

Cork County Develop Plan Variation 2. OPR and Ministerial Direction Submission

Holly Cairns TD (Cork South West) & Councillor Ross O'Connell (Cork County Council - Bantry LEA)

27th May 2020

Joint submission with respect to the notification by the Minister for Housing and Urban Planning of his intention to direct Cork county council to cancel variation No. 2 of the Cork County Development Plan 2014 (Retail Outlet Centres).

FAQ:

Mr Niall Cussen, Planning Regulator

Office of the Planning Regulator; Block C, 77 Sir John Rogerson's Quay, Grand Canal Dock, Dublin 2, DO2 VK60

Damien English TD, Minister of State for Housing and Urban Development

Dept of Housing Planning and Local Government, Custom House, Dublin 1, DO1 W6X0

Overview

This submission represents our opposition to variation No.2 of the Cork County Development Plan 2014 to enable the construction of a retail outlet centre in East Cork. Our position is based on socio-economic, sustainability, and planning and policy reasons which dispute the rationale for the retail centre proposed by Cork County Council's executive and endorsed by a majority of elected members.

We support the Draft Ministerial Direction issued by the Office of the Planning Regulator (OPR) issued pursuant to section 31AM(8) of the 2000 Act as amended, in respect of Variation No. 2 of the Cork County Development Plan 2014. In particular, we wish to highlight the ORP finding, as stated in the letter to Minister English on 21st Feb 2020, that the variation to the development plan is "premature and results in the making of a Development Plan (as varied) in a manner that fails to set out an overall strategy for the proper planning and sustainable development of the area concerned, which is in breach of the requirements of the Act."¹

¹ Office of the Planning Regulator (2019), Letter: *Notice to Minister Adopted Variation No.2 of the Cork County Development Plan*
<https://www.opr.ie/wp-content/uploads/2020/02/Notice-to-Minister-Adopted-Variation-No.2-of-the-Cork-County-Development-Plan.pdf>

When the motion to adopt variation No.2 was voted on during the 27th January 2020 meeting of Cork County Council, Holly Cairns TD, then a Councillor, opposed it with three others, while forty-two voted in favour, and one abstained.² Councillor Ross O'Connell (co-opted February 2020) made a submission to the Office of the Planning Regulator and Minister for Housing and Urban Development in March 2020 opposing variation No.2. He was unable to attend the Special Meeting of Cork County Council on 22nd May 2020 due to Covid-19 restrictions. Holly Cairns TD raised the issue in Dáil Éireann on 27th May 2020 with the Minister of State at the Department of Housing, Planning and Local Government, John Paul Phelan TD.³

We are in agreement with the OPR's recommendation, which follows both clear planning approaches and sustainable development principles, and hold that the OPR is fulfilling its statutory function in making this recommendation.

Outlined below is a summary of our main points in opposing variation No. 2, which we include for reference and to support and enhance the OPR's finding that the proposed variation is contrary to proper and sustainable planning.

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² Cork County Council (2020), Full Council Meeting 27/01/2020 Minutes, pg.6.

<https://www.corkcoco.ie/en/council-meetings-list/full-council-meeting-21>

³ Dáil Éireann (2020) Covid-19 (Local Government): Statements,

<https://www.oireachtas.ie/en/debates/debate/dail/2020-05-27/10/>

1. Socio-economic reasons

Town centres are at the heart of our communities and should be playing a key role in developing our county to its full potential. The retail sector is contracting in most of our town centres and town centre vacancy is becoming a major issue throughout County Cork. The County Development Plan states that its aim is to

support and further develop the role of town centres in their evolution as inclusive, diverse and attractive service, recreational and living centres for residents and visitors alike.⁴

It warns that international retailers

have the potential to erode the distinctive character of a town. Independent retailers are an important part of the retail profile and create a sense of diversity and add uniqueness to the retail environment. This diversity is something that is still to be found in many Cork towns although it will be challenged into the future as closures continue.⁵

More specifically, the Plan's TCR 2-1: Town Centre Objective (a) is to:

Maintain, strengthen and reinvent the role of town centres as dynamic attractive and inclusive environments and enhance their mixed use character by encouraging the retention and development of general office, retail, housing, office based industry, community, civic and entertainment uses.⁶

In addition, the newer County Development Plan Public Consultation Document specifically states the need to promote increased densities in our towns and particularly areas with good public transport links to facilitate compact growth, allowing more people to live closer to employment, shops and services.⁷

Variation No.2 is contrary to the sentiments and specifics of the quoted sections of the County Development Plan. A out-of-town large development would serve to attract consumers away from adjacent town centres and redirect income to the new facility furthering the hollowing out of towns and villages. This further abandonment of our existing urban centres would lead to closure of fragile small-scale retailers already struggling to survive therein, particularly during the Covid-19 emergency and the uncertainty of its aftermath.

⁴ Cork County Council (2014) *Cork County Development Plan 2014, Volume One: Main Policy Material*, Cork County Council, pg. 106. <http://corkcocodevplan.com/>

⁵ Ibid.

⁶ Ibid. pg. 108.

⁷ Cork County Council (2020) *Cork County Development Plan Review - Public Consultation Document*. Available at: <https://epublishbyus.com/ebook/10049041/html/index.html>

Our position is informed by others who have raised concerns over the retail outlet's impact on nearby towns and villages. Cork Business Association, which represents some 250 businesses mainly in Cork city, oppose the proposal due to concerns over its effect on existing retailers in the city centre and surrounding satellite towns.⁸ Glounthaune Community Association, representing an area near the planned site, also highlighted the risk that the retail space could destroy fragile local business.⁹ Dr Frank Crowley, an economist in the Spatial and Regional Economic Research Centre in UCC, has warned of a 'regional displacement effect' in the proposals.¹⁰

The County Development Plan Review Urban Capacity Study has established that in Midleton, the town that is closest to the area of the proposed development, the retail comparison sector fell by 22% between 2013 and 2017.¹¹ Other towns which have experienced marked losses in this sector include Bantry, Mallow, and Skibbereen. Also, it is noted that

vacancy stands at 13% within the town (49 units of 383 units). This falls outside the normal range limits within a functional market (5-7%). 8.4.2 Of the 331 commercial units surveyed, 48 were vacant representing 15% of the commercial town centre building stock.¹²

These figures indicate the fragility of Midleton town centre and the need for the County Development Plan to adhere to its own objectives to support the enhancement of the urban area. Small businesses, retail, and the hospitality industries have been disproportionately impacted by the Covid-19 emergency. At this time and in the recovery period all efforts need to be made to support them and developments that are based in towns helping to secure and grow existing communities and family-run businesses.

⁸ City businesses fear Kildare Village-style outlet centre in east Cork; 'It is a significant threat to retail and to the city centre itself', *The Echo*, 28 JAN 2020

<https://www.echolive.ie/corknews/City-businesses-fear-Kildare-Village-style-outlet-centre-in-east-Cork-It-is-a-significant-threat-to-retail-and-to-the-city-centre-itself-4aff40f9-a5fb-4f93-a6f1-e558f125a0f1-ds>

Cork city retailers concerned over plans for €100m centre, *Irish Times*, 12 May 2020,

<https://www.irishtimes.com/news/ireland/irish-news/cork-city-retailers-concerned-over-plans-for-100m-centre-1.4251658>

⁹ East Cork Councillors Urged to Reject Inclusion of Kildare Village Type Outlet In County Development Plan, *East Cork Journal*, 20 Nov 2019

<https://www.eastcorkjournal.ie/east-cork-councillors-urged-to-reject-inclusion-of-kildare-village-type-outlet-in-county-development-plan/>

¹⁰ Bring new retail centre to city, says economist, *The Echo*, 25 Nov 2019,

<https://www.echolive.ie/corknews/Bring-new-retail-centre-to-city-says-economist-ee2e663e-da60-4f25-811c-e62c48caa8d4-ds>

¹¹ Cork County Council (2019) *Urban Capacity Study (Background Document No. 5)*. Cork County Development Plan Review, Planning Policy Unit, pg.179. Available at:

<https://www.corkcoco.ie/sites/default/files/2019-12/Background%20document%20no%205%20Urban%20Capacity%20Study.pdf>

¹² *Ibid.*, pg.185.

2. Sustainability

The proposed retail centre, as identified by the OPR's findings, does not represent sustainable development. By their nature, out-of-town retail centres are primarily car-based and are not aligned with sustainable transport objectives.

The Plan's TM 1-1: Transport Strategy Objective (a) is to:

Foster sustainable economic and population growth by maintaining and developing an efficient and integrated transport system for the County and, at the same time, encourage balanced investment in less polluting and more energy efficient modes of public and private transport.

And, Objective (b) is to:

Encourage the move to a 55% level of non car based transport within the Cork Gateway, Hubs and other main towns and a 20% level of non car based travel for journeys within rural areas of the County as set out in the South West Regional Planning Guidelines.¹³

In addition Adaptation Goals, Objectives and Actions of Cork County Council's Climate Adaptation Strategy 2019-2024, include the following:

"Objective: To Integrate climate action considerations into land use planning policy"
Action No.38: "During the Review of the Cork County Development Plan and Local Area Plans identify and integrate climate change as a critical consideration, guiding principle and strategic objective, and tailor planning policies to reduce the vulnerability of Co. Cork to the impacts of climate change, for example by: • Enhancing the role of the natural environment to promote climate adaptation through promoting green infrastructure."¹⁴

"Objective: To build capacity and resilience within communities"
Action No.55 "Develop public awareness campaigns to increase knowledge of and encourage behavioural change around climate change and severe weather events."¹⁵

¹³ Cork County Development Plan 2014, Volume One, pg. 151.

¹⁴ Cork County Council (2019) *Cork County Council Climate Adaptation Strategy 2019-2024*, Cork County Council, pg.53.

<https://www.corkcoco.ie/sites/default/files/2019-10/Cork%20County%20Council%20Climate%20Adaptation%20Strategy%202019-2024%20Final.pdf>

¹⁵ Ibid., pg.58.

The *Spatial Planning and National Roads Guidelines for Planning Authorities*, which planning authorities are 'required to have regard to the guidelines in the performance of their functions under the Planning Acts'¹⁶, includes as a key message in its development planning chapter that:

Development plans must include measurable objectives for securing more compact development that reduces overall demand for transport and encourages modal shift towards sustainable travel modes.¹⁷

In contrast to these objectives, Cork County Council's Study on the Requirement for Retail Outlet Centre(s) in the Cork Metropolitan Area Draft Final Report estimates that ninety per cent (90%) of the visitors will travel by Private car,¹⁸ leading to an additional range of 4,370 to 6,540 daily trips.¹⁹

The intentions and content of the current County Development Plan and related Council documents is environmentally incompatible with the car-dependant model which is being facilitated by variation No.2. Not only is the proposal regressive, but it is irreconcilable with the Council's climate change and sustainability commitments. We cannot understand how such internal contradictions were arrived at.

3. Additional planning and policy reasons.

The *Retail Planning Guidelines*, to which planning authorities 'are required to have regard to the guidelines in the performance of their functions under the Planning Act'²⁰, in relation to retail outlet centres, state that:

When they are located out-of-town on greenfield sites, they can divert a significant amount of expenditure on comparison shopping goods away from established city/town centres and tourist centres even some distance away. Nonetheless, outlet centres within or immediately adjacent to a city or town centre can generate commercial synergies with the established retail outlets, thereby raising the profile of the centre and enhancing aggregate turnover on retail goods and leisure activities.²¹

¹⁶ Department of the Environment, Community and Local Government (2012) *Spatial Planning and National Roads Guidelines for Planning Authorities*, Department of Environment, Community and Local Government, pg.2, <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Planning/FileDownload%2C29322%2Cen.pdf>

¹⁷ Ibid., pg. 7.

¹⁸ Cork County Council (2019) *Study on the Requirement for Retail Outlet Centre(s) in the Cork Metropolitan Area Draft Final Report*, Cork County Council, pg. 56 <http://corkcocodevplan.com/wp-content/uploads/2019/10/Draft-Final-Report-Retail-Outlet-Centres.pdf>

¹⁹ Ibid., pg.57.

²⁰ Department of the Environment, Community and Local Government (2012) *Guidelines for Planning Authorities Retail Planning*, Department of the Environment, Community and Local Government, pg.3.

²¹ Ibid.,, pg.38.

The current out-of-town location of the proposed retail centre does not follow these guidelines. Moreover, the guidelines raise concerns comparable to those highlighted by local business and community groups, cited above.

The *Retail Planning Guidelines* also state that:

Because of the specific niche that outlet centres operate within, applicants must demonstrate, and planning authorities must ensure that the products sold will not be in competition with those currently on sale in typical city/town centre locations.²²

In relation to this point it should be noted that Midleton's retail profile overlaps with the retail centres' one. A recent County Council study found that:

The town has a broad range of retail comparison stores which are represented across all 20 sub-categories. It is evident that Midleton has a strong Retail Comparison offer.

There is a significant proportion of shops selling Ladies Wear and Accessories (14 units) providing niche clothing offer within the town and wider East Cork area.²³

Here again we note a discord between the proposal and guidelines, furthering the concerns of local businesses. Any developments of this scale should align with existing strategies and guidelines to ensure both good planning and successful implementation that supports local communities and enhances towns and villages.

²² Ibid.

²³ Cork County Council (2019) *Urban Capacity Study*