

14th November 2022

Forward Planning,
Economic Development and Enterprise Directorate,
Limerick City and County Council,
Merchants Quay,
Limerick.

Re: Draft Castleconnell Local Area Plan 2023-2029

A chara,

Thank you for your authority's work on preparing the draft Castleconnell Local Area Plan 2023-2029 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the newly adopted Limerick City and County Development Plan 2022-2028, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, and relevant section 28 guidelines. This submission makes two (2) recommendations and one (1) observation.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the

planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

The Office considers the draft LAP to set out a positive, evidence-based, planning strategy to guide the development of Castleconnell over the 6 year plan period, focussed on key issues within the context of national and regional policy objective, supported by appropriate level of detail to guide future development of the settlement, and clear consideration of plan implementation.

In particular, the Office commends the planning authority for the inclusion of a detailed and clear settlement capacity audit and infrastructure assessment with costing estimates to inform the land use zoning objectives, to inform the draft LAP.

The Office also welcomes the visual cross-referencing of 'enhancement opportunities' with climate action opportunities in table 6 of the draft LAP, which provides a coherence and focus to the climate strategy under the draft LAP.

The sustainable transport strategy, with accompanying map, provides a strong basis to deliver a positive modal shift for the settlement within the context of the revised draft Limerick Shannon Metropolitan Area Transport Strategy.

The Office welcomes the inclusion of Opportunity Site 1, which will accommodate much-needed housing consistent with compact growth in an edge of centre location, and will also include a small park to benefit local amenities.

In addition, the Office strongly commends Limerick City and County Council for the inclusion of a simple and appropriately focused monitoring strategy for the implementation of key actions proposed in the draft LAP. The Office regards this

approach, which concentrates on the critical matter of implementation of sustainable transport and urban regeneration, as best practice.

The Office has identified a small number of areas which require further consideration in order to fully align the development framework for the town with the current national and regional policy context.

In particular, the Office considers the draft LAP should be clearer in terms of density standards, having regard to national and regional policy objectives for compact growth and relevant Ministerial guidelines.

While the draft LAP largely addresses flood risk consistent with relevant Ministerial guidelines, there are a few issues outstanding to ensure the flood risk is appropriately managed in accordance with the provisions of those guidelines.

Finally, although the Office welcomes the inclusion of zoning for enterprise and employment to ensure the settlement becomes more self-sustaining and facilitates people to work near where they live, the Office is not satisfied that the proposed layout and arrangement is consistent with an integrated approach to land use and transport planning, or with the Town Centre First approach.

It is within this context the submission below sets out two (2) recommendations and one (1) observation under the following themes.

Key theme	Recommendation	Observation
Consistency with Regional, Spatial and Economic Strategy	-	-
Consistency with Development Plan and Core Strategy	-	-
Compact Growth, Zoning and Tiered Approach to Zoning	-	Observation 1
Economy and Employment	Recommendation 1	-
Flood Risk Management	Recommendation 2	-
Environment, Heritage and Amenity	-	-

1. Consistency with the Regional, Spatial and Economic Strategy

The Office considers the draft LAP to be generally consistent with the regional policy objectives of the RSES for the Southern Region.

2. Consistency with Development Plan and Core Strategy

The Office considers the housing targets, the overall land use zoning objectives and the policies and objectives of the draft LAP to be generally consistent with the Limerick City and County Development Plan 2022-2028 and its core strategy, except where otherwise specified below.

3. Compact Growth, Zoning and Tiered Approach to Zoning.

The Office considers the draft LAP and its land use zoning objectives to be consistent with national and regional objectives for compact growth - NPO 3c and RPO 35 – having regard to the CSO settlement boundary. However, the proposed objectives and standards for residential density of future development in the draft LAP are unclear and would appear to conflict with *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages* (2009) (Density Guidelines), which standards have been confirmed by the Minister in *Circular Letter: NRUP 02/2021*.

Objective H3 of the draft LAP requires compliance with the 22uph residential density standard (except for serviced sites) as per table 2 Density Standards under section 3.4.1 Density, Housing Type and Mix. However, it is not evident from the draft LAP whether these standards are maximum or minimum standards. The implementation of 22uph as a maximum standard would not have regard to the Density Guidelines, which recommend a range residential densities for settlements of this size depending on site context.

Observation 1 – Residential Density

Having regard to NPO 3c and RPO 35 for compact growth, the provisions and recommendations of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages* (2009) regarding appropriate residential densities, *Circular Letter: NRUP 02/2021* which

clarifies that the status of the guidelines, the planning authority is advised to amend section 3.4.1 of the draft Plan to clarify that:

- i) the densities in table 2 are minimum densities; and
- ii) a range of densities will be considered on 'New Residential' and on other mixed use lands in accordance with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages* (2009).

4. Economy and Employment

The draft LAP proposes to zone an area of c.11ha for enterprise and employment at the southeast end of the settlement abutting the R445. The proposed zoning objective is welcomed as it will offer some residents the potential to work near where they live, thereby avoiding the generation of some commuting car trips.

However, the proposed zoning does not follow the sequential approach to zoning as it is peripherally located, with limited opportunity for direct linkages and integration into the existing village centre via the proposed potential pedestrian / cycle routes / links identified in Map 3 (dwg CCAT/23-29/R3) of the draft LAP. The *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines) state that the '*sequential approach to land-use zoning will also apply, with lands contiguous to existing development within a settlement being prioritised for high-intensity employment zoning ahead of lands located further on the periphery of the settlement*' (p.125). Furthermore, the proposed zoning will not contribute to a compact pattern of development in accordance with the National Strategic Outcome for compact growth of the National Planning Framework (NPF).

The subject lands are well located relative to access to the regional (directly to the R445) and national (M6, indirectly) road networks. However, the proposed land use zone is not and cannot be integrated with the settlement as the lands are separated from the settlement by lands zoned Agriculture, which prevents direct pedestrian and cycling to/from the village centre (via Railway Road / Station Road) and to the train station and would reduce potential positive synergistic economic benefits with the settlement's commercial core, contrary to the government's Town Centre First policy.

RPO 151 seeks to integrate land use and transport through principles including, among others, that new employment and residential development will be consolidated and intensified in a manner which renders it serviceable by public transport and ensures that it is highly accessible, by walking, cycling and public transport.

NPO 54 seeks to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for Greenhouse Gas (GHG) emissions reduction.

A mandatory national target of 51% reduction in GHG emissions by 2030 will be implemented through the *Climate Action Plan 2021*, which commits to delivering an additional 500,000 daily sustainable journeys by 2030 (an increase of 14% on current levels) through, among others, a significant increase in walking and cycling, supported by the goals of government's *National Sustainable Mobility Policy (2022)* (NSMP).

The Revised Draft Limerick Shannon Metropolitan Area Transport Strategy (Revised Draft LSMATS) aims to increase walking mode share from 23% to 33% and for cycling from 3% to 10-15%, consistent with the NSMP.

The Limerick City and County Development Plan 2022-2028 seeks to integrate land use and transport policies (Policy TR P3); to promote sustainable patterns and transportation use (Policy TR P4); and to implement the 10 minute settlement concept as a means to addressing climate change (Policy TR P7). The draft LAP also seeks to integrated land use and transport policies for the town as a means to reducing the impact on climate change (Policy SMT P1) and to encourage more sustainable patterns of transport in the town (Policy SMT P2).

The location and arrangement of the proposed employment and enterprise land use zoning objective is inconsistent with the aforementioned objectives of the NPF, of the RSES and of the Limerick City and County Development Plan 2022-2028 and does not have regard to the Development Plans Guidelines. Furthermore, the proposed zoning conflicts with the policy approach for the integration of land use and transport planning under the draft LAP.

The location, layout and provisions for employment and enterprise zoning should therefore be revised to provide for sequential zoning, in an integrated approach to land use and transport planning.

Recommendation 1 – Enterprise and employment

Having regard to the following:

- proposed policies SMT P1 and SMT P2 of the draft LAP;
- policies TR P3, TR P4 and TR P7 of the Limerick City and County Development Plan 2022-2028;
- provisions for the sequential approach to zoning under the *Development Plan Guidelines for Planning Authorities (2022)*;
- NSO 1 compact growth and NPO 54 of the NPF and RPO 151 of the RSES; and
- provisions of the *Climate Action and Low Carbon (Amendment) Act 2021* and the *Climate Action Plan 2021* and the goals of the *National Sustainable Mobility Policy (2022)*, and *Town Centre First, A Policy Approach for Irish Towns (2022)*,

the planning authority is required to:

- i) revise the location and arrangement of the proposed Enterprise and Employment zoning objective and the adjacent proposed Agriculture zoning objective to provide for the proposed Enterprise and Employment zoned to be contiguous with the New Residential zoning objective to the northwest in order to facilitate pedestrian and cycle access / permeability through to Station Road / Railway Road;
- ii) include clear objectives in the LAP to facilitate and require pedestrian / cycling permeability between the enterprise and employment lands and Station Road / Railway Road before or in tandem with the development of the said land; and
- iii) to consider the inclusion of relevant objectives / policy to protect the amenities of neighbouring New Residential lands or sensitive uses.

5. Flood Risk Management

NPO 57 and RPO 116 seek to ensure that flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with *The*

Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (the Flood Guidelines), which were amended by *Circular PL 2/2014*. Policy CAF P5 of the Limerick City and County Development Plan 2022-2028 provides detailed support for the implementation of these objectives.

The Office welcomes the Strategic Flood Risk Assessment (SFRA) carried out by the planning authority, including the carrying out of plan-making justification tests for certain lands and the identification of appropriate development constraints for those lands accordingly.

The Office notes, however that no Justification Test was included for part of lands proposed to be zoned Education and Community, a highly vulnerable use type, located on greenfield lands within Flood Risk Zone A/B. Similarly, no Justification Test was included for that part of the proposed New Residential zoning objective, a highly vulnerable use type, in Stradbally North. As these lands have not passed the plan-making Justification Test they should not be zoned having regard to the Flood Guidelines.

While a large portion of the balance of the land proposed to be zoned Education and Community is outside of Flood Risk Zone A/B, the only access to the site is via Flood Risk Zone A/B. Emergency access and egress points and essential infrastructure (transport) are also defined as highly vulnerable uses under the Flood Guidelines.

In addition, the Office has concerns that the provisions relating to Flood Risk Zone A/B within the the proposed Special Control Area do not provide sufficient clarity in relation to flood risk management, Specifically, the Agriculture and Open Space land use zoning objectives would appear to allow for vulnerable development in flood risk areas where Part 2 of the plan-making Justification Test has not been passed. In these circumstances, future development should be limited to water compatible development only, in accordance with the Flood Guidelines. The Office further notes that Section 9.3 of the draft LAP refers to the SFRA and Objective IU 05 Flood Risk Management seeks to ensure that development in flood prone areas is generally limited to minor developments. However, neither refer to the specific development constraints recommended in the SFRA in response to the Justification Tests.

Recommendation 2 – Flood Risk Management

Having regard to NPO 57 of the NPF and RPO 116 of the RSES; to policy CAF P5 of the Limerick City and County Development Plan 2022-2028, and to the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), as amended, the planning authority is required to:

- i) amend Objective IU 05 to limit future development of lands within Flood Risks Zone A/B in accordance with the plan-making Justification Tests in the SFRA;
- ii) review the proposed:
 - (a) Education and Community land use zoning objective for lands within Flood Risk Zone A/B at Castle Rock, Coolbane;
 - (b) New Residential land use zoning objective for lands within Flood Risk Zone A/B at Strabally North;to carry out a plan-making justification test as necessary, and where this is not passed to clearly limit future development to water compatible uses;
- iii) consider, in conjunction with (ii), the means of access and egress for / from lands referred to in (ii)(a) that are not within Flood Risk Zone A/B, having regard to the designation of emergency access / egress points and primary transport routes as highly vulnerable to flood risk; and
- iv) Limit future development within the Special Control Area, the Agriculture and Open Space land use zoning objectives within Flood Risk Zone A/B, to water compatible development.

6. Environment, Heritage and Amenity

A Natura Impact Report (NIR), (incorrectly termed Natura Impact Statement) has been prepared by the planning authority to inform the draft LAP. The Office notes the recommendation of the NIR that seven points of mitigation are necessary to avoid adverse effects on River Shannon and its Special Area of Conservation from the proposed greenways and blueways. These mitigations have not been included in the draft LAP.

Having regards to the obligations on the planning authority as the competent authority, under the Habitats Directive, the planning authority is advised to incorporate the mitigation measures into the LAP.

7. Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the draft LAP. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
