

23 November 2020

Forward Planning Section, Limerick City & County Council, Economic Development Directorate, Merchants Quay, Limerick

Re: Draft Southern Environs Local Area Plan 2021-2027

A chara,

Thank you for your authority's work on preparing the Draft Southern Environs Local Area Plan 2021-2027 (the draft LAP).

The Office of the Planning Regulator (the Office) acknowledges the planning authority's intent to incorporate the revised LAP into the Limerick Development Plan 2022-2028 and subsequently revoke the LAP, and endorses the approach of having a single plan for the Limerick City area.

As your authority will be aware, one of the key functions of the Office includes 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 current county development plan, the Regional Spatial and Economic Strategy for the Southern Regional Assembly (RSES), relevant section 28 guidelines and emerging transport policies for the metropolitan area.

Regional Spatial and Economic Strategy

Section 19(2) of the Planning and Development Act 2000 (as amended) requires that a local area plan shall be consistent with any Regional Spatial and Economic Strategy (RSES) that applies to the area of the plan.

The RSES contains the Limerick Shannon Metropolitan Area Strategic Plan (MASP) which sets out a framework for the continuous built up area of Limerick City and suburbs (including the Southern Environs). Table 1 (page 286) of the RSES sets out population projections for 2026 and 2031 for the MASP area.

The Office notes that the draft LAP will seek higher minimum densities of 35/45 units per hectare than provided for in the current LAP. In this regard, the Office welcomes the inclusion of policy objective HO 4 and the greater emphasis on supporting compact and sustainable growth in the LAP.

In respect of employment land, the Office notes that the draft LAP is seeking to consolidate and direct industrial uses, employment and enterprise uses and high tech/manufacturing uses to different areas of the Southern Environs. In this regard, the Office supports the proposed rezoning of the strategic IDA land at Raheen Business Park to high-tech/manufacturing with the objective 'To provide for office, research and development, high technology, manufacturing and processing type employment in a high quality built and landscaped campus style environment.'

The transport implications of the proposed rezoning of land for Enterprise & Employment at the M7/M20 interchange is addressed further below.

The Office has assessed the draft LAP against the policy objectives, goals, guiding principles and national enablers for the Limerick Shannon MASP, and relevant regional policy objectives. The Office's assessment considers that the policies and development framework in the draft LAP are generally consistent with the relevant policy objectives in the RSES, in particular those relating to population growth and economic development for the Limerick-Shannon MASP area.

Development Plan and Core Strategy

Section 19(2) of the Planning and Development Act 2000 (as amended) requires that a local area plan shall be consistent with the development plan and its core strategy that applies to the area of the plan.

The core strategy for the development plan applying to the former Limerick County Council area, which includes the Southern Environs, is set out under Chapter 2 of the Limerick County Development Plan 2010 – 2016 (as extended).

The Office acknowledges that the planning authority has commenced the process of preparing the Limerick Development Plan 2022-2028 which will apply to the Limerick city and county areas and replace the Limerick City Development Plan 2010-2016 (as extended) and Limerick County Development Plan 2010-2016 (as extended).

The Office notes that the planning authority intends to incorporate the area covered by this LAP into the proposed Limerick Development Plan 2022-2028 (once adopted) and subsequently revoke the LAP.

The draft LAP states that the assumed population growth allocation is an additional 7,420 to 2027, which equates to a projected requirement for an additional 2,968 residential units over the plan period based on a household size of 2.5 per household. It is noted that the projection to 2026 includes for 25% additional headroom as allowed for in the 'Implications and Safeguards' in the NPF Implementation Roadmap.

The Office notes the quantum of land provided for industry, enterprise and employment and high/technology in the draft LAP, and the approach to consolidate different types of industrial/employment land within the LAP supported by more sustainable transport options.

Having regard to the quantum of undeveloped land and population growth forecasts in the draft Southern Environs LAP, and the RSES population targets to 2026 for the wider city area, the Office considers that the revised LAP provides for sufficient and suitable residential and employment plan and is consistent with the core strategy in the current county development plan.

Transport and accessibility

The Office welcomes the updates to the transport section of the LAP which strengthen the plan's policies for national roads, sustainable transport and references policies/initiatives in the draft Limerick Shannon Metropolitan Area Transport Strategy (LSMATS).

Planning authorities are required to have regard to the section 28 *Spatial Planning and National Roads Guidelines* (2012) (SPNRG) in the performance of their functions under the Planning Acts,

Section 2.7 – 'Development at National Road Interchanges or Junctions' of the SPNRG is of particular relevance to the proposal to rezone land at the **M7/M20 interchange** from Agriculture to Enterprise & Employment. Section 2.7 states the following:

'...Therefore, planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or

zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.'

The draft LAP states that the uses in the Enterprise & Employment zone '...are likely to generate a considerable amount of traffic by both employees and service vehicles. Sites should be highly accessible, well designed and permeable with good pedestrian, cyclist and public transport links¹.

The Office notes that the interchange has capacity constraints² and the land proposed for rezoning is somewhat removed from the existing public transport network. The Enterprise & Employment zone allows a wide range employment uses and it is noted that retail warehousing and petrol station are open for consideration in the zone.

The land has not been identified as being of national or strategic importance which would support its rezoning consistent with the criteria set out in section 2.7. Further, the proposed zoning is considered to be inconsistent with policy objective TM011 in the draft LAP which states:

'Protect the capacity of the national road network, having regard to all relevant Government guidance including DoECLG "Spatial Planning and National Roads Guidelines" (DoECLG, 2012) in the carrying out of Local Authority functions and ensure development does not prejudice the future development or impair the capacity of the planned core network under TEN-T Regulations, which includes the Foynes to Limerick Road (including Adare Bypass) project.'

The M20 Cork to Limerick is a major National Infrastructure Project included in the National Development Plan for appraisal and delivery³. It is noted that the scheme will feed into the current M7/M20 interchange (junction 30) which may require reconfiguration and upgrading of the interchange.

Further, MASP Policy Objective 8 includes the following as part of a list of strategic road infrastructure - Improved accessibility to Limerick Southside including the possible provision of a motorway interchange connection from the M20/M7 to Limerick Southside.

¹ Page 75 of the draft LAP

² Page 68 of Draft LSMATS

³ Page 10 of the National Development Plan

Section 2.9 of the SPNRG provides guidance on the Protection of Alignments for Future National Road Projects, stating:

'Development objectives, including the zoning of land, must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority...'

The Office considers that the proposed zoning is also inconsistent with section 2.9 of the SPNRG and policy objective TM012 in the draft LAP which states '*Prevent inappropriate development on lands adjacent to the existing national road network, which would adversely affect the safety, current and future capacity and function of national roads and having regard to reservation corridors to cater for possible future upgrades of the national roads and junctions...*'⁴

In light of the above, it is considered that the proposal to rezone the land for Enterprise & Employment at the M7/M20 interchange would be premature at this stage, and would be inconsistent with MASP Policy Objective 8 and sections 2.7 and 2.9 of the *Spatial Planning and National Roads Guidelines* (2012).

Notwithstanding prematurity regarding the road scheme planning, the site is also challenged in relation to the potential for adverse impact on the national roads network and its current lack of sustainable mobility. The proposed zoning is for general Enterprise & Employment which includes uses such as retail warehousing and petrol stations as open for consideration, and is acknowledged in the draft plan to generate a considerable amount of traffic by both employees and service vehicles.

It is acknowledged, however, that the site is located in relative proximity to the city centre and may have the potential to act as a strategic development site within the Limerick City southern environs. Having regard to the requirement for consistency with the aforementioned section 28 Guidelines, and section 2.7 in particular, any future zoning objective should be informed by a thorough analysis of the potential impact on the national road network and sustainable mobility as required by National Policy Objective 64 and RSES guiding principles for the Limerick Shannon MASP. More detailed analysis of other potential issues such as noise and flooding may also be required.

In light of the above, the planning authority is advised to consider identifying the land as having potential for rezoning to a future strategic site subject to detailed analysis of transportation

⁴ Page 57 of the draft LAP

impacts and implications for the national road network and potential upgrades and other constraints such as flooding and noise which would inform the determination of appropriate land uses. This may require a site specific zoning objective which addresses the strategic nature of the site but ensures consistency with national and regional policy.

Recommendation 1:

The planning authority is required to delete the proposed rezoning of land from Agriculture to Enterprise & Employment at the M7/M20 intersection as it is considered premature and inconsistent with MASP Policy Objective 8 and Spatial Planning and National Roads Guidelines (January 2012), in particular sections 2.7 and 2.9, which provide national policy and guidance on Development at National Road Interchanges or Junctions and Protection of Alignments for Future National Road Projects respectively.

Planning authorities are required to facilitate the implementation of the principles, approaches and standards to road and street design set out in the *Design Manual for Urban Roads and Streets* (revised 2019) (DMURS) in carrying out their development planning functions under the planning code.

It is noted that section 8.1 and policy HO 5 refer to '*The Design Manual for Urban Roads and Streets, DTTS and DECLG (2013)*'(DMURS) rather than the revised 2019 version. The planning authority is advised to review the references in the draft LAP to the aforementioned to ensure that the final version of the LAP references the latest version of DMURS.

Climate change and flood risk

The Office welcomes the revisions and updates to the climate change section of the LAP and the climate change objectives which support existing climate change frameworks/strategies, sustainable travel, use of rainwater harvesting and other measures.

The Office notes that the draft LAP is accompanied by a Stage 1 Flood Risk Assessment and flood map which is overlaid on the proposed land use zonings. In this regard, the planning authority is advised to consult with the Office of Public Works regarding the adequacy of the current analysis of flood risk and the need to consider other study's such as the Irish Coastal Protection Strategy Study.

Observation 1:

The planning authority is requested to consult with the Office of Public Works regarding the flood risk assessment prepared to inform the draft local area plan to determine whether further analysis is required regarding any proposed or anticipated future zoning changes.

The revised LAP proposes to rezone land west of the Ballinacurra Creek from Open Space & Recreation and Semi-natural Open Space to Agriculture, which would permit one off housing subject to compliance with Objective HO15.

The Office notes that Map 2: Flood Map identifies that this land is at risk of flooding. In this regard, the planning authority is advised to supplement the purpose statement for the Agriculture land use zone on page 77 to make reference to the flood risk affecting some of land zoned for Agriculture. The planning authority is advised to acknowledge that dwelling houses are categorised as 'highly vulnerable development' in the section 28 The Planning System and Flood Risk Management Guidelines for Planning Authorities (2010).

Observation 2:

The planning authority is requested to amend the purpose statement for the Agriculture zoning objective and policy objective H O 15 to acknowledge that some of the land zoned for Agriculture in the LAP is prone to flood risk and that this constraint will be taken into account in relation to applications for one off rural dwellings.

Rural Housing

The Office notes that the policy objective for Agriculture and policy objective HO15 which supports applications for one off dwellings '.. for the permanent habitation of farmers and the sons and/or daughters of farmers only and subject to the terms and conditions of the rural housing policy as set out in the Limerick County Development Plan 2010 – 2016 (as extended).'

National Policy Objective 19 (NPO 19) states the following for rural areas under urban influence such as the Southern Environs:

'In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;..'

While it is acknowledged that the planning authority has commenced preparing the Limerick Development Plan 2022-2028 which will provide an updated rural housing policy, the Office advises that the planning authority's policies for rural areas under urban influence like the Southern Environs will need to be reviewed and updated to ensure consistency with national policy objectives in the NPF in particular NPO 19.

<u>Summary</u>

The Office requests that your authority addresses the recommendations outlined above, which are made in the context of the provisions of section 31AO(3)(a) of the Act, in order to ensure that the LAP is consistent with relevant national and regional 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 **five working days** of the making of the local area plan and send a copy of the written statement and maps as made, in accordance with section 31AO(5) of the Act. **Please note that this statutory time line differs from the requirement for other consultees and must be complied with**.

Where the planning authority decides not to comply with a recommendations 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 matters 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 Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through <u>plans@opr.ie</u>.

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AM C'Gnue.

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations