

Development Plan Submission,
Strategic and Economic Development
Cork City Council
City Hall
Anglesea Street
Cork
T12 T007

Monday, 4th October 2021
[By Online submission]

-: CORK CITY DRAFT DEVELOPMENT PLAN 2022 – 2028:-

Dear Sir / Madam

RE: SUBMISSION TO THE CORK CITY DRAFT DEVELOPMENT PLAN 2022 – 2028 IN RESPECT OF LANDS AT FREEFOAM PLASTICS LTD., CENTRAL COMMERCIAL PARK, CENTRE PARK ROAD, BALLINTEMPLE, CORK

Freefoam Plastics Limited – Site Specific Submission regarding three key issues:

- 1. Support for the plan led regeneration of Cork City Docks to be an exemplar development for regeneration and design quality in Europe.**
- 2. Acknowledge Cork City Council's intention to work with its partners (to include Freefoam Plastics Limited) to find solutions to the relocating of existing low intensity light industrial (and related) uses to newly developed industrial estates in locations around the City.**
- 3. Acknowledge that the Cork City Council is committed to utilising Compulsory Purchase Order powers under relevant legislation as required to enable infrastructure delivery necessary to unlock the potential of the Cork City Docks to create a sustainable neighbourhood.**

1.0 INTRODUCTION

The Planning Partnership, The Coach House, Dundanion, Blackrock Road, Cork City, are instructed by **Freefoam Plastics Limited**, Central Commercial Park, Centre Park Road, Cork, T12 R682, to prepare this *Site Specific Submission* in relation to the ongoing Cork City Development Plan Review process and the publication of the subsequent *Cork City Draft Development Plan 2022-2028*.

1.1 Focus of the Submission

The purpose of this submission is to:

1. Confirm Freefoam Plastics Limited's support for the plan led regeneration of Cork City Docks to as an exemplar development for regeneration and design quality in Europe.
2. Freefoam Plastics Limited acknowledges Cork City Council's intention to work with its partners to find solutions to the relocating of existing low intensity light industrial (and related) uses to newly developed industrial estates in locations around the City.
3. Freefoam Plastics Limited acknowledges that the Cork City Council is committed to utilising Compulsory Purchase Order powers under relevant legislation as required to enable infrastructure delivery necessary to unlock the potential of the Cork City Docks to create a sustainable neighbourhood.

The location and extent of the subject lands, which are in the majority ownership of Freefoam Plastics Limited, are identified within **Figure 1.1** below.

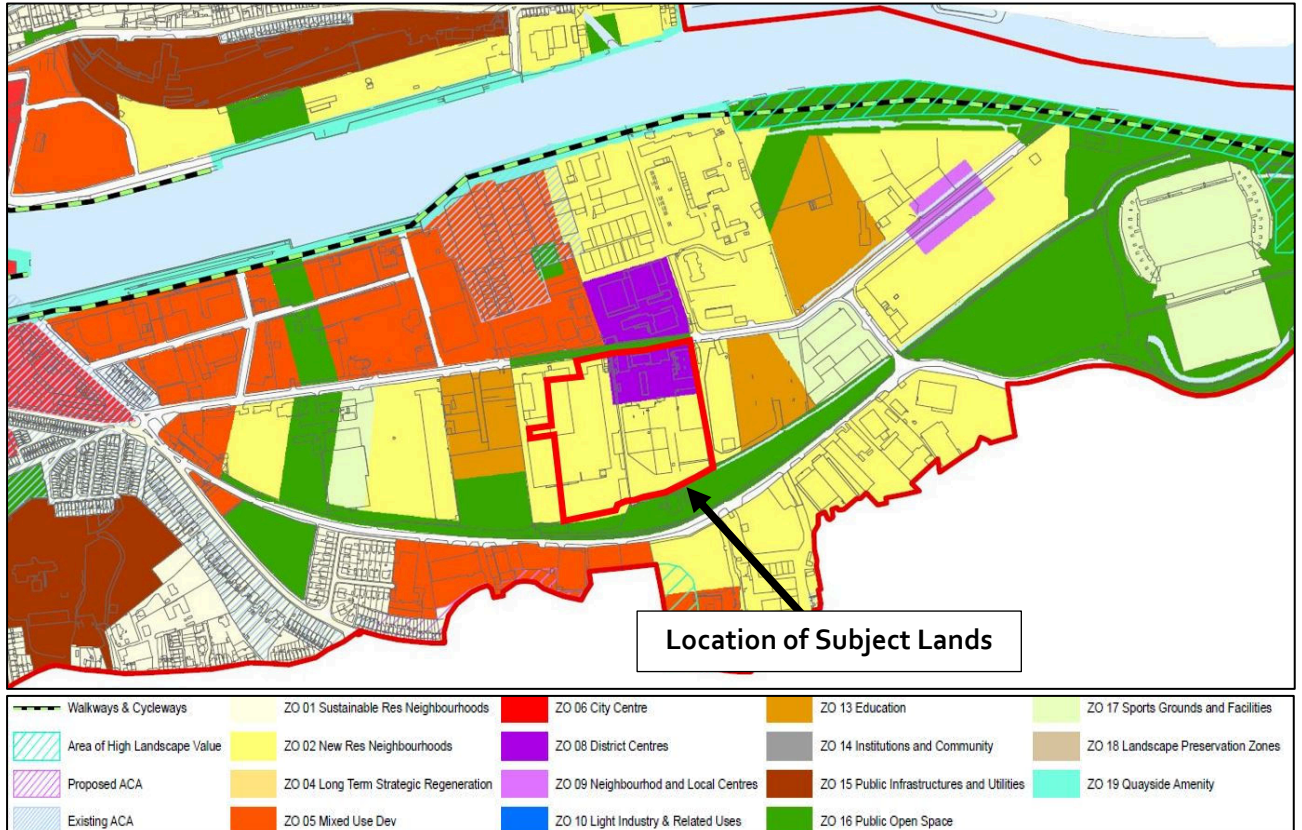
Figure 1.1: Location of the Subject Lands



Source: ESRI ArcGIS, Annotated and Reproduced under Licence by The Planning Partnership, October 2021

Figure 2.2 below presents the Subject Lands within the context of *Cork City Draft Development Plan 2022 – 2028* proposed land use zoning objectives, acknowledging part of Freefoam Plastics' lands will be subject to the proposed zoning objective **ZO 2 New Residential Neighbourhoods**, and a significant extent of lands along Centre Park Road to be assigned **ZO o8 District Centres**.

Figure 1.2: Subject Lands within the Cork City Draft Development Plan 2022 – 2028



Source: Cork City Draft Development Plan 2022 – 2028, Zoning Map – extracted, annotated and reproduced by The Planning Partnership under OS Licence No. AR0114721

2.0 NATIONAL AND LOCAL PLANNING CONTEXT

The following relevant extracts from national and local policy supports the current submission.

2.1 National Planning Framework – Project Ireland 2040

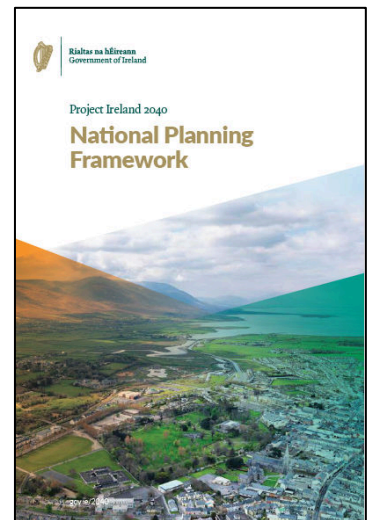
NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 5: Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.



NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 28: Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.

NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 34: Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Key future growth enabler for Cork include: Delivering ambitious large-scale regeneration projects for the provision of new employment, housing and supporting infrastructure in Cork Docklands (City Docks and Tivoli) as integrated, sustainable developments, including relocation of two 'Seveso' sites from the City Docks;

2.2 Regional Spatial Economic Strategy for the Southern Region

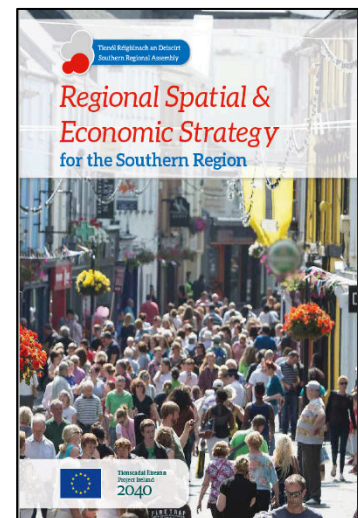
RPO 2 Planning for Diverse Areas: The RSES recognises the strategic role played by all areas, both urban and rural, in achieving the set regional and national targets and objectives. The RSES supports sustainable enterprise growth, services, physical and social infrastructure investment and the sustainable growth of all communities in the Region. The overall strategy builds on cities and their associated metropolitan areas as engines of growth and seeks, in parallel, to re-position the Region's strong network of towns, villages and diverse rural areas in an economically resilient, imaginative and smart way to foster sustainable competitive advantage.

RPO 5 Population Growth and Environmental Criteria: Increased population growth should be planned with regard to environmental criteria, including:

- Assimilative capacity of the receiving environment;
- Proximity of Natura 2000 sites and potential for adverse effects on these sites, and their conservation objectives;
- Areas with flood potential.

RPO 7 Delivery and Funding: Promote the sustainable implementation of innovative, collaborative projects through the Urban Regeneration & Development, Rural Regeneration & Development, Climate Action, and Disruptive Technologies funds within the Cork, Limerick-Shannon and Waterford Metropolitan Areas.

RPO 8 Investment to Deliver on the Vision for Metropolitan Areas: Prioritise the delivery of compact growth and sustainable mobility in accordance with NPF objectives.



RPO 9: *It is an objective to ensure investment and delivery of comprehensive infrastructure packages to meet growth targets that prioritise the delivery of compact growth and sustainable mobility as per the NPF objectives including: Water services, digital, green infrastructure, transport and sustainable travel, community and social, renewable energy, recreation, open space amenity, climate change adaptation and future proofing infrastructure including flood risk management measures, environmental improvement, arts, culture and public realm.*

RPO 34: Regeneration, Brownfield and Infill Development: *Seeking initiatives that enable site assembly for regeneration and initiatives that promote regeneration of brownfield lands over greenfield lands across all tiers of urban settlements including smaller towns and rural villages.*

RPO 35:

- A. *Local Authorities, through Development Plan and Local Area Plan policies, shall identify rejuvenation priorities within our Region's settlements which demonstrate achievement of National Strategic Outcome: Compact Growth;*
- B. *Development Plans shall set out a transitional minimum requirement to deliver at least half (50%) of all new homes that are targeted in the Region's three Cities and suburbs of Cork, Limerick and Waterford, within their existing built up footprints in accordance with NPF National Policy Objective 3b. This will be evidence based on availability and deliverability of lands within the existing built up footprints;*
- C. *Development Plans shall set out a transitional minimum requirement to deliver at least 30% of all new homes that are targeted in settlements other than the cities and suburbs, within their existing built-up footprints in accordance with NPF National Policy Objective 3c. This will be evidence based on availability and deliverability of lands within the existing built up footprints.*

RPO 38:

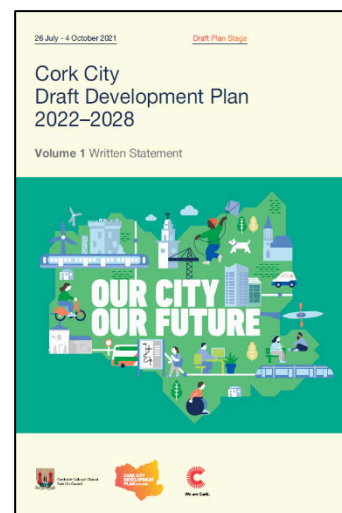
- A. *Local Authorities, through County Development Plan and Local Area Plan objectives, will identify retrofitting initiative priorities within settlements that grew rapidly without corresponding investment in infrastructure and amenities which demonstrate achievement of National Strategic Outcome: Compact Growth;*
- B. *Support initiatives that seek retrofitting infrastructure to existing buildings including smart technologies, energy efficient and micro renewable systems and seek targeted initiatives and actions at a local level for the refurbishment and upgrading of suitable vacant and underused building stock;*
- C. *Support initiatives that retrofit environmental amenities to address adverse effects on biodiversity and the environment;*

2.3 Cork City Draft Development Plan 2022 – 2028

Objective 3.1 Planning for Sustainable Neighbourhoods: *Cork City Council will seek to:*

- a. *Utilise the Urban Towns, Hinterland Villages and City Neighbourhoods as spatial units to develop sustainable neighbourhoods, employing the 15-Minute City concept;*
- b. *Require development proposals to put placemaking at the heart of their design concept and clearly demonstrate how neighbourhood integration and enhancement is central to this;*

- c. *Plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide', and any updates.*
- d. *Ensure that an appropriate level of supporting neighbourhood infrastructure is provided in conjunction with, and as an integral component of, residential development in New Sustainable Neighbourhoods.*
- e. *Undertake a Cork City Neighbourhoods Strategy during the lifetime of the Plan to identify strategic gaps in the provision of services / infrastructure / resources within neighbourhoods;*
- f. *Create healthy and attractive places to live consistent with NPO 4 of the NPF and Goal 3: Sustainable Place Framework of the RSES.*



Objective 3.3 New housing Supply: *Provision will be made for at least 17,118 new homes to be built in Cork over the Development Plan period. This will be achieved by:*

- a. *Zoning sufficient lands for residential or a mix of residential and other uses to facilitate the delivery of housing;*
- b. *Designating Transformational sites capable of delivering new homes;*
- c. *Utilising the Cork City Capacity Study prepared as an input into this Plan to identify the development potential of sites capable of residential development;*
- d. *Active land management utilising the provisions of the Derelict Sites Act 1990 and Urban Regeneration and Housing Act 2015;*
- e. *Optimising the potential of brownfield sites (see Objective 3.4);*
- f. *Actively encouraging the re-use of vacant space within existing buildings (especially built heritage assets and those in the City Centre) and vacant homes by utilising all instruments at Cork City Council's disposal;*
- g. *Ensuring that all new housing developments contribute to the creation and / or maintenance of successful neighbourhoods and are designed to the highest standards (see Chapter 11: Placemaking and Managing Development).*

3.6: *The National Planning Framework, RSES and the Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities (DEHLG, 2009) all place great value on the development of sustainable neighbourhoods. In order to have a good quality of life people need access to a range of resources in addition to their home: The resources that we need to function as a society can be considered at three different scales for the purposes of Cork City's planning strategy:*

- *A strategic City-wide scale;*
- *A City-quadrant / Urban Town scale; and*
- *A Neighbourhood / 15-Minute City scale.*

3.7: *The "15-Minute City" provides a very clear concept to frame what we mean by neighbourhoods. This concept has been given much greater significance during the Covid-19 global public health crisis and has become part of the mainstream lexicon and raised society's expectations as to what they can expect within their own neighbourhood. The concept has been part of Cork City Council's planning policy framework since 2010.*

3.8: A key premise of the 15-Minute City is that people should be able to walk and cycle to access the resources and facilities within their neighbourhood. Not only will this reduce car travel and improve health but most of all it will result in an equity in the Quality of Life of Cork's citizens. Within 15 Minutes of people's home, they should have access to: local commercial services (e.g. shops), a creche, a primary school and other community services, a bus stop, open space, a playground and wildspace (nature).

3.9: The Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual – A Best Practice Guide provide the relevant s28 Guidelines and planning tools to achieve the 15-minute City.

3.11: Cork City Council aims to ensure that, as far as possible, each existing neighbourhood will provide those resources and services that Cork's residents should expect within 15 minutes of their home. As well as providing the resources it will be imperative to ensure that neighbourhoods are well connected and offer short walking / cycling routes to services. In order to achieve this, it will be necessary to ensure that neighbourhoods are integrated and permeable.

3.21: Optimising the density of any development and ensuring that the best use of land is made are core responsibilities of the planning system and in achieving a more compact form of urban development in Cork City that promotes resource efficiency.

Vision and Role of City Docks

10.24: The City Docks will be:

- A new sustainable neighbourhood in the centre of Cork City that benefits from excellent placemaking, with people-centred streets and spaces;
- A great place to live and work: an extension to Cork City Centre and a key destination for the economic, cultural, educational, commercial, civic and social vibrancy of the City;
- A green lung for the City that optimises the use of the River Lee, green and blue infrastructure and nature-based solutions.

10.27: This Plan provides a strategic policy that will form the basis for the development of the City Docks. Cork City Council will seek to prepare urban design masterplans for the City Docks to update the urban design strategy for the development of the area. Following completion of the masterplans, Cork City Council may seek to prepare Character Area Guidance to guide the development of individual sites or areas in the City Docks. Cork City Council will also seek to update the Docklands Public Realm Strategy Policy Documents during the lifetime of this Plan. The masterplans will be prepared with key stakeholders including Irish Rail / CIE.

10.33: The City Docks is comprised of character areas that were generated through the Docks Public Realm Strategy 2012. These character areas present the opportunity to provide a coherent urban structure for City Docks, with each area having its own identity and urban design qualities.

Each area will each have its own coherent character, informed by their land use, density, building height, housing mix, public realm and a range of other factors. The character areas are capable of being implemented in phases that would allow infrastructure to be phased to meet the needs of each area.

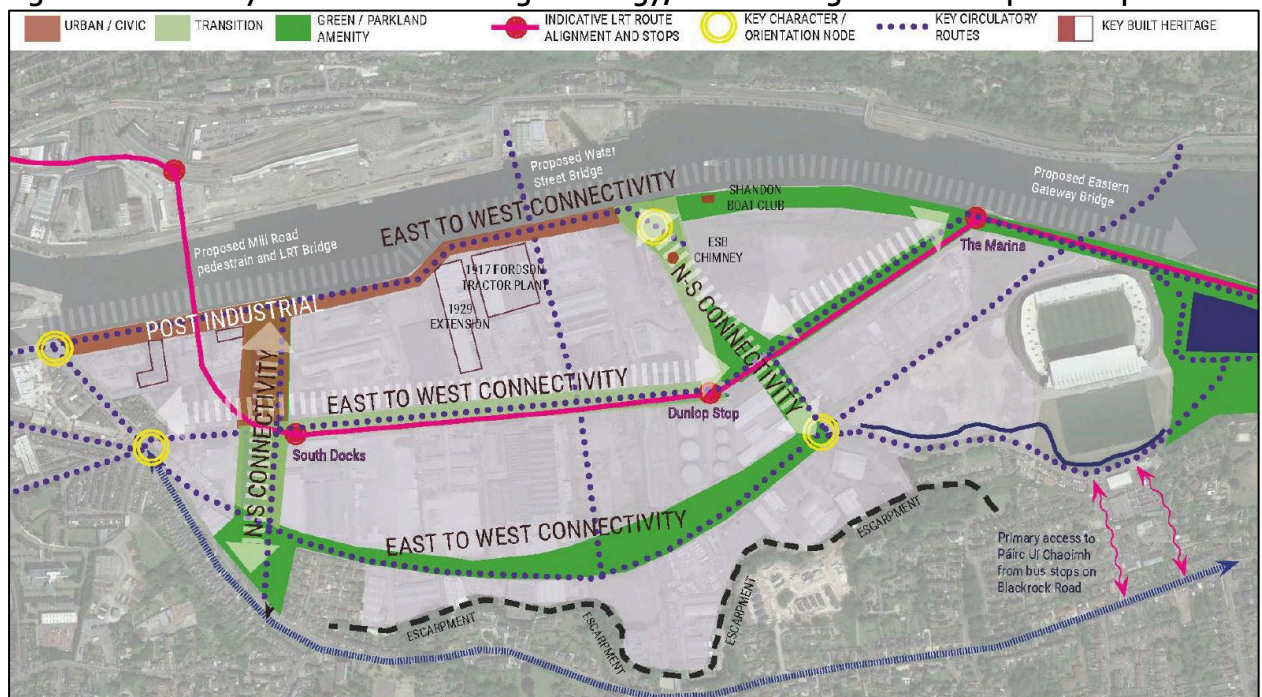
10.52: Existing Light Industrial (and related) Uses: Cork City Council will work with its partners to find solutions to the relocating of existing low intensity light industrial (and related) uses currently located within the City Docks. The City Council is proposing

that new light industrial estates would be developed in locations around the City (see Chapter 7: Enterprise and Employment) to accommodate businesses that would seek to relocate from the City Docks. Within the City Docks small-scale light industrial uses (e.g. workshops) will be compatible with other uses where they occupy ground floor space within mixed-use buildings on non-residential street frontages.

10.85: The City Docks street network is based upon a clear street hierarchy consistent with the Design Manual for Urban Roads and Streets (DMURS). It has been configured to prioritise pedestrian, cyclist and public transport users for internal movements and to facilitate external connectivity by all transport modes. Arterial and Link routes are multi-modal facilitating movement by a range of road users.

South Docks Drainage Strategy 2021 - 10.106: Cork City Council has prepared a South Docks Drainage Strategy (2021) to inform development in City Docks. The objective of the Strategy is to provide a long-term placemaking vision that is flexible, environmentally responsible and climate-resilient, particularly to potential changes in sea level and rainfall intensity. The Strategy is based on a sustainable urban drainage solution approach to provide the drainage network and conveyance and mitigation of water. The aim is to provide water features on Centre Park Road and Monahan’s Road that form an integral part of the urban landscape. Cork City Council are anticipating that the report will be finalised in July 2021 following completion of a final work package relating to Residual Risk Assessment.

Figure 2.1: Cork City South Docks Drainage Strategy, Placemaking and Landscape Concept



Source: Figure 10.9 Cork City Draft Development Plan 2022 – 2028, reproduced by The Planning Partnership under OS Licence No. AR0114721

Minimum Ground Levels and Finished Floor Levels – 10.110: To minimise storage and future-proof the proposed drainage system, it is necessary to marginally increase ground levels at low points by circa 500mm with localised maximum increases of up to 1m. This ground raising will be required over a small area of the South Docks and will ensure minimum ground levels of between 0.7m and 1m above Ordnance Datum (OD).

10.113: Highly Vulnerable Development shall be positioned above the 1 in 200 year tidal flood level, including appropriate allowances for climate change, residual risk

(breach and overtopping) and freeboard. It is envisaged that minimum FFL along the quayside would be set at or above the proposed polder defence level of +3.8m - +4.35m OD, except for the western transition from Albert Quay where a minimum FFL of +3.8m OD can be accommodated due to constraints imposed by existing streetscapes.

Infrastructure Programme & Delivery Strategy – 10.126: Cork City Council has a clear understanding of the infrastructure programme and the infrastructural projects that are necessary to unlock the potential of the City Docks and to create a sustainable neighbourhood. The URDF award in March 2021 confirms the main infrastructure delivery programme. The City Council will seek to deliver those key infrastructure projects set out in Table 10.14 during the lifetime of the Plan. In its site assembly role to enable infrastructure delivery the City Council is committed to utilising CPO powers under relevant legislation (e.g. the PDA 2000, as amended), as required.

Catalyst Developments – 10.130: Cork City Council will seek to work with its partners to deliver a range of catalysts to create anchor projects for the City Docks. There is great potential to combine or group catalyst uses around focal points / buildings and to create economies of scale.

Objective 10.35 City Docks Infrastructure Programme and Delivery Strategy: To implement the Cork City Docks Infrastructure Programme and Delivery Strategy set out in this Plan. Cork City Council is committed to land acquisition, design and delivery of the following key enabling infrastructure work packages (as set out in Table 10.14).

- Masterplans and studies;
- Parks;
- Flood Defence and amelioration;
- City Docks Bridges;
- Strategic Streets / Parks;
- Community Infrastructure (including sports grounds and facilities);
- Public Realm; and
- Utilities

Objective 10.36 Development Phasing: Cork City Council will work with its partners to seek to ensure that the enabling infrastructure to unlock the potential of the City Docks in each development tranche is delivered in a timely fashion.

2.4 Support for the plan led regeneration of Cork City Docks to be an exemplar development for regeneration and design quality in Europe

Having regard to the foregoing and noting Freefoam Plastics Limited's engagement to fully partake in the process of preparing the new *Cork City Development Plan 2022-2028*, Freefoam Plastics Limited confirms its support for the plan led regeneration of Cork City Docks to be an exemplar development for regeneration and design quality in Europe.

The regeneration of the Cork City Docks is to be undertaken in full compliance with relevant legislative requirements, in pursuing of its vision and role to be:

- A new sustainable neighbourhood in the centre of Cork City that benefits from excellent placemaking, with people-centred streets and spaces;
- A great place to live and work: an extension to Cork City Centre and a key destination for the economic, cultural, educational, commercial, civic and social vibrancy of the City;
- A green lung for the City that optimises the use of the River Lee, green and blue infrastructure and nature-based solutions.

As detailed within the *Cork City Draft Development Plan 2022 – 2028*, part of Freefoam Plastics Limited’s Subject Lands have been assigned the proposed zoning objective **ZO 2 New Residential Neighbourhoods**. The objective and vision for **New Residential Neighbourhoods** land use zoning are:

ZO 2 New Residential Neighbourhoods: *To provide for new residential development in tandem with the provision of the necessary social and physical infrastructure.*

ZO 2.1: *Lands in this zone are designated as Tier 1 or Tier 2 zoned lands in the Core Strategy. Any development proposals must satisfy the requirements for developing on Tier 1 or Tier 2 lands set out in Chapter 2 Core Strategy.*

ZO 2.2: *This zone covers primarily greenfield, undeveloped lands for new sustainable residential areas. Development in this zone, while primarily residential, must provide an appropriate mix of housing types and tenures along with the amenity, social, community and physical infrastructure required to promote compact growth, balanced communities and sustainable, liveable communities.*

ZO 2.3: *Uses set out under ZO 1 Sustainable Residential Neighbourhoods are appropriate under this zone subject to such uses supporting the creation of sustainable communities and not conflicting with the primary objective of this zoning.*

Freefoam Plastics Limited confirms it’s support for the plan led regeneration of Cork City Docks and the assigned proposed zoning objective **ZO 2 New Residential Neighbourhoods** to part of their lands at Centre Park Road.

The balance of the Freefoam Plastics Limited’s Subject Lands are proposed to be assigned zoning objective **ZO 08 District Centres** as detailed within the *Cork City Draft Development Plan 2022 – 2028*. The objective and vision for **District Centres** land use zoning are:

ZO 08 District Centres: *To provide for the development and enhancement of district centres as mixed-use centres and as primary locations for retail, economic and residential growth.*

ZO 8.1: *This zone applies to the urban and suburban district centres and are characterised by a mix of convenience and comparison retail and a wide range of services and other uses, usually serving a district of the city. District Centres act as a focus for a range of services, and together with the City Centre and Urban Town Centres they form part of an integrated strategy for mixed use compact growth in key locations of Cork City. Chapter 7 Economy and Employment sets out further objectives for District Centres.*

ZO 8.2: *District Centres will be required to have a mix of anchor units and individual retail and service units. In addition to retail uses, District Centres will also provide a focus for other uses, including but not limited to residential uses, retail warehousing, retail offices, comminute facilities, leisure uses, services, hotels, medical and healthcare uses, places of public worship, schools and educational facilities, innovation or enterprise centres and service stations (petrol filling stations).*

ZO 8.3: *General Offices will be open for consideration in District Centres provided each office unit is in excess of 1,000 sq. m. and the total area of offices is appropriate to the scale of the individual centre, subject to a general maximum of 20,000 sq. m. of offices in any one centre, unless otherwise specified in this Development Plan for any particular District Centre.*

ZO 8.4: *Development proposals in this zone must demonstrate how the proposal would respect, reflect or contribute to the character and vibrancy of the particular district centre, commensurate with the nature and scale of the development. Developments must deliver a quality urban environment and public realm with a focus on accessibility and permeability.*

Freefoam Plastics Limited confirms it's support for the plan led regeneration of Cork City Docks and the assigned proposed zoning objective **ZO 08 District Centres** to part of their lands at Centre Park Road.

2.5 Acknowledge Cork City Council's intention to work with its partners to find solutions to the relocating of existing low intensity light industrial (and related) uses to newly developed industrial estates in locations around the City

Paragraph 7.56 of the *Cork City Draft Development Plan 2022 – 2028* details that: "There are a number of general industrial uses in transitional parts of Cork City where planned regeneration is proposed, such as Tivoli and Docklands, but also in areas that are under regeneration influence such as Tramore Road. Cork City Council supports and will facilitate the relocation of these industries to more appropriate and suitable premises, including the strategic employment locations identified in this Plan."

As detailed within the *Cork City Draft Development Plan 2022 – 2028*, seven undeveloped Strategic Employment Sites have been identified of which six have been appropriately zoned Light Industry and Related Uses. The objective and vision for the **Light Industry and Related Uses** land use zoning are:

ZO 10 Light Industry and Related Uses:

To provide for light industry and related uses.

ZO 10.1: *The main purpose of this zoning objective is to provide for and protect dynamic light industry and manufacturing employment areas. Primary uses in this zone where the primary activity is the manufacturing of a physical product and which activity is compatible with being located near to residential areas. Primary uses include light industry; small to medium sized manufacturing and repairs; wholesaling; trade showrooms; retail showrooms where ancillary to manufacturing, fitting and business to business activity; car showrooms; and incubator units. Other uses may include warehousing, logistics, storage and distribution, subject to local considerations. Offices ancillary to the main light industry, manufacturing or employment use are also acceptable.*

ZO 10.2: *Ancillary uses such as childcare facilities and small-scale local services, where they serve the local area, are open for consideration at an appropriate scale where they are subsidiary to the main employment uses and do not conflict with the primary zoning objectives. Pure retailing, retail warehousing, standalone offices and office-based industry will not generally be acceptable in this zone.*

As the leading manufacturer of a wide range of innovative uPVC fascia and soffit products, and being significant landowners located along Centre Park Road, Freefoam Plastics Limited is considered a key partner in delivering the regeneration of the Cork City Docks. It is further noted that Cork City Council will support and facilitate the relocation of Freefoam Plastics from Cork City Docks, to more appropriate and suitable premises when required.

2.6 Acknowledge that the Cork City Council is committed to utilising Compulsory Purchase Order powers under relevant legislation as required to enable infrastructure delivery necessary to unlock the potential of the Cork City Docks to create a sustainable neighbourhood

The *Cork City Draft Development Plan 2022 – 2028* details under **Infrastructure Programme & Delivery Strategy**, paragraph **10.126** that in the delivery of the infrastructural projects that are necessary to unlock the potential of the City Docks and to create a sustainable neighbourhood, the Cork City Council is committed to utilising Compulsory Purchase Order powers under relevant legislation as required to enable infrastructure delivery.

The Cork City Docklands area is a rapidly changing environment and the fundamental principle in Compulsory Acquisition of Lands is “*the principle of equivalence which is at the root of statutory compensation, the principle that the owners shall be paid neither less nor more than his loss*”.¹

The Rules require the Valuer/Arbitrator to disregard certain matters and have regard to others; however, the purpose remains to ensure that the owner is to receive a fair price.

Lord Nicholls, in ***Waters v Welsh Development Agency***², examined how a scheme should be identified. He said that a scheme “*is a project to carry out works for a particular purpose, or purposes, and that Pointe Gourde will apply if compulsory purchase is an integral part of it*”.³

- Pointe Gourde Principle is to provide dispossessed owners with a fair financial equivalent for their land;
- Should be applied in a manner which achieves a fair and reasonable result;
- A valuation result should be viewed with caution when it would lead to a gross disparity between the amount of compensation payable and the market values of comparable adjoining properties which are not being acquired; and
- The scheme should be identified in narrower rather than broader terms.

