

**MINUTES OF PLANNING AND STRATEGIC DEVELOPMENT SPC MEETING  
HELD IN THE COUNCIL CHAMBER, COUNTY HALL, CORK ON 2<sup>ND</sup>  
FEBRUARY, 2017.**

**Present:** Cllr. Michael Hegarty Chairman  
Cllrs. Michael Murphy  
Aidan Lombard  
Des O'Grady  
Deirdre Forde  
Marcia D'Alton  
Seamus McGrath  
Bob Ryan  
James O'Donovan  
Aaron O'Sullivan

Mr. David O'Brien, (Agriculture Representative)  
Mr. Michael O'Flynn (Development/Construction Representative)  
Mr. Dan Boyle (Environment/Conservation Representative)  
Mr. Finbarr Harrington (Community & Voluntary Representative)

**In Attendance:**

Mr. John O'Neill, Director of Service (Planning)  
Mr. Andrew Hind, Senior Planner, Housing & Infrastructure Delivery Team  
Mr. Michael Lynch, Senior Planner, Planning Policy Unit  
And Ms. Marguerite Allison, Staff Officer

Mr. Robert McLoughlin Director GVA Planning also attended.

**Vacancy on the Planning & Strategic Development SPC:**

The Director informed the Meeting that the previous Environment/Conservation Representative had resigned, resulting in a vacancy on the SPC. The appointment of Mr. Dan Boyle as replacement representative on the Planning & Strategic Development SPC was approved at Council Meeting held on 10<sup>th</sup> October, 2016.

The Chairman then welcomed Mr. Dan Boyle as a member of the SPC.

**1.0 Minutes:**

The Minutes of the Meeting held on 26<sup>th</sup> September, 2016, proposed by Cllr. Des O'Grady, seconded by Cllr. James O'Donovan, were confirmed and signed by the Chairman.

**2.0 Notice of Motion of Cllr. M. D'Alton – Referred from Council Meeting:**

"That Cork County Council would envoke its powers under Section 35 of the Planning & Development Act 2000 and refuse to grant planning permission for new

developments to developers who have left unfinished residential estates in either County Cork or any other county in Ireland."

Cllr. D'Alton stated that she submitted the Notice of Motion (which subsequently had been referred from Council) to try to ensure that developers could no longer leave residential estates unfinished and with impunity, proceed to commence further developments. No local authority has used this provision in the Planning Act to-date and if it isn't working, we need to understand why and amend the legislation if/where necessary.

Andrew Hind Senior Planner, made the attached presentation **Appendix A - "Planning & Development Act 2000 - Section 35"** giving an overview and outlining the practical difficulties in implementing this Section.

- Developers would claim it wasn't their fault that an estate was unfinished.
- Difficulty in refusing current application on foot of breach of previous application - Different companies/applicants etc.
- More relevant to major breaches of planning control.
- Appeal is to the High Court not to An Bord Pleanala - The risk of costs being awarded against the LA would be severe.

In the discussion that followed members were fully supportive of the motion and the following points were made:

- The Council should keep detailed register of Unfinished Housing Estates/non-compliant developers/non-compliant companies. Details of same should be lodged with the Companies Registrar.
- Recent legislation has also created flexibility whereby simple company name changes (with same directors) may be counteracted but may require further amendment to make it more robust. Currently there is no sanction to deal with the **directors/persons** who leave an estate unfinished - legislation is required to target such directors/persons rather than the actual company.
- The practical difficulty of completing the relevant procedures during the life of a planning application (8 weeks)
- Section 35 is powerless and does not bring the desired benefits to residents that the legislators aimed for. The Planning Authority cannot stop an applicant applying for permission and in practice cannot refuse planning permission.
- More robust pre-planning is also necessary in order that prior to an application being submitted the proposed developer would submit development proposals and implementation proposals.

On the proposal of Cllr. D'Alton, seconded by Cllr. McGrath, it was agreed to make the following recommendation to the Council:

"That this Council believes that in practice, Section 35 of the Planning & Development Act 2000, is ineffective and does not achieve the desired result. This Council therefore requests that the Department of Housing, Planning, Community & Local Government would assess this legislation with a view to making appropriate amending legislation. Practical difficulties in implementing this Section include:

- Difficulty in completing the relevant procedures during the life of a planning application (8 weeks)
- Developers would claim it wasn't their fault that an estate was unfinished.
- Difficulty in refusing current application on foot of breach of previous application - Different companies/applicants etc.
- More relevant to major breaches of planning control.
- Appeal is to the High Court not to An Bord Pleanála - The risk of costs being awarded against the LA would be severe.

This Council is also of the opinion that Company Law may need to be made more robust to deal with minor changes e.g. company name(s) whilst retaining the same directors and requests the Department of Jobs, Enterprise and Innovation to assess existing Company Law with a view to making appropriate amendments to existing legislation."

### **3.0 Preparation of Joint County & City Submission to the National Planning Framework:**

Mr. Michael Lynch, Senior Planner introduced Mr. R. McLoughlin, of GVA Planning who have been appointed by the County and City Councils to prepare submission to NPF on behalf of Cork County & City. Mr. McLoughlin then made the attached presentation **Appendix B - "NPF - Strategic Development Options for Cork 2050"** to the meeting.

In the discussion that ensued the following points were made:

- Cork is the only area which can present an alternative to Dublin city and environs. Concerns were raised though that Cork may not be able to do so, due to infrastructure deficits placing constraint on development.
- The importance of Cork Harbour to the development of Cork county and city must be highlighted.
- Cork is overly dependent upon Foreign Direct Investment to provide employment. Nationally, the country is overly dependent upon FDI, it is important that the institutes of higher education can deliver in order to encourage entrepreneurship and apprenticeships.
- Constraints on development within Cork City will mean that it will fall to County Cork to provide sufficient residential development land.
- In response to query regarding the extent to which the LECF was incorporated into the preparation of the submission, Mr. McLoughlin

stated that the LECP was one of the first documents considered by GVA and has provided a detailed source of information.

- Investment in transportation is an essential requirement in order to stimulate development.
- Quality of life issues including the active cultural life of the county and city must be included in any submission.
- The National Broadband plan will need to be delivered in order for the NPF to work.
- The provision of balanced development throughout the country is the aim.
- One of the purposes of this submission should be to get national recognition that Cork needs investment to achieve our ambitions.

Publication of the Issues Paper by Department - taking place today 2<sup>nd</sup> February with the closing date for submissions expected to be 31<sup>st</sup> March, 2017. Members will be kept fully informed.

#### 4.0 Update on Review of the Local Area Plans.

Mr. Michael Lynch Senior Planner gave the following update on the Review:

- 8 Draft Municipal District Local Area Plans published on 16<sup>th</sup> November, 2016 and subject to public consultation until 16<sup>th</sup> January, 2017.
- More than 1,000 submissions received.
- A number of submissions received from prescribed bodies including Department of Housing; TII and Department of Education; Department of Arts and the Health & Safety Authority.
- Currently Planning Policy Unit Staff are reading/processing/summarising submissions with a view to preparing the Chief Executive's Report.
- The Department of Housing has commented upon the quantum of zoned land; former Town Council Plans; treatment of strategic flood risk and water infrastructure.
- A series of Municipal District Meetings will take place throughout February to ensure that members are kept fully informed.
- The Chief Executive's Report will issue to members early March; members will have a number of weeks to consider same before the Proposed Amendments are voted upon and published.
- The adoption of the new plans will take place in July and they will come into effect in August.
- The Senior Planner also outlined the approach being taken in relation to the Strategic Land Reserve and Urban Expansion Areas.

The following points were made by members:

- The price of housing is too high - housing needs to be affordable and there is a need to deal with the supply side in order to bring prices down.

- Concerns were raised due to:
  - Zoned lands in the wrong location/wrong designation.
  - Unavailability of lands due to deficit in infrastructure.
  - Agricultural lands zoned for housing not becoming available for housing development.
  - The necessity for development of housing in the county due to the inability of the city to deliver.
- There is a need to ensure that supply of serviced land is available to ensure the delivery of the housing growth necessary to meet population growth. The biggest challenge facing the delivery of housing land is the provision of infrastructure.

The Director informed the meeting that there were occasions in the past where land had been zoned for residential development but at planning application stage had been refused due to concerns by other agencies re infrastructure - particularly traffic impacts. In recent times, the Council has worked with TII to develop traffic models etc to facilitate the delivery of housing on zoned lands. The Council has also been dealing with the NTMA and LIHAF to source funding for infrastructure to facilitate housing.

The Senior Planner (HIDT) stated that the Council is seeking infrastructural funding in order to "bridge the gap" by funding initial infrastructure to get houses built - the developer can pay the full cost back over the lifetime of the development.

**Next meeting:**

The Chairman informed the meeting that the next meeting will be on Thursday 27<sup>th</sup> April, 2017 and it is hoped to have an update on LIHAF at that stage.

This concluded the business of the meeting.

CHAIRMAN: Michael Haggarty

DATE: 27-04-2017

