



Cork Local Government Implementation Oversight Group

Proposal for delineation of extended boundary of Cork City

6th December, 2017

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1. Introduction

In July 2017 the Minister for Housing, Planning and Local Government, Mr. Eoghan Murphy T.D. announced the establishment of the Cork Local Government Implementation Oversight Group (the IOG). The role of the IOG, as set out in paragraph 3 of the Terms of Reference for the Group, is to:

‘oversee arrangements, in accordance with a detailed Implementation Plan to be completed by the Group in September 2017, for the alteration of the boundary between the respective areas of jurisdiction of Cork City Council and Cork County Council, in light of the recommendation in the report of the Cork Expert Advisory Group (April 2017), and to ensure, as far as possible, that such arrangements are progressed effectively throughout the implementation process.’

The terms of reference are set out in Appendix A. In a letter to the Chair of the Group on the 28th July 2017, the Minister added clarification points to be noted in relation to the terms of reference, and these are set out in Appendix A (1).

The members of the IOG are Mr. John O’Connor (Chair), Mr. Ned Gleeson and Ms. Brigid McManus.

The IOG submitted an Outline Implementation Plan to the Minister for Housing, Planning and Local Government on the 25th October, 2017, setting out the principal issues that would have to be addressed and a broad outline of the actions that will need to be taken to achieve a successful implementation of a substantial boundary extension in time for the 2019 local elections.

Paragraphs 5a and b (a) of the Terms of Reference relate to the delineation of the actual boundary. This is a report of the IOG’s deliberations with Cork County Council and Cork City Council in relation to the delineation of the new extended boundary between their administrative areas. As a result of these discussions both Chief Executives agreed to recommend to their respective Councils a specific proposal for a new boundary – see proposed boundary in Appendix B. On the basis of these recommendations, the Elected Members of the City Council agreed to the proposed boundary and the Elected Members of the County Council considered and noted the recommendation of their Chief Executive. This report from the IOG recommends the detailed boundary alteration, referred to above, for the purposes of informing the Minister in carrying out his functions in relation to the determination of the boundary.

The IOG engaged intensively with both the County Council and the City Council with the objective of arriving at an agreement between the Councils on a detailed delineation of an appropriate new boundary between Cork City and County administrative areas. These

engagements were premised on the rationale underlying the indicative boundary put forward in the Expert Advisory Group report, the subsequently published draft National Planning Framework ('Ireland 2040') and the requirements for two strong, sustainable, efficiently functioning local authorities to look after the needs of the people of Cork into the future. It is also a reality that any meaningful extension of Cork City boundary will involve a scale of transfer of population, territory, revenues and staff that is unprecedented in terms of local boundary extensions in Ireland. Therefore, practical consideration needed to be given to the scale of the change that is possible to manage without undue disruption to either authority.

The engagements referred to were conducted in the main with the Chief Executives and senior officers of both Authorities. They evolved into a mediation process conducted by the IOG which, in the final phase, involved proximity discussions with elected representatives of both Councils.

2. Background and context

A. Government Policy

In relation to Cork specifically, Putting People First: Action Programme for Effective Local Government 2012 states:

“The need to recognise and define an appropriate metropolitan area is also clearly evident in the case of Cork, having regard to the very significant spill over of suburban development and population in the environs of Cork City located in the administrative area of Cork County Council and adjacent towns. For practical purposes, these areas of development form part of the de facto city, with obvious close linkage for a range of purposes – social, commercial, employment, transport and indeed, in terms of identity –with the urban centre that constitutes the administrative area of Cork City Council.”

B. Cork Local Government Committee (2015)

In January 2015 a statutory committee was appointed to review the Cork City boundary and other local government arrangements in Cork under section 28 of the Local Government Act 1991. The Committee was asked to carry out an objective review of local government arrangements in Cork City and County and to prepare a report making recommendations. The position adopted by the majority of members of the Cork Local Government Committee (CLGC) was that Cork City Council and Cork County Council should be merged to create a unified local authority to represent all of Cork.

The position adopted by a minority of members of the CLCG was that two separate local authorities be maintained to represent the interests of Cork City and Cork County, but that the boundary of the Cork City Council area be extended to bring the population of the Cork City Council area from 119,230 to between 230,000 and 235,000.

The CLGC minority proposed that the boundary extension would include Douglas and Togher in the immediate hinterland of the current boundary and also include Ballincollig, Tower, Blarney, Glanmire, Carrigtwohill, Ringaskiddy, Carrigaline and Ballygarvan (but not extend to other areas such as Cobh or Midleton).

C. Cork Local Government Expert Advisory Group

The Government set up the Cork Expert Advisory Group (CEAG) in June 2017 with the Chairperson, Jim Mackinnon (retired Chief Planning Advisor to the Scottish Government). This group was asked to advise the Minister on the relevant options for future local government arrangements for Cork. The Group was to have regard to the report of the Cork Local Government Review Committee which had majority and minority recommendations.

The criteria identified below were used to reflect a variety of issues the Group was requested to address in its terms of reference:

- Cork as the engine of development and a counterweight to Dublin.
- A unified voice for Cork.
- Effective planning and delivery of development and infrastructure.
- Providing for differences between metropolitan and rural areas.
- Financial viability and sustainability.
- Capacity to maintain, improve and expand services into the future.
- Clear and readily understandable governance.
- Effective local democratic representation, subsidiarity and accountable leadership.
- Potential for efficiency savings and improved value for money.
- Costs and complexity of transition from existing structures.

Summary of Recommendations of the Cork Expert Advisory Group

The boundary of Cork City Council should be extended to include Ballincollig, Carrigrohane, Blarney, Glanmire, Carrigtwohill and Cork airport (but not including Passage West, Monkstown, Ringaskiddy, Carrigaline or more rural parts of the hinterland of the City). Passage West, Monkstown, Ringaskiddy and Carrigaline were seen as integral with Cork Harbour and the CEAG report felt that Cork Harbour should be strategically planned as a single entity under Cork County Council. The proposed new boundary would involve an increase in the City Council population to the order of 215,000 (based on Census 2011 figures) or approximately 225,000 based on 2016 Census figures.

In essence the CEAG proposed an extended boundary that would reflect existing and the currently planned pattern of urbanisation around Cork City, give the extended City the scope to plan sustainably for future urbanisation and result in a City of scale that reflects its position as Ireland's second City and affords the potential to be a real counterweight to Dublin in national terms. The County would remain by far Ireland's largest county in terms of area, population and resources and be well equipped to focus on the development of rural areas, county towns and the Cork Harbour economic zone.

The boundary proposal was not based on the financial impacts of transferring different areas but on the premise that financial and other resource implications should be dealt with by a financial reciprocation arrangement consequent on the determination of the new boundary.

D. National Planning Framework (draft)

In February 2017, the consultation process to inform the preparation of the new National Planning Framework (NPF) was launched. The position paper launched at the start of the consultation exercise noted that Cork is one of the areas that has experienced the largest

increase in population over the last 20 years, with that growth largely occurring outside the Cork City Council area.

Subsequent to the CEAG report, the Draft National Planning Framework was published in October 2017. It reinforced the argument for an extended boundary for Cork City and also picked up on the Report's recommendation of a Metropolitan Area Plan.

The Draft NPF shows the targeted pattern of city population for 2040 and shows Cork City and suburbs growing from a population of 209,000 in 2016 to 324,000 in 2040 – an increase of 115,000. It also targets that 50% of new housing in Cork should be located on infill or brownfield sites located within the City and suburbs.

In order to ensure strategic planning of the 5 Irish cities and their catchment areas, the draft NPF states that each city shall have a Metropolitan Area Strategic Plan (MASP) to act as a twelve year strategic planning and investment framework for the city metropolitan area. In the case of Cork, the metropolitan area should be the area identified in the Cork Area Strategic Plan unless otherwise agreed with the Department of Housing, Planning and Local Government.

E. The definition of a city from “Cities in Europe- the new OECD/EU definition”

This new definition works in four basic steps and is based on the presence of an ‘urban centre’ – a new spatial concept based on a high-density population grid cells.

Step 1: All grid cells with a density of more than 1,500 inhabitants per sq. km are selected.

Step 2: The contiguous high-density cells are then clustered, gaps are filled and only the clusters with a minimum population of 50,000 inhabitants are kept as an ‘urban centre’.

Step 3: All the municipalities (local administrative units level 2 or LAU2) with at least half their population inside the urban centre are selected as candidates to become part of the city.

Step 4: The city is defined ensuring that 1) there is a link to the political level, 2) that at least 50 % of city the population lives in an urban centre and 3) that at least 75 % of the population of the urban centre lives in a city.

Using the definition above, Cork City and suburbs easily falls within a definition of a city in terms of total population and population density. In fact, in some parts of central Cork, the density of population is 12,000 per sq. km (Census 2011 – Population density mapping tool) which substantially exceeds the threshold of 1,500 per sq. km. The average population density of Cork City is 3,323 per sq. km (Census 2011) and this includes undeveloped hilly area of the City.

In Step 4 above definition of a city states, inter alia, that at least 50% of city population lives in an urban centre. By the definition in Step 1 most of Cork City and suburbs with a population of approximately 200,000 would be defined as an urban centre. Therefore, any new boundary of Cork City would allow up to 50% of the City population to live outside the urban centre. This means that Cork City could extend its boundary to the Cork Metropolitan Area and beyond and still remain within the new European definition of a city. This underscores the strategic need for the proposed Cork Metropolitan Area Plan to guide the integrated development of Cork City and its wider hinterland. It also clearly suggests that high density population centres near to the city should be regarded as part of the city.

3. Proposal for a specific new boundary between the administrative areas of Cork City Council and Cork County Council.

Against the foregoing background the IOG engaged in detailed intensive discussions with the Chief Executives and Councillors of both Cork County and Cork City Councils for the purposes of determining an extended boundary for Cork City that would be appropriate for the future development of the City and would also protect the potential of the County Council to serve its population on the future. As a result of these discussions both Chief Executives agreed to recommend to their respective Councils a specific proposal for a new boundary. On the basis of these recommendations, the City Council agreed to the proposed boundary and the County Council considered and noted the recommendation of their Chief Executive.

This would result in a boundary which would account for approximately a population of approximately 205,000 in Cork City (CSO 2016). This extended boundary could accommodate a future population of 324,000 by 2040 as targeted in the Draft NPF and taking into account that the Draft NPF envisaged that 50% of the additional population would be accommodated on brownfield or infill sites within the existing Cork City built up area.

The proposed boundary follows generally the boundary of the City and suburbs shown by the CSO but excludes areas east of the M8 motorway and settlements shown by the CSO as part of the suburbs i.e. Ovens and Killumney. It extends to include all of the zoned airport area whereas the CSO boundary includes only part of the zoned airport areas. In addition, it extends further north above Glanmire to the west of the M8. It includes Tower and Blarney but excludes the Monard Strategic Development Zone.

This boundary is delineated in the accompanying map in Appendix B.

The IOG endorses the foregoing boundary and recommends it for implementation to the Minister based on the following general considerations:

Ballincollig is proposed to be included in the City as a metropolitan town that has expanded rapidly having a population of 18,000 with high density urban type development in its centre. It is adjacent to Cork City and linked to it via continuous urban development along the Model Farm Road. The proposed east-west Bus Rapid Transit Corridor (BRT) will link Ballincollig with the City Centre and east to Mahon. The planning and development of this BRT will now vest in a single authority. It is recognised that Ballincollig sees itself as a distinct community with its own identity. It can continue to thrive within an appropriate new city local government structure.

The smaller rural settlements of **Killumney, Ovens, Ballynora and Waterfall** are to remain in the County.

The southern suburbs and all land zoned at **Cork Airport** and associated development is also proposed to be included. The proposed boundary is generally to the south of the CSO city and suburbs boundary and proximate to the expanded southern suburbs which will now be brought into the City.

Blarney and Tower are sizeable settlements (6,000 population) with strong links to the City (62.5% of Blarney's workforce are employed in the City) and largely suburban in character and substantial further sub-urbanisation is planned – their inclusion will contribute significantly to achieving the critical population mass which is seen as important for the City.

Glanmire and the developed area to the North is another growing suburb which will now be part of the City being situated within the CSO boundary and the M8 physical boundary.

Blarney, Tower and Glanmire are not contiguous to the City but fall within the definition of a city as in "Cities in Europe – the new OECD/EU definition" (as previously described).

Little Island is a substantial mixed commercial/industrial/business district located to the east of the M8 motorway/Dunkettle Interchange and on the upper harbour. Despite its proximity to the City, it does not have a significant level of population. In view of this and its scale and degree of integration within the commercial life of the County, the IOG accepts, on balance that Little Island should remain in the County, having regard to the inclusion of the settlements in the west of the City. Furthermore with the other substantial transfers of territory and assets to the City, the additional transfer of Little Island may constitute a high risk of undue disruption to both authorities. There is also an argument that it would be consistent with the position taken in relation to the unity of the harbour area referred to below.

Glounthaune is an established settlement adjacent to the east of the City and within the CSO boundary. Its population is not of significance in overall terms and because of its links to Little Island, it should remain within the county.

Carrigtwohill is a town with a population of over 5,000 and is situated a substantial distance, some 14 kilometres, east of the current Cork City boundary. It is a town with its own identity and while part of the Cork Metropolitan Area would not be generally identified as part of Cork City. Its workforce is less dependent on the City than the other settlements being included.

