



## DRAFT DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) PLANNING AND DEVELOPMENT (CORK CITY DEVELOPMENT PLAN 2022-2028) DIRECTION 2022

Take Notice that:

On 5th August 2022, Cork City Council received notification from the Minister for Housing, Local Government and Heritage of his intention to issue a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended). The Draft Ministerial Direction related to the adoption of the Cork City Development Plan 2022-2028.

The reasons given for the Draft Ministerial Direction are:

**1.** Pursuant to section 31(1)(b), section 31(1)(ba)(i) and section 31(1)(c): The Cork City Development Plan 2022-2028 (hereafter referred to as "the Cork City Development Plan") 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 Cork City 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".

**2.** Pursuant to section 31(1)(b) and section 31(1)(ba)(i) and section 31(1)(c) the Cork City 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,

**3.** Pursuant to section 31(1)(ba)(i): The Cork City 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.

**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.

**c)** 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 Cork City Development Plan as made therefore fails to set out an overall strategy for the proper planning and sustainable development of the area.

**4.** Pursuant to section 31(1)(a)(i)(II) of the Act the Cork City 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.

### How to Access the Draft Ministerial Direction:

Public Consultation on the Draft Ministerial Direction takes place from Friday 19 August to Friday 2 September 2022.

A copy of the Draft Ministerial Direction may be inspected as follows:

1. Online, at any stage during the consultation process at [www.corkcitydevelopmentplan.ie](http://www.corkcitydevelopmentplan.ie)
2. The Planning Counter, Ground Floor, City Hall, Anglesea Street, Monday-Friday 10.00am to 4.00pm
3. The City Library, Grand Parade, Cork from 10am to 5.30pm Monday-Saturday;
4. Branch Libraries. Please check at your local library regarding opening times and availability of PCs to access the electronic format.

Copies of the Draft Ministerial Direction are also available from the Planning Policy Section by emailing [citydevplan@corkcity.ie](mailto:citydevplan@corkcity.ie).

### Making a Submission

Cork City Council hereby invites any interested parties, including the public, children, or groups or associations representing the interests of children and other interested parties, to make a submission or observation on the Draft Ministerial Direction, during the period 9.00 A.M. Friday 19 August to 5PM Friday 2 September inclusive via the following means:

- Online at <https://consult.corkcity.ie/>
- Email to [citydevplan@corkcity.ie](mailto:citydevplan@corkcity.ie) or
- In writing to  
Draft Ministerial Direction Submissions,  
Planning Policy Section  
Cork City Council, Anglesea Street, City Hall, Cork

In respect of making a submission please note the following:

- Submissions/observations should include your name and address and where relevant, details of any organisation, community group or company etc., which you represent.
- Children, or groups or associations representing the interests of children, are particularly encouraged to make submissions or observations.
- Please note that observations or submission will be made public on the Council's website (<https://consult.corkcity.ie/>) and will also form part of the statutory Chief Executive's Report, which may be published on the Council's website. The details including the names of those making submission may be shared with relevant Council and Government Departments or their agents involved in the process and may form part of reports linked to the making of any Direction.
- Submissions or observations will be considered by the OPR before it makes its recommendation to the Minister.
- The Planning Authority is required to send all written submissions and observations to the Office of the Planning Regulator and the Minister. Your written submission/observation, together with your name and address, may therefore be sent to the Minister, where required.
- Please make your submission by one medium only, i.e. hard copy, email or website. Written submissions or observations with respect to the Draft Ministerial Direction that are made to the Planning Authority within the period stated will be taken into consideration when preparing the Chief Executive's Report. As stated above, submissions will only be accepted during the period 9.00 A.M. Friday 19 August to 5.00 P.M. Friday 2 September inclusive. Late submissions will not be accepted.
- Please note that in accordance with Section 12 of the Planning and Development Act 2000 (as amended) all valid submissions received by the Council shall be published on the Cork City Council website within 10 working days of its receipt by the Council and can be viewed at <https://consult.corkcity.ie>. You should ensure that no vexatious, libellous or confidential information, including confidential information relating to a third party (in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure) is included in your submission. The Planning Authority reserves the right to redact any submission or part thereof that does not comply with this requirement. Please be advised that the submission will be published in full to include any name, address, etc required.

City Council is subject to the requirements of the Freedom of Information Act, 2014, the Data Protection Act, 2018 and to the General Data Protection Regulations (GDPR).

Cork City Council's GDPR policy and Privacy Policy is available on our website at <https://www.corkcity.ie/en/gdpr-services/public-info/gdpr/> or hardcopy from our offices at City Hall, Anglesea Street, Cork.

In order to assist us in complying with Data Protection and GDPR please include your name and contact details (and where relevant, details of any organisation, community group or company etc., which you represent), on a separate sheet to the content of your submission/ observation.

Enquiries to email: [citydevplan@corkcity.ie](mailto:citydevplan@corkcity.ie)

**Dated this 19th day of August 2022**

**Fearghal Reidy**

**Director of Services, Strategic and Economic Development**

**DESIGNATED PUBLIC OFFICIAL UNDER REGULATION OF LOBBYING ACT, 2015**