In the ***Ozanne v Hertfordshire Co Co***⁴, the CPO Scheme was also for a road improvement to serve the intended development by private enterprise of an area (Thorley Development Area). In this instance, only the “narrow scheme”, the road works, was considered to be the CPO Scheme and the landowner’s land was valued in the context of the Development Area.

In interpreting the Pointe Gourde Principle, any advantage derived by the Landholding to be acquired as result of the CPO Scheme should be disregarded. Likewise, should any decrease in value of the Landholding to be acquired as result of the CPO Scheme be disregarded. However, the impacts on the lands retained (i.e. Remaining Landholding in Claimants Ownership) of the removal of any form of access caused by the CPO Scheme, will have to be taken into account as these retained lands will not be underlying the CPO Scheme.

Rule 11 states that regard shall not be had to any depreciation or increase in value attributable to:

- The land, or any land in the vicinity thereof, being reserved for any particular purpose in a development plan; or
- The inclusion of the land in a special amenity area order.

¹ Dublin Corporation v. Underwood 1997 IR 69

² [2004] UKHL 19; [2004] 2 P. & C.R. 29

³ [2004] UKHL 19; [2004] 2 P. & C.R. 29. See Case Summary 647

⁴ [1992] 2 EGLR 201 See Commentary – Handbook of Land Compensation, Sweet & Maxwell p 23 - 42

The Pointe Gourde Principle requires that any increase or depreciation in value caused by the scheme underlying the CPO be disregarded.

Rule 11 is the further subject of a Supreme Court decision in *Dublin County Council v Shortt*⁵ and a High Court decision in *Monastra Developments Ltd. V Dublin County Council*⁶.

The purpose of Rule 11, as identified in Shortt, is “to protect the owner from the detrimental effect on the value of his land of the reservation of the land for the particular purpose for the benefit of the community and to ensure that owners of other land do not profit from it.”⁷

There is no statutory framework governing the valuation of ransom strips; the parties are free to negotiate whatever sum they consider acceptable. However, the starting point is often taken to be the seminal case of *Stokes v Cambridge Corporation* [1961] 180 E.G. 839. In this instance, the judge took the view that the appropriate purchase price was one-third of the increase in the value of the land to be developed as attributable to the acquisition of the ransom strip.

On the facts, Stokes related to an acquisition by compulsory purchase, and it can therefore only serve as guidance rather than as a hard and fast rule. Indeed, there have been numerous judicial references to the Stokes approach as a principle of valuation, not of law, as the tribunal took additional factors into account.

For example, it was of the view that the Cambridge Corporation held land beyond the ransom strip that would also benefit from the intended development works. As a result, it considered that the purchaser would be willing to pay more for the ransom strip as this would not only benefit the current development site, but also potentially subsequent development works on the additional land.⁸

Freefoam Plastics Limited acknowledges that Cork City Council is committed to utilising Compulsory Purchase Order powers under relevant legislation as required to enable infrastructure delivery and as such will rely on the fundamental principle in Compulsory Acquisition of Lands, i.e. the principle of equivalence which is at the root of statutory compensation. The principle that the owners shall be paid neither less nor more than his loss.

3.0 CONCLUSION

In summary, this submission:

1. Confirms Freefoam Plastics Limited’s support for the plan led regeneration of Cork City Docks to as an exemplar development for regeneration and design quality in Europe.
2. Details Freefoam Plastics Limited acknowledgement of Cork City Council’s intention to work with its partners to find solutions to the relocating of existing low intensity light industrial (and related) uses to newly developed industrial estates in locations around the City.
3. Details Freefoam Plastics Limited acknowledgement that the Cork City Council is committed to utilising Compulsory Purchase Order powers under relevant legislation as required to enable infrastructure delivery necessary to unlock the potential of the Cork City Docks to create a sustainable neighbourhood.

⁵ [1983] ILRM 377

⁶ [1992] 1 IR 468

⁷ Shortt v. Dublin County Council [1982] I.L.R.M. 117

⁸ Page 16 RICS Property Journal July/August 2018

Freefoam Plastics Limited's lands at Centre Park Road presents the opportunity to facilitate the regeneration of the Cork City Docks in pursuing of its vision and role to be:

- A new sustainable neighbourhood in the centre of Cork City that benefits from excellent placemaking, with people-centred streets and spaces;
- A great place to live and work: an extension to Cork City Centre and a key destination for the economic, cultural, educational, commercial, civic and social vibrancy of the City;
- A green lung for the City that optimises the use of the River Lee, green and blue infrastructure and nature-based solutions.

Should you have any queries or require any further information in relation to the above please do not hesitate to contact me.

Yours faithfully



Wessel Vosloo
Principal
The Planning Partnership