Oifig an Rialaitheora Pleanála Office of the Planning Regulator

2nd August 2022

OPR Ref: DP-039-22

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

Re: Draft Rathkeale Local Area Plan 2023 – 2029

A chara,

Thank you for your authority's work on preparing the Draft Rathkeale 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, regional and local planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

In particular the Office acknowledges and welcomes the presentation of the series of the maps that accompanied the written statement included in Appendix 1 of the draft LAP.

In addition the Office welcomes the inclusion of the 'Settlement Capacity Audit – Tiered Approach To Zoning' in Appendix 2 of the draft LAP which supports an infrastructure-led approach to growth.

The presentation of the maps and appendices in a coherent manner has allowed all parties to access and understand the proposed draft LAP, and the Office would like to commend the planning authority for its approach and presentation.

The 'Opportunity Areas' identified as part of the placemaking strategy in section 7.3 of the draft LAP, demonstrates the planning authority's commitment to consolidating the existing built up area in a sustainable and compact manner, and supporting a vibrant town centre in Rathkeale.

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 County Development Plan, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, , and relevant section 28 guidelines. This submission makes 2 recommendations and 3 observations.

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 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 that the local area plan would benefit from further strengthening the policy framework for urban regeneration and flood risk management.

It is within this context the submission below sets out 2 recommendations and 3 observations under the following eight themes.

Key theme	Recommendation	Observation
Consistency with Regional, Spatial and Economic Strategy	-	-
Consistency with Development Plan and Core Strategy	-	-
Compact Growth and Tiered Approach to Zoning	Recommendation 1	Observation 1, Observation 2
Economy and Employment	-	Observation 3
Sustainable Transport and Accessibility	-	-
Climate Action	Recommendation 2	-
Environment, Heritage and Amenity	-	-
General and procedural matters	-	-

1. Consistency with the Regional, Spatial and Economic Strategy

Section 19(2) of the Act requires an LAP to be consistent with any RSES that applies to the area of the plan.

The RSES for the Southern Region aims to strengthen the region's urban and rural fabric by supporting the viability of towns and villages to drive development in the area (RPO 26), addressing building vacancy and regenerating town centres (RPO 34) and enhancing the quality of the public realm ensuring support for successful urban living and achievement of compact growth (RPO 35).

The Office considers that the draft LAP is broadly consistent with the RSES and is general compliant with section 19(2) of the Act. Further consideration of the growth target for the plan period is set out under 'Compact Growth' below.

2. Consistency with Development Plan and Core Strategy

Section 19(2) of the Act requires a Local Area Plan to be consistent with the objectives of the Development Plan and its core strategy. *Guidance Note on Core Strategies* (2010) also states that the population targets and housing requirements of lower-level plans must be consistent with the core strategy of the county development plan.

The Office notes that Rathkeale is designated a 'Level 3' town in the settlement hierarchy within the adopted Limerick Development Plan 2022 – 2028. The core strategy in the adopted Plan identified a housing supply target of 147 housing units (and 403 persons) for Rathkeale for the period 2016 – 2028, and a requirement for 8.3 ha. of residential zoned land.

2.1 Residential Land Supply

The draft LAP Table 1 sets out a housing land requirement of 8.3 hectares over the plan period, consistent with the core strategy of the adopted Development Plan, and lands are identified as either 'New Residential' or 'Residential Serviced Sites' on the land use zoning map for the delivery of housing in Rathkeale.

Having regard to the need to ensure a sufficient supply of zoned land, including that sufficient choice for development potential is safeguarded, and the compact and sequential nature of the lands zoned for residential use, the Office is generally satisfied that the draft Plan is consistent with the core strategy in the Development Plan.

3. Compact Growth and Tiered Approach to Zoning

It is an objective (NPO 3c) of the *Project Ireland 2040 National Planning Framework* (NPF) that 30% of all new homes are to be delivered within the existing built up footprint of settlements. This is supported by several other objectives under the NPF, including, NPO 6 and NPO 7. These objectives are refined and elaborated upon in the RSES (RPO 34 and RPO 35).

It is evident that the draft LAP seeks to consolidate the existing established residential areas of Rathkeale, with the majority of the lands zoned 'New Residential' are located within a short walking distance to the town centre close to employment and services.

The Office acknowledges and welcomes the inclusion in the draft LAP of Appendix 2 – Settlement Capacity Audit – 'Tiered Approach To Zoning' which appropriately links the zoning of residential and the availability of infrastructure consistent with NPO 72(a). The infrastructural assessment contained in the draft LAP clearly identifies lands that are able to connect to existing services and promotes infrastructure led growth approach which is commended.

3.1 Urban Regeneration

RPO 34 of the RSES supports specific objectives setting out the achievement of urban infill / brownfield development, including measures to initiate site assembly for regeneration, objectives to promote reuse of underutilised buildings and targeted measures to reduce vacancy. RPO 37 promotes local authorities actively undertaking active land management of housing land in order to manage the supply of residential development.

The Office notes the relative high level of housing and commercial vacancy within the plan area and while it is acknowledged that the draft LAP identifies specific infill and regeneration sites, including the five 'Opportunity Areas' identified in section 7.3 of the plan, a stronger policy framework is required to tackle this issue, in partnership with the community and key stakeholders, for the purposes of housing delivery and town centre regeneration.

It is also advised to include the aforementioned 'Opportunity Sites' on the land use map (Zoning Map 1) to provide clarity and an overall integrated strategy to addressing vacancy and realising urban regeneration.

Recommendation 1 – Regeneration and Vacancy

Having regard to NPO 6 and RPO 34 and RPO 35 on Regeneration, Brownfield, Infill and reducing vacancy, the planning authority is required to include a policy framework which sets out its approach as to how active land management can be used to address town centre vacancy and deliver on the requirements of the aforementioned national and regional policy.

Observation 1 – Opportunity Sites

The planning authority is requested to clearly identify the boundaries of all five 'Opportunity Sites' on the land use zoning map (Zoning Map 1).

3.2 Age Friendly Housing

The RSES (RPO 182) supports the development of Age-Friendly communities including support for Independent Living and Community Facilities as part of a smarter aging policy. The NPF (NPO 30) recognises the need for well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by universal design and improved amenities.

While the draft LAP in general includes policies supporting age friendly housing, it is considered that there is scope to provide more prescriptive policy intentions.

Observation 2 – Age Friendly Housing

The planning authority is requested to include a clear strategy in relation to the provision of nursing homes and sheltered housing in order to ensure consistency with RPO 182 and NPO 30.

4. Economy and Employment

The Office notes that economic activity is identified as one of draft LAP's key challenges. The Office therefore welcomes and acknowledges the economic and employment strategy set out in the draft LAP providing for approximately 60 ha of land zoned for *Enterprise and Employment*, offering a strong economic base for the town and it's rural hinterland. In addition the extent of town centre zoned land will support retail activity and the wider commercial economy of the draft LAP area.

The draft LAP includes a Settlement Capacity Audit of the zoned employment lands which links the zoning of employment and enterprise land and the availability of infrastructure consistent with NPO 72(a). The Office welcomes and commends this evidenced-based approach, which allows for systematic appraisal of the suitability of lands for development.

It is noted that substantial greenfield lands are zoned within the plan area for employment uses, i.e. Wolfburgess East and Abbeylands, which are both serviceable lands. NPO 72b requires the planning authority, when considering zoning land, to make a reasonable estimate of the full cost of delivery of the specified services required and prepare a report detailing the cost at draft and final plan stages. The inclusion of estimates would be

desirable in terms of consistency with NPO 72b and in terms of clarity regarding sequential development, clearly demonstrating that a focussed and evidence-based approach to zonings has been followed in order to maximise investment of infrastructure.

Observation 3 – Tiered Approach to Zoning for Employment Land

The planning authority is advised to review its Settlement Capacity Audit – '*Tiered Approach To Zoning*' and its proposed Employment and Enterprise zonings in Wolfburgess East and Abbeylands in order to accord with the requirements of NPO 72a (and Appendix 3), NPO 72b and NPO 72c of the NPF, concerning the Tiered Approach to Zoning. The Settlement Capacity Audit is required to:

 (i) include a reasonable estimate of the full cost of delivery of the specified services for each employment and enterprise site identified at Wolfburgess East and Abbeylands.

5. Sustainable Transport and Accessibility

The Office welcomes the inclusion of key sustainable mobility and transport policy objectives consistent with RPO 151 to coordinate transport and land use planning, and which strategically aim to reduce the demand for travel, in particular private car usage, in favour of public transport and active travel modes. It is also evident that your authority is actively implementing RPO 152 and RPO 176 which includes the development of a compact '10-minute city' concept by creating connected communities.

The draft LAP includes policy provision for the improvement of pedestrian permeability to the town centre, green spaces, and a series of cycling objectives improving connectivity and providing high quality and safe links to shops, services and amenities and thus reducing the need to travel by private car.

The draft LAP has identified targets for modal shift and these targets will be further reviewed through monitoring and implementation of the LAP. Overall the sustainable mobility and transport policy objectives are comprehensive policy responses.

6. Climate Action

The Office commends the Council in their approach in addressing climate change in the draft LAP. The draft LAP includes cross-cutting climate change policy objectives

throughout the draft LAP, including chapters and sections within chapters, on core strategy, compact growth, and open space strategy including protecting landscape and habitats with provision for blue and green infrastructure, and active travel proposals.

The Climate Action policy objectives are supportive of the *Climate Action Plan 2021*, and the objectives in the NPF (NPO 54) and RSES (RPO 87), the transition to a low carbon economy and the overall reduction in carbon emissions is a core planning policy objective.

6.1 Flood Risk Management

The Office welcomes the policy objectives included in the draft LAP to ensure the implementation of the *Flood Risk Management Guidelines* (2009) and associated circulars and the application of the plan led Justification Test in the SFRA.

Notwithstanding, clarity is required with respect to the policies of the draft LAP which do not align with *Circular PL 2/2014 Flooding Guidelines* which requires states as follows;

Where the planning authority considers that the existing use zoning is still appropriate, the planning authority must specify the nature and design of structural or non- structural flood risk management measures required prior to future development in such areas, in order to ensure that flood hazard and risk to the area and to other adjoining locations will not be increased, or if practicable, will be reduced.

The Office notes that there are proposed land use zones, some of which are designated as highly vulnerable development in the guidelines, that are located within Flood Zone A and B and have not been assessed against the criteria of the Plan Making Justification Test. These land use zones include 'Existing Residential', 'Enterprise and Employment', 'Utilities' and 'Agriculture'.

The existing land use zonings are, however, required to be informed by suitable level of flood risk assessment and if necessary a Justification Test. Alternatively the LAP should include a policy provision clarifying that future development is limited to minor development where plan-making justification has not been undertaken to ensure consistency with NPO 57 and The *Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014 Flooding Guidelines*.

Recommendation 2 – Flood Risk Management

Having regard to NPO 57 of the NPF, the *Flood Risk Management Guidelines* (2009), as revised, and *Circular PL 2/2014 Flooding Guidelines*, the planning authority is required to either:

- (i) review the Flood Risk Assessment in accordance with the application of the sequential approach, and the Justification Test where appropriate, and having regard to potential climate change effects. This review may entail the deletion of zonings where they fail to satisfy the plan-making Justification Test to ensure consistency with the guidelines; or
- (ii) include policy objective(s) to state that future development is limited to minor development where plan-making Justification Tests have not been undertaken.

7. Environment, Heritage and Amenity

The Office acknowledges the preparation of an Environmental Report (SEA Screening) and Appropriate Assessment Screening for the draft LAP and note the conclusion that neither an SEA nor Appropriate Assessment is required.

The Office acknowledges that Chapter 11, includes objectives for architectural heritage, archaeological and natural heritage and European designated sites.

The Office concludes that the draft Plan addresses the objectives in relation to environment, heritage and amenities.

8. General and procedural matters

The Written Statement of the draft LAP is well structured, and of an appropriate length, with the chapters presented in a standardised format that is easily followed and understood. The accessibility of the individual chapters in the online version also make it easier for the public to access the relevant information.

The Office would also like to take this opportunity to commend your authority's public engagement activities.

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.

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Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations