

Response to Cork County Council Pre-Application Consultation Opinion

For Development at Spa Glen (townland), Mallow, Co. Cork

on behalf of O'Flynn Construction Co. unlimited Company

February 2024



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1. Introduction

This report addresses the specific information requirements and issues raised by Cork County Council (CCC) in their Pre-planning Large Scale Residential Development (LRD) Opinion issued on 22nd December 2023 in relation to the proposed LRD at Spa Glen (townland), Mallow, Co. Cork comprising the demolition of the existing farmhouse/buildings and the construction of 186 no. residential units, 1 no. creche and all associated ancillary development works.

The Opinion issued by the Council was subsequent to a Section 32B meeting which took place on December 4th, 2023.

Following the pre-planning meeting, the Council issued an Opinion in accordance with Section 32D of the Planning and Development (Housing) and Residential Tenancies Act (as amended) and advised that a number of items needed to be addressed in accordance with the requirements of Article 4(7) of the Planning and Development Regulations 2017. The specific information requested by WCC and our response to same, is outlined in Section 2 of this report.

2. Information to be submitted with the LRD Application

The specific information requested by CCC (***bold italics***) and our response to same, is as follows):

1. Bicycle and Road Upgrade (north)

Drawing 1002_1 shows bicycle and proposed road upgrade to the north of the subject site that is outside the proposed red line boundary. However, it is not clear from submitted documents how this will be achieved by the developer. The Planning Authority has concerns in relation to this proposal as these lands are not in the control/ownership of the developer.

In the event that this matter cannot be satisfactorily addressed by the developer, a 2-metre-wide footpath and 2 metres cycle lane on the developer side of the route plus provision of multiple crossing / access points from the existing footpath on the northern side of the road shall be provided. In this scenario it is the Planning Authority's preference is that the existing hedgerow is retained and the 2m footpath and 2m cycle lane is inserted within the subject site. The development shall demonstrate how cyclists are to re-join the road carriageway and appropriate warning for vehicular traffic in advance of same.

This matter has been discussed with Cork County Council's engineers and revised drawings have been prepared reflecting the agreed approach to the treatment of the northern boundary of the development. These proposals are detailed in the updated Services Infrastructure Report and on updated architects and engineer's layout drawings.

The lands to the north of the subject site that is outside the red line boundary are not within the developer's control and therefore do not form part of the subject application. To address this the proposed site layout, DWG Ref. 1000 by Doyle McDonogh Nash indicates a potential future widening of the Ballyvinitter Road. Adequate space has been left to allow for the future development of a 2 metre wide footpath and a 2 metre wide eastbound cycle lane along the north side of the road. The applicant will deliver a 2 metre wide pedestrian path and a 2 metre wide west bound cycle lane along the south side of the Ballyvinitter Road with 3 no. uncontrolled and 1 no. toucan pedestrian and cycle crossing points. The existing hedgerow has been retained where possible along the northern boundary of the site with the footpath and cycle lane inserted within the subject site.

2. Access, Traffic and Transport

- a. **A Mobility Management Plan (MMP) has been developed. It is not clear from submitted documents how this can be maintained and enforced indefinitely, as is required for an MMP. Therefore, the measures need to be hard measures and implemented at the outset. The site is on the fringe of a county town and car-based demand is likely to be high without the**

provision of demand management and improved access to alternatives modes such as public transport. Therefore, the developer shall provide clear and achievable mitigation measures that would disincentivise car use. This would require demand management such as a parking strategy.

Please refer to Section 4 of the Mobility Management Plan by J.B. Barry & Partners which has been updated to demonstrate the hard measures proposed by the Applicant to assist with reduction in car-based demand.

- b. It should be noted that the County Development Plan 2022 provides maximum carparking standards therefore there is flexibility to provide less car parking for this proposal. The calculation of carparking shall be clearly detailed.**

Parking proposals have been revised and the parking provision proposed is now below the maximum level set-out in the County Development Plan. The parking provisions are detailed in the updated Traffic and Transport Assessment by J.B. Barry & Partners and the architects layout drawings.

A total of 366 no. parking spaces have been provided in total throughout the site. 2 no. spaces per dwelling unit have been provided in curtilage for each dwelling equating to 226 no. spaces.

The parking provision for the duplex units has been reduced to 1 no. space per unit equating to 18 no. spaces. These are provided within a communal area in close proximity to the duplex units. A further 2 no. wheelchair accessible parking spaces area provided to serve the duplex units.

A total of 10 no. parking spaces are provided for the creche.

- c. Provision of safe, secure and convenient cycle parking is essential to support cycling as a realistic transport choice. The developer shall submit details and drawings (including a revised site layout map) of the location of bicycle storage and parking. The current minimum cycling parking standards are contained Tables 12.8 and 12.9 of the CDP 2022 and the developer shall clearly demonstrate how these standards were calculated and achieved. Storage for bikes and cargo bikes shall be provided, in particular, at terraced houses/duplex apartments that do not have rear access and within the crèche.**

Cycle parking proposals have been revised and the parking provision proposed is now in accordance with the level set-out in the County Development Plan. The parking provisions are detailed in the updated Traffic and Transport Assessment by J.B. Barry & Partners and the architect's layout drawings.

A total of 117 no. bicycle spaces have been provided consisting of 72 regular bike and 12 cargo bike for the mid

terrace units, 6 regular and 1 cargo bike space for the creche and 22 regular and 4 cargo bike spaces for the duplex units.

- d. It should be noted that Cork County Council has preliminary plans for the upgrade of the L1246-0 local road. This would significantly enhance access from the proposed development area, including the proposed development, to schools and the town centre using active travel. This is critical for development in the area. It is considered that an appropriate contribution to same would be provided (Special contribution).**

The proposed upgrade of the L1246 by Cork County Council and payment of Special Contribution is noted.

- e. A Stage 1/2 Road Safety Audit will be required of the final agreed design. A post-construction Stage 3 Road Safety Audit will be required.**

Please refer to the Stage 1/2 Road safety Audit of the proposed N72/L5331 junction which is included with this planning submission. A Stage 3 Road Safety Audit will be carried out in due course when the design is approved, and construction is advanced.

- f. Road Markings and Signage proposals in accordance with the current Traffic Signs Manual shall be submitted.**

Preliminary road marking and signage proposals in line with the requirements of The Traffic Signs Manual are included on the drawings by J.B. Barry & Partners submitted with the planning application. These proposals will be updated once the design is approved.

3. N72 Junction

- a. The Planning Authority has serious concerns in relation to the proximity of the proposed pedestrian and cycle crossing on the L-5531 located only approx. 50m to the north of the junction. From an examination of submitted documents it is considered that the potential impact of this controlled cyclist and pedestrian crossing has not been considered with potential during peak times for 'stacking' of right turn traffic from the N-72 to the L-5331 on both the eastern and western approaches of the N-72 to the junction with L-5331-0. The developer shall provide revised documents which address these concerns and ensure traffic and pedestrian/cyclist safety. The possible relocation of this proposed crossing will require to be examined in the context of the overall pedestrian desire lines and with due consideration to the proposed link to schools and local retail via L-1246-0.**

The location of the proposed pedestrian/cycle crossing has been moved further north to be closer to the existing junction with the L-1246-0, to reflect desire lines from/to the development as requested. This crossing is proposed to be a raised, uncontrolled crossing in the immediate term pending provision of enhanced cycle facilities to Mallow Town centre.

This crossing can be upgraded to a signalised crossing in due course as required. The crossing has been modelled as an uncontrolled and as a controlled crossing and in both cases this crossing does not negatively impact on the performance of the proposed N72/L5331 signalised junction.

- b. The Traffic Impact Assessment (TIA) shall be revised to address the proposed Junction Signal Control alterations at N72. The TIA shall include the potential impact of Signal Control at Crossing Locations. The possibility of linked Signal Control for Local Road Junction shall also be considered given proximity of the junctions, number of turning movements and requirement to build in safe pedestrian crossing facilities.**

The Traffic and Transport Assessment has been amended to reflect the proposed signalising of the N72/L5331 junction and the proposed provision of a pedestrian/cycle crossing of the L5311 to the north of the N72/L5331 junction. The proposed crossing of the L5331 has been modelled as a signalised crossing using Transyt where these two sets of signals are assumed to be linked.

- c. Proposals shall provide adequate sightline at N72 Junction to provide Safe Stopping Distance at Signal Controls.**

Adequate sightlines and forward visibility have been provided at all arms of the proposed N72/L5331 signalised junction. Please refer to drawings by J.B. Barry for further details.

- d. The Safety Audit shall address all proposed Crossing Locations including pedestrian and cyclist connectivity to Mallow Town.**

An independent Stage 1/2 Road Safety Audit is included with this planning submission and addresses the proposed crossing of the L-5331 towards Mallow Town Centre.

- e. The Cork RDO state that the applicant may be required to carry out works on the junction of the N72 and the L-5331, including the potential signalisation of the Junction as indicated in their submission. These works are to be agreed with Cork County Council and may require to be in place in advance of construction works. The works in question may be required to improve the junction during both construction and operation. These works shall be in place either, two months after the beginning of construction or before significant works related traffic movements commence, whichever is the earlier, unless otherwise approved by the planning authority.**

The Applicant notes that the RDO expects the Applicant to carry out the proposed N72/L-5331 junction improvements and that the final design and timing of the construction of these works will have to be agreed with Cork County Council before works commence on the development.

- f. The developer will be required to make a contribution to the potential long-term junction improvement of the N72 and the**

L5331 junction and to cede the required lands for such long-term junction improvements that may be implemented by the Road Authority in the future.

The Applicant is prepared to make an appropriate contribution and cede lands on the southern side of the N72 to facilitate the longer-term improvement of the N72/L5331 junction by the Roads Authority.

- g. The developer shall ensure compliance with the requirements of their Road Safety Audit at all locations where the development impacts on the public road network. A Stage 3 Road Safety Audit shall be carried out, and its recommendations implemented, prior to the commencement of works impacting on the public road network.**

The Applicant will comply with the recommendations of the Road safety Audit, in agreement with Cork Council before works commence on the public road in the area. A Stage 3 Road Safety Audit will be carried out before works are completed on public roads.

- h. The developer may be required to carry out additional works, at his expense, to ensure safe and efficient traffic movements during construction and operation.**

Additional works required to be carried out to ensure the safe movement of traffic during construction and operation will be agreed with the Roads Authority before works commence and will be carried by the applicant as required.

4. Existing Watercourse / Surface water management

- a. In relation to the watercourse in the southwest of the subject site, the development shall submit design and details to demonstrate the achievement of the requirements of the Inland Fisheries Ireland (IFI) guidelines 'Planning for Watercourses in the Urban Environment'.**

There are no physical works proposed to the watercourse in the south-west corner of the site.

- b. The developer shall identify all surface water management proposals to be employed within the site to prevent water quality impacts including silt traps and silt fencing in line with IFI requirements.**

Surface water management during construction is addressed within the submitted drawings and Services Infrastructure Report by J.B. Barry & Partners submitted with this application.

- c. Objective WM 11-10 of the CDP 2022 (Surface Water, SuDS and Water Sensitive Urban Design) requires that all new developments incorporate nature-based Sustainable Drainage Systems (SuDS). The applicant should provide details on how this has been achieved and how it has informed site layout, in conjunction with Green and Blue Infrastructure and Ecology**

measures. You should have regard to the Government's publication 'Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document (2022).

SuDS measures, including nature-based measures are proposed and are detailed in the Services Infrastructure Report and illustrated on the planning application drawings by J.B. Barry & Partners submitted with this application.

- d. **The developer shall take a catchment-based approach to surface water management. These catchments shall be delineated in revised drawings which shall show how the Nature Based Solutions (NBS) for SuDS are integrated into the surface water treatment infrastructure. It is the Planning Authority's position that NBS solutions should be extensively employed as much as possible.**

The development has been divided into two catchments as detailed on the submitted drawings by J.B. Barry & Partners and nature-based measures have been adopted as much as is possible across the two catchments.

- e. **The developer shall demonstrate how surface water management and associated NBS proposals achieve biodiversity improvements and gain. This may relate to the existing watercourse and habitat enhancement. Extensive tree planting is proposed along the southern part of the site and it is questioned whether these lands would be better used as a wetland area as part of the natural drainage solutions for this site. This would assist in demonstrating that the development can achieve biodiversity net gain, a key objective in the Development Plan.**

Please refer to section 4 of the Services Infrastructure Report by J.B. Barry, the Green Infrastructure Report and Biodiversity drawings by Doyle McDonogh Nash which demonstrates how surface water management and associated NBS proposals achieve biodiversity improvements and gain throughout the site. The area to the south of the site is now proposed as a wetland area.

5. Ecology

- a. **Objective BE 15-6 (Biodiversity and New Development) and GI 14-1 (Countywide Green and Blue Infrastructure Objectives) highlights the requirement for biodiversity net gain. There are concerns that a significant amount of hedgerow, treeline and scrub habitat of proposed to be cleared. The quantity of this habitat loss has not been adequately quantified or assessed and this will need to be reviewed. The development shall provide a document that clearly outlines and demonstrates how net biodiversity gain will be achieved. The development shall submit dedicated drawing indicating all trees / hedgerow proposed for removal and a table should be prepared**

quantifying habitat loss and habitat creation. This shall include but is not limited to:

- i. A table quantifying in metres the amount of hedgerow, treelines, scrub habitat to be removed permanently, habitat reinstatements and additional compensatory planting. It is the Plannings Authority's position that permanent loss of established hedgerow, treelines, scrub habitat should be minimised and avoided where possible.**
- ii. Proposals in the vicinity of the existing watercourse in the southwest should enhance and expand this wetland area where possible.**

Please refer to the Green Infrastructure Report and Biodiversity drawings by Doyle McDonogh Nash and the Biodiversity Management Plan by Malone O'Regan Environmental which clearly outlines and demonstrates how net biodiversity gain will be achieved and provides tables quantifying in metres the amount of hedgerow, treelines, scrub habitat to be removed permanently, habitat reinstatements and additional compensatory planting. The permanent loss of established hedgerow, treelines, scrub habitat has been minimised and avoided where possible.

Please refer to the Ecological Impact Assessment by Malone O'Regan Environmental which assesses the proposals in the vicinity of the existing watercourse in the southwest which will enhance and expand this wetland area where possible.

- b. The developer shall review proposals along the northwestern boundary and retain the existing treeline/ hedgerow and internalize the cycleway and footpath which is likely to be preferred from a safety perspective also. Where this cannot be facilitated, detailed reasoning will be required along with proposals for alternative planting and habitat enhancement elsewhere on site particularly given potential for impacts to bats and birds.**

The applicant has reviewed the proposals along the northwestern boundary. It is not possible to retain the existing treeline/ hedgerow and internalize the cycleway and footpath due to road safety and sightline requirements for the vehicular entrances and at the uncontrolled pedestrian crossing point. A new hedgerow together with extensive tree planting to mitigate the loss has been proposed.

- c. From review of the proposals to date, it would appear that there will be extensive tree removal along the N72. However, this is not explicit from review of ecological documentation. No quantitative or qualitative ecological assessment of this habitat loss appears to have been carried out. No arboricultural assessment in respect of these works is submitted and EclA does not appear to have considered this area at all. The developer shall provide all necessary**

information to enable a thorough assessment of ecological impacts and options to avoid and mitigate shall clearly be demonstrated. From documents submitted to date, the Ecology Office of Cork County Council is not supportive of the removal of this treeline which forms an integral ecological corridor which forms part of the Spa Glen.

Please refer to the Green Infrastructure Report and Biodiversity drawings by Doyle McDonogh Nash, the Biodiversity Management Plan and Ecological Impact Assessment by Malone O'Regan Environmental and the tree survey drawings and report by South of Ireland Tree Surveys which provides a quantitative and qualitative ecological assessment of this habitat loss and provides details on mitigation measures proposed.

- d. Proposals to retain the treeline/hedgerow along the northern boundary of the subject site is welcomed. However, from documents submitted to date the Planning Authority is not satisfied that this retention can be achieved and implemented. The development shall provide details on how the retention of this treeline/hedgerow can be achieved while preserving Root Protection Zones and preventing access to this treeline/hedgerow. Details shall also be provided on how this treeline/hedgerow can be supplemented with additional planting of native species to the area.**

Please refer to the Tree Protection Plan by Doyle McDonogh Nash which provides details on how the retention of the existing treeline/hedgerow can be achieved and implemented.

Please refer to the landscape plan and Biodiversity drawings by Doyle McDonogh Nash which provides details on how this treeline/hedgerow is to be supplemented with additional planting of native species to the area.

- e. The impact to birds and bats is underestimated in the EclA given the amount of trees / hedgerow being removed and given that surveys indicate that these are known commuting corridors. A revised EclA shall address these issues.**

Please refer to the Ecological Impact Assessment by Malone O'Regan Environmental which addresses these issues.

- f. The habitat and species surveys shall be updated. It is noted that some of the surveys carried out within the EclA are dependent on surveys carried out in 2021.**

Please refer to the Ecological Impact Assessment by Malone O'Regan Environmental which includes details on the updated survey's carried out.

- g. Amphibians have been scoped out as part of EclA. However, given the wet nature of the lands to the southwest of the site,**

an amphibian survey shall be carried out to inform the EclA assessment.

Please refer to the Ecological Impact Assessment by Malone O'Regan Environmental which includes details on the amphibian survey carried out.

- h. Further assessment shall be provided in relation to potential impacts associated with increased hydrological flows associated with construction and operational phases of the development to have impacts on the Blackwater River SAC.**

Please refer to the Services Infrastructure Report by J.B. Barry & Partners and the Natura Impact Assessment by Malone O'Regan Environmental which includes a full assessment of the potential impacts associated with increased hydrological flows associated with construction and operational phases of the development to have impacts on the Blackwater River SAC.

- i. An up-to-date Confirmation of Feasibility from Uisce Eireann in respect of the development is required.**

Please refer to Appendix 1 of the Services Infrastructure Report by J.B. Barry & Partners which includes an up-to-date Confirmation of Feasibility from Uisce Eireann in respect of the development.

- j. CEMP shall identify the proposed location of the contractors' compound and materials storage areas. Details of surface water management measures including silt fencing and temporary surface water attenuation ponds during construction should be detailed in the CEMP. All such measures should be assessed as part of the NIS to ensure measures are effective in managing potential risks to the Blackwater River SAC.**

Please refer to Section 3 of the Construction Environmental Management Plan by Malone O'Regan Environmental which identifies the proposed location of the contractors' compound and materials storage areas. Details of surface water management measures including silt fencing and temporary surface water attenuation ponds during construction are also detailed in the CEMP. All such measures have been assessed as part of the NIS to ensure measures are effective in managing potential risks to the Blackwater River SAC.

- k. Should any works to the Spa Stream / associated culvert be required, then detailed aquatic assessment, method statement in relation to works and assessment of same in relation to potential for adverse effects on the Blackwater River SAC will be required.**

No works to the Spa Stream/associated culvert are proposed.

6. Flooding

The connection to the foul sewer appears to be crossing over/through/under the culvert of the Spa Stream on the N72. Restricting this culvert with a pipe going through it will not be allowed. If the developer is in any way altering or modifying the culvert, they will have to seek Section 50 consent from the OPW under the Arterial Drainage Act. The development should clarify proposals in this regard. The developer should note that the existing watercourse within the site is to be maintained, to mitigate the occurrence of blockages of the downstream culverts and structures. Records of all maintenance activities shall be kept by the applicant and these records shall be made available to Cork County Council on request.

The proposed connections to the existing foul sewer on the N72 have been amended such that there is no crossing over/under/through the culvert of the Spa Stream on the N72.

The requirement to maintain the Spa stream watercourse within the development site is noted and any maintenance works required will be agreed in advance with the Local Authority and recorded as required.

7. Design / Layout

- a. **In relation to boundary treatments, the colour coding in Drawing number 1003 does not match and is confusing. Revised boundary treatment and residential plot boundary treatment details shall be submitted to the Planning Authority. This shall include a revised site layout map and a breakdown for smaller areas (4 or more) of the type and construction proposals of the boundary treatments. This should include measures to protect the existing hedgerow where possible.**

Please refer to DWG Ref. 1010 by Doyle McDonogh Nash Architects which provides details on the boundary treatments proposed. This includes a breakdown of the type and construction proposals of the boundary treatments.

Please refer to DWG Ref. 4003 by Doyle McDonogh Nash Architects which provides details on the measure proposed to protect the existing hedgerow.

- b. **Details and drawings (including a revised site layout map) of bench seating at regular intervals along the proposed Bicycle and Pedestrian Trails that comply with aged community / universal design standards shall be submitted. These are to be positioned to capitalise on orientation and views.**

Please refer to the Landscaping layout by Doyle McDonogh Nash Architects which indicates the provision of bench seating positioned at intervals of 100metres or less along the shared Pedestrian & Bicycle path.

- c. **An existing survey layer drawing shall be submitted that shows the existing state of the subject site. This shall include all natural and built features.**

Please refer to DWG. Ref. 0100 by Doyle McDonogh Nash Architects which shows the existing state of the subject site including all natural and built features.

- d. **The stated density is 29 units per hectare which is contrary to the zoning objective and objective of HOU 4-7 (Housing Density on Residentially Zoned Land) which states that Medium A density is 30 to 50. The applicants 'Planning and Design Statement' incorrectly refers to a density range of 20 to 50 units per hectare for this site. This Opinion clarifies the appropriate density range is 30 to 50 units per hectare. The developer shall submit revised details that complies with the density requirements of this site.**

Please refer to the schedule of calculations by Doyle McDonogh Nash Architects which indicates that the proposed density is at 31.31 units per hectare.