

15th February 2022

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

Re: Material Alterations to Draft Cork County Development Plan 2022-2028

OPR Ref: MA-024-22

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Cork County Development Plan 2022-2028 (the draft Plan).

As your authority is aware, a key function of the Office of the Planning Regulator (the Office) includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations to the draft Plan under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act*, 2000, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the *National Planning Framework* (NPF) and the *Regional Spatial and Economic Strategy* (RSES) for the Southern Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with, among other things, the *NPF Implementation Roadmap*, the *Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities* (2020),



and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

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. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

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 also 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.

Overview

The Office acknowledges the major task undertaken by Cork County Council in preparing and publishing the material alteration of the draft Plan, with approximately 1600 individual material amendments. The presentation of the amendments in printed and digital form in a systematic and coherent manner, across 15 volumes, and on GIS, has facilitated all parties to access and understand the proposed amendments. The Office would like to commend the planning authority for its approach, in this regard, which it recognises as best practice.



The Office commends the planning authority for its approach to updating the Strategic Flood Risk Assessment of the draft Plan and the consequential amendments to land use zoning objectives throughout the Plan area, and the revisions to the policies and objectives relating to flood risk management in the Plan. The Office appreciates the scale of the challenge faced by the planning authority in completing this task within a tight timeframe.

Having regard to the large number of proposed amendments, the Office has identified relatively few concerns of significance that warrant additional recommendations at this stage of the Plan making process.

Having reviewed the proposed amendments in respect of the zoning objectives for individual sites and changes to settlement boundaries, the Office accepts the rationale presented by the Chief Executive and Elected Members in the majority of cases.

There are, however, a relatively small number of cases where the Office is of the view that the amendments are not consistent with national or regional policies, the Core Strategy of the draft Plan itself, or the Natura Impact Report prepared by the planning authority.

These instances have been clearly identified in the submission below and the reasons and considerations of the Office in reaching this conclusion have been set out.

The Office also considers that further consideration is required in respect of the application of the 'Residential Reserve' zoning objective which is not consistent with the Core Strategy of the draft Plan, and in certain cases where changes to the density standards are not consistent with national policy.

Finally, in the light of the need to progress a co-ordinated approach to planning for retail development with Cork City Council as the Minister's statutory guidelines on retail development intend, careful re-consideration of the proposed material alteration in respect of retail outlet centres is also recommended so that this forthcoming joint strategy is not to be effectively undermined.



It is within this context the submission below sets out 7 recommendations and no observations under the following five themes:

Key theme	MA Recommendation
Core strategy and settlement strategy	<u>1</u> , <u>2</u> , <u>3</u>
Sustainable Development	4
Economic Development and Employment	<u>5</u> , <u>6</u>
Environment, Heritage and Amenities	7
General and Procedural Matters	-

1. Core Strategy and Settlement Strategy

1.1 Housing and population targets

The Office welcomes the material amendments made to the Core Strategy, in response to Recommendation 1 of the Office's submission on the draft Plan. These amendments include the adjustment of the population target to align with the NPF Implementation Roadmap and RSES, and the adjustment of the housing targets to better reflect the Housing Supply Targets Methodology, Guidelines for Planning Authorities (December 2020) (the HST Guidelines).

In this respect, the Office welcomes the re-alignment of the housing supply target to 22,611 units. Although this figure is not fully consistent with the HST Guidelines, it is significantly better aligned with the level of growth arising from the 50:50 vision in the *National Planning Framework*. This will provide a more realistic basis upon which to plan for the timely delivery of physical and social infrastructure to serve new housing developments.

The Office recognises that the new HST Guidelines were published shortly before the display period for the draft Plan, when the plan preparation process was well underway. Having regard to section 2.12 of the HST Guidelines, which addresses the circumstances where certain planning authorities may have advanced some way through the statutory process, the Office considers that the material alterations



demonstrate general consistency with the NPF housing demand scenario identified by the ERSI.

1.2 Core Strategy Table

The Office welcomes the inclusion of a single Core Strategy table in Chapter 2 Core Strategy, including a single settlement strategy for the county consistent with the settlement typology of the *RSES* in response to Recommendation 2 (i) and (ii) of the Office's submission on the draft Plan.

The Office also generally welcomes the significantly revised population growth targets across the Core Strategy in response to concerns raised in part (v) of Recommendation 2, to ensure better consistency with NPO 9 and RPO 11 and to avoid disproportionate levels of new housing development in relatively small settlements.

It is noted, however that although the Core Strategy table includes housing targets for each settlement, it does not include individual population growth projections for each town, or population targets (in aggregate or individually) for those towns and villages <1500, and (in aggregate) for the open countryside in accordance with the statutory requirements under section 10(2A)(f) of the Act and as required by part (iii) of Recommendation 2.

These details are provided in part in ancillary core strategy tables for the Strategic Planning Areas (table B1-B4), but with only joint aggregate figures for settlements <1500 and the open countryside. It would therefore be feasible to include the relevant details in a single revised core strategy table as part of the final Plan. This would further enhance the transparency of the Core Strategy approach for all parties.

1.3 Core Strategy and zoning for residential use

The Office acknowledges the positive approach taken by the planning authority at material alteration stage to align the area of land proposed to be zoned for residential development with the housing targets included in the amended Core Strategy, in response to Recommendation 3 of the Office's submission on the draft Plan.



The planning authority has applied a number of mechanisms to realign the Core Strategy, including the omission of some new 'Residential' zonings, the application of 'Additional Provision' and 'Further Additional Provision', the use of 'Residential Reserve' and the re-zoning of new 'Residential' as 'Existing Residential' in many locations.

The Office generally accepts that the amount of new Residential zoned land (in excess of 600 ha) is consistent with the objective to facilitate the provision of c.16,500¹ new homes on zoned land over the next 6 years.

The 'Further Additional Provision' designation given to lands within the Urban Expansion Areas of the Metropolitan towns, which comprise strategic and sustainable development sites that will be phased and built out over a longer period than the six-year plan, is also considered to be generally consistent with the provisions of *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021) (the draft DPGs) to facilitate effective planning over the longer term.

Over and above this provision, however, the planning authority has also retained the zoning objective 'Residential Reserve' in many settlements, including within the Metropolitan Area towns. Indeed, the area of land designated as such has in some settlements been extended by material amendments, by changing new 'Residential' zoning to 'Residential Reserve'.

Objective ZU-18-21 states that 'Residential Reserve' lands will not generally be required for development over the period of the Plan to 2028. However, from the beginning of the 4th year of the Plan (2025), consideration may be given to the development of some of this land subject to criteria specified under (a)-(d)² of the objective (as amended by MA 1.18.2). These include that the proposed site can be serviced and offers a reasonable substitute in terms of capacity, sequential development, access to services, amenity etc.

¹ 22,611 housing target minus 6,117 units located on non-zoned lands in smaller settlements and in the open countryside.

² An additional criteria (e) is proposed under MA 1.18.2.



There is, however, no national or regional policy basis for additional reserve lands over and above the 'Additional Provision' and 'Further Additional Provision' referenced above. Furthermore, there is no evidence to support a need for such land to deliver the housing targets set out in the Core Strategy.

The Office also advises the planning authority to give careful consideration at this stage as to how such lands will be affected by the forthcoming Residential Zoned Land Tax.

Given the sufficiency of the land zoned for residential development over the plan period, and the 'Further Additional Provision' made for strategic longer term needs, the Office considers that stronger measures should be put in place to ensure that development over the next 6 years occurs in a sequential and plan-led manner that is consistent with the Core Strategy.

In considering this matter, the Office has taken into account the extent to which the planning authority has comprehensively reviewed the extent of land use zoning in the preparation of the draft Plan and that this will provide a much stronger basis for delivering housing in the right locations over the plan period. Also of significance is the timing of the publication of the draft DPGs, which provide greater clarity on zoning for residential use, relatively late in the plan-making process.

The planning authority will, however be aware of its obligation to implement the development plan, including the Core Strategy, in the carrying out of its planning functions. Consequently, the Office considers that this matter may reasonably be dealt with as a minor modification which makes clear that such lands will only be considered for development where (a) it can be demonstrated that the housing target for the area set out in the Core Strategy cannot otherwise be achieved within the plan period, and (b) the development would not result in the Core Strategy targets being exceeded, or unduly prejudice the development of new 'Residential' zoned land within those targets.



MA Recommendation 1 – Residential Reserve zoning objective

Having regard to the sufficiency of land zoned for residential development over the plan period, including the 'Additional Provision', and the further provision made for strategic longer term needs zoned 'Further Additional Provision', the expansion of the 'Residential Reserve' land use zoning objective at material alteration stage is not consistent with the Core Strategy (table under MA 1.2.13) or the approach to the zoning for residential lands under the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August, 2021).

The planning authority is, therefore, required to include additional criteria under objective ZU-18-21 to ensure that such lands will only be considered for development where:

- (i) it can be demonstrated that the housing target for the area set out in the Core Strategy cannot otherwise be achieved within the plan period, and
- (ii) the development would not result in the Core Strategy targets being exceeded, or unduly prejudice the development of new 'residential' zoned land within those targets.

The Office notes that the material alterations include several proposed amendments to change 'Agriculture' land use zoning objectives to 'Residential Reserve' in Midleton, Bandon, Clonakilty and Bantry.

There is, however, no evident rationale or justification for these zoning changes. In particular, the zonings are not consistent with the Core Strategy having regard to the extent of serviced or serviceable land already zoned for residential development.

Furthermore, a number of the sites have not been subject to the Infrastructure Assessment (MA 1.2.20) and it is not clear if they are serviced or serviceable during the life of the plan.



MA Recommendation 2 - Additional Residential Reserve zoning objectives

Having regard to the sufficiency of land zoned for residential development in the respective towns consistent with the Core Strategy (table under MA 1.2.13), and the approach to the zoning for residential lands under the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August, 2021), the planning authority is required to make the Plan without the Residential Reserve zoning objectives and associated objectives where relevant, under the following amendments:

- MA 4.3.3.17 Midleton MD-RR-29 (14.78ha)
- MA 5.1.4.22 Bandon BD-RR-01 (5.7ha)*
- MA 5.1.4.23 Bandon BD-RR-02 (2.93ha)*
- MA 5.2.5.12 Clonakilty CK-RR-01 (11.78ha)*
- MA 5.2.6.27 Bantry (BR-RR-01) and new Residential BR-R-X (20.75ha)*

*Site not included in the Infrastructure Assessment under MA 1.2.20.

As noted above, the extensive material amendments made to the land use zoning objectives in response to Recommendation 2 and otherwise, include changes to the extent of lands zoned 'Existing Residential / Mixed Residential and Other Uses' (objective ZU 18-9) in settlements throughout the County.

There is a potential for this approach to result in further inconsistencies with the Core Strategy as the potential housing yield is not taken into account in the Core Strategy table in determining 'zoned land required (with additional provision)', or indeed in determining consistency with the compact growth NPO3c target. This is inconsistent with the draft DPGs, which promote a transparent and evidence-based approach to the core strategy and zoning for residential use.



The Office has identified a number of sites that are particularly problematic in this regard, where the sites are wholly, or for the most part, agricultural or other greenfield in nature.

MA Recommendation 3 – Existing Residential / Mixed Residential and Other Uses zoning objective

Having regard to the Core Strategy (table under MA 1.2.13), and the approach to the zoning for residential lands under the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August, 2021) which provides for a transparent and evidence-based approach to determining the Core Strategy, including the quantity of land to be zoned for residential development to ensure the implementation of compact growth (NPO 3c), the planning authority is required to make the Plan without the following amendments, or to exclude that portion of each site which does not include an existing residential use:

- MA .4.1.4.11 Passage West (5.78ha) (Note, the SEA Environmental Report also recommended against this amendment)
- MA 4.1.4.12 Passage West (0.41ha)
- MA 4.1.6.12 Crosshaven (2.14ha)
- MA 4.1.6.13 Crosshaven (1.36ha)
- MA 5.2.6.23 Bantry (0.5ha) (Note, the SFRA also recommends that the Plan be made without this amendment)
- MA 5.2.7.21 Skibbereen (1.25ha)



2. Sustainable Development

2.1 Development approach for settlements

The Office welcomes the omission of zoning objective CT-I-01 (Carrigtwohill) under MA 4.2.3.1 to address Recommendation 5 of the Office's submission on the draft Plan and acknowledges the provisions for phasing under table 4.2.7.

In relation to Recommendation 4 (Carrigaline), the Office notes MA 4.1.3.2 and MA 4.1.3.20 relating to lands at Fernhill Urban Expansion Area, which include the replacement of the three separate zoning objectives with a single objective for future development to be directed by a framework masterplan (Special Policy Area CL-X-01).

The Office accepts that the development of these lands will be subject to other lands being developed or demonstrably unavailable, the opening of the M28 and the preparation of a Framework Plan.

In preparing the Framework Plan, the Office would expect that the issues raised in its Recommendation on the draft Plan be taken into account. The Office also highlights the importance of the planning principles for greenbelts under section 5.5.4-5.5.8 of the draft Plan, including that any incremental erosion of Greenbelt lands over time needs to be carefully monitored.

2.2 Residential Land Use Zoning – Infrastructure capacity

The Office welcomes the revised infrastructural assessment for residential zoning in settlements under MA 1.2.20 in response to Recommendation 6 of the Office's submission on the draft Plan. The Office also notes the estimated costs of infrastructure delivery for the zoned settlements, introduced by MA 1.19.3, and accepts that work on these costings is ongoing.



2.3 Standards and Guidelines

The revised Core Strategy proposes to zone 628ha as new Residential (including 'Additional Provision') to accommodate c.16,500 units³. This results in average net density of 35uph across the zoned settlements of the County, which is consistent with the *Sustainable Residential Development in Urban Area Guidelines for Planning Authorities* (2009) (SRDUAGs) and would indicate that the extent of new residential zoning is generally appropriate.

The Office notes the decision not to amend the low-density standard generally applied to settlements of <1500 population (5-20uph) in accordance with Recommendation 7(i), and the reasons set out in the Chief Executive's report. As stated in the Recommendation, this approach is inconsistent with the SRDUAGs, which recommends that such lower density development should not represent more than about 20% of the total new planned housing stock of the small town or village concerned.

The Office also notes that a number of material amendments have been made which reduce the residential density for development in settlements >5000 population, and which would conflict with the densities set out in the SRDUAGs and confirmed by Circular Letter NRUP 02/21. SPPR 4 of the Urban Development and Building Height Guidelines for Planning Authorities (2018) must secure the minimum densities set out in these guidelines.

In particular, the proposals to amend land use zoning in Carrigtwohill Urban Expansion Area under MA 4.2.3.41 (from 30-50uph to 20-35uph) and MA 4.2.3.43 (from 50uph+ to 30-50uph) would conflict with the recommended densities for such settlements within 1km of a train station. The *Cork Metropolitan Area Transport Strategy (CMATS) 2040* indicates that it is proposed to provide a 10-minute frequency on the Midleton-Cork rail line along which line Carrigtwohill is situated. It is critical that the landuse planning, including appropriate density policies, are aligned

³ 22,611 housing target minus 6,117 units located on non-zoned lands in smaller settlements and in the open countryside.



with planned transport infrastructure in order to maximise the return on this investment by the State.

In addition, the Office notes proposed amendments to densities in Bandon BD-X-03 under MA 5.1.4.5 to Medium B (20-35uph), and in Clonakilty CK-X-01 under MA 5.2.5.6 to Medium B density (20-35uph) and to CK-R-02 under MA 5.2.5.9. These reduced densities are not appropriate for larger towns where it is important to achieve densities in accordance with the Guidelines, and are inconsistent with the achievement of the National Planning Outcome for compact growth and achievement of sustainable settlement and transport strategies under section 10(2)(n).

MA Recommendation 4 - Residential Densities

Having regard to the provisions of the Sustainable Residential Density Guidelines for Planning Authorities (2009) and SPPR 4 of the Urban Development and Building Height Guidelines for Planning Authorities (2018), the planning authority is required to make the Plan without the following amendments which relate to density standards:

- MA 4.2.3.41 Carrigtwohill CT-R-18
- MA 4.2.3.43 Carrigtwohill CT-R-04
- MA 5.1.4.5 Bandon BT-X-03
- MA 5.2.5.6 Clonakilty CK-X-01
- MA 5.2.5.9 Clonakilty CK-R-02

2.5 Traveller accommodation

The Office notes amendment MA 1.4.9 to the draft Plan to refer to *Circular 35/2018* concerning the requirement to prepare and adopt a Traveller Accommodation Programme. This material amendment does not adequately address Recommendation 8 of the Office's submission on the draft Plan to meet the statutory



requirements under section 10(2)(i) of the Act, that is to include objectives for the provision of accommodation for travellers, and the use of particular areas for that purpose.

3. Economic Development and Employment

3.1 Employment Zoned Land

The Office notes the following proposed amendments to change land from Greenbelt to Industrial at lands adjacent / within proximity to junctions on the M8 Dublin-Cork motorway at Fermoy and Mitchelstown, against the recommendation of the Chief Executive:

- MA 3.1.4.15 FY-I-05 (13.9ha)
- MA 3.1.4.16 FY-X-01 (15.11ha)
- MA 3.1.5.28 MH-I-07 (2.2ha)

The Spatial Planning for National Roads Guidelines for Planning Authorities (2012) (SPNRGs) requires that the planning system must ensure that the strategic traffic function of national roads is maintained, consistent with the provisions under NSO 3 (Enhanced Regional Accessibility) of the NPF.

Section 2.7 of the Guidelines, addressing development at national road interchanges or junctions, requires planning authorities to exercise particular care where plan proposals relating to the development objectives and/or to the zoning of locations at or close to interchanges, where such development could generate significant additional traffic with potential to impact on the national road.

Having regard to the location of the subject lands, the Office is of the opinion that the material amendments referenced above have the potential to adversely affect the steady-state maintenance, operation, and safety of the National Roads network, and are not consistent with the Guidelines and with national policy.



MA Recommendation 5 - Industrial land use zoning objectives

Having regard to the provisions of the *Spatial Planning and National Roads*, *Guidelines for Planning Authorities* (2012), and the provisions of NSO 2 of the NPF concerning enhanced regional accessibility, the planning authority is required to make the Plan without the following material amendments in order to ensure the maintenance of the strategic traffic function of the M8:

- MA no.3.1.4.15 FY-I-05
- MA no.3.1.4.16 FY-X-01
- MA no.3.1.5.28 MH-I-07

3.2 Retail

The Office notes the decision of the planning authority not to comply with Recommendation 9 of the Office's submission on the draft Plan concerning the preparation of a Joint Retail Strategy with Cork City Council to secure plan-led development of any future retail development across the two neighbouring authorities.

The section 28 *Retail Planning Guidelines for Planning Authorities* (2012) state that the function of the development plan is to establish an overall strategy for the proper planning and sustainable development of its area.

Specifically in relation to retailing, the development plan must be evidenced-based, consistent with the approach of the guidelines, and include clear and concise specific objectives and requirements.

At a minimum, the guidelines state that development plans must, among other things, 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.



The Guidelines also identify Cork City and County Councils as the planning authorities to prepare the joint retail strategy for the 'Strategy Area' of Cork.

Consistent with this national policy, CMASP PO 16 of the MASP provides that it is a policy objective of the Southern Regional Assembly to support the retail hierarchy identified in the 2013 Joint Retail Strategy and to "seek further preparation of joint retail strategies for Metropolitan Cork between Cork City Council and Cork County Council in accordance with section 28 Retail Planning Guidelines for Planning Authorities (2012)."

As you are aware, the Minister issued a letter dated 22nd April 2021 to Cork County Council under section 9(7) of the Act requiring Cork County and Cork City planning authorities to co-ordinate the consideration of retail outlet centres in respect of the Cork City and Cork County Development Plans for the period 2022-28.

In so doing, the Minister was requiring that your authority together with Cork City Council would jointly determine the scope for retail development generally and retail outlet centre development specifically, and prepare an addendum to the current joint retail strategy or a separate report.

The Minister indicated that the outcome he sought was a co-ordinated and agreed process in determining the potential for retail outlet centre development, and if applicable, the general location, format and scale (i.e. floorspace) of any retail outlet centre development permissible in the Cork City and Cork County administrative areas during the development plan period 2022-28.

In the absence of an agreement between the two authorities in respect of the above requirement, both the legislation and the letter from the Minister specify that the matter will be determined by the Minister.

Before the section 9(7) process has concluded, and indeed also in advance of the preparation of a Draft Joint Retail Strategy and Joint Retail Study as committed to under Section 9.5.7 of the draft Plan (MA 1.9.16 also refers), the Office notes that proposed amendment (MA 1.9.20) proposes to integrate the policy provisions proposed under Variation no.2 of the existing County Development Plan.



The reason given for this amendment in the Chief Executive's report is 'in order to reflect the decision by judicial order to quash the Section 31 Direction of Variation no.2 of the Cork County Development Plan 2014 and provide for its inclusion in the plan'.

The planning authority is aware, however, that this order is currently the subject of an appeal to the Court of Appeal. Moreover, the requirement for co-ordination with Cork City Council as required by letter issued by the Minister under section 9(7) has also yet to be met.

The decision to include MA 1.9.20 is considered by the Office to be premature at this stage, due to the lack of a Joint Retail Strategy with Cork City Council to secure planled development of any future retail development across the two neighbouring authorities as envisaged in the section 28 *Retail Planning Guidelines for Planning Authorities* (2012) and a lack of a joint determination between Cork City Council and Cork County Council as to whether there is capacity and scope for retail outlet centre development in Cork City and County Council. The Office therefore recommends that the Plan be made without the proposed amendment.

Accordingly, the overall strategy for the proper planning and sustainable development of the area should, in relation to retail development, be informed by preparation of the joint retail strategy, rather than the proposed material amendment pre-emptively determining the matter.



MA Recommendation 6 - Retail Outlet Centres

Having regard to:

- a) The provisions of the Retail Planning Guidelines for Planning Authorities (2012) that an overall strategy for the proper planning and sustainable development of the area must address retail development, that the policies and objectives included in the plan must be evidence-based and plan led and, in the case of County Cork, must be informed by a joint retail strategy with Cork City Council (as also required by CMASP PO 16 of the MASP);
- b) the absence of a joint determination by Cork County Council and Cork City Council in respect of the potential provision of retail outlet centre development in Cork City and County as required by the Minister under section 9(7) of the Act; and
- pending the determination by the Minister of any dispute between the two planning authorities in respect of the matter subject of the section 9(7) letter;

the planning authority is required to make the Plan without MA 1.9.20.

MA no.5.1.4.16 amends BD-X-04 special policy area to east of Bandon's town centre to also allow for retail development. In addition, MA 5.2.5.13 changes CK-B-02 Business to CK-X-0 Mixed use (Special Policy) including retail, enterprise and technology, c.2.5ha, on a peripheral site to the west side of Clonakilty.

In absence of a completed Joint Retail Strategy, and taking account of the Town Centre First Strategy recently launched by Government, it is considered that allowing retail in these locations, without clear policy limitations on the scale and nature of that retail has the potential to undermine the viability and vitality of the existing retail offer in Bandon's retail core.



The Office would therefore advise that a minor modification be made to amendment to BD-X-04 and CK-X-0 clearly delimiting the scale and nature of retail use permissible, or by prohibiting consideration of any retail on the site until the completion and adoption into the Plan of a Joint Retail Strategy which address the retail offer on this site.

4. Flood Risk Management

The planning authority welcomes and commends the detailed Strategic Flood Risk Assessment (SFRA) carried out by the planning authority, including the extensive application of the Justification Test on appropriate sites and the implementation of appropriate mitigation measures to address the risk to people and property from flood risk, including through the amendments of zoning objectives proposed in the draft Plan. This responds to Recommendation 10 of the Office's submission on the draft Plan.

The Office also notes and welcomes the amendments to the flood risk management policies and objectives contained in Chapter 11 Water Management.

In view of the requirements of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), as amended, the Office encourages the planning authority to adopt all amendments addressing flood risk management and associated amendments to land use zoning objectives.

The Office also notes the recommendation of SFRA that two proposed material amendments to the zoning objectives be omitted:

- MA 3.2.3.23 to change part of the 'Existing Residential / Mixed Residential
 and Other Uses' zoning to 'Existing Mixed/ General Business/ Industrial Uses
 (known as Lacknahoola) in Mallow. MA Recommendation 3 does, however,
 require the Plan be made without this amendment.
- MA 5.1.4.23 to extend the development boundary of Bandon and zone lands within the extension as 'Residential Reserve' BD-RR-02.



MA 3.2.3.23 would accommodate less vulnerable uses than the zoning proposed under the draft Plan. In view of the extensive flood risk on the site, which does not allow for the application of the sequential test through the development management process, and given the significant depth of flood potential on the site, the Office advises the planning authority to consider what minor modifications it could include in making the Plan to minimise flood risk for future development of this site.

5. Environment, Heritage and Amenities

4.1 Environmental Assessments

The Nature Impact Report concludes that, apart from MA 4.3.8.3, no proposed amendments of the County Development Plan have been identified to have the potential to cause or contribute to significant effects on one or more European Sites. MA .4.3.8.3 proposes to amend c.0.98ha from Green Infrastructure WG-CG-04 to 'Existing Mixed / General Business / Industrial Uses'.

The Planning Authority, as the Competent Authority will be aware of the requirements under Articles 6(3) and 6(4) of the Habitats Directive, as transposed.

The Office notes that the subject site would appear to be greenfield in nature, and that it is in agricultural use with no record of extant planning permission on the NPAD system. As such, the proposed zoning of the site as 'Existing Mixed / General Business / Industrial Uses' would not appear to be justified.

MA Recommendation 7 - Appropriate Assessment

Having regard to the requirements of the Habitats Directive, the findings of the Natura Impact Assessment prepared by the planning authority, and the greenfield/agricultural nature of the site, the planning authority is required to make the Plan without MA.4.3.8.3.



Summary

The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the Material Alterations to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

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.

Yours sincerely,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations