



2<sup>nd</sup> December 2022

For the Attention of: Ann Doherty, Chief Executive

Cork City Council  
City Hall,  
Anglesea Street,  
Cork,  
T12 T997

**Section 31 of the Planning and Development Act 2000, as amended**  
**Decision to Issue a Direction to Cork City Council on the Cork City Development Plan 2022 -**  
**2028**

Dear Ann,

I am writing to you to inform you of the following in relation to the Section 31 draft Direction issued to Cork City Council on 5<sup>th</sup> August 2022, and the subsequent consideration by the Office of the Planning Regulator (the Office) of your report, dated 29<sup>th</sup> September 2022 on the twenty-one submissions received and the seven submissions made directly to the Office in connection with the Cork City Development Plan 2022 – 2028, as adopted by the elected members of Cork City Council on 27<sup>th</sup> June 2022.

**BACKGROUND**

The Office notified the Minister pursuant to section 31AN(4) of the Planning and Development Act 2000 (as amended) on the 24<sup>th</sup> October 2022 and recommended that I as Minister, issue the Direction, with minor amendment to the draft direction.



In relation to Part 2(a) of the draft Direction, the Office has noted my subsequent decision not to issue a Direction to Cork County Council in respect of a Joint Retail Strategy (JRS) and the reasons set out in the Statement of Reasons (dated 28<sup>th</sup> September 2022). The Office, having regard to these reasons, and to the necessity for the two authorities to cooperate in the preparation of the JRS, has recommended that effect is not given to Part 2(a) of the draft Direction. The Office have also proposed 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 and have proposed to omit the references to NPO 57 and the Flood Guidelines from the Statement of Reasons.

A copy of the Notice letter and proposed Final Direction was submitted to the Minister by the Office along with supporting documentation, which included the following:

- 1) Cork City Council Chief Executive's Report issued under section 31(8) of the Act (29<sup>th</sup> September 2022);
- 2) Copies of seven (7) submissions received by the OPR pursuant to section 31(10)(a) of the Act.

There were 34 submissions in total received on the following public consultation on the Draft Direction under Section 31. These are as follows:

- 7 direct submissions to the Office from elected members;
- 3 submissions to the Council from prescribed authorities (SRA, Department of Education and NTA),
- 8 submissions to the Council from elected members; and
- 10 submissions made to the Council by members of the public.



Furthermore, I note that your CE report has agreed in respect of Part 2(b) (now (2)a.) to reinstate the seven (7) zoning objectives to those set out in the draft Plan and also in relation to Part 2(c) (now (2)b.) to delete New Residential Neighbourhood zoning on lands in Carrigrohane.

The Direction contains two parts:

- Part (2)a. To reinstate seven (7) zoning objectives to that of the Draft Plan;
- Part (2)b. To delete a zoning objective in Carrigrohane.

Having reviewed and considered the Office's notification letter pursuant to section 31AN(4) including your report on the draft Direction and submissions and the submissions made directly by elected members of the Council to the Office, I am of the opinion that the Direction should be issued as attached, with minor amendments.

The Development Plan has not been made in a manner consistent with the recommendations of the Office and the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

Also, the Development Plan as made is inconsistent with National Planning Objective (NPO) 3c and Regional Policy Objectives (RPO) 35 and 151 in the RSES on compact growth. The Plan is also inconsistent with NPO 31, which promotes 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.

The Plan also fails to have regard to the sequential approach to development in 6.2.3 of *Development Plans Guidelines for Planning Authorities (2022)*.



Accordingly, Cork City Council should **TAKE NOTICE** that on 2<sup>nd</sup> day of December, 2022 I have issued a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended).

Pursuant to Section 31(17) of the Planning and Development Act 2000, as amended, this Direction is deemed to have immediate effect and its terms are considered to be incorporated into the plan.

A copy of this Direction is attached to this letter.

#### **STEPS TO BE TAKEN**

In light of the foregoing the Council is required, pursuant to Section 31(2) of the Planning and Development Act 2000 (as amended) to comply with this Direction so as to rectify the matter in a manner that, in my opinion, will ensure that the Cork City Development Plan 2022 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 of State with responsibility for Local Government and Planning**



Copied to:

- Cathaoirleach, Cork City Council, City Hall, Anglesea Street, Cork, T12 T997
- Mr. David Kelly, Director, Southern Regional Assembly, Assembly House, Waterford, X91 F8PC
- Office of the Planning Regulator, Fourth Floor (West Wing) Park House, Grangegorman, 191-193A North Circular Road, Dublin 7, D07 EWV4.

**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

**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 31AN(4) 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:

- b. Reinstate the following zoning objectives to that of the draft Plan:
- (i) MA no. 2.62 i.e. the subject land reverts to ZO 18 Landscape Preservation Zones from ZO 2 New Residential Neighbourhoods.
  - (ii) MA no. 2.60 i.e. the subject land reverts to ZO 21 City Hinterland from ZO 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.
- b. Delete ZO 02 New Residential Neighbourhood zoning in Carrigrohane.

## STATEMENT OF REASONS

### 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.

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

### 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

**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,

A handwritten signature in blue ink, appearing to read "Peter Burke", is written over a horizontal line.

**Peter Burke T.D.  
Minister of State with responsibility for Local Government and Planning**

2<sup>nd</sup> of December, 2022.