



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: AD-027-22

24th October 2022

Mr Peter Burke TD

Minister for Housing, Local Government and Heritage
Department of Housing, Local Government and Heritage
Custom House
Dublin 1
D01 W6X0

**Re: Notice pursuant to section 31AN(4) of the Planning and Development Act
2000 (as amended) – Cork City Development Plan 2022 – 2028**

A chara,

I am writing to you pursuant to section 31AN(4) of *the Planning and Development Act 2000* (as amended) (the "Act") in the context of the Cork City Development Plan 2022-2028 (the "Plan"). In particular, I write arising from the consideration by this Office of the following:

- a) the Notice of Intent to issue a Direction issued to Cork City Council (the "Council") by your office on 5th August 2022,
- b) the report of the Chief Executive of the Council dated 29th September 2022 on the submissions and observations made to the planning authority (the "Report"), and
- c) seven submissions made directly by elected members of the Council to this Office and considered by this Office pursuant to section 31(10)(a) of the Act.

Draft Direction

The draft Direction contained three parts:

- Part 2(a) insert an objective to complete a Joint Retail Strategy with Cork County Council within 12 months of the adoption of the both Development

Plans and to adopt the Joint Retail Strategy in the Cork City plan by way of a variation,

- Part 2(b) reinstate zoning objectives to those set out in the draft Plan in the case of seven (7) individual material amendments, and
- Part 2(c) delete the ZO 02 New Residential Neighbourhood zoning objective on lands at Carrigrohane.

You will note that in the Report prepared in accordance with section 31(8) of the Act, the Chief Executive recommends that the draft Direction issued by the Minister is given effect as drafted in relation to Parts 2(a), 2(b) and Part 2(c) above and without material amendment to the draft Direction.

In relation to Part 2(a), which requires the preparation of a Joint Retail Strategy (JRS) with Cork County Council, the Office notes your decision not to issue a Direction to Cork County Council in respect of the preparation of a JRS for the reasons set out in your Statement of Reasons (28th September 2022) notwithstanding the Office's recommendation to do so. Having regard to these reasons, and to the necessity for the two authorities to cooperate in the preparation of the JRS, the Office does not recommend to you to issue a Direction to give effect to Part 2(a) of the draft Direction.

It would also be appropriate to make a minor amendment to correct a typographical error under Part 2(b)(ii) which referred to ZO 2 New Residential Neighbourhoods instead of ZO 1 Sustainable Residential Neighbourhoods. The minor amendment is identified in red in the attached proposed Direction.

The Office now therefore recommends, pursuant to section 31AN(4) of the Act that you issue the attached Direction, with minor amendment to the draft Direction to omit Part 2(a) and omit those aspects of the statement of reasons which relate to it, and to correct the typographical error under Part 2(b)(ii).

In forming this recommendation, this Office reiterates the submissions made to you in the Notice which issued from this Office to your office on 22nd July 2022 pursuant to section 31(AM)(8) of the Act in respect of Parts 2(b) and 2(c) of the draft Direction.

Public Consultation on the Draft Direction

The public consultation on the draft Direction took place between 19th August 2022 and 2nd September 2022. The Report of the Chief Executive (CE's Report) summarised the views of elected members, members of the public and prescribed bodies who made submissions to the planning authority.

You might please note the following:

- The Office received seven (7) submissions from elected members in relation to Part 2(b) of the draft Direction. No submissions were received in relation to Parts 2(a) or 2(c). Three of the submissions are from Cllr Des Cahill. The remaining submissions are from Cllr. Damian Boylan, Cllr Ger Keohane, Cllr. Oliver Moran and Cllr. Sean Martin;
- The submission from Cllr. Moran supports the draft Direction in relation to five (5) of the seven (7) land use zoning amendments under Part 2(b), namely MA 2.62 (Sallybrook, Glanmire), MA 2.60 (Knocknahorgan, Glanmire), MA 2.78 (Kilcully), MA 2.61 (Upper Glanmire) and MA 2.69 (Upper Glanmire);
- The submissions from the remaining elected members, individually and collectively, oppose the draft Direction in relation to six (6) of the seven (7) land use zoning amendments under Part 2(b), i.e. with the exception of MA 2.60 (Knocknahorgan, Glanmire);
- The reasons outlined in the submissions opposing the draft Direction relate generally to the need for additional residential development and site specific issues that support the benefits of developing such sites for residential development. The submissions are attached to this letter for information purposes;
- A total of twenty-one (21) submissions were received by the Chief Executive during the consultation period, including eight (8) from elected members, ten (10) from members of the public (including residents groups), and three (3) from prescribed authorities (Southern Regional Assembly, National Transport Authority and Department of Education);

- As set out in the Report, the submissions from elected members were as follows:
 - seven (7) of the submissions received from elected members opposed Part 2(b) of the draft Direction in relation to one or more of the zoning amendments as follows:
 - (i) MA no. 2.62 at Sallybrook, Glanmire (2)
 - (ii) MA no 2.60 at Knocknahorgan, Glanmire (1)
 - (iii) MA no. 2.78 at Kilcully (1)
 - (iv) MA no. 2.61 at Upper Glanmire (1)
 - (v) MA no. 2.69 at Upper Glanmire (1)
 - (vi) MA no. 2.99 at Ringwood, Blarney (4)
 - (vii) MA no. 2.26 at Docklands (1)

- As set out in the Report, the submissions from members of the public, all of which related to Part 2(b) of the draft Direction are as follows:
 - (i) all material amendments (1 support)
 - (ii) MA no. 2.62 at Sallybrook, Glanmire (1 support, 2 opposed)
 - (iii) MA no 2.60 at Knocknahorgan, Glanmire (no submissions received)
 - (iv) MA no. 2.78 at Kilcully (1 support, 1 opposed)
 - (v) MA no. 2.61 at Upper Glanmire (1 support, 1 opposed)
 - (vi) MA no. 2.69 at Upper Glanmire (1 support, 1 opposed)
 - (vii) MA no. 2.99 at Ringwood, Blarney (4 opposed)
 - (viii) MA no. 2.26 at Docklands (1 opposed)

- As set out in the Report the submission from the Southern Regional Assembly supports Parts 2(a) and (b) of the draft Direction.

- As set out in the Report, the submissions received from the Department of Education supports Part 2(b) (vii) MA 2.26 (Cork Docklands) of the draft Direction.

- As set out in the Report, the submission received from the National Transport Authority supports Part 2(a) of the draft Direction.

Part 2(b) - Zoning Amendments

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(b) is appropriate as it would reinstate the seven (7) zoning objectives to those set out in the draft Plan.

As set out in the section 31(AM)(8) Notice issued to you by this office on 22nd July 2022, the Chief Executive's previous recommendation to elected members was to make the Plan without these zoning amendments (CE's Report on Proposed Material Alterations, 27th May 2022).

The statement of reasons in the draft Direction relates to the inclusion of material alterations to the draft Plan (contrary to the evaluation of the Strategic Environmental Assessment) which individually and cumulatively are not consistent with the Core Strategy of the adopted Plan, national and regional planning policy, and the proper planning and sustainable development of the area, including compact growth under National Policy Objective (NPO) 3c and Regional Policy Objective (RPO) 35, the sequential approach to development under RPO 151, and having regard to section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities (2022)* (Development Plan Guidelines), the achievement of brownfield development targets, and flood risk management under NPO 57 and the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* (Flood Guidelines).

Furthermore the statement of reasons in respect of the material amendment to change an Education zoned site to Mixed Use in the Cork Docklands, identifies the change as inconsistent with the strategic planning of and investment in the provision of education to support sustainable communities under NSO 10, NPO 31, and RPO 185.

The specific matters raised in the submissions received in relation to the individual zoning amendments are addressed below.

MA No. 2.62 - Lands at Sallybrook, Glanmire revert to ZO 18 Landscape Preservation Zones from ZO 2 New Residential Neighbourhoods

The Office notes that a number of the reasons cited in the submissions are similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- Site offers natural progression from existing housing;
- Water supply available;
- Proximate to bus service; and
- Traffic congestion not an issue in the area.

As set out in the section 31AM (8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive as summarised in the CE's Report.

The submission received from Cllr Des Cahill raises the following additional reasons:

- the relevant lands are not situated in a peripheral location;
- the lands are accessed from the R639 via recently constructed Glashaboy View development. There are direct pedestrian and cyclist links to Glanmire town centre from the subject lands; and
- the lands are an infill site bounded to the north by Glashaboy View and Woods, and to the west by 6 private residential houses and R639.

The submission from Cllr Ger Keohane and DCN Development Ltd. both raise the following additional reasons:

- DCN Development Ltd own the land to the north which is currently under construction and can provide access to the site from the R639 via that development. The development to the north has been designed to incorporate 7m wide roads to facilitate future development capacity;

- the Crestfield Estate roads to the south have been taken in charge by Cork City Council, and includes potential access points via this estate which would be c.500m from town centre;
- the site should be considered as infill development;
- the generic SEA analysis does not provide details of the subject site, considered a significant flaw and does not comply with Article 5 and annex 1 of *Strategic Environmental Directive (2001/42/EC)*; and
- development of the site is considered consistent with the housing supply targets in the Development Plan and would deliver less than 1%.

The submission by Cllr Oliver Moran in support of the draft Direction is summarised as follows:

- provision of greenfield lands zoned for residential development are in excess of that needed to meet housing supply targets;
- site is elevated with landscape value to create habitats, ecology corridors and adds to the setting of Glanmire; and
- residential development at this location would be remote from existing settlement centres and services, c.1km distances to likely entrance and public transport.

The reasons given above refer to the site being accessible from contiguous housing developments to the south, and to the north (which is currently under construction). However, access via the lands to the north would be remote from existing settlement centres and services at a distance of c.1km, and there is no certainty regarding access from the south.

However, notwithstanding the matter of access and the construction of residential development on the lands to the north, as set out in the section 31AM(4) Notice the subject zoning would facilitate a quantum of greenfield development inconsistent with the requirement for compact growth under NPO 3c and RPO 35 and undermining the targets of the adopted plan to deliver 65% of all new homes in the city on lands within the existing footprint of the city (metropolitan area).

Furthermore, notwithstanding the land under construction to the north, the site leapfrogs other zoned lands closer to the urban centre inconsistent with the sequential approach to development under RPO 151 and having regard to the Development Plan Guidelines.

The SEA recommended against this, and other material amendments stating:

These alterations would not provide the most evidence-based framework for development and have the potential to undermine sustainable development and proper planning.

As a result they would present additional, unnecessary and potentially significant adverse effects on various environmental components, including soil, water, biodiversity, the landscape, air and climatic factors and material assets. Land use zoning proposed is considered to be premature under various alterations in the context of current population targets.

Furthermore, in reference to the ZO 18 Landscape Preservation Zones in the draft Plan, the CE's Report on the material alterations (27th May 2022) states that the subject lands are elevated with landscape value providing for ecological corridors and habitats for biodiversity and contributing to the setting of Glanmire. The CE's Report states "*there is a presumption against development on these lands because of the importance of the hillside to the setting of the area.*"

In relation to consistency with the housing supply targets and the Core Strategy, the submission provides no evidence to demonstrate that the Core Strategy of the Development Plan has not sufficiently provided suitable lands for residential use that will provide for the sustainable growth of Cork City and environs. The Office remains of the view that the zoning amendment is not consistent with the Core Strategy of the adopted Plan.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(i).

MA No 2.60 - Lands at Knocknahorgan, Glanmire revert to ZO 21 City Hinterland from ZO 1 Sustainable Residential Neighbourhoods

The Office notes that no submissions were received opposing this part of the draft Direction. The submissions by Cllr Oliver Moran and the Southern Regional Assembly support this part of the draft Direction.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(ii).

MA No 2.78 - Lands at Kilcully revert to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods

The Office notes that a number of the reasons cited in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority, including:

- Kilcully will satisfy the demand for housing across a range of tenures;
- The area is identified for additional population growth in order to rebalance the city;
- Lands are serviced by existing Irish Water network;
- Lands can be served by either private system as is the case with the lands adjacent;
- Appropriate vehicular site line provision is in place;
- No flooding issues;
- Lands are level and suitable for construction. Developer ready to commence;
- The zoning of these lands does not give rise to any environmental concerns;
- Established community infrastructure locally; and
- Existing residential development adjacent these lands.

As set out in the section 31AM(8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same

rationale as set out in the 31AM(8) notice in response to those similar points raised again in submission to the Chief Executive and as summarised in the Report.

The submission received from Cllr Sean Martin raises the following additional reasons:

- land previously zoned under Cork County as Strategic Land Reserve;
- the relevant lands are not situated in peripheral location;
- the setting of the lands is attractive and would be a suitable and desirable area for traditional homes on south facing slopes in the north environs; and
- established bus services from 207 & 215 support this area and will be subject to future improvements through Bus Connects.

The submission by Cllr. Oliver Moran in support of the draft Direction is summarised as follows:

- no obvious rationale for such a zoning and departs from zoning in the overall plan;
- does not conform with the ethos of compact growth; and
- location is peripheral with limited access to public transport and other services.

In relation to the previous zoning objective, the Office notes that the subject land was identified as 'Strategic land reserve' but was not zoned for development in the Cork County Development Plan 2014. As such the 'Strategic land reserve' designation is not comparable with the material amendment to zone the land Z0 01 Sustainable Residential Neighbourhoods. The Office also notes that sections 10(8) and 19(6) of the Act provide that there is no presumption in law that any land zoned in a particular development plan or local area plan shall remain so zoned in any subsequent plan.

In relation to the location of the land relative to the city centre and public transport, the land in question is remote from a definable urban centre. The land is located approximately 5.5 km from Cork City Centre and c. 3 km from the Blackpool Shopping Centre, and the Office notes that a proposed Bus Connects route, to serve the area, is low frequency. The proposed Bus Connects is proposed as a 120 minute

frequency, and is the subject of public consultation with its final route and frequency to be determined. The Office remain of the view that the site is poorly serviced by public transport, with limited services and limited prospects for public transport enhancements during the life of the Development Plan.

In relation to the desirability and suitability of the land for the development of traditional homes, this is not an adequate reason to diverge from national and regional planning policy.

As stated in the section 31AM(8) Notice, while the land may form part of the future expansion of Cork City in a manner consistent with the provision of adequate social and physical infrastructure, additional land is not required to meet the Core Strategy's housing allocation for Cork City over the plan period. Furthermore, the Plan already zones numerous sites closer to the city centre and urban town centres on the north side of the city (as indicated in Map 13¹) to accommodate the housing supply targets set out in the Core Strategy.

The Office remains of the view, therefore, that the subject rezoning leapfrogs to the edge of the settlement to a peripheral and non-sequential location inconsistent with the sequential approach to development.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(iii).

MA No 2.61 - Lands at Upper Glanmire revert to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods

The Office notes that a number of the reasons cited in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- the land was previously zoned;

¹ Cork City Draft Development Plan, 2022 – 2028, Volume 2 Mapped Objectives, 26th July 2021

- the Development Plan has failed to deliver the desired number of dwellings anticipated to be built during the lifetime of the plan. Many of the sites zoned for residential will not be built out;
- NPO 3b and RPO 10 conceived in advance of the housing crisis;
- transport operators will only extend public transport to this area if population increases;
- the developer intends to commence development; and
- the approach adopted by the city council is conservative in light of the scale of the boundary extension.

As set out in the section 31AM (8) notice to your office, the reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive and as summarised in the Report.

The submission received from Cllr. Des Cahill raises the following additional reasons:

- the lands were previously zoned and currently serviced, as such their de-zoning is contrary to ministerial guidelines;
- the material amendment to the site to ensure the delivery of 200 housing units. There is inadequate provision of zoned land as much zoned land will not be built out; and
- the site owner will upgrade the existing WWTP to facilitate development on the site.

The submission by Cllr Oliver Moran in support of this draft Direction is summarised as follows:

- zoning is in excess of that at this location and will undermine the Plan; and
- would be inconsistent with compact growth.

The Office notes the reasons submitted by the elected member reference the section 28 Ministerial Guidelines in relation to zoned and serviced lands. In this respect the

Office fully acknowledges the policy and objective in the recently published Development Plan Guidelines.

The Office notes, however, that the CE's Report² states that there are limited services and facilities available in Upper Glanmire. Further, the CE's Report on the Proposed Material Alterations (27th May 2022) acknowledges the submission received from Irish Water which sets out that this material amendment is not sequential and does not conform to the principle of compact growth and that network upgrades and extensions would be required to facilitate this proposal. The CE's Report states as follows;

there are limited services and facilities in Upper Glanmire and, together with MA 2.57 and MA 2.69, would add over 10 ha of development land to this small hinterland settlement. The approach set out in the Draft Plan is for managed development of hinterland settlements.

Further the submission to support this material amendment includes a proposal to upgrade the existing waste water treatment plant, which points to a current lack of capacity. Upgrades to the wastewater infrastructure would form part of a wider investment programme by Irish Water and cannot be guaranteed by the developer.

The Office also remains of the view that the zoning objective is contrary to national and regional policy objectives promoting compact growth (NPO 3 and RPO 35) and fails to have regard to the policy and objective for a sequential approach to zoning for residential development under section 6.2.3 of the Development Plan Guidelines. No or no adequate reasons have been provided to explain why it has not been possible to implement the guidelines.

In relation to the concern raised in relation to the adequacy of available zoned land in the Development Plan, the core strategy sets out that the plan zones sufficient land to provide 22,544 housing units over the plan period. The submission opposing the draft Direction provides no evidence to demonstrate that the core strategy of the Development Plan has not sufficiently provided suitable lands for residential use that

² Chief Executive Report on Proposed Material Amendments to the Draft Cork City Development Plan, 2022 – 2028, Consultation

will provide for the sustainable growth of Cork City and environs such that would justify rezoning of these lands to accommodate 200 houses in a peripheral location contrary to national and regional policy for compact growth.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(iv).

MA No 2.69 - Lands at Upper Glanmire revert to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods

The Office notes that a number of the reasons cited in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- site is connected to an existing housing development;
- the development of the site will improve scale of settlement for future infrastructure investment; and
- a new bus route will serve Upper Glanmire.

As set out in the section 31AM(8) notice to your office, the reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submissions to the Chief Executive and as summarised in the Report.

The additional reasons submitted by Cllr. Joe Kavanagh are summarised as follows:

- the lands comprise of an area of approximately 2.7 ha; and
- Upper Glanmire now forms part of the extended city boundary, as such it will be important to the balanced expansion of the city.

The submission by Cllr. Oliver Moran in support of the draft Direction is summarised as follows:

- limited availability of services and facilities in Upper Glanmire;
- MA 2.61 already provides for residential development in Upper Glanmire;

- excessive zoning in this area will undermine other aims of the Development Plan;
- peripheral location relative to the city; and
- encouraging growth here would be inconsistent with compact growth.

In relation to the scale of the zoning, i.e. 2.7ha, the Office considers the scale significant in the context of cumulative and combined effect of these proposed amendments in undermining an otherwise well-designed settlement hierarchy and core strategy to such an extent that it creates wider conflicts with other stated policies in the Plan.

Furthermore, the effect of such material alterations is to create an internal conflict in the Plan and risks diverting housing growth away from other locations where compact growth and brownfield development is more attainable and where there is established access to a wide range of physical and social infrastructures.

Notwithstanding that the lands are now located within the extended city boundary, it is remote from a definable urban centre and from public transport, and the rezoning is not required to meet the housing allocation for Cork City in the core strategy over the plan period. Furthermore, the zoning amendment leapfrogs more preferably located zoned lands further to the south to a remote location at the edge of the settlement.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(v).

MA No 2.99 - Lands at Ringwood revert to ZO 21 City Hinterland from ZO 2 New Residential Neighbourhoods

The Office notes that a number of the reasons cited in the submissions were similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority, including:

- availability of amenities in the area;
- lands are located in close proximity to the existing built-up area of Blarney;

- offers natural progression of development;
- progressing the sustainable development of new greenfield areas for housing, especially those on public transport corridors, is one of the key future growth enablers identified for Cork in the (NPF), the Government's national planning policy document which sets out the long-term spatial development strategy for Ireland up to 2040;
- local authorities like Cork City Council are required to help deliver substantial population growth in accordance with NPF National Policy Outcomes 1b and 5;
- the RSES acknowledges that Cork is projected to be one of the fastest growing areas in the State over the next 20 years;
- housing provision required to meet population growth targets and well-documented housing and homelessness crisis ongoing in the country for the last decade. Submits that unprecedented scale of development must occur;
- the Cork MASP notes that there is a housing yield of 3,555 new units in Blarney, including 2,600 units at Stoneview Urban Expansion Area, up to 2031;
- minor amendments are sought to reflect current development proposals resolving infrastructure and connectivity issues and to ensure avoidance of indicative flood zone to east;
- the proposal brings development closer to the Town, delivers road connections agreed with City Council, delivers agreed service connections agreed with Irish Water, supports delivery of a Town Park and aligns with Cork City Active Travel intentions for Blarney; and
- no significant effects on the environment or adversely affect the integrity of a European site. No impact on potential flood area.

As set out in the section 31AM(8) notice to your office, these reasons were carefully taken into consideration by the Office in recommending the exercise of your function under the relevant provisions of section 31 of the Act and the Office adopts the same rationale as set out in the 31AM(8) notice in response to those similar points raised again in submission to the Chief Executive and as summarised in the Report.

The submissions received from Cllr. Des Cahill, Cllr. Damian Boylan, Cllr. Mick Nugent and Cllr. Kenneth Collins raise the following additional reasons:

- Irish Water submission clarifies that capacity is available, capacity deficit relates to Stoneview;
- lands are not impacted by flooding;
- Accessibility/ Active Modes. Landowner and Irish Rail are engaging to coordinate design approach and delivery of the suburban railway station by 2028. Lands are served by the 215 bus service which is one of the most extensive routes serving the city with future Bus Connects route being progressed and future transport plans for these lands under CMATS. The Masterplan aligns with the Active Transport Strategy;
- the Bus Connects route under CMATS proposes a route through the lands requiring lands be developed;
- A non-sequential approach lands is essential in order to develop other lands to the north as primary access is to be provided via the south. Without these lands Phase 1 of the development cannot be complete;
- development of the lands is necessary to provide access to Blarney Station and the Park and Ride Facility; and
- there are a number of community facilities accessible to this site.

The reasons given by elected members refer to the appropriate provision of water infrastructure within the local area. The Office notes that the CE's Report on proposed material alterations (27th May 2022) refers to the Irish Water submission on OPR MA Recommendation 1 which acknowledges that a significant water infrastructure upgrade is required in Stoneview and that the proposed amendment *'far exceeds the available capacity of the infrastructure in the area'*.

The elected members points out that the capacity constraints refer to Stoneview and do not include the subject site at Ringwood. While the CE received no submission from Irish Water during the public consultation on the draft Direction, following further investigation the Office accepts that the water infrastructure constraints do not apply

to the subject lands in Ringwood where any constraints can be addressed by way of a local network upgrade.

The issues raised by elected members in relation to flood risk have similarly been fully considered by the Office. While the OPW had raised an objection to the material amendment on the grounds of flood risk, the CE received no submission from the OPW supporting this aspect of the draft Direction during the public consultation.

The Office recommends, therefore, that a minor amendment omitting the references to NPO 57 and the Flood Guidelines from the Statement of Reasons of the Final Direction would be appropriate.

The reasons given by the elected member also refer to the appropriate provision of public transportation. The Office acknowledges that the Bus Connects is proposed linking Blarney to Cork City, and that it is an objective of CMATS (Cork Metropolitan Area Transport Strategy) to provide a commuter rail station in the general location of Blarney/ Stoneview and also includes an Active Travel Programme and Cycle Connects. The delivery of these transportation projects, which are the subject of public consultations and routes to be determined, will be over a longer period of the life of the adopted plan.

In relation to the need to zone the lands to facilitate the Blarney Station and the Park and Ride Facility, no evidence has been provided in support of this assertion. The Office understands that the location of the proposed Blarney Station and the Park and Ride is currently the subject ongoing engagements between Cork City Council and Irish Rail and has not been determined.

In relation to facilitating the development of the land to the immediate north, the Office notes the lands to the south has no apparent access from a public road. Whereas the lands to the north would have an apparent access from the public road to the west. It is not clearly demonstrated how the non-development of lands to the south would preclude the development potential of the lands to the immediate north.

Notwithstanding the above, the Office remains of the view that this zoning amendment is not consistent with the sequential approach to development where the most spatially centrally located development sites in settlements are prioritised for

more development first with the more spatially peripherally located development sites being zoned subsequently.

The subject lands are separated from the residential zoned lands to the north and are intersected by an area of open space and city hinterland zoned lands, designated as longer term strategic development lands. Furthermore, the new residential zoned lands to the north of the subject site are better located in terms of accessibility and connectivity to the town centre and existing residential development.

Moreover the development of greenfield peripheral sites for residential development has the potential to undermine the redevelopment of sites more favorable to achieving compact growth, contrary to the requirement of objectives NPO 3c and RPO 35.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(vi).

MA No 2.26 - Lands at South Docklands revert to ZO 13 Education from ZO 5 Mixed Use Development

The Office notes that a number of the reasons cited in the submissions are similar to the reasons given by the elected members for the decision to not comply with the recommendation of the Office when adopting the Plan, and were detailed in the section 31AM(6) notice received from the planning authority including:

- The mixed use zoning will facilitate education, existing and future expansion.

The submission received from Cllr. Des Cahill raises the following additional reasons:

- allowing the zoning to go through as requested by Council does not prevent educational development; and
- the current zoning allows for both education and mixed use development and in the interest of fairness the amendment should be accepted.

The submission from the Department of Education supports the draft Direction, pointing out that it will support the Department's ability to deliver necessary schools

as part of the 22,500 to 25,000 persons planned to live in the area as part of the planned regeneration of the Docklands.

The submission from the Southern Regional Assembly also supports the draft Direction stating that the reinstatement of the zoning objective is in accordance with RPOs 9, 35, 151, and 185 of the RSES.

In relation to the reasons given that the zoning objective provides for both education and mixed use development, the Office acknowledges that education is a 'permitted use' under the mixed use zoning objective. However, the ZO Education zoning objective is central to the need to support sustainable community expansion in Cork Docklands in accordance with the needs identified by the Department of Education.

The ZO Education zoning, as opposed to a Mixed Use zoning, is consistent with a plan-led approach to the development of the area and provides certainty regarding the availability of land to provide schools for future residents in the area consistent with NPO 31 and RPO 185 of the RSES.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(b)(vii).

Part 2 (c) Delete New Residential Neighbourhood zoning in Carrigrohane

The Office is satisfied that the Chief Executive's recommendation in respect of Part 2(c) of the draft Direction is adequate as it would delete New Residential Neighbourhood zoning on lands in Carrigrohane.

The Office notes that no submissions were received in respect of this part of the draft Direction.

Following consideration of the submissions and report, there is no basis to amend the recommendation of this Office in respect of Part 2(c).

Recommendation

In light of the above and for the reasons given in our notice letter of 22nd July 2022, the Office remains of the view, as set out in the 31(AM)(8) Notice, that the

Development Plan fails to set out an overall strategy for the proper planning and sustainable development of the area.

The Office now recommends, pursuant to section 31AN(4) of the Act that you issue the attached Direction in the same form as the draft direction but with the minor amendments referred to above and as identified in red in the attached proposed final Direction. You will note that as a consequence of the omission of part 2(a), the remaining aspects of the proposed final direction have been renumbered.

Please do not hesitate to contact the Office should you have any queries in relation to the above. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,



Niall Cussen

Planning Regulator



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.~~ a. Reinstated 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~~ ZO 1 Sustainable 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.

~~e~~ b. 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”.~~

H. I. 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.

~~e) 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.~~ **II. 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.~~ **III. 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.