

11<sup>th</sup> April 2022

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

# Re: Material Alterations to Draft Limerick Development Plan 2022-2028

A chara,

Thank you for your authority's work in preparing the Material Alterations to the draft Limerick Development Plan 2022-2028 (the MAs to the draft Plan).

As your authority will be aware, a key functions 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 material alterations to the draft Plan under the provisions of sections 31AM(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 Plan, the Office considered the draft Plan 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 area, inclusive of the Limerick-Shannon Metropolitan Area Spatial Plan (LSMASP). It recommended changes to enhance its alignment with national and regional policies in the aforementioned, and for consistency with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009), *The Wind Energy Development Guidelines, Planning Guidelines* (2005), the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005),



the Development Plans, Guidelines for Planning Authorities, Draft for Consultation (August, 2021), the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), and the provisions under section 10 of the Planning and Development Act, 2000, as amended.

The planning authority is advised that section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to a material alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii).

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 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

The Office acknowledges the very extensive work undertaken by the planning authority in responding to the many issues raised by the Office in its recommendations and observations, which it has undertaken in a very positive and constructive manner.



In particular, the Office considers the revised approach to the Limerick Shannon Metropolitan Area in the draft Plan clearly sets out a future vision and a more focused and appropriately structured policy approach for this area of national and regional importance. In addition, the core strategy and settlement hierarchy now more clearly align with national and regional policy requirements for the metropolitan area and the county as a whole, although a minor modification is suggested below in respect of the core strategy map.

Regarding the decision of the planning authority not to comply with Recommendation 7 – Land use zoning and local areas plans, and Recommendation 13 – Retail and Regeneration, the Office accepts the reasons given in the section 12(5)(aa) Notice.

Regarding the decision of the planning authority not to comply with Recommendation 4 – Future Growth of Patrickswell, Recommendation 5 - Core Strategy and Zoning for Residential Use (part (ii) concerning residential densities with regard to Newcastle West), and Recommendation 10 – Rural Housing Policy, the Office notes the reasons given in the section 12(5)(aa) Notice. These matters are addressed in further detail below.

The Office has, however, significant concerns arising from a number of the proposed material amendments, in particular the large number of proposed amendments to land use zoning objectives for a wide range of uses, which are inconsistent with guidelines issued by the Minister under section 28 of the Act, and/or with the national and regional policy context, and which individually and cumulatively may fail to set out an overall strategy for the proper planning and sustainable development of the area.

In particular, the Office notes that a significant number of material amendments have been introduced which relate to zoning land in flood plains for vulnerable development.

Although the guidelines allow for some sustainable development of land at risk of flooding in exceptional circumstances, local authorities must conduct a Justification Test, which demonstrates that such development is justified based on specific criteria. It is of significant concern, therefore, that these zoning amendments have



been introduced by elected members in cases where the land in question has failed the Justification Test in your Strategic Flood Risk Assessment.

Your authority will be fully aware that development on land at risk of flooding not only affects the people and communities who live there, but can also increase the risk of flooding elsewhere by decreasing the volume available for flood storage on floodplains. This is increasingly prevalent as a consequence of greater rainfall due to climate change.

It is critical therefore, that the Development Plan does not plan for unsuitable development in areas vulnerable to flooding and that Limerick continues to grow in a safe and sustainable way.

The submission also sets out and explains the serious concern of the Office with regard to a smaller number of material amendments in relation to land use zoning objectives, which conflict with national and regional policy for compact growth, sequential development, rural planning, and planning for national roads.

It is within this context the submission below sets out 4 recommendations and 1 observation under the following 9 themes:

| Key theme                                | MA                    | MA          |
|--|-----------------------|-------------|
|  | Recommendation        | Observation |
| Limerick-Shannon Metropolitan Area       | -                     | -           |
| Core strategy and Settlement strategy    | -                     | -           |
| Sustainable Development and Regeneration | 1                     | <u>_1</u>   |
| Housing Strategy and relevant policies   | -                     | -           |
| Rural Housing and Regeneration           | -                     | -           |
| Economic Development and Employment      | <u>2</u> and <u>3</u> | -           |
| Sustainable Transport and Accessibility  | -                     | -           |
| Climate Action and Renewable Energy      | -                     | -           |
| Flood Risk Management                    | 4                     |             |



### 1. Limerick-Shannon Metropolitan Area

The Office acknowledges the significant body of work that the planning authority has undertaken, within a very constrained period of time, in restructuring the draft Development Plan in response to Recommendation 1 of the Office's submission on the draft Plan, under MA no.6. The planning authority is commended for the positive and constructive approach it has taken in amending the spatial strategy. The new chapter (Chapter 3 Spatial Strategy) is well-structured, appropriate in content and detail, and addresses all of the issues (i)-(iii) raised by the Office, in particular the need to plan for the Limerick Shannon Metropolitan Area as a distinct spatial planning unit, consistent with the RSES and the LSMASP.

The amendments satisfactorily address the issue of integration of vacant lands and buildings, brownfield, regeneration opportunities and initiatives including Colbert Station. They also incorporate the relevant outputs from the Building Height Strategy (BHS), Retail Strategy and draft Limerick Shannon Metropolitan Area Transport Strategy (LSMATS). In addition, a new section 3.4.2.5 Urban Character Area Objectives and associated Table 3.2: Urban Character and Objectives relating to 5 character areas for the city and environs has been included, which coordinates with the BHS.

Regarding the decision of the planning authority not to comply with part (iv) of the recommendation, the Office notes and generally accepts the reasons put forward by the planning authority in the section 12(5)(aa) Notice.

# 2. Core Strategy and Settlement Strategy

### 2.1 Housing and population targets

The Office welcomes the material amendments (MA no.5) made to the core strategy, in response to Recommendation 2 of the Office's submission to the draft Plan.

The proposed amended core strategy table takes due account of Limerick city and suburbs and that portion of the Limerick-Shannon Metropolitan Area within county Limerick, and better reflects the policy context set by the NPF and the RSES for the future development of Limerick city as a national driver. The core strategy table also



includes details of proposed population and housing growth for the individual settlements and rural area within metropolitan area. This will enable the planning authority to coordinate the development of this area, which is critical to the future of the city region.

The Office welcomes the amendment of the Core Strategy Map (map 2.1) illustrating these settlement hierarchy and spatial details for the county, and the inclusion of the Metropolitan Area Core Strategy Map (map 2.2) to more clearly show the details for the metropolitan area extending into county Clare.

In relation to the provision of sufficient residential zoned land to meet the housing requirements set out in the core strategy, the Office has carried out an assessment of the extent of land zoned for residential development in the draft Plan, including making reasonable allowance for the 'Additional Provision' to ensure that sufficient choice for development potential is safeguarded, consistent with the *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (August 2021) (the draft Guidelines).

The Office considers that material amendments to rezone certain lands specified below for residential use, which are located in peripheral and non-sequential locations not consistent with compact growth and/or located in flood zones, are not required to meet the demand for housing set out in the core strategy. By excluding the material amendments under MA Recommendation 1 and 4 below, the extent of zoned land will be substantively consistent with that required by the core strategy.

### 2.2 Settlement Hierarchy and distribution of growth

The Office welcomes the amendment (MA no.5) of the core strategy and settlement hierarchy of the draft Plan through the re-designation of Kilmallock as a level 3 town, in response to Recommendation 3 of the Office's submission to the draft Plan.

The Office notes that population growth in the core strategy for Patrickswell over the plan period has been moderated in response to Recommendation 4 of the Office's submission to the draft Plan, but still exceeds the provision of NPO 9 of the NPF and the objective of NPO 18 to moderate growth to a level proportionate to the scale of



the settlement and the services, amenities and infrastructure available to serve the community.

The Office notes the reasons given by the elected members not to comply with Recommendation 4 of the Office's submission to the draft Plan, as set out in the section 12(5)(aa) notice. However, the concerns of the Office and reasoning set out in the submission letter to the draft Plan remain relevant and the Office notes that Recommendation 4 has not been complied with.

### 3. Sustainable Development and Regeneration

### 3.1 Compact Growth, Regeneration and Sequential Development

The Office is satisfied that the material amendments under MA no.5 address parts (i) and (ii) of Recommendation 6 (compact growth) in respect of Limerick city and environs. Although details do not appear to have been included for compact growth for settlements outside the city and environs, the Office acknowledges that the Settlement Capacity Audits (revised Tiered Approach to Zoning (TAZ)) identify whether proposed zoned lands are infill/brownfield. This is generally acceptable.

In preparing future local area plans for larger settlements, including in particular Newcastle West, the Office would encourage the planning authority to identify lands that will contribute to compact growth, by way of appropriate maps, in order to better assist the implementation and prioritisation of compact growth in accordance with NPO 3, NPO 10 and RPO 35.

The Office welcomes the introduction of Policy CGR P2 – Monitoring of Brownfield/Infill Sites to chapter 3 and the expansion of chapter 13 Implementation and Monitoring (MA no.117) to reflect the core strategy monitoring indicators in the *draft Guidelines*, including the monitoring of Settlement Consolidation Sites. This addresses part (iii) of Recommendation 6 of the Office's submission to the draft Plan.

However, the draft Plan does not specifically identify Settlement Consolidation Sites, defined in the draft Guidelines (s.6.4.2) as development sites of relative strategic



scale and importance located within the existing built-up area of towns >10,000. In addition many other sites will also contribute to the delivery of compact growth.

Chapter 13 does not provide for monitoring of brownfield/infill sites or compact growth and is therefore inconsistent with Policy CGR P2. This issue might be resolved through a minor modification of MA no.117 to expand the indicators to be considered in monitoring to ensure consistency with Policy CGR P2.

Following its assessment of the draft Plan, the Office concluded that the draft Plan made more than sufficient provision for the zoning of land for residential and mixedresidential uses to implement the core strategy. Furthermore, it was satisfied that the lands were appropriately located to drive forward the regeneration and revitalisation of the historic city of Limerick and environs and to limit the development of lowdensity sprawl and the generation of further car-based traffic.

The Office has, therefore, concerns regarding the following material amendments to the draft Plan for New Residential zoning peripheral to Limerick city and suburbs, some being isolated relative to existing development and do not represent sequential zonings:

- MA no.135 4.2ha from Enterprise and Employment to New Residential at Mungret.
- MA no.143 2.4ha from Agriculture to New Residential at South of Condell Road, Clonmacken.
- MA no.151 2.9ha. from Agriculture to New Residential at Ballyclough, Castletroy.
- MA no.152 1.2ha. From Enterprise and Employment to New Residential at Ballykeefe, Mungret.

Because of their location, the proposed amendments are considered to be inconsistent with the implementation of NPO 3 and RSO 10 and to the achievement of effective compact growth under NSO 1 and RSO 1 under the NPF and RSES.



It is further considered that the lands are not sequentially located to provide for compact growth, utilisation of existing infrastructure and town regeneration and are, therefore, contrary to the section 4.19 of the *Development Plans, Guidelines for Planning Authorities* (2007) and section 6.2.3 of the draft Guidelines, including SPPR DPG 7, which states:

Planning authorities shall adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.

They will also militate against the implementation of sustainable settlement and transport strategies necessary to meet the challenge of climate change under section 10(2)(n) of the Act.

It is also noted that the proposed New Residential zonings are in excess to the land use zoning requirements determined under the core strategy.

# MA Recommendation 1 – Compact growth and residential zonings

Having regard to the national and regional policy objectives for compact growth NPO 3 and RPO 10 under the NPF and RSES, to the requirements to implement sequential zonings under the *Development Plans, Guidelines for Planning Authorities* (2007) and *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (August 2021), including SPPR DPG 7, to the provisions of the *Core Strategies Guidance Notes* (November 2010), and to the implementation of objectives to promote sustainable settlement and transport strategies under section 10(2)(n) of the Act, the planning authority is required to make the Plan without:

- MA no.135 4.2ha from Enterprise and Employment to New Residential at Mungret.
- MA no.143 2.4ha from Agriculture to New Residential at South of Condell Road, Clonmacken.



- MA no.151 2.9ha. from Agriculture to New Residential at Ballyclough, Castletroy.
- MA no.152 1.2ha. from Enterprise and Employment to New Residential at Ballykeefe, Mungret.

#### 3.2 Newcastle West

The Office notes that the residential density assumption and target used in the core strategy table for Newcastle West Key Town has been significantly reduced, from 35uph to 22uph for 80% of units, in the proposed amendments of the core strategy under MA no.5.

In addition, the core strategy also continues the application of a very low density of 10uph for 20% of units for the settlement.

Newcastle West is a town of some 7,000 people and performs an important role in terms of the economy and services for this part of the county. It is designated a Key Town in the RSES, not only in recognition of this role but to focus and direct future growth towards the town.

Achieving a reasonable density appropriate to the scale of the town will be important in terms of achieving compact growth, and facilitating the investment in social and physical infrastructure needed to serve existing and new residents.

The reality of developing at such low densities is that future residents will be located further from shops, schools and services, resulting in increased car dependency and eroding the benefits of living in a town such as Newcastle West, where services and amenities should be available by walking and cycling in line with the concept of the 10 minute town.

While the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) do allow for a tailored approach to density, the density for Newcastle West under MA no.5 is not consistent with these guidelines and risks an unsustainable pattern of suburban sprawl, which is not appropriate for the town.



This approach is also inconsistent with the provisions under the RSES for Key Towns and would undermine objectives under section 10(2)(n) of the Act for the promotion of sustainable settlement and transport strategies to address climate change.

The planning authority is also advised to consider the significant limitations that such low densities will have on the ability to prepare a Local Area Plan and/or Local Transport Plan for the town consistent with national and regional policy for compact growth and sustainable development.

### MA Observation 1 – Core Strategy Density: Newcastle West

Having regard to National Policy Objective 3 for compact growth and the recommended residential densities for large towns, small towns and villages in the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009), the planning authority is requested to make the Plan without the reduction in density to 22uph for 80% of units for the Key Town of Newcastle West in the proposed amendments of the core strategy under MA no.5 and revert to the draft Plan.

# 3.3 Level 4 and Level 5 Settlements

The planning authority proposes to amend the requirements for development in level 4 and level 5 settlements, under MA no.6 of objective SS O11 CGR O15 (formerly SS O11) and Objective CGR O17 (formerly SS O13) to allow for sewerage treatment for serviced sites to generally be by means of individual treatment system where there is limited or no treatment capacity, subject to all systems being constructed so as to allow connection to public sewers in due course when capacity becomes available.

The Office acknowledges this approach as an interim solution, but would caution that it will need to be carefully managed in order to ensure ground and surface waters are protected in compliance with environmental standards and objectives established by the *S.I. No. 9/2010 - European Communities Environmental Objectives* 



(Groundwater) Regulations 2010 and the S.I. No. 272/2009 - European Communities Environmental Objectives (Surface Waters) Regulations 2009, respectively, in accordance with the River Basin Management Plan having regard to section 10(2)(cb) of the Act.

## 4. Housing Strategy and relevant policies

### 4.1 Traveller accommodation

The Office is generally satisfied that the proposed amendments constructively respond to Recommendation 11 of the Office's submission to the draft Plan.

In particular, the Office welcomes the proposed amendment under MA no.7 of the text to objective HO O17 Traveller Accommodation to support the improvements in the quality and quantity of Traveller-specific accommodation in conjunction with the relevant agencies.

The Office also welcomes the amendment of the land use-zoning map under MA no.139 "*to identify the location of existing and proposed Traveller Accommodation*", although for practical implementation purposes it would be useful to distinguish between locations for proposed facilities and locations of existing facilities, where appropriate. The planning authority should consider making a minor modification in this regard, having regard to the Traveller Accommodation Programme.

### 5. Rural Housing and Regeneration

### 5.1 Rural housing policy

The Office acknowledges the significant work undertaken by the executive to revise Map 3.1 Rural Housing Map, which forms the basis for determining applications for rural housing in the open countryside, in response to Recommendation 10 of the Office's submission.

This work, which included a review of data on population growth and decline, and a review of POWSCAR data to determine commuting, is consistent with the provisions under the section 28 *Sustainable Rural Housing Guidelines for Planning Authorities* 



(2005) to determine a fair and equitable rural housing policy in an objective, transparent evidence-based approach.

However, no relevant amendments have been proposed to the draft Plan by the planning authority in response to Recommendation 10, contrary to the recommendations of the Chief Executive's report on submissions, dated 26 November 2021.

The Office notes the reasons given for not complying, as set out in the section 12(5)(aa) Notice.

The Office reiterates the view expressed in the submission to the draft Plan that the identification of areas under urban pressure in the Rural Housing Map does not fully reflect the influence of larger urban areas (e.g. Newcastle West and Abbeyfeale) and/or the influence of the N21 and N20 routes and along the Cork county border with Charleville.

Particularly in relation to the Newcastle West, the settlement strategy for the area is not considered consistent with the designation of the town as a Key Town for the county in the RSES, and indeed the objectives to support regeneration and revitalisation through future development within the town.

The concerns of the Office and reasoning set out in Recommendation 10 of the Office's submission to the draft Plan remain relevant, and the Office concurs with the section 12(5)(aa) notice issued by the planning authority that Recommendation 10 has not been complied with.

# 6. Economic Development and Employment

### 6.1 Employment Zoned Land

The Office notes that no robust justification for the proposed extent and location of employment zoned land in the county, generally, has been provided, in response to Recommendation 12 of the Office's submission to the draft Plan. The Office also notes that the section 12(5)(aa) notice does not provide reasons for the decision of the planning authority not to comply with Recommendation 12.



The Office acknowledges the chief executive's comments that the formulation of the draft Plan is centred around compact and sequential growth, in line with the NPF and the RSES, and that for Limerick to become a centre of scale as proposed in the NPF there is a need for sufficient enterprise and employment zoned lands.

While the Office strongly supports the strengthening and expansion of the employment-base of Limerick, consistent with national and local policy, it is important that this is evidence-based and plan-led, and that the evidence and rationale underpinning the zoning of land for employment purposes is clear and strategic in nature.

In this context, the Office considers that a clearer and more transparent approach to employment zoned lands could have been provided in terms of clearly setting out the existing provision, projected demands, and suitability of potential lands including servicing and consistency with national roads policy and with the 'Guiding principles to identify locations for strategic employment development' under section 4.7 of the RSES.

In relation to the four specific employment zonings referenced in Recommendation 12, the Office welcomes and generally accepts the response of the chief executive.

The Office notes MA no.109 proposes to amend section 12.3 of the draft Plan to insert Data Centre land use zoning objective 'to accommodate the provision of a Data Centre on lands identified at Rosbrien and other appropriately zoned lands' for the purpose of a 'data centre campus'. It is noted, however, that no amendment appears to have been proposed to include the new land use zone in the zoning matrix.

The Office acknowledges that the proposed amendment reflects the *Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy* (2018), however it is the stated intention of government under the *Climate Action Plan 2021* to review this strategy to ensure that the sector will be in alignment with sectoral emissions ceilings and support renewable energy targets.



It would be appropriate to include a minor modification committing to the variation of development plan policy to align with the future revised strategy.

The Office also notes associated proposed amendments MA no.140 and MA no.149 to zone lands specifically for data centre use.

Proposed amendment MA no.149 proposes to zone 33ha for data centre use at Ballysimon House, southeast of junction 29 with the N24. This isolated site is located outside of defined settlement boundary of the Limerick City and environs, in a rural location, and the development of these lands is inconsistent with the achievement of NSO 1 and RSO 1 for compact growth and with the implementation of objectives for sustainable settlement and transport strategies under section 10(2)(n) of the Act.

The Office considers the proposed zoning of these lands to be inconsistent with the provision of an overall strategy for the proper planning and sustainable development of the county, generally, and the metropolitan area specifically, as facilitating such development in this area will create pressure for further developments in this location south of the M7 and N24.

Furthermore, the zoning of these lands within the vicinity of the M7/N24 junction 29 without a clear evidence-based assessment in accordance with *Section 2.7 of the section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012),* is inconsistent with the evidence-based planled approach required under the guidelines.

Having regard to the conflicts with a range of national and regional policy set out above, the Office is not satisfied that there is a credible rationale underpinning the zoning objective for a data centre at this location in accordance with section 6.2.5 of the *draft Guidelines*.



### MA Recommendation 2 – Data Centre (MA no.149)

Having regard to NSO 1 and RSO 1 to achieve compact growth under the NPF and the RSES, to the *Development Plans, Guidelines for Planning Authorities* -*Draft for Consultation* (August 2021), to the requirements under section 10(2)(n) of the Act, and to the provisions of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), including section 2.7, the planning authority is required to make the Plan without proposed amendment:

• MA no.149 to include the Zoning of an area of 33ha for data centre at Ballysimon House, Commons Road, Ballysimon.

#### 6.2 Rural Economy & Tourism

The Office notes proposed amendment MA no.38 (Objective ECON O40 Location of Tourism Accommodation) under section 4.8.4 Tourism Facilities and Accommodation, which omits the provision that holiday home developments

should be concentrated within or adjoining existing towns, villages and settlements where they can best support the provision of services and minimise the impact on the open landscape.

The proposed amendment is inconsistent with the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005), which "*emphasise the importance of clustering such tourism driven activity, as far as possible, in well designed and appropriately scaled developments in or adjoining small towns and villages*". As recognised by the guidelines, the revised policy approach is likely to generate pressure for holiday homes in rural areas that will mean the loss of important economic benefits to rural towns and villages as well as creating unnecessary pressure on the rural environment and a more car-dependant pattern of development.



The proposed amendment also conflicts with the policy approach outlined in section 4.8.4 Tourism Facilities and Accommodation, which generally directs such development to settlements, and development management section 11.9.4 Visitor Accommodation and Holiday Homes which provide that new single holiday homes in the countryside will not be permitted and will be directed to settlements.

### MA Recommendation 3 - Holiday home development

Having regard to the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005), and to the provisions for holiday home development under the draft Plan in section 4.8.4 Tourism Facilities and Accommodation and section 11.9.4 Visitor Accommodation and Holiday Homes, the planning authority is required to make the Plan without proposed amendment MA no.38.

### 7. Sustainable Transport and Accessibility

The Office welcomes the proposed amendments to the draft Plan concerning the implementation of a sustainable transport strategy through the insertion of a new chapter 7 Sustainable Mobility and Transport, in responding to Recommendation 14(i) of the Office's submission on the draft Plan.

The Office appreciates the positive and proactive approach the planning authority has taken in revising its overall transport policy, including through the provision of baseline mode share and target mode share for the period concerned.

The Office notes, however, that the proposed amendments do not appear to include provisions for monitoring the implementation of the sustainable transport strategy.

There is a growing recognition of the critical importance of monitoring the implementation of statutory plans under the draft Guidelines to determine the effectiveness of the policy approach selected by the planning authority and to inform future changes to policy.



The Office suggests that it would be feasible to include additional, appropriately detailed monitoring proposals in chapter 13 Implementation and Monitoring by way of a minor modification. The planning authority should consult with the relevant prescribed authorities, including the NTA, TII and the SRA to inform any modifications in this regard.

### 8. Climate Action and Renewable Energy

### 8.1 Renewable Energy

The Office welcomes the response of the planning authority to Recommendation 16 of its submission to the draft Plan. In particular, the Office commends the planning authority for including targets (in MW) for the different forms of renewable energy including wind, solar, anaerobic hydro and geothermal, consistent with the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017) and part (i) of the recommendation.

The Office also acknowledges the decision of the planning authority, under proposed amendment MA no.98, in response to part (ii) of the recommendation. The proposed amendment, which removes the 100m separation distance provision from the draft Plan and allows an appropriate setback distance to be determined on a case-by-case basis in line with *Wind Energy Development Guidelines for Planning Authorities* (2006) and any subsequent update, is consistent with the recommendation and with the national policy context.

### 9. Flood Risk Management

The Office acknowledges the inclusion of a revised Strategic Flood Risk Assessment (SFRA) for the city and county, and a revised flood map for Limerick city and environs, including Mungret and Annacotty under proposed amendment MA no.210, in response to Recommendation 17 of the Office's submission to the draft Plan, including part (i).

The inclusion of plan making Justification Tests as part of the SFRA is also noted and welcomed as generally compliant with part (ii) of the recommendation.



The planning authority has however, decided to zone extensive lands within flood zone A and B for vulnerable and/or highly vulnerable uses despite the lands having failed the justification test in the authority's own SFRA. This is inconsistent with the provisions of *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009), as amended, which provides that if a land use zoning cannot be justified, the zoning should be avoided or alternatively, should be substituted for a land use zoning appropriate to the level of flood risk. It is also inconsistent with NPO 57 to ensure to ensure flood risk management informs placemaking by avoiding inappropriate development in areas at risk of flooding in accordance with the guidelines.

The decision will therefore place people and property at unnecessary risk from future flood events, including potentially outside of those sites. The material amendments concerned are identified under MA Recommendation 4(i) below.

In addition, it is noted that the chief executive's recommendation to amend CAF O21, Identified Flood Risk to provide for mitigation specified in the SFRA has not been included in MA no.70. The chief executive's recommendation included the following: *"E) Ensure that vulnerable uses, including that of a residential nature, shall not be permitted at ground floor level on the District Centre zoned lands at Jetland/ Ennis Road/ Ennis Road Retail Park*", at Caherdavin/Moyross.

The Office also notes that, although the SFRA states that further development within existing residential development areas situated within Flood Zones A and B should be restricted to minor development, this has not been incorporated into the plan supported by appropriate policy objectives as required by (iii) of Recommendation 17 of the Office's submission to the draft Plan. No reasons for the decision not to comply with the recommendation have been included in the section 12(5)(aa) notice.

The area concerned is very extensive and includes zoned lands in the city and county:

• Castletroy - highly vulnerable Existing Residential zoned in Flood Zones A and B.



- Ballingarry highly vulnerable Existing Residential, and Town Centre in Flood Zones A and B.
- Bruff highly vulnerable Existing Residential in Flood Zones A and B.
- Bruree highly vulnerable Existing Residential in Flood Zones A and B.
- Doon highly vulnerable Existing Residential and Town Centre, Education & Community Facilities and less vulnerable Enterprise & Employment in Flood Zones A and B.
- Dromcolliher highly vulnerable Existing Residential and Town Centre, and Education & Community Facilities and Utilities in Flood Zones A and B.
- Foynes highly vulnerable Existing Residential and New Residential, Town Centre, Education & Community Facilities and Utilities in Flood Zones A and B.
- Glin highly vulnerable Existing Residential and less vulnerable Enterprise & Employment in Flood Zones A and B.
- Hospital highly vulnerable Existing Residential, and Utilities and Education & Community Facilities in Flood Zones A and B.
- Kilfinane highly vulnerable Existing Residential, and Education & Community Facilities in Flood Zones A and B.
- Pallagreen highly vulnerable Existing Residential and less vulnerable Enterprise & Employment in Flood Zones A and B.
- Pallaskenry highly vulnerable Existing Residential and New Residential, and Education & Community Facilities in Flood Zones A and B.

The planning authority will be aware that this approach is inconsistent with the requirements of guidelines and may place people and property at unnecessary risk from future flood events. The planning authority should therefore consider what minor modifications can be included in making the plan, such as, perhaps, repeating relevant text from the SFRA and the relevant policy objectives consistent with same.



### MA Recommendation 4 – Flood risk management

Having regard to NPO 57 of the NPF, and to provisions of *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009), as amended, the planning authority is required to:

- (i) make the plan without the following proposed material amendments:
  - MA no.142 Ballykeefe from Agriculture to less vulnerable Enterprise & Employment in Flood Zone A.
  - MA no.143 Condell Road in Clonmacken from Agriculture to highly vulnerable New Residential in Flood Zones A and B.
  - MA no.145 Pa Healy Road from Community & Educational to Mixed Use which allows highly vulnerable development in Flood Zones A and B.
  - MA no.146 Pa Healy Road from less vulnerable Enterprise & Employment to Mixed Use which allows highly vulnerable development in Flood Zones A and B.
  - MA no.147 former Green Park Racecourse from less vulnerable Enterprise & Employment to highly vulnerable New Residential in Flood Zones A and B.
  - MA no.148 lands adjacent to the Crescent Shopping Centre in Dooradoyle from water compatible Semi Natural Open Space to less vulnerable Enterprise & Employment in Flood Zones A and B.
  - MA no.150 lands in Caherdavin from Agriculture to District Centre which allows for highly vulnerable development in Flood Zone A.
  - MA no.151 lands in Castletroy from Agriculture to highly vulnerable New Residential which has an overlap with Flood Zones A and B.
  - MA no.153 lands at Ballykeefe, Mungret, from Agriculture to less vulnerable Enterprise and Employment in Flood Zone A.
- (ii) make the plan with minor modification to CAF O21 Identified Flood Risk to implement the flood mitigation measures included under the Justification



Test including to ensure that vulnerable uses, including that of a residential nature, shall not be permitted at ground floor level on the District Centre zoned lands at Jetland/ Ennis Road/ Ennis Road Retail Park, at Caherdavin/Moyross; and

(iii) make the Plan with such minor modification as necessary to restrict development, within existing residential / highly vulnerable / vulnerable development areas situated within Flood Zones A and B, to minor development consistent with the approach set out in *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009).

### 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 12 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 Material Alterations to the draft Plan. 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,

AM C'Gnue

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