

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

Monday, 4<sup>th</sup> October 2021  
 [By Online submission]

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

Dear Sir/Madam

**RE: STRATEGIC / POLICY BASED CONTRIBUTION SUBMISSION TO THE CORK CITY DRAFT DEVELOPMENT PLAN 2022 – 2028**

**1.0 INTRODUCTION**

***The Planning Partnership***, The Coach House, Dundanion, Blackrock Road, Cork City are instructed by **Lidl Ireland GmbH**, Head Office, Main Road, Tallaght, Dublin 24, to prepare this *Strategic / Policy Based 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 Background – Lidl is an important and strategic business partner locally, nationally and internationally**

**Lidl Ireland GmbH** considers Cork City Council as an important and strategic partner in respect of its business interests locally, nationally and expanding its international branding.

To date, Cork City and its respective suburbs facilitated Lidl Ireland GmbH in providing appropriate and essential retailing, employment and local service provision at various locations, thereby continuing support for the discount retail model within Ireland.

The Planning Authority should note that this submission constitutes a strategic / policy-based contribution to the review of the *Cork City Draft Development Plan 2022 – 2028* and is not specific to any lands in Cork City, though as the Planning Authority will be aware, our client has a number of existing stores and intends to develop additional stores.

**1.2 Executive Summary: Our Request**

The purpose of this submission is to ensure the retail planning policies and objectives of the *Cork City Draft Development Plan 2022 - 2028* is consistent with the provisions of the *Retail Planning Guidelines (2012)*, reflecting the changes in the sector in recent years and to provide the appropriate policy context to facilitate the existing and expanding network of stores in Cork City.

This is especially true in Cork City and surrounds where Lidl feel that they are currently underrepresented.

- Lidl Foodstores represent more of a 'local shopping' function, with a greater proportion of shoppers using alternative modes of transport (by foot or by public transport) to the private car, representing a more 'sustainable shopping pattern and experience' than mainstream supermarkets. Where opportunities arise, Lidl seeks the most proximate location to facilitate shared car journey opportunities between multiple Foodstores.
- The development of multiple Foodstores (i.e. different operators to facilitate local competition and consumer choice) within a Centre should be encouraged which will add to the vitality and viability of Neighbourhood and Local Centres in the Metropolitan Area, enhancing the provision of a range of retail functions and provide a greater diversity.
- Subject to the key retail tests in terms of the *Retail Planning Guidelines* (2012), the location of new Foodstores adjacent to designated Neighbourhood and Local Centres should be promoted to complement the fulfilment of the local shopping function and improve the mix of convenience shopping. This could lead to the expansion/extension of the designated Neighbourhood / Local Centre.

In terms of the *Retail Planning Guidelines* (2012), new convenience space should be accommodated in areas where such need can be demonstrated through the key retail tests:

- Justifying Need;
- Impact;
- Sequential Test; and
- Ensuring that the development is of an Appropriate Scale (that such additional space can be accommodated).

- The defining criteria of a Neighbourhood Centre / Local Centre as detailed on page 240, under section **7.87 Neighbourhood and Local Centres** within the *Cork City Draft Development Plan 2022 – 2028*, should not be 'restrictive' in nature, but rather consistent with the definition as presented within the *Retail Planning Guidelines* (2012). We request that paragraph **7.87 Neighbourhood and Local Centres** of the *Cork City Draft Development Plan 2022 – 2028* be amended to reflect the definition as presented within the *Retail Planning Guidelines* (2012), with the additional text identified in red, and deleted text identified in blue to read as follows:

#### **7.87 Neighbourhood and Local Centres:**

Neighbourhood and local centres *comprise a small group of shops, typically comprising newsagent, small supermarket/general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population. are generally anchored by a small or medium sized convenience store and tend to include a number of smaller, associated local service units that enhance the overall appeal of the centre in terms of service provision and design. It is essential that they are mixed-use centres incorporating a range of local services.* In assessing applications for new centres, the Council will have regard to the proximity of nearby alternative retail facilities and the vitality and viability of these centres, the design quality of the proposed centre and its mix of uses, *ensuring that the centre is not overtly dominated by one particular unit or use.* This should be demonstrated through the submission of a Retail Impact Assessment.

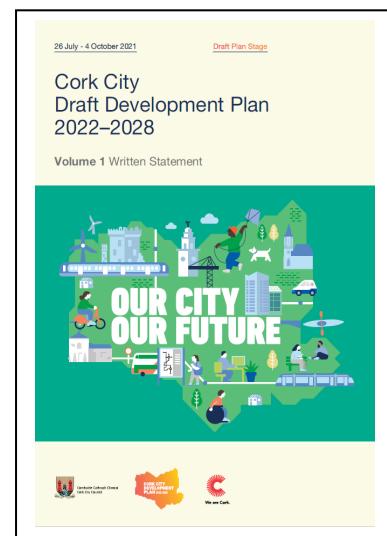
## 2.0 RETAIL PLANNING POLICY PROVISIONS

### 2.1 Cork City Draft Development Plan 2022 – 2028

**Objective 2.8 The 15-Minute City:** To support the delivery of a 15-Minute City delivering Compact Liveable Growth through walkable neighbourhoods, towns and communities with a mix of uses, house types and tenures that foster a diverse, resilient, socially inclusive and responsive city. Strategic infrastructure and large-scale developments shall demonstrate how they contribute to a 15-minute city and enhance Cork City's liveability.

**Objective 2.10 Mix of uses:**

Support the delivery of a diverse mix of suitable uses that enhance Cork City's network of neighbourhoods, towns and communities as places to live, work, provide, care, learn and enjoy.



**7.87 Neighbourhood and Local Centres:** Neighbourhood and local centres are generally anchored by a small or medium sized convenience store and tend to include a number of smaller, associated local service units that enhance the overall appeal of the centre in terms of service provision and design. It is essential that they are mixed-use centres incorporating a range of local services. In assessing applications for new centres, the Council will have regard to the proximity of nearby alternative retail facilities and the vitality and viability of these centres, the design quality of the proposed centre and its mix of uses, ensuring that the centre is not overtly dominated by one particular unit or use. This should be demonstrated through the submission of a Retail Impact Assessment.

**7.93 Retail Impact Assessment:** Significant retail proposals should be supported by a Retail Impact Assessment, in order to demonstrate compliance with the City Development Plan and that there will be no adverse effect on the vitality and viability of any existing retail centre, including its revitalisation and rejuvenation, and aligns to the principle of achieving compact growth. Retail Impact Assessments shall be in accordance with the requirements as set out in the Retail Planning Guidelines (2012). The requirement to submit a retail impact assessment shall be determined by Cork City Council and may be done so at pre-application consultation stage or in the course of determining the application.

In our opinion the *Retail Planning Guidelines (2012)*, issued under section 28 of the *Planning and Development Act 2000* (as amended) are clear and unambiguous in when the requirement of a Retail Impact Assessment to accompany an Application for Planning Permission, has been established.

### 2.2 Retail Planning Guidelines (2012)

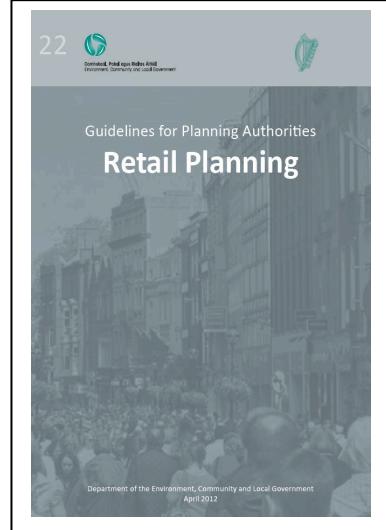
The *Retail Planning Guidelines (2012)* provide the primary statutory guidance to both developers and Planning Authorities regarding retail development in Ireland. These *Guidelines* clearly state that the scale of retail provision across cities and towns must align with the settlement policies of the relevant development plans and local area plans, but also states that:

*"The development management process **must support** applications for retail development which: are in line with the role and function of the city or town in the*

*settlement --hierarchy of the relevant development plan; and, accord with the scale and type of retailing identified for that location in the --development plan and relevant retail strategy.”*

Consequently, the guidelines are very much about refocusing towards plan-led development, encouraging competitiveness and in particular promoting the viability and vitality of town centres and removes the necessity for the undertaking of either sequential testing or retail impact assessment, as per the following extract from the Guidelines:

*“Where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies **are not required**”.<sup>1</sup>*



**2.5.3 Competitiveness in the Retail Sector:** Strong competition is essential to reduce retail costs and ensure that savings are passed on to retail customers through lower prices. Competition also promotes innovation and productivity.

*The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market. In particular, when the issue of trade diversion is being considered in the assessment of a proposed retail development, planning authorities and An Bord Pleanála should assess the likelihood of any adverse impacts on the vitality and viability of the city or town centre as a whole, and not on existing traders.*

**2.5.4 Encouraging Sustainable Travel:** While the private car tends to be attractive for activities such as more substantial convenience goods shopping or bringing home bulky goods, careful location of retail developments and attention to detail in terms of how they are connected by footpaths and cycle facilities to surrounding areas can substantially boost trips on foot or bicycle for smaller purchases and make a substantial difference in encouraging smarter travel in line with the Smarter Travel strategy.

**2.5.5 Retail Development and Urban Design:** Quality design aims to create attractive, inclusive, durable, adaptable places for people to work in, to live in, to shop in, or pass through.

*Planning authorities should promote quality design in retailing in their development plan and/or retail strategies and then implement this through the development management process. This is of particular importance for retail development because of the dominant visual and use role it plays in a city, town or village streetscape*

**3.3 Development Plans and Retailing:** The function of the development plan is to establish an overall strategy for the proper planning and sustainable development of its area.

<sup>1</sup> DoECLG (2012), *Retail Planning Guidelines 2012*, Section 4.4, page 29.

*Specifically in relation to retailing, the development plan must be:*

- Evidence-based through supporting analysis and data to guide decision making;
- Consistent with the approach of these guidelines; and
- Clear and concise with regard to specific objectives and requirements.

5- Set out **strategic guidance** on the location and scale of retail development to support the settlement hierarchy, including where appropriate identifying opportunity sites which are suitable and available and which match the future retailing needs of the area;

7 -**Mobility management measures**-- that both improve accessibility of retail areas while aiming to develop a pedestrian and cyclist friendly urban environment and vibrant street life.

#### **4.4 Sequential Approach to the Location of Retail Development:**

**City and Town Centres:** The centres of cities and towns are the most suitable locations for the higher order fashion and comparison goods and are the most accessible locations for the majority of the catchment population. They should be supported in maintaining and expanding their retail offer to serve that population in a sustainable way which will also help to reduce the need to travel.

**4.9 Retail Impact Assessment:** However, where a planning authority considers an application for planning permission to develop a new retail development to be particularly large in scale compared to the existing city/town/district centre, or where a retail strategy or development plan has allocated a specific type and quantum of retail floorspace to a particular settlement and a proposed development absorbs on one site the bulk of that potential retail floorspace, the planning authority may request the applicant, by way of a Retail Impact Assessment (RIA) as set out in Annex 5, to demonstrate compliance with the development plan and that there will not be a material and unacceptable adverse impact on the vitality and viability of any existing centre. This is a matter for careful technical assessment and professional judgement.

**4.11.5 Retailing in Small Towns and Villages:** The role of small towns and villages in the provision of retail services to their local urban and rural populations should be defined in development plans. Where appropriate, the maximum size of store, consistent with maintaining a variety of shops in the centre of these towns and villages and protecting an appropriate level of retail provision in the rural area, should be identified. In general there should be a clear presumption stated in favour of central or edge-of-centre locations for new developments.

**4.11.6 Local Retail Units:** Local retail units such as corner shops or shops located in local or neighbourhood centres serving local residential districts perform an important function in urban areas. Where a planning authority can substantiate the local importance of such units in defined local centres, they should safeguard them in development plans, through appropriate land-use zoning. Development management decisions should support the provision of such units, particularly where they encompass both food-stores and important non-food outlets such as retail pharmacies, and have significant social and economic functions in improving access to local facilities especially for the elderly and persons with mobility impairments, families with small children, and those without access to private transport.

In our opinion the *Retail Planning Guidelines (2012)* facilitates for the preparation of a Retail Impact Assessment, which will ultimately detail the extent and number of small or medium sized convenience stores which can be developed in a specific location.

Restricting Neighbourhood and Local Centres to, as interpreted by Cork City Council in past development plans to a single anchored convenience store, inhibits competition, preserves existing commercial interests, and prevents innovation, which is contrary to the *Retail Planning Guidelines (2012)*.

As detailed within the *Cork City Draft Development Plan 2022 – 2028* objective and vision for **ZO 9 – Neighbourhood and Local Centres** land use zoning is:

**ZO 9 – Neighbourhood and Local Centres:**

*To protect, provide for or improve local facilities.*

**ZO 9.1:** *Neighbourhood and Local Centres contribute to sustaining liveable communities and neighbourhoods by fulfilling a local convenience retail, employment and service function, providing a mix of uses and range of services, at an appropriate local scale, to the local population often within a 5- or 10- minute walking distance. Chapter 7 Economy and Employment sets out further objectives for Neighbourhood and Local Centres.*

**ZO 9.2:** *Neighbourhood and Local Centres provide for local convenience shopping, however lower-order comparison shopping may also be open for consideration commensurate to the scale and character of the local centre and its function in the neighbourhood. Neighbourhood and Local Centres also provide a focus for other uses, including but not limited to local services, community facilities, cultural uses, educational uses, medical and healthcare uses, places of public worship, innovation or enterprise centres and limited retail offices. Neighbourhood and Local Centres should also include residential uses, particularly at higher densities that contribute to sustainable compact growth. These can be delivered particularly above ground floor level.*

*Cork City Draft Development Plan 2022 – 2028* paragraph **7.87 Neighbourhood and Local Centres** is clearly contrary to the objective and vision for **ZO 9 – Neighbourhood and Local Centres**. **ZO 9 – Neighbourhood and Local Centres** does not limit or restrict the anchoring of a Neighbourhood or Local Centre to a single convenience store.

Having regard to the foregoing and noting that consistency is required in terms of the Planning Authority's interpretation of the definition of **Neighbourhood and Local Centres** as presented in paragraph **7.87** of *Cork City Draft Development Plan 2022 – 2028*, confirming that a Neighbourhood or Local Centre is not limit or restrict to a single anchor convenience store are required to be consistent with the definition as presented within the *Retail Planning Guidelines (2012)*.

### 3.0 CONCLUSION

In summary, we request that paragraph **7.87 Neighbourhood and Local Centres** of the *Cork City Draft Development Plan 2022 – 2028* be amended to reflect the definition as presented within the *Retail Planning Guidelines (2012)*, with the additional text identified in **red**, and deleted text identified in **blue** to read as follows:

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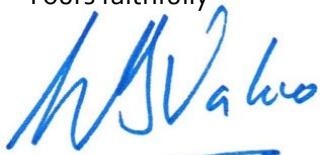
The *Retail Planning Guidelines (2012)* are very much about refocusing towards plan-led development, encouraging competitiveness and in particular promoting the viability and vitality of town centres. In this regard, the Guidelines have five key policy objectives:

1. *Ensuring that retail development is plan led;*
2. *Promoting city/town centre vitality through a sequential approach to development;*
3. **Securing competitiveness in the retail sector** by actively enabling good quality development proposals to come forward in suitable locations;
4. *Facilitating a shift towards increased access to retailing by public transport, --cycling and walking in accordance with the Smarter Travel strategy; and*
5. *Delivering quality urban design outcomes.*

Notwithstanding our client's successful operations in Cork to date, it is considered appropriate at this juncture to seek to update planning policy with regard to convenience shopping facilities, in line with the provisions of the *Retail Planning Guidelines (2012)*, and to ensure that there is a balance in the provision of uses being provided in specific locations by allowing competitiveness to occur by ensuring that a *Retail Impact Assessment* is properly carried out.

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