

21st November 2019

Senior Planner,
Planning Policy Unit,
Cork County Council,
Floor 13,
County Hall,
Co. Cork,
T12R2NC.

Re: Proposed Variation No.2 to the Cork County Development Plan 2014

A Chara,

Thank you for your authority's work on proposed Variation no. 2 to the Cork County Development Plan. The Office of the Planning Regulator (OPR) has evaluated and assessed the proposed variation to the development plan, above, under the provisions of Section 31AM(1) and (2) of the Planning and Development Act 2000, as amended (the Act).

As your authority will be aware, one of the key functions of the OPR includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning.

In the case of assessments under Section 31AM (1) and (2), the Office is statutorily obliged to ensure it addresses the legislative and policy matters relating to development plans including:

- a. Matters generally within the scope of Section 10 of the Act, in particular subsection (2)(n) of that section, in relation to climate change;
- b. Consistency with the development plan and National Planning Framework and regional spatial and economic strategies;
- c. Relevant guidelines for planning authorities made under Section 28 of the Act, including any specific planning policy requirements specified in those guidelines;
- d. Policy directives issued under Section 29 of the Act; and
- e. Such other legislative and policy matters as the Minister may communicate to the Office in writing, the effect of which shall be published on the website of the Office.

Assessment

The Office has considered the proposed variation in the context of the general requirements under Sections 31 AM(1) and (2) and the matters set out hereunder.

The purpose of the variation no. 2 is to amend paragraph 7.10.5 Retail Outlet Centres (previously inserted as part of variation no. 1 to the County Development Plan 2014) to provide strategic planning policy support for the provision of a Retail Outlet Centre in the N25 Corridor sub-catchment of the Cork Metropolitan Strategic Planning Area and include a new paragraph 7.10.6 'Innovation in the County's Retail Offer'.

In assessing the proposed variation, the Office has noted the content of the *Retail Planning Guidelines for Planning Authorities* (2012) published by the Minister for Housing, Planning and Local Government and in particular Sections 3, 3.5 and Table 1 and Section 4.11.4 in relation to Retail Outlet Centres.

The foreword to the above Guidelines refers to planning for the retail sector being focused on:

- Creation of vibrant, quality places, accessible by sustainable transport including for pedestrians and cyclists and within which retailing is an important activity;
- Demonstrating clear evidence of need in identifying strategic requirements;
- Planning for retail catchments that invariably straddle and transcend administrative boundaries;
- Usage of clear and concise definitions and methodologies; and
- A general presumption against large retail centres located adjacent or close to existing, new or planned national roads/motorways.

Section 3 of the Guidelines above specify the preferred content of statutory development plans in relation to retail planning, including that at a minimum, plans <u>must</u> set out strategic guidance on the location and scale of retail development to support the settlement hierarchy, including where appropriate identifying opportunity sites which are suitable and available and which match the future retailing needs of the area. Section 3 of the Guidelines also require that development plans identify relevant development management criteria for the assessment of retail developments.

Section 3.5 of the Guidelines specify that certain planning authorities, including Cork City and County Councils must prepare joint or multi-authority retail strategies identifying broad requirements for additional retail floorspace development, the retail floorspace requirements in quantitative and type terms for the constituent planning authorities and coupled to guidance on the location and function of retail activity, taking into account the policy objectives of the guidelines in Section 2 and the relevant settlement hierarchy.

Section 4.11.4 of the Guidelines address development management aspects to Outlet Centres, which consist of groups of stores retailing end-of-season or discontinued items at discounted prices and are typically located in out-of-centre locations.

The content of this section of the guidelines refers significantly to the locational aspects of the consideration of such development proposals, highlighting that the most appropriate location for outlet centres is likely to be where commercial synergy can be achieved between an outlet centre and an urban centre which would lead to economic benefits for the overall area. Outlet centres should not be permitted in more remote out-of-town locations.

In addition, Variation No.1 of the Cork County Development Plan as adopted by your authority after statutory consultation with the Department of Housing Planning and Local Government addressed retail outlet developments. The variation above provided for a detailed evidence based assessment to identify potential suitable locations for retail outlet developments derived appropriately from the requirements of the *Retail Planning Guidelines for Planning Authorities* (2012).

The proposed Variation No.2 proposes to remove the above requirement and inserting a general presumption for such development in a catchment along the N25 corridor.

The joint Cork City Council and Cork County Council Retail Strategy required under Section 3.5 and Table 1 of the 2012 Retail Planning Guidelines have not been updated to address policy and locational aspects of planning for retail outlets. (The Office notes that while not yet adopted, the draft Regional Spatial and Economic Strategy for the Southern Regional Assembly area refers to the preparation of an updated Joint Retail Strategy for the metropolitan region).

In addition to the above, the preferred sub-catchment is insufficiently specific in relation to locational aspects of outlet centre development, which could result in a risk of multiple or competing proposals that would be inconsistent with the intent of Section 4.11.4 of the above Guidelines, which would be contrary to a plan-led approach.

It is also noted that the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) published by the Minister for Housing, Planning and Local Government emphasise that inappropriate forms of development should not erode the benefits of the national road network. Notwithstanding this, the retail study prepared to inform the proposed variation acknowledges that an outlet centre would be essentially car-borne with a forecast that 90% of all shopping trips would be by private car, whereas there are known capacity constraints on the national road network within and around the sub-catchment preferred in the proposed variation. At the same time other sub-catchments identified in the study that informed Variation No.2 - namely NW-2 and SW-4 - had lower forecast traffic impacts and other locational attributes that were not subject to detailed assessment (Chapter 8). Moreover, a Transport Strategy for the Cork Metropolitan Area is in preparation on a collaborative basis between the National Transport Authority (lead), Cork City and County Councils and Transport Infrastructure Ireland.

Furthermore, under the provisions of the Act, the Cork County Council and Cork City Council Development Plans will be subject to review taking account of the soon to be adopted RSES and Transport Strategy for the Cork metropolitan area, which reviews would normally be anticipated to provide a clear policy framework for retail development generally and retail outlet centre

development specifically, including the identification of appropriate locations for such categories of development.

Therefore, and having regard to the matters above, the Office is not satisfied that the proposed variation has taken sufficient account of the *Retail Planning Guidelines for Planning Authorities* (2012) and that the adoption of such a variation would be premature pending emerging and proposed strategies and plans relating to the promotion of sustainable settlement and transportation. Accordingly and arising from the reasoning above, the Office makes the following recommendation under Section 31AM(1) and Section 31AM(3)(a):

Recommendation

In order to ensure effective co-ordination of national, regional and local planning requirements by Cork County Council in the discharge of its development planning functions, the Office recommends your authority <u>not make</u> the Variation no. 2 as proposed because:

- I. The proposed variation is not consistent with the Retail Planning Guidelines for Planning Authorities (2012) and specifically Sections 3 and 4 and specifically Sections 3.5 Table 1 and 4.11.4, which has been referred to in Section 7.10.5 of the Cork County Development Plan 2014; and
- II. Would otherwise be premature to the preparation and finalisation of wider retail, spatial planning and transportation policies relevant to the implementation of the above guidelines and the securing of plan-led development in the interests of the proper planning and sustainable development of the area.

Summary

The Office requests that your authority addresses the recommendation outlined above. The report of the Chief Executive of your authority prepared for the elected members under Section 20 of the Act must summarise this recommendation and the manner in which it will be addressed.

Your authority is required to notify this Office within 5 working days of the decision in relation to variation. Where the planning authority decides not to comply with a recommendation of the Office, or otherwise makes the variation to the plan in such a manner as to be inconsistent with the recommendation made by this Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Officer to consider the matters further as regards the making of any recommendations to the Minister in relation to the provisions of Sections 31AM of the Act.

Please feel free to contact the staff of the OPR in the context of any queries in relation to the above, which we would be happy to facilitate. Contact can be initiated through the undersigned or at plans@opr.ie.

Is mise le meas,

Gary Ryan

Director, Office of the Planning Regulator

076 100 2747 gary.ryan@OPR.ie