The proposed boundary will encourage the development of a compact city which, by promoting higher densities and development of infill and brownfield sites, will result in a more sustainable and smarter City which would be comparable to European cities. This is in line with the draft NPF which sets as a target by 2040 that 50% of new residential development in Cork City will be on brownfield or infill sites. Given the limited extent of the new City boundary, it is critical that the spatial planning of the contiguous area, the satellite towns and the rural area outside the City boundary, but within the Cork Metropolitan Area,

is driven by a single strategic vision for this area which is shared and committed to by both Cork County Council and Cork City Council.

Cork Harbour

The Cork County Development Plans 2003 and 2009 included proposals for the carrying out of a Study of Cork Harbour and a Draft Study was published in 2011. This reflected the broad aims of the COREPOINT Integrated Management Strategy for Cork Harbour (2008). The Draft Study is currently being updated by Cork County Council to reflect submissions received and changes of circumstance since its publication.

The Study seeks to promote a more integrated approach to development of the Harbour, using a coastal zone management (CZM) approach. It examines how various needs and demands for space close to the shoreline interact with each other and with the inherited physical form of the Harbour. It encourages development generally to be located in accordance with the settlement policies of the Development Plan and in particular to recognise the limited capacity of many coastal areas for accommodating development on a large scale.

It also reserves sufficient land in the various settlements to accommodate the particular requirements of coastal industry, ports and harbour development and other coastal infrastructure.

The NPF states that National Ports Policy requires Tier 1 and Tier 2 ports, or ports of national and regional significance, to lead the response in meeting Ireland's future port capacity requirements. There are major redevelopment projects taking place at our Tier 1 ports (Dublin, Cork and Shannon/Foynes) at present. These developments will result in a greater concentration of traffic through these ports, with implications for shore-based and marine-based infrastructure.

The IOG considers in determining the City boundary that Cork Harbour and its associated settlements should remain within Cork County Council functional area. Cork County Council has prepared a Cork Harbour Study and is currently updating it using an integrated coastal zone management approach. The NPF considers that Tier 1 ports (Cork is one) should be addressed in tandem with the relevant Regional Spatial and Economic Strategy and any subsequent metropolitan area or city/county development plan process. The harbour area is within the Cork Metropolitan area and would be a critical part of the future Cork Metropolitan Area Plan.

Further Recommendations of the Oversight Group relating to the CMAP

The Oversight Group, in order to ensure coordinated and integrated development of the entire Cork Metropolitan Area further recommends that the legislation creating the Office

of the Planning Regulator should ensure the full oversight powers of the Planning Regulator would apply to the Cork Metropolitan Area Plan as would apply to the Cork County Development Plan and the Cork City Development Plan. In this way, the CMAP would provide the spatial and economic framework so that the policies of both the Cork County Development Plan and the Cork City Development Plan would be consistent with the Cork Metropolitan Area Plan.

To ensure effectiveness and timeliness in guiding future development of CMA, the CMAP should be adopted within 2 years of the next local elections and within the following year the Development Plans of Cork County Council and Cork City Council and the Local Area Plans of settlements within the Cork Metropolitan Area shall be varied in line with the CMAP.

The IOG notes the recommendations of the CEAG and the general policies outlined in the NPF in relation to metropolitan strategic planning and governance. The newly configured City and County Councils must collaborate closely to create a shared vision for the future development of the City and its hinterland within the county which will prioritise infrastructure investment, sustainable growth and urban regeneration.

Future Review of the Cork City Boundary

The Cork Metropolitan Area Plan is envisaged in the NPF as a 12-year plan. The CMAP is likely to be reviewed some 10 years after its adoption – after 2030. In tandem with this review, it would be reasonable to review the Cork City Boundary. Some of the issues which will need to be considered are:

- Has Cork City's growth been in line with the NPF target.
- Has the development of the City been focused on brownfield/vacant land and regeneration and has this lead to a more compact and vibrant City.
- Has there been sprawl and erosion of the greenbelt outside the City boundary.
- Has the CMAP been effective in ensuring an integrated planning and economic strategy for Cork City, its environs and wider hinterland and have the planning decisions made by both Cork County Council and Cork City Council adhered to the policies of the CMAP.

4. Financial impacts of the boundary change

Having regard to the nature and scale of the boundary change proposed, both County and City Councils understandably sought assurances during the deliberations in relation to the delineation of the boundary that the financial sustainability of their respective financial positions would be protected following implementation of the boundary extension. Under the IOG's Terms of Reference the detailed financial implications of the boundary change are matters to be addressed separately by both Councils and the IOG as part of the detailed implementation process. This aspect is referred to specifically in the Outline Implementation Plan (Para 2.3.3 etc.) submitted to the Minister on the 25th October 2017 and is the subject of on-going work under the oversight of the IOG in accordance with its Terms of Reference and the Outline Implementation Plan. Notwithstanding the foregoing and acknowledging the importance of financial assurance in the context of the proposed boundary, the IOG considers it appropriate to set out in this report some basic principles that should govern the financial adjustments between the newly configured Councils, while acknowledging that there are differing views on some of these principles between the City Council and County Council.

The report of the CEAG addressed the financial implications of a boundary change (Par 9.11) and sets out the general principles that should apply to a financial reciprocation payment. Although the boundary extension now proposed is smaller than recommended by the CEAG, the IOG considers that the same general principles remain valid. In the context of the boundary now proposed, the IOG would elaborate on these principles as follows:

1. There should be an annual financial payment by the City Council to the County Council:
 - This will be based on the loss of collectable income within the transferred area less the actual transferred expenditure in that area.
 - Calculations to be based on 2017 local authority accounts, with adjustments for emerging significant variances if required.
 - The calculation to be subject to due diligence.
 - Any dispute relating to the principles, methodology or calculations to be referred to the IOG for resolution.
 - The payment to be index linked (CPI or alternative agreed index) for a period of 10 years.
 - The payment to be initially reviewed after 3 years to ensure that it is facilitating the continuation of public services by both authorities on a sustainable basis.
 - A further more comprehensive review should be held in the 10th year to consider whether the payment is:
 - a. continuing to facilitate the provision of a similar level of services to the

people of both the City and County as heretofore and;

- b. continuing to operate equitably as intended for both authorities thereafter having regard to its original purpose and if so, for what further period, including in perpetuity, it should operate.
2. Development contributions.
 - a. Existing balances /debts to be retained by the County Council.
 - b. Contributions conditional on planning permissions granted by the County Council in the transferred area to be paid to the County Council as they are remitted.
 - c. Contributions conditioned in planning permissions to be granted by the City Council to be retained by that Council.
 3. Assets will transfer at book value with associated liabilities at date of transfer. Where any transferred assets with development potential not funded by the Exchequer are subsequently sold at a price exceeding book value, net of liabilities, at the date of transfer, 50% of the realised profit will be transferred to the County Council. Any dispute as to the value of assets or liabilities to be referred to the IOG for resolution.
 4. Cork City Council will become responsible for the pension liability relating to the transferring staff. Given the potential impact of pension payments and liabilities, the IOG will undertake more detailed work in this area, including an actuarial assessment, in consultation with the local authorities on how this will be taken into account.
 5. In order to provide the required level of assurance in relation to their future financial sustainability both authorities want to have the financial arrangements underpinned by enforceable statutory provisions.

6. Conclusion

The required timeline for determination of the new boundary indicated in the Outline Implementation Plan submitted by the IOG to the Minister for Housing, Planning and Local Government on the 25th October 2017 to be necessary to have effect for the 2019 local elections has already passed. Therefore, if the boundary delineation described in this report is to have such effect, it will have to be determined legally as a matter of urgency. The IOG considers that this can best be assured by means of primary legislation. Reliance on the procedures in Section 29 of the Local Government Act 1991 would, in the IOG's view, present a high risk that the process could be delayed beyond the timeline for the 2019 local elections and indeed is not considered appropriate for the unprecedented scale of the transfer proposed. Accordingly, the IOG strongly recommends that Primary Legislation would provide the most solid administrative and legal basis for the new boundary.

The boundary proposed in this Report is estimated to result in the following changes to the distribution of population based on the 2016 census.

	County	City	Total
Existing boundary	417,211	125,657	542,868
Proposed boundary	337,868	205,000	542,868

Other matters

The CEAG recommended that the present imbalance in political representation as between the City (3846 persons per councillor) and the County (7269 persons per councillor) should be equalised at 5,500 persons per councillor across both authorities. Applying this principle to the newly configured councils would not result in material change to the complement of councillors recommended by the Expert Advisory Group.

In the course of the deliberations on the boundary, concern was expressed about unsatisfactory aspects of the current configuration of municipal districts in County Cork. This issue was referred to in the report of the CEAG (Para 12.1.7) and the IOG supports the case for a fundamental review of Municipal Districts by the Local Electoral Area Boundary Committee.

Appendix A and A1

Cork Local Government Oversight Implementation Group - Terms of Reference.

Appendix B

Map delineating proposed boundary

**The blue ovals indicate areas which may require minor technical adjustments
under the supervision of the IOG**