

28th November 2022

Forward Planning,

Economic Development and Enterprise Directorate,

Limerick City and County Council,

Merchants Quay,

Limerick.

Re: Draft Caherconlish Local Area Plan 2023-2029

OPR Ref: DP-050-22

A chara,

Thank you for your authority's work on preparing the draft Caherconlish Local Area Plan 2023-2029 (the draft LAP). Based on the preliminary population results from Census 2022, which suggests a population in excess of 1,500, the draft LAP is considered a mandatory LAP under section 19(1)(bb) of the *Planning and Development Act 2000*, as amended (the Act).

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 and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

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 the Act and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the *Limerick Development Plan 2022-2028* (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Southern Region, and relevant section 28 guidelines.

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 considers that the draft LAP sets out an evidence-based strategy to guide development in Caherconlish in line with national and regional policy, and with clear consideration to how the plan will be implemented.

The Office particularly welcomes the approach to land use zoning which focuses on creating a consolidated and accessible settlement in accordance with the 10-minute town concept and national and regional policy for compact and sustainable development.

In particular, the Office commends the planning authority for the inclusion of a detailed and clear settlement capacity audit and infrastructure assessment with costing estimates to inform the land use zoning objectives, consistent with the tiered approach to zoning under the National Planning Framework (NPF).

The Office notes the designation of five Opportunity Sites within the town, with the potential to enhance the public realm, amenity and blue green infrastructure of the area as well as accommodating much needed housing consistent with compact growth.

In addition, the Office welcomes the visual cross-referencing of 'enhancement opportunities' with climate action opportunities in Table 8.1 of the draft LAP, which provides for a coherent focus to the climate strategy. The sustainable transport strategy, with accompanying map also provides a strong basis to deliver a positive modal shift for the settlement.

The Office also strongly commends Limerick City and County Council for the inclusion of a simple and appropriately focused monitoring strategy for the implementation of key actions proposed in the draft LAP. The Office regards this approach, which concentrates on the critical matter of implementation of sustainable transport, blue green infrastructure, public realm improvements and housing delivery, as best practice.

While the draft LAP sets a positive framework for the development of the settlement over the LAP period, the Office has identified a small number of areas requiring further consideration, having regard to Ministerial guidelines, and to more fully align with the current national and regional policy context.

In particular, the Office considers that the draft LAP should seek to proactively address the high commercial vacancy rates in the village centre through enhanced policies for active land management and regeneration, and to include measurable targets in the LAP monitoring strategy as measurable outcomes.

In addition, it will be necessary for the planning authority to review its strategic flood risk assessment for the draft LAP and to reconsider the details of related objectives and policies accordingly.

It is within this context the submission below sets out two (2) recommendations 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, Zoningand Tiered Approach to Zoning	-	-
Regeneration	Recommendation 1	-
Transport and Accessibility	-	-
Economy and Employment	-	-
Flood Risk Management	Recommendation 2	-
Environment, Heritage and Amenity	-	-

1. Consistency with the Regional, Spatial and Economic Strategy

The Office considered the draft LAP to the generally consistent with the regional policy objectives of the RSES for the Southern Region.

2. Consistency with Development Plan and Core Strategy

The Office considered the housing targets, the overall land use zoning objectives and the policies and objectives of the draft LAP to be generally consistent with the Development Plan and its core strategy.

3. Compact Growth, Zoning and Tiered Approach to Zoning

The Office commends the planning authority for carrying out a detailed settlement capacity audit and infrastructure assessment for the LAP, including a costings estimate for the servicing of the land, to inform the land use zoning objectives, and the draft LAP. This is consistent with the *Development Plans, Guidelines for Planning Authorities* (2022) (Development Plan Guidelines) and with NPO 72a – NPO 72c tiered approach to zoning.

The Office also considers that the draft LAP and its land use zoning objectives are generally consistent with national and regional objectives for compact growth, NPO 3c and RPO 35.

4. Regeneration

The Office welcomes the preparation of a town centre health-check to inform the draft LAP, generally consistent with the approach recommended in the *Town Centre First - A Policy Approach for Irish Towns* (2022) (Town Centre First). In addition to a c. 4% vacancy rate for residential properties, the health check reported a vacancy rate 30% for commercial properties, which is well above the national average rate. It is evident, therefore, that commercial vacancy is a critical issue to be addressed in the LAP.

The Office notes it is a strategic objective of the draft LAP to guide the future development of Caherconlish, in accordance with Town Centre First, which seeks to bring people and appropriate business/services back into the heart of Caherconlish, through place-making, good quality urban design, and sustainable mobility. The Office welcomes policy TCF P1 Town Centre First, which seeks to support the implementation of Town Centre First in creating a vibrant and attractive village centre to live, work and visit; and policy TCF P2 Place-Making Strategic Policy, which seeks to ensure future development comprises the highest of qualitative and design standards, complimenting the existing historical built fabric and national heritage, sustaining Caherconlish as a village.

The Office notes that development will be encouraged to be delivered in a sustainable, sequential manner from the village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites (section 4.2). The Office also acknowledges that the Council has a proactive regime in place, which aims to tackle the issues of dereliction and vacancy throughout Limerick, supported by a dedicated team, using various tools such as compulsory purchase orders.

It would, however, be appropriate for the LAP to include specific active land management objectives, policies, measures, and/or actions tailored to address the particular and concentrated pattern of vacancy evident in this settlement, having regard to Objective CGR 04 Active Land Management of the Development Plan. Such measures should have specific regard to potential public funding, such as the Urban Regeneration and Development Fund, Rural Regeneration and Development Fund, and Town Centre First funds (e.g. Croí Cónaithe). In the case of Caherconlish, the Office suggests that measurable targets for the resolution of vacancy should be included in the LAP, which can be addressed through monitoring provisions in chapter 11.

In this regard, while the Office appreciates the positive policy and objectives included in the draft LAP in relation to retail development, the Office has concerns regarding the proposed inclusion of objective ED P4(c) to limit development at ground floor level within the village to shopping and related services. This objective is unduly restrictive and may be counterproductive to the revitalisation and regeneration of the village centre if the settlement does not have sufficient retail demand.

Although it is not likely to be the intention of the planning authority, it suggests that change of use of vacant commercial buildings to other vibrant uses, in particular residential use, is not permissible. This approach would be inconsistent with national and regional policy objectives for regeneration of settlements of all sizes (NPO 6, NPO 7 and RPO 34) and Town Centre First policy.

Furthermore, this approach is not aligned with the current policy approach of the Government, which aims to promote housing provision through a range of measures, for example, by issuing regulations (article 10(6) of the *Planning and Development Regulations, 2001 to 2022*) to provide that change of use from use class 1, 2, 3, 6 or 12 to residential use shall be exempted development, within the period 08/02/18 to 31/12/25, subject to certain conditions and limitations specified thereunder.

As these regulations will expire during the LAP period, it is necessary that the policy approach in the LAP provides a sound basis for accommodating the change of use from commercial to residential use consistent with the aforementioned policy objectives and Town Centre First.

Recommendation 1 - Regeneration

Having regard to NPO 6 and NPO 7, RPO 34,to Objective CGR 04 of the *Limerick Development Plan 2022-2028*, and to *Town Centre First, A Policy Approach for Irish Towns* (2022) - the planning authority is required to:

- i) include specific active land management objectives, policies and measures or actions tailored to address the particular and concentrated pattern of commercial vacancy in Caherconlish;
- ii) include measurable targets for the reduction of commercial vacancy for the plan period, the implementation of which can be monitored under the provisions in chapter 11 of the draft LAP; and
- iii) omit or amend objective ED P4(c) to ensure that the LAP does not prevent or discourage the conversion of vacant commercial premises into residential properties, including at ground floor level.

5. Transport and Accessibility

The Office welcomes the policies and objectives in the draft LAP, which seeks to support and facilitate integrated multi-modal and accessible public transport and to maintain and expand active travel infrastructure in the town. In particular, the Office supports Objective SMT O3, which seeks to implement the Safe Route to Schools Programme which will assist in the ability to meet the proposed modal share targets for educational journeys.

The Office also welcomes the Amenity and Sustainable Transport Map which sets out a strategy for new and enhanced pedestrian links within the town connecting the proposed new residential areas and amenity spaces within the town.

The Office commends the approach taken to monitor these objectives against national and regional policy through clear measureable actions, as set out in chapter 11 of the draft LAP. The inclusion of these monitoring actions clearly indicate that the planning authority understands the need to prioritise active and sustainable travel modes. In this

regard, the Office is satisfied that the proposed transport policies and objectives integrate land use and transport in accordance with RPO 151 and NPO 64, and the sustainable development objectives of the Development Plan including Policy TR P3 which seeks to integrate land use and transport policies, Policy TR P4 which seek to promote sustainable patterns and transportation use, and Policy TR P7 which seeks to implement the 10-minute settlement concept as a means to addressing climate change.

6. Economy and Employment

The Office supports the proposed enterprise and employment zoning to provide for local employment opportunities within the town. This zoning has the potential to generate an employment base for the settlement, in accordance with NPO 11, and provide local employment for residents thereby reducing the need to commute to other centres for work and reducing associated greenhouse gas emissions.

The Office also welcomes Objective IU O7, which seeks to, amongst others, facilitate improvements of telecommunication, broadband, electricity and gas networks infrastructure. The enhancements to these facilities will support the proposed enterprise and employment zoning.

7. Flood Risk Management

NPO 57 and RPO 116 seek to ensure that flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) which were amended by *Circular PL 2/2014*.

The Office welcomes the preparation of the Strategic Flood Risk Assessment (SFRA) carried out by the planning authority including the carrying out of plan-making justification tests. However, the SFRA comprises only a Stage 1 assessment, does not have regard to the three-stage flood risk assessment process set out in the Flood Guidelines and does not, therefore, adequately assess the potential flood impact within areas at risk of flooding in Caherconlish.

The SFRA is based on PFRA mapping that is not appropriate for this purpose and which has been superseded by, among others, National Indicative Fluvial Mapping (NIFM) and Geological Survey Ireland (GSI) groundwater flood maps.

The SFRA includes a plan-making justification test for i) lands located in the village core zoned Village Centre and Existing Residential; and ii) lands to the north east of the town, zoned Agriculture. It is advised that separate justification tests be provided for Village Centre and Existing Residential land use zones, as distinct land use classes that are likely to have different levels of vulnerability to flood risk.

Having regard to criteria 3 of the Justification Test, the SFRA should indicate how flood risk will be managed within the town and future development will not cause unacceptable adverse impacts elsewhere. It should also specify the structural or non-structural measures necessary to accommodate future development in existing developed areas at risk of flooding that pass the justification test and provide information on how any identified residual flood risk would be managed having regard to Circular PL 2/2014. Objective IU O4 should be amended to reference any necessary flood risk mitigation measures identified in the revised justification tests.

The Office notes that the Agriculture zoning did not pass Part 2 of the Justification Test and should be retained for water compatible uses only. The draft LAP, which inappropriately allows for vulnerable development on lands zoned Agriculture within flood risk zone A/B, therefore does not have regard to the provisions of the Flood Guidelines. Accordingly, Objective IU O4 should also be amended to limit development on such lands to water compatible uses only.

The Office strongly advises the planning authority to consult with the OPW in relation to these matters.

Recommendation 2 – Flood Risk Management

Having regard to NPO 57 of the NPF and RPO 116 of the RSES, and the provisions of the *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines), as amended by *Circular PL 2/2014*, the planning authority is required to:

- i. carry out a revised strategic flood risk assessment for the draft LAP, having regard to the detailed provisions of the Flood Guidelines, including:
 - a) a Stage 3 Detailed Flood Risk Assessment based on appropriate and up to date flood risk mapping;

- separate plan-making justification tests for 'Village Centre' and 'Existing Residential' land use zoning objectives; and
- c) specify any structural or non-structural measures that are necessary to accommodate future development on existing developed lands that have passed the plan-making justification test and provide information on how any identified residual flood risk would be managed.
- ii. amend Objective IU O4 to include reference to the mitigation measures provided in accordance with the Justification Tests; and
- iii. limit future development of land zoned 'Agriculture' within Flood Risk Zone A or B, to water compatible uses only.

The planning authority is advised to liaise with the OPW Flood Risk Management unit, in addressing this recommendation.

8. Environment, Heritage and Amenity

The Office welcomes the inclusion of objectives in relation to the protection of the town's built heritage, particularly with regard to the inclusion of a record of protected structures and the inclusion of a record of monuments and places for the town. In this regard, the Office is satisfied that the policies and objectives set out in the draft LAP are consistent with NPO 17 and RPO 194 as it relates to the protection of cultural assets and heritage areas. The planning authority is advised to pay particular regard to the submission made by the Development Applications Unit (DAU) with regard to archaeological heritage.

The Office also acknowledges the objectives set out in chapter 5 in relation to recreational infrastructure and community facilities. In particular, the Office welcomes the inclusion of Opportunity Sites 1, 2 and 3 which seek to improve the public realm and amenity of the village together with enhancements to the blue green infrastructure network are also strongly supported by the Office.

Summary

Arising from the foregoing evaluation and assessment of the draft Caherconlish Local Area Plan 2023-2029, the Office requests that your authority addresses the two recommendations 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. Where your authority decides not to comply with the recommendations of the Office, made in the draft plan and report, please outline the reasons for the decision in the chief executive's report.

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,

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AM C'Conna.

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Deputy Regulator and Director of Plans Evaluations

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