

5th December 2022

OPR Ref: MA-039-22

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

Re: Material Alterations to Draft Rathkeale Local Area Plan 2023 – 2029

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V94 EH90.

Thank you for your authority's work in preparing the Material Alterations to the draft Rathkeale Local Area Plan 2023 – 2029, (the MAs to the draft LAP).

The Office acknowledges the significant task undertaken by Limerick City and County Council in preparing and publishing the material alterations to the draft Plan, appendices and the environmental report. The presentation of the amendments in a systematic and coherent manner is commended and has allowed all parties to access and understand the proposed amendments.

As your authority is aware, a key function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the MAs to the draft LAP under the provisions of sections 31AO(1) and (2) of the *Planning and Development Act 2000*, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.

As outlined in the submission of the Office to the draft LAP, the Office considered the draft LAP to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly (SRA) area, and recommended changes to ensure its alignment with national and regional policies in the aforementioned, and for consistency with,

among others, the *Planning System and Flood Risk Management Guidelines (2009)* (the Flood Guidelines) and *Circular PL 2/2014*.

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.

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.

A submission also 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.

Overview

In general, the Office welcomes the changes proposed as material alterations to the draft Plan, in particular the enhancement of policy in relation to how active land management can be used to address town centre vacancy and deliver on the requirements of NPO 6, RPO 34 and RPO 35.

The Office welcomed the range of policies and objectives in the draft LAP, which support the overarching strategic approach to developing a sustainable and climate resilient town, and commends the planning authority for the enhancements and refinements regarding flood risk management included as material alterations.

The Office generally considers the proposed material alterations to be reasonable and evidence-based, ensuring alignment with national and regional policy objectives or section 28 Ministerial guidelines.

1. Consistency with Development Plan and Core Strategy

1.1 Residential land zoning

The Office was generally satisfied that the draft LAP is consistent with the core strategy in the Limerick Development Plan 2022-2028.

The Office notes the proposed zoning amendments affecting lands at Enniscouch and Monk's Hill respectively, and acknowledges that both corresponding land parcels amount to 1.3 ha each. The net outcome of the proposed land use changes will have neutral impact on the quantum of land in the core strategy, and the Office also notes that the new lands zoned 'New Residential' at Monk's Hill are strategically more proximate to the town centre relative to lands at Enniscouch, which are rezoned as 'Agriculture'.

The Office has reviewed the proposed zoning amendments included as material alterations and considers that no recommendation or observations are warranted regarding same.

2. Compact Growth and Tiered Approach to Zoning

2.1 Urban Regeneration

The Office welcomes the material amendments to chapter 7, which respond to Recommendation 1 and Observation 1 of the Office's submission to the draft LAP.

The inclusion of text in section 7.4 of the MAs to the draft LAP is a positive addition and provides clarity in relation to how active land management can be used to address town centre vacancy, and moreover usefully highlights current legislative provisions to activate vacant and derelict sites to implement the objectives of the LAP, and further the proactive approach adopted during the plan period for site activation is welcomed.

The inclusion of the Objective RD 1 (d) *Place-making Strategic Policy* enhances the alignment of the Town Centre Opportunities and Placemaking Chapter 7 of the MAs to the draft LAP with the NPF and RSES and is a welcome addition. It also provides clarity and signposting for the delivery of objectives in other parts of the draft LAP such as core strategy and town centre first policies.

The inclusion of the Opportunity Sites on Zoning Map 1 provides additional policy clarity, and the overall improvements to maps. The Office welcomes these material amendments in response to Recommendation 1 and Observation 1 of the Office's submission to the draft LAP.

2.2 Age Friendly Housing

The Office has reviewed the material amendments to chapter 8 and welcomes the additional policy support to Objective CI 05 (b) *Community Infrastructure, Recreation and Open Space Strategic Policy* regarding supporting the need for specialised housing needs of older persons needs and considers that the proposed amendments are generally acceptable and will support Regional and National Policy Objectives for the development of Age-Friendly communities (NPO 30 and RPO 182).

3. Climate Action

3.1 Flood Risk Management

The Office's submission to the draft LAP welcomed the manner in which climate action is integrated across the draft LAP and the range of policies and objectives supporting initiatives such as compact growth, open space strategy, including protecting landscape and habitats, and the provision for blue and green infrastructure, and active travel proposals.

The Office welcomes the further changes introduced as material amendments, which will ensure the implementation of the Flood Guidelines, in particular the inclusion of Objective CC 03 (e) *Climate Change and Flooding Strategic Policy* which will limit future developments in areas liable to flooding to minor developments with the exception of lands at the Former Mart Site, to ensure consistency with NPO 57 and the Flood Guidelines.

The proposed flood risk management amendments will also provide clarity in other parts of the LAP such as Flood Zone mapping (Map 2) and land use zoning implementation (chapter 13).

Further proposed amendments include additional Plan Making Justification Tests carried out regarding lands which have been zoned and that are at risk of flooding and are existing developed lands. The Office welcomes the approach regarding the LAP's flood risk strategy.

The Office considers that the material amendments regarding Flood Risk Management broadly address Recommendation 2 of the Office's submission to the draft LAP.

4. Other matters

4.1 Mapping

The Office welcomes the various updates to Maps 1, 2, 3 and 6 of the MAs todraft LAP, and in particular sustainable travel measures to Map 3 (Amenity and Sustainable Transport Map).

These changes to Map 3 provide clarity regarding the key sustainable transport infrastructure such as proposed and existing Greenways, and cycle ways, within the town, and they will support active travel and promote accessibility to the town by sustainable modes of transport.

Summary

Arising from the foregoing evaluation and assessment of proposed material alterations to the draft Rathkeale Local Area Plan 2023 – 2029, the Office concludes that no recommendations or observations are warranted since the material alterations will provide adequate policy support for brownfield and compact development, and will maximise opportunities through development location and design to secure climate resilience, and furthermore provides for sustainable transport objectives that is anticipated to have benefits for sustainable transport, environment / climate change and social development.

Accordingly, the Office broadly supports the proposed material alterations and urges your authority to finalise same, and has no specific recommendations to make under the provisions of section 31AO(3)(a) of the Act.

Your authority is required to notify this Office within 5 working days of the making of the Plan and send a copy of the written statement and maps as made, in accordance with section 31AO(5) of the Act.

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 the undersigned or at plans@opr.ie.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations