



23rd December, 2020

For the Attention of: Tim Lucey, Chief Executive

Cork County Council,
County Hall,
Carrigrohane Road,
Co. Cork
T12 R2NC

Section 31 of the Planning and Development Act 2000, as amended
Decision to issue a Direction relating to Variation No. 2 to the Cork County Development Plan
2014

Dear Mr. Lucey,

I am writing to you to inform you of the following in relation to Section 31 Draft Direction issued to Cork County Council in 5 March 2020, and the subsequent consideration by the Office of the Planning Regulator (the Office) of your report and the submissions made directly to the Office in connection with Variation No. 2 of the Cork County Development Plan 2014 as adopted, by the elected members of Cork County Council, on 27 January 2020.

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 (as amended) on the 14 July 2020 and recommended that I as Minister, issue the Direction, as attached to the Notice of Intent dated 5 March 2020, with one minor amendment as set out in the reasons and underlined below as follows:

The Cork County Development Plan 2014 as varied by Variation No.2 purports to identify a preferred location for a retail outlet centre to serve the Cork metropolitan area in advance of the preparation of an updated joint retail strategy, as, in the opinion of the Minister, is required under in the circumstances, to ensure consistency with the Guidelines on Retail Planning published by



the Minister in April 2012 under Section 28 of the Act and is inconsistent with the Guidelines on Spatial Planning and National Roads published by the Minister in January 2012 under Section 28 of the Act, and therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.

Having considered the recommendation from the Office I am of the opinion that:

- Variation No. 2 has not been made in a manner consistent with the recommendation of the Office.
- Variation No. 2 results in a failure to set out an overall strategy for the proper planning and sustainable development of Cork County.

This Variation identifies a preferred sub-catchment area for a prospective retail outlet centre and therefore is not consistent with the holistic approach as set out in the Retail Planning Guidelines, 2012. It is considered that the Office sets out a valid and robust rationale for its recommendation to exercise my function under section 31 of the Act and issue a Direction to Cork County Council, directing the planning authority to delete Variation No. 2 of the Cork County Development Plan 2014.

The reasons for the Direction are set out in the Statement of Reasons section of the attached Direction.

Accordingly, Cork County Council should **TAKE NOTICE** that on the 23rd day of December, 2020 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

A copy of this Direction is attached to this letter.



STEPS TO BE TAKEN

In light of the foregoing the County Council is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction, i.e. the deletion of Variation No.2 of the Cork County Development Plan 2014, so as to rectify the matter in a manner that, in my opinion, will ensure that the Cork County Development Plan 2014 sets out an overall strategy for proper planning and sustainable development and meets the requirements of the Act.

The Council should ensure that the Direction is available for inspection at its offices and on its website.

My officials remain available to assist you, as necessary, in complying with the foregoing process.

Yours sincerely,

Peter Burke, T.D.,

Minister for Local Government and Planning

Copied to:

Cathaoirleach, Cork County Council, County Hall, Carrigrohane Road, Co. Cork, T12 R2NC

Mr. David Kelly, Director, Southern Regional Assembly, Assembly House, Waterford

Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman,

191-193A North Circular Road, Dublin 7, D07 EWW4

National Transport Authority, Harcourt Lane, Dun Sceine, Dublin 2

**DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

Variation No. 2 of the Cork County Development Plan 2014

“Development Plan” means the Cork County Development Plan 2014

“Variation No. 2” means adopted Variation No. 2 of the Cork County Development Plan 2014

“Planning Authority” means Cork County Council

WHEREAS the powers and duties of the Minister for Housing, Local Government and Heritage under the Planning and Development Act 2000 (as amended), other than the power to prosecute an offence, have been delegated to the Minister of State at the Department of Housing, Local Government and Heritage pursuant to the Housing, Local Government and Heritage (Delegation Of Ministerial Functions) Order 2020 (S.I. 559 of 2020).

WHEREAS the Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (as amended), and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AN(4) of the Act hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Variation No. 2 of the Cork County Development Plan 2014) Direction 2020.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Cork County Development Plan 2014:

Revert to the Cork County Development Plan 2014 as made following the adoption of Variation No. 1 and prior to the adoption of Variation No. 2 by:

- (i) The text in Paragraph 7.10.5 Retail Outlet Centres is to be deleted as follows:

~~In relation to Retail Outlet Centres the Councils vision is to;
“Facilitate an innovative competitive comparison retail outlet centre serving a regional catchment that is sustainably located, which provides synergies with tourism attractions and existing urban centres, avails of existing and planned public transport, does not give rise to traffic congestion, and does not have any adverse effects upon the vitality and viability of existing retailing centres.”~~

- (ii) The text in Paragraph 7.10.5 Retail Outlet Centres is to be reinstated as follows:

“Cork County Council will undertake a detailed evidence based assessment to confirm the need for such developments and which will identify potential suitable locations.”

(iii) The text in Paragraph 7.10.5 Retail Outlet Centres is to be deleted as follows:

~~In 2019 Cork County Council appointed consultants to carry out a Study on the Requirement for a Retail Outlet Centre in the Cork Metropolitan Area. On the basis of the study’s findings Cork County Council is satisfied that there is scope and retail potential capacity to accommodate a quantum of additional comparison retail floor space within the Cork Metropolitan Area and region up to 2023 of between 90,000 and 100,000 sq.m. of net retail comparison floor area. Therefore there is capacity to accommodate a Retail Outlet Centre in the Cork Metropolitan Area.~~

~~There are a variety of different Retail Outlet Centre formats and the success, and indeed impact of a Retail Outlet Centre is dependent upon the precise format chosen or proposed. The Council are satisfied such a proposal should not have an adverse impact upon the vitality and viability of other retail centres in Metropolitan Cork or the existing retail network/hierarchy as set out in Table 7.1.~~

~~The Study indicates that the cumulative retail impact of a retail outlet centre on Cork City Centre, the District Centres and the Metropolitan Towns would be 1% or less.~~

~~Metropolitan towns in particular generally offer middle order comparison retailing which is generally not in direct competition with the type of goods on offer in the typical Retail Outlet Centre format which seeks to attract customers from a wide catchment area and from the tourism sector. Furthermore there is a requirement on applicants to demonstrate that products sold will not be in competition with those currently on sale in typical city/town centre locations.~~

~~The provision of such a Retail Outlet Centre can be a significant benefit to the metropolitan economy and an important contributor to the life, vitality and attractiveness of Metropolitan Cork as well as an important asset to the wider southern region.~~

~~Having assessed a number of potential locations within a number of sub catchments against a range of considerations including retail impact, tourism synergy, traffic, access and public transport it was concluded that the most appropriate location for a Retail Outlet Centre in Metropolitan Cork is the NE-2 sub catchment (N25).~~

(iv) County Development Plan Objective TCR10-2: Retail Outlet Centre is to be deleted.

(v) The Map in adopted Variation No. 2 titled 'NE-2 Sub Catchment (N25)' is to be deleted.

(vi) Section 7.10.6 Innovation in the County's Retail Offer is to be deleted as follows:

~~Innovation in the County's Retail Offer~~

~~To ensure that the county sustains and enhances its attraction and competitiveness as a retail destination, it must be proactive and responsive in respect of innovation in retailing and new retail market trends. Retailing is a key part of Cork County's tourism offer and, as such, is important to the county's economy as a whole. Encouraging and facilitating innovation, be that in trading format, location or product, will assist the county to build on the success that has been established to date and, consequently its retail profile and attraction.~~

STATEMENT OF REASONS

- I. The Office of the Planning Regulator is of the opinion that Variation No. 2 has not been made in a manner consistent with its recommendations, that the Cork County Development Plan 2014 as varied by Variation No. 2 fails to set out an overall strategy for the proper planning and sustainable development of the area.
- II. The Cork County Development Plan 2014 as varied by Variation No. 2 purports to identify a preferred location for a retail outlet centre to serve the Cork metropolitan area in advance of the preparation of an updated joint retail strategy, as, in the opinion of the Minister, is required in the circumstances, to ensure consistency with the Guidelines on Retail Planning published by the Minister in April 2012 under Section 28 of the Act and is inconsistent with the Guidelines on Spatial Planning and National Roads published by the Minister in January 2012 under Section 28 of the Act, and therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.

GIVEN under my hand,



Minister for Local Government and Planning

This day 23rd of December, 2020.