refer to LAP Zoning Map amended 2013 (Proposals for X-03(a) & X-03(b)) in Appendix A3 of this report).

Transportation Policy – Walking and Cycling WC2 is to provide a high quality off-road walk and cycleway linking Grange and Frankfield with the village centre of Douglas and should provide a connection to the Tramore Valley Park via an overpass bridge on the N40.

Transportation Policy – Walking and Cycling WC3 is to provide a high quality off-road walk and cycleway along the Ballybrack River from the Community Park to the Donnybrook Hill Area.

Conformance of the Project to Amendment no. 2 to the Carrigaline LAP

The proposed scheme supports the amendment to the DLUTS by providing protection from flooding in areas that are identified as strategically important for redevelopment within the Douglas area, such as St. Patrick’s Woollen Mills. The flood relief measures proposed for the Douglas Community Park will contribute to the improvement of the public safety and amenity value of the park, in line with the policies outlined in the amendment. The proposed scheme will also support the objectives to provide cycleways along the Ballybrack stream by ensuring that these are not at risk of flooding.

5.5.1.4 Ballincollig Carrigaline Municipal District Local Area Plan 2016 (Draft)

The Draft Ballincollig Carrigaline Municipal District LAP will replace the current Carrigaline LAP. It was published in draft format for public consultation in 2016 and is expected to be formally adopted in the latter part of 2017. Following the restructuring of local government in 2014, the Town Councils were abolished and the electoral structure of the County was divided into municipal districts, of which Ballincollig Carrigaline is most relevant to the proposed scheme.

The public consultation for this LAP closed on 16 January 2017. Volume 2 Environmental Reports, sets out a Strategic Flood Risk Assessment (SFRA) for flood risk within the LAP area. The Strategy is to inform land-use planning and decisions in the LAP and other plans. Section 3.2.9 of the SFRA notes that Douglas (City South Environs) was badly affected by floods in 2012 and as a result the flood relief scheme has commenced.

The Draft 2016 LAP sets out land use zonings and other specific objectives for lands within the municipal district, including the ‘Cork City-South Environs’ in which the proposed scheme is located. The Draft LAP has largely built on the current Carrigaline LAP, with the addition of the commitments to the DLUTS as described above.

Section 3.5.2.7 of the Draft Plan states that *“Parts of the South City Environs have been identified as being at risk of flooding, the areas at risk follow the path of the Tramore River and its tributaries through the built-up areas.”*

Section 3.5.2.8 then further states that *“Douglas was badly affected by flooding in 2012. As a result, Cork County Council, acting as Agents for the OPW, has now commenced works on a Flood Relief Scheme for Douglas.”*

The Plan identified both Togher and Douglas Village as Regeneration Areas.

Specific Development Objectives for the South Environs relevant to the proposed scheme are as follows:

- SE-GO-06 “*Flooding – all proposals for development within the areas identified as being at risk of flooding will need to comply, as appropriate, with the provisions of the Ministerial Guidelines – ‘The Planning System and Flood Risk Management’.*”
- SE-RA-01 “*Togher Village. Area around Togher Cross with development centring on the disused Doughcloyne hotel complex. Potential for a mixed use neighbourhood centre and a new Primary Health Care Centre to serve the western portion of the City South Environs.*”
- SE-RA-02 “*Douglas. Southern portion of West Douglas Street located within the West Douglas Street conservation area. Potential to address appearance, streetscape, and urban fabric of the area.*”

Conformance of the Project to the Draft Plan 2016

The Draft Plan mentions the recent flooding events in Douglas, as well as making specific reference to the proposed scheme itself and the requirement for its completion. The Draft Plan makes provision for the development of housing and infrastructure as per the DLUTS, and specifically references the need for strategic flood prevention planning. The proposed scheme conforms to the Draft Plan by providing protection from flooding and removing the obstacle of flooding to the provisions for development contained in the Draft Plan.

5.6 Conclusions

This Chapter has assessed the relevant planning and policy documents and guidelines, with the aim of demonstrating the conformance of the proposed scheme with these documents.

European, national and local planning policies require that flood zones be properly identified, mapped, and that appropriate risk assessment and management plans be drawn up to reduce the risk of flooding. The policies and guidelines described in this Chapter promote the improvement of local amenities, and the development of the Cork City environs to support economic growth. The reduction in the risk of flooding is considered a fundamental measure in achieving these objectives, which indicates the conformance of the proposed flood relief scheme with planning policy at all levels assessed.

5.7 References

Central Statistics Office – online Censuses of Ireland 2006 and 2011, (www.cso.ie)

Cork County Council Cork County Development Plan 2014-2022

Cork County Council Carrigaline Electoral Area Local Area Plan 2015 (2nd Edition)

Cork County Council (2016) Draft Ballincollig Carrigaline Municipal District Local Area Plan

Cork County Council (2014) Adopted Amendment to the Carrigaline Electoral Area Local Area Plan 2011 – Amendment No 2: Douglas Land Use and Transportation Strategy

Cork City and County Councils Cork Area Strategic Plan 2001-2020

Indecon, RPOS and Savills HOK (2008) The Cork Area Strategic Plan – Strategy for Additional Economic and Population Growth – An Update

Office of Public Works, CFRAM Programme

South West Regional Authority Regional Planning Guidelines 2010-2022