

27th May 2019

Ms Karen Burke
A/Senior Executive Planner
Limerick City and County Council

RE: PROPOSED KILMALLOCK LOCAL AREA PLAN 2019-25

Dear Ms. Burke

Thank you for your authority's work in preparing the local area plan for Kilmallock.

The Office of the Planning Regulator has assessed the draft Local Area Plan (LAP) above under the relevant provisions of the Planning and Development (Amendment) Act 2018 and under which the Office of the Planning Regulator (OPR) was established on 3rd April last.

As your authority will be aware, one of the key functions of the OPR includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning.

As the preparation of the draft LAP pre-dated the establishment of the OPR and the Office is developing an overall assessment methodology for statutory plans, the submission below has been prepared to provide a high-level input to your authority in finalising the plan.

1. Consistency with the Hierarchy of Statutory Plans

Statutory observations and recommendations from the OPR are aimed at ensuring broad policy consistency between national, regional and local levels of the statutory planning policy hierarchy, which in the case of the proposed local area plan will include the National Planning Framework, the relevant Regional Spatial and Economic Strategy and your authority's county development plan.

The Office notes that the proposed LAP was prepared prior to the making of the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly, which will further develop and

apply of the policies of the National Planning Framework (NPF) at regional level. Once finally adopted, the RSES for the Southern Regional Assembly area will provide strategic direction for the formulation of subsequent county/city development plans and a further context for alignment of plans at national, regional and local levels.

Following the making of the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly, your authority will be aware of the subsequent requirement to prepare a new statutory development plan for the amalgamated Limerick City and County Council area consistent with the NPF, the RSES.

In turn, the finalisation of the above development plan will prompt subsequent reviews of local area plans to ensure their consistency with the newly adopted Limerick city and county development plan.

Therefore, and having regard to the above, it would be prudent that the written statement of the Kilmallock LAP signals that the plan is interim in nature (for the 2019-22 period) and is subject to review in the context of an assessment of its consistency with the Limerick City and County Development Plan that will be prepared following the making of the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly.

Recommendation 1: The Office recommends that your authority inserts a written objective to the above effect into the Proposed Kilmallock Local Area Plan.

2. Residential Development Land Zonings

It is noted that the 2016 Census population of Kilmallock was 1668 persons and that the Proposed LAP anticipates a high level of population growth of some 563 persons (30%+) to 2025. The anticipated growth envisaged by your authority is to be provided for by zoning lands sufficient for the delivery of 321 new homes on c.22 hectares of residential lands. However, the plan also includes an additional Phase 2 (c.17 hectares) of residential lands with the potential to accommodate a further 300+ additional new dwellings even though such residential zonings are not required for the 2019-2025 plan period under Objective H2.

Given that the proposed LAP will most likely be reviewed in the light of the RSES later this year and the City and County Plan thereafter, which strategies and plans would be unlikely to promote a further doubling of housing requirements within a proximate plan period, it appears that the additional Phase 2 residential lands well exceed any reasonable estimate of projected housing, and should be reviewed in the light of an evidential basis of need. However, if they are to be retained, the plan should clearly rule out their development over the plan period.

Any such review will need to take into account your authority's estimates for growth of Limerick City, prevailing development trends in outlying areas and the cumulative impact of high projected

growth rates and land allocation policies in rural towns and villages surrounding the city to potentially undermine the strategic development purpose of the City in a national and regional context.

Recommendation 2: The Office recommends that the justification for the Phase 2 lands be critically re-appraised with regard to an evidential justification of need, and if to be retained in the interim pending a further review in the context of the next city and county development plan, that Objective H2 be clarified that Phase 2 residential zonings will not be brought forward for development in the current LAP plan period.

3. Compliance with Ministerial Planning Guidelines issued under s.28 of the Act - Local Area Plans Guidelines (2013)

The statutory guidelines issued by the Minister for Housing, Planning and Local Government on Local Area Plans (2013) highlight the critical need to identify infrastructural delivery phasing and funding mechanisms where significant new development is proposed in an LAP. The Proposed Kilmallock LAP has proposed substantial road infrastructure including a new western distributor road, however the transport rationale and planned timescale for the delivery of new road infrastructure has not been sufficiently set out in the LAP or in an appropriate phasing arrangement.

It is considered that a phasing schedule for the new road and other supporting infrastructure for the LAP as appropriate would ensure that future development is clearly phased on the basis of the timely delivery of identified new strategic infrastructure for the overall LAP.

Recommendation 3: The Office recommends that an overall Implementation and Infrastructural Delivery Schedule is developed and inserted into the LAP as provided for in chapter 6 of the Local Area Plan Guidelines

<u>Summary</u>

The Office requests that your authority addresses the three specific recommendations outlined above in bold that are made in the context of the provisions of Section 31AO(3)(a) in order to ensure that the Draft LAP is consistent with relevant national policy obligations, guidelines and legislative requirements.

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 should be addressed.

Your authority is required to notify this Office within 5 working days of the making of the local area plan and send a copy of the written statement and maps as made.

Where the planning authority decides not to comply with a recommendation of the Office or otherwise makes the plan in such a manner as to be inconsistent with any recommendations made by the Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matter further as regards the making of any recommendations to the Minister in relation to the provisions of Sections 31AO and 31AP of the Act.

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

Yours sincerely,

Gary Ryan

Assistant Director (Evaluation of Plans)

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