

DRAFT DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Cork City Development Plan 2022-2028

“Development Plan” means the Cork City Development Plan 2022-2028

“Planning Authority” means Cork City Council

The matter of requiring Cork City Council and Cork County Council to coordinate on a joint retail strategy, pursuant to section 9(7) of the Act was the subject of a recent High Court judgment (reference 2021 No. 631 JR), issued on 27th May. Consequently, it does not form part of the forming of my Opinion or the Statement of Reasons set out in this draft Direction or the accompanying notice letter.

WHEREAS the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended) ("the Act"), other than the power to prosecute an offence, have been delegated to the Minister of State for Local Government and Planning pursuant to the Housing, Local Government and Heritage (Delegation of Ministerial Functions) (No. 2) Order 2020 (S.I. 559 of 2020).

WHEREAS the Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Act, and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AM(8) of the Act hereby directs as follows:

(1) This Direction may be cited as the Planning and Development (Cork City Development Plan 2022-2028) Direction 2022.

(2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:

a. Insert the following objective in Chapter 7 of the Plan:

To complete the preparation of a Joint Retail Strategy with Cork County Council which will jointly determine the scope for retail development generally, and for retail outlet centre development specifically, within the Cork metropolitan area within 12 months of the adoption of both City and County Development Plans and to adopt the Joint Retail Strategy into the Cork City Development Plan by way of a variation.

b. Reinstate the following zoning objectives to that of the draft Plan:

(i) MA no. 2.62 i.e. the subject land reverts to ZO 18 Landscape Preservation Zones from ZO 2 New Residential Neighbourhoods.

(ii) MA no. 2.60 i.e. the subject land reverts to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods.

(iii) MA no. 2.78 i.e. the subject land reverts to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods.

(iv) MA no. 2.61 i.e. the subject land reverts to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods except in respect of the lands to be developed for housing under Cork City Council planning reference 2140600.

(v) MA no. 2.69 i.e. the subject land reverts to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods.

- (vi) MA no. 2.99 with respect of “Ringwood” (south of M20) i.e. the remaining residential land reverts from ZO 2 New Residential Neighbourhoods to ZO 21 City Hinterland & Longer Term Strategic Development Lands.
 - (vii) MA no. 2.26 i.e. the subject land reverts to ZO 13 Education from ZO 5 Mixed Use Development.
- c. Delete ZO 02 New Residential Neighbourhood zoning in Carrigrohane

STATEMENT OF REASONS

I. Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c)

The Cork City Development Plan 2022-2028 as made fails to implement policy objectives of the Southern Regional Spatial and Economic Strategy, specifically RPO 55c which states that it is an objective to *“Prepare Retail Strategies in accordance with the Retail Planning Guidelines including Joint Retail Strategies where applicable”*, and the Cork MASP Policy Objective 16, and as such have regard to Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement under the *Retail Planning Guidelines for Planning Authorities (2012)* that future retail development should be plan-led, that the development plan, specifically in relation to retailing, must be evidence-based, and that the Cork City Development Plan must be informed by a Joint Retail Strategy prepared with Cork County Council.

The Development Plan as made has not been informed by an up to date Joint Retail Strategy. It contains specific policy and objectives which are not informed or underpinned by the necessary strategic work (contrary to Section 11(1A), which requires the preparation of a development plan to be *“strategic in nature for the purposes of developing”* (a) the policies and objectives to deliver an overall strategy and (b) the core strategy) and retail strategy, and it therefore fails to set out an overall strategy for the proper planning and sustainable development of the area, a

key element of which is a strategy for the proper planning and sustainable development of retail development.

In this regard, there has been a breach of the requirement in Section 10(2A)(e) that the Core Strategy must “*provide relevant information to show that, in setting out objectives regarding retail development contained in the development plan, the planning authority has had regard to any guidelines that relate to retail development issued by the Minister under section 28*”.

II. Pursuant to section 31(1)(b) and section 31(1)(ba)(i) and section 31(1)(c)

The Development Plan as made includes material amendments to the draft Plan (contrary to the evaluation of the Strategic Environmental Assessment), and which individually and cumulatively are not consistent with the Core Strategy, national and regional planning policy, and the proper planning and sustainable development of the area, including:

- a) Land zoned for residential development located in peripheral locations remote from the existing settlement, inconsistent with the requirements for compact growth in NPO 3c, RPO 35 and RPO 151, and fails to have regard to the sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities (2022)*.
- b) Land zoned for residential development in excess of that needed to meet the Core Strategy housing supply targets for Cork City in the adopted Plan, and which would further undermine the achievement of the brownfield development targets in the Core Strategy Table.
- c) Land zoned for residential development are in a flood risk area. This is inconsistent with NPO 57 and Section 28 *The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)*.

The development plan as made therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.

III. Pursuant to section 31(1)(ba)(i)

The Development Plan as made includes a material amendment (contrary to the evaluation of the Strategic Environmental Assessment), to change an Education zoned site to Mixed Use in the Cork Docklands, an area designated as a key enabler for Cork City, inconsistent with NSO 10 and NPO 31 which promote strategic planning of and investment in the provision of education to reinforce the delivery of sustainable communities and; the provisions of RPO 185 to support a planned approach to location of school facilities such that both proposed locations and existing schools are accessible by public transport and active travel modes, and

IV. Pursuant to section 31(1)(a)(i)(II)

The Development Plan has not been made in a manner consistent with and has failed to implement the recommendations of the Office of the Planning Regulator under Section 31 AM.

GIVEN under my hand,

Minister for State for Local Government and Planning

day of Month, year.