

OPR Ref: IP-002-23

13th March 2023

Limerick County Council,

Forward Planning Section,

Economic Development and Enterprise Directorate,

Merchants Quay,

Limerick.

Re: Issues Paper for the Review of the Newcastle West Local Area Plan 2014 to 2020 (as extended)

A chara,

Thank you for your authority's work in preparing the Issues Paper for the proposed review of the Newcastle West Local Area Plan 2014 to 2020 (as extended) (the Issues Paper). The proposed Newcastle West Local Area Plan is a mandatory local area plan under section 19(1)(b)/(bb) of the *Planning and Development Act 2000*, as amended (the Act).

The Office of the Planning Regulator welcomes the commencement of the plan-making process, through the publication of the Issues Paper, in view of the provisions under sections 18(4)(b) and 19(2B) and in view of the recent adoption of the Limerick Development Plan 2022-2028 on the 17<sup>th</sup> June 2022.

The Office acknowledges your authority's work, more broadly, in advancing the preparation of the LAP.

As section 20(1) does not prescribe the requirements for public consultation at pre-draft stage for LAPs, the planning authority is commended for publishing an Issues Paper, engaging proactively with the public and notifying the Office of the intention to prepare the LAP.



In accordance with the provisions of section 31AO of the Act, the Office is obliged to evaluate and assess local area plans in the context of certain statutory parameters including:

- matters generally within the scope of section 19;
- consistency with the objectives of development plan, its core strategy, the Regional Spatial and Economic Strategy for the Southern Regional Assembly (the RSES);
- consistency with the transport strategy of the National Transport Authority;
- ministerial guidelines made under section 28;
- ministerial policy directives issued under section 29; and
- such other matters as the Minister may prescribed under section 262 or otherwise prescribe.

The Office has set out some broad issues, relevant to the preparation of most, if not all LAPs, in addition to some specific issues of particular relevance to the preparation of this LAP, under the following:

- 1. Strategic policy framework
- Development plan and core strategy
- 3. Zoning, compact growth and infrastructural services
- 4. Regeneration
- 5. Education, social and community amenities
- 6. Economic development and employment
- 7. Transport and mobility
- 8. Climate change and flood risk management
- Environment and built and natural heritage
- 10. Implementation and monitoring
- 11. Other matters



The Office's comments are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the plan making process. They do not affect the obligation on your planning authority to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

## 1. Strategic Policy Framework

The planning authority will be aware that section 20(5) of the Act requires the LAP to be consistent with the objectives of the RSES, in addition to the National Planning Framework (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant the development plan.

The provisions of the RSES have generally been transposed through the Development Plan. Therefore, in ensuring consistency with the development plan and core strategy, the planning authority can ensure that it is also generally consistent with the RSES and NPF. However, the Office encourages the planning authority to liaise with the Southern Regional Assembly in preparation of the draft LAP to ensure consistency with the RSES, particularly where clarity is required on the objectives and guiding principles set out therein.

The Issues Paper demonstrates a clear understanding of the role of the settlement within the wider county and regional context. Newcastle West has been identified in the RSES as the only 'Key Town' in County Limerick. It has experienced strong population growth in recent years and presents significant opportunities for economic development and employment growth. RPO 22 sets out a number of key infrastructural requirements necessary to support the growth and development of the town.

In aligning with the RSES, the LAP should consider the strategic vision, goals and guiding principles of the RSES, in addition to consistency with the relevant regional policy objectives (RPOs).

## 2. Development plan and core strategy

Section 19(2)(b) of the Act also requires that the LAP shall be consistent with the objectives of the development plan and its core strategy. A key message of the section 28 Local Area Plan Guidelines for Planning Authorities (2012) (LAP Guidelines) is that



consistency between local area plans and the core strategy of development plans is an essential requirement, particularly in relation to the quantum and location of lands identified for development.

The Office, therefore, cautions against the introduction of any objectives that would conflict with the detailed provisions of the core strategy for the settlement and the housing supply target for the settlement.

In this regard, the Office notes that the core strategy of the Development Plan provides for a population increase of 1,988 persons over the 2022 – 2028 plan period and a requirement for 706 housing units and 30.26 hectares of residential land. The Development Plan identifies that there is 108.76 ha of excess zoned land in the town under the current LAP.

Undoubtedly this presents a considerable challenge for the planning authority to ensure that residential zoning in the LAP is consistent with the core strategy. However, national and regional policy very clearly requires that plans should first and foremost prioritise locations that are currently serviced in terms of the social and physical infrastructure that communities expect, that are easily accessible by walking, cycling and public transport and that also have a high prospect for housing delivery over the plan period.

## 3. Zoning, compact growth and infrastructural services

In relation to zoning for residential purposes, it will be essential for land-use objectives to demonstrate consistency with the objectives for compact growth under the NPF (NPO 3b / c) and the RSES (RPO 35) and densification (NPO 35), as well as the sequential approach, as set out under section 6.23 of the *Development Plans, Guidelines for Planning Authorities* (2022) (Development Plans Guidelines)

These factors will play a central role in achieving the National Climate Objective and the Government's obligatory target of 51% for greenhouse gas (GHG) emissions reduction by 2030 and for a carbon neutral economy by 2050.

Furthermore, lands that are not serviced, or that are unlikely to be serviced over the life of the plan, are unlikely to be appropriate for residential zoning. In this respect, the planning authority will need to ensure consistency with the provisions for the tiered approach to zoning under NPO 72 a-c of the NPF. This will require the carrying out of an infrastructure



assessment for the town in accordance with Appendix 3 of the NPF and with section 4.5.2, Settlement Capacity Audit, of the Development Plans Guidelines.

The Office notes that there are existing wastewater constraints in Newcastle West.

Although the project to upgrade the Wastewater Treatment Plant will increase capacity after 2025, this will result in capacity constraints in the interim.

The Office, therefore, advises the planning authority to liaise closely and collaborate with the relevant prescribed authorities, in particular Irish Water, concerning the delivery of essential services and infrastructure and the potential need to phase development in the town in line with infrastructural capacity and the delivery of key infrastructure upgrades.

In relation to any provisions or standards for residential density or building height in the LAP (NPO 35), regard should be had to relevant section 28 guidelines, including Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages (2009), Urban Development and Building Heights Guidelines for Planning Authorities (2018), and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and should be consistent with any Specific Planning Policy Requirement.

## 4. Regeneration

Both the NPF (NPO 4, 6, 18a, 18b and 35) and the policy objectives and provisions of the RSES place a strong emphasis on the opportunities for urban and village regeneration to create attractive, liveable, well-designed, high quality urban places that provide for a high quality of life and well-being. Regeneration and revitalisation of settlements through reuse of brownfield sites and vacant/underutilised buildings will play a crucial role in mitigating climate change and in achieving the Government's obligatory target of 51% for GHG emissions reduction by 2030 and for a carbon neutral economy by 2050.

The LAP provides an opportunity to identify specific regeneration projects aimed at enabling compact growth and Town Centre First implementation, consistent with the objectives of the regeneration strategy of the development plan and the guiding principles of the RSES for urban infill and regeneration.

While the Office notes that no specific opportunity sites to support town centre regeneration in Newcastle West were identified under the RSES or Development Plan, it



will be important for the LAP to identify opportunity/regeneration sites, vacant and underutilised buildings.

The LAP should also identify specific investment and/or infrastructure to support regeneration development, such as site assembly, land acquisition, and/or sustainable transport initiatives. The best use of the planning authority's own powers in terms of land activation, such as compulsory purchase, derelict sites etc. will be important in this context.

In addition to focussing private investment, a Plan-led approach to regeneration through the LAP will be critical in terms of accessing funding through public funding streams such as the Urban Regeneration & Development Fund (URDF), Rural Regeneration & Development Fund (RRDF), and will form the basis for any future Town Centre First Plan.

The identification of intended sources of funding to facilitate, support or complement key regeneration projects, such as the recently announced *Croí Cónaithe (Towns) Fund Scheme*, is a further land activation measure to be considered in the LAP.

## 5. Education, social and community

Access to quality childcare, education and health services is a National Strategic Outcome of the NPF. In this regard, the LAP should be consistent with NPO 31, which seeks to align population and employment growth with investment in childcare and education facilities on well-located sites within or close to the existing built-up areas to meet the diverse needs of local populations. The LAP should also be consistent with the objectives of the RSES for education facilities. It should also have regard to the provisions for social audits under the Development Plans Guidelines (or civic infrastructure audits under the LAP Guidelines)<sup>1</sup>.

It is an objective (NPO 4) of the NPF to ensure the creation of liveable places that are home to diverse and integrated communities and (NPO 28) providing improved integration and greater accessibility in delivering sustainable communities and associated services.

<sup>&</sup>lt;sup>1</sup> The Athy Social Infrastructure Audit, which supported the Athy Local Area Plan, 2021 – 2027 is a good example of such an audit.



This includes planning for the housing / transport / accessibility and leisure needs of an aging population (NPO 30) and for the Traveller community. The LAP should also be consistent with the objectives of the RSES for social and community facilities, in particular the objective to develop a Regional Athletics Hub in the town.

The NPF expects the local authority's *Local Economic and Community Plan* (LECP) should also inform the LAP to provide for the co-ordinated spatial planning of community services for the area. In addition, the local authority's *Traveller Accommodation Programme* should also inform the LAP.

Having regard to NPO 33 to prioritise new homes that can support sustainable development at an appropriate scale of provision relative to location, it is important that the LAP takes an integrated approach to the planning of education, social and community facilities and amenities. Specifically in relation to schools, the planning authority should consult with the Forward Planning & Site Acquisitions Section of the Department of Education.

The LAP should consider the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to serve existing and future residents. In addition, and aligned with the need for a sustainable settlement and transport strategy, the LAP should also ensure that education, childcare, social and community facilities can be easily accessed by walking or cycling from existing and proposed new residential areas.

## 6. Economic development and employment

The LAP Guidelines state that LAPs should include objectives to promote local economic development and employment growth by focusing on issues such as the creation of vibrant and dynamic city and town centres where local businesses thrive and the provision of low cost accommodation for start-up businesses.

This will be particularly important for Newcastle West given its role as a Key Town and as an economic driver in west County Limerick.

The NPF, RSES and the LAP Guidelines emphasise the need to take an evidence-based approach to the inclusion of objectives for employment and other commercial uses. The NPF expects that the local authority's LECP will inform the LAP to provide for the coordinated spatial planning for the area.



The LAP is required to be consistent with any objectives of the RSES concerning strategic enterprise / employment sites or in respect of development type or location-specific development (e.g. rural development). In this regard, both the RSES and the Development Plans Guidelines recognise accessibility as a central consideration in selecting employment zonings and the transport provision of potential locations for development needs to be strategically considered, including through the application of the sequential approach.

The RSES and Development Plan identify that Newcastle West will play a critical role in the development of Limerick and ensure a consolidated spread of growth beyond the cities to the sub-regional level. The town has a significant employment base.

Newcastle West has been identified by the RSES as a Key Town and a strategically located urban centre with special potential for economic growth. Initiatives of the Atlantic Economic Corridor will support Newcastle West in realising its full potential, enhancing enterprise assets to support job creation, improve competitiveness, attract investment and create future economic growth.

In this regard, the draft LAP should consider how appropriate policy support and objectives are provided to ensure consistency with:

- RPO 22 and RPO 28;
- Objective ECON O9 and Objective ECON O11 of the Development Plan to promote inter-regional collaboration and links across county boundaries with Abbeyfeale,
   Listowel and Rathkeale, including the potential for partnership projects and to support the role of the town in the Atlantic Economic Corridor initiative.

The draft LAP should also consider what policy approach and objectives should be included to maximise the economic benefits to Newcastle West from the Limerick Greenway (Great Southern Trail), consistent with RPO 53, as well as measures to further develop the tourism potential of Newcastle West based on its historical heritage.

The application of the sequential approach to the zoning of lands for employment and commercial land uses, and the reuse of appropriate brownfield sites and vacant premises will contribute to the delivery of compact growth consistent with the National Strategic Objective of the NPF and will help implement the Government's Town Centre First Policy.



The facilitation of retail facilities will also need to be considered to provide for the anticipated population growth. Regard should be had, in particular, to the sequential approach to the location of retail development and other provisions of the *Retail Planning Guidelines for Planning Authorities* (2012) (Retail Guidelines); the position of the settlement in the retail hierarchy of the Development Plan as a Tier 2 Major Town Centre and Key Service Town; and to the requirements of Objective ECON O9 of the Development Plan.

An integrated approach to land use and transport planning for enterprise, employment and commercial development will also play an important role in mitigating climate change and in achieving the Government's obligatory target of 51% for GHG emissions reduction by 2030 and for a carbon neutral economy by 2050.

## 7. Transport and mobility

The objectives and provisions of the NPF (NPO 27, NPO 33 and NPO 64, among others) and the RSES recognise the importance of implementing an integrated land use and transportation approach.

A mandatory national target of 51% reduction in GHG emissions by 2030 will be implemented through the *Climate Action Plan 2023*, which commits to delivering an additional 500,000 daily sustainable journeys by 2030 (an increase of 14% on current levels) through, among others, a significant increase in walking and cycling, supported by the goals of government's *National Sustainable Mobility Policy* (2022) (NSMP).

An integrated approach to land use and transport planning will be central to achieving these targets. In addition to the above, the LAP should be informed by the guiding principles and be consistent with the RPOs of the RSES relating to integration of land use and transport planning, where applicable.

The RSES sets out guiding principles for integration of land use and transport planning and identifies the requirement for local transport plans (LTPs) for certain settlements and / or under certain circumstances. As a key town, a Local Transport Plan (LTP) is required for Newcastle West under RPO11 of the RSES, and the Development Plan (Policy TR P8) also commits to the preparation of an LTP to inform the LAP in consultation with the NTA and TII.



The LTP will be key to informing the objectives, policies and measures in the LAP so that the modal share targets for Newcastle West set out in the Development Plan can be achieved. The NTA and TII *Area Based Transport Assessment Advice Note* (December 2018) (ABTA) and ABTA *How to Guide, Guidance Document Pilot Methodology* (2021) should be considered by the planning authority in preparing any LTP.

The transport strategy of the LAP should also demonstrate consistency with Avoid-Shift-Improve principle as set out in the *National Sustainable Mobility Policy* (2022), the implementation of demand management measures, and the '10-minute town concept.

The proactive implementation of the *Design Manual for Urban Roads and Streets* (revised 2019), including in particular filtered permeability, will ensure that over time the town will better accommodate pedestrians and cyclists, in addition to public transport where available. Similarly, the implementation of the NTA's *Permeability Best Practice Guide* will also ensure enhanced pedestrian and cycle routes within the area of the LAP.

The draft LAP should also include appropriate policy supports and objectives to ensure consistency with RPO 167 to deliver specified national road projects to achieve NSO 2 Enhanced Regional Accessibility, including the N21 Newcastle West Bypass project which has been identified under the NDP (pre-appraisal stage). Accordingly, the planning authority should have regard to the provisions of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) (SPNR Guidelines), in particular, section 2.9.

The approach to zoning should also be consistent with the protection of the strategic function, capacity and safety of the national roads network in the area, including the N21 Newcastle West Bypass project.

# 8. Climate change and flood risk management

It is a National Strategic Outcome of the NPF to transition to a low carbon climate resilient society. It is an objective (NPO 52) of the NPF to ensure that the planning system responds to national environmental challenges and that development occurs within environmental limits. The NPF acknowledges climate change as a national environmental challenge and it is an objective (NPO 54) to reduce Ireland's carbon footprint in support of national targets for climate policy mitigation and adaptation, including targets for GHG emissions reduction.



The effective implementation of climate mitigation objectives through the LAP, consistent with national and regional policy objectives (and guiding principles) identified by the Office under each of the themes, above, will be critical to the achievement of the Government's GHG emissions reduction target to mitigate climate change.

In terms of climate adaptation, flood risk management is the most critical climate change adaptation measure to be addressed in the LAP, informed by Strategic Flood Risk Assessment (SFRA). The planning authority should ensure that it has regard to the detailed requirements and provisions of section 28 *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (the Flood Guidelines), including the staged approach to flood risk assessment and, in particular, the application of the sequential approach and the requirement to carry out the plan-making Justification Test.

The planning authority should overlay the flood risk zones on any proposed land use zoning maps, to illustrate the potential flood risk arising and to demonstrate how the sequential approach has been applied. The planning authority is also requested to make a copy of digital mapping data available to the Office and to the OPW to facilitate assessment.

In the preparation of its Local Area Plan, regard should be had to the proposed development of the flood relief scheme in Newcastle West, to ensure that zoning or development proposals support and do not impede or prevent the progression of this scheme. Consideration should be given to the inclusion of a register of key flood risk infrastructure in the LAP and appropriate policies to ensure its protection from interference or removal.

The planning authority should consult with the OPW in relation to the flood relief scheme and the carrying out of SFRA to avoid issues arising at draft LAP stage, particularly regarding land use zoning objectives.

As noted, below, the implementation of objectives for green and blue infrastructure consistent with national and regional policy objectives should also form an important part of the LAP's response to climate change adaptation.

In accordance with NPO 57, the LAP is required to integrate sustainable water management solutions, such as Sustainable urban Drainage Systems (SuDS). In this regard, the Office draws the planning authority's attention to *Nature-based Solutions to the* 



Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document (2021) issued by the Department of Housing, Local Government and Heritage.

## 9. Environment and natural and built heritage

The planning authority is the competent authority for the purposes of Strategic Environmental Assessment and Appropriate Assessment. The planning authority will be aware of its obligations and responsibilities under the SEA Directive and under the Habitats Directive.

In this regard, the planning authority is required to have regard to the revised section 28 Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022). It should also consider the Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009), as revised.

It is an objective (NPO 52) of the NPF to ensure that the planning system responds to national environmental challenges and that development occurs within environmental limits. The planning authority should ensure the LAP is consistent with objectives of the NPF concerning environmental protection (NPO 52, NPO 57, NPO 58, NPO 60, NPO 62, NPO 63, NPO 64 and NPO 65, among others), in addition to the objectives or guiding principles of the RSES.

In particular, the Office highlights the importance of integrating green and blue infrastructure into the LAP, in accordance with NPO 58 and the objectives and guiding principle of the RSES. Planning for green and blue infrastructure, such as public parks and water bodies can contribute to climate change adaptation, in particular flood risk management through nature-based solutions. It can also make a positive contribution to climate mitigation, when integrated with greenways, and have positive impacts on biodiversity.

Regarding built-heritage, NPO 17, the RSES and several section 28 guidelines (LAP Guidelines and the Development Plans Guidelines, among others) recognise that protecting, conserving and managing sites and features of special interest, in addition to public realm improvements, can instigate a heritage-led regeneration of settlements to generate economic benefits in terms of tourist footfall, improved retail environment and



improved quality of life. The re-use of built heritage will contribute to compact growth and regeneration and to climate change mitigation having regard to embodied carbon.

Although the key built-heritage related objectives and policies are contained in the Development Plan, the planning authority should consider what location specific objectives or measures would assist in the protection or improvement of built heritage over the period of the LAP. It is noted that there a number of protected structures, an Architectural Conservation Area and recorded monuments in the town. Conservation of these historic assets will be important to enhance the heritage values of the town. In this regard, the planning authority should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities* (2004), as amended.

# 10. Implementation and monitoring

The NPF and the RSES place increased emphasis on and recognise the importance of monitoring the implementation of statutory strategies and plans, as a measure of plan effectiveness and to continually update a relevant evidence base to inform future planning strategies.

The planning authority will be aware of its duty and function under section 15(1) and 15(2) of the Planning and Development Act 2000, as amended, to secure the objectives of the development plan and report on progress in achieved in securing those objectives. As the implementation of the objectives of the LAP derive from the objectives of the development plan, the obligations under the aforementioned subsections are also relevant to the LAP.

The planning authority is, therefore, encouraged to provide for monitoring of implementation of the objectives of the LAP, having regard to the provisions of the Development Plans Guidelines and the LAP Guidelines.

#### 11. Other matters

The Office invites the planning authority to submit a digital copy of all mapped data in respect of the proposed draft LAP in order to better facilitate its evaluation and assessment of the plan. In this regard, all spatial data should be in the format of either Web Map Service (WMS) or shapefile format, with the relevant attribute information attached.



## Summary

In summary, the Office commends your authority for the preparation of this Issues Paper. The Office advises your authority to pay particular attention to the following issues in the preparation of the LAP:

- the draft LAP should ensure that residential land use zoning is consistent with the Core Strategy. Particular regard should be had to the extent of zoned land required to deliver the housing supply targets. Residential zoning objectives should prioritise housing in areas close to the facilities and services of the town centre where land is already served by appropriate infrastructure or is capable of being serviced within the plan period, and avoid leapfrogging to more peripheral locations;
- preparation of an infrastructure assessment/ settlement capacity audit for all zoned land. The planning authority is advised to liaise with Irish Water to ensure that the current wastewater treatment capacity constraints affecting the potential for growth in Newcastle West can be resolved within the period of the LAP to ensure that growth allocated under the Core Strategy can be sustainably accommodated;
- the approach to residential density and building height in the LAP should be in accordance with national guidelines and should be consistent with any Specific Planning Policy Requirement;
- the LAP should be informed by the preparation of a Local Transport Plan and should integrate land use and transport planning to provide for enhanced active and sustainable transport modes to help achieve the 10-minute town concept. The planning authority is advised to consult with the NTA and TII in this regard;
- the alignment of the N21 Newcastle West bypass project should be protected in accordance with section 2.9 of the SPNR Guidelines and the approach to zoning should be consistent with protecting the strategic function of any future route. The planning authority is advised to consult with the NTA and TII in this regard;
- the SFRA should be carried out in accordance with the Flood Guidelines to avoid inappropriate development in areas at risk of flooding. The planning authority is advised to liaise with OPW in this regard.
- Adequate provision should be made for the proposed flood relief scheme in
   Newcastle West. The planning authority is advised to liaise with OPW in this regard.



 Policies and objectives in relation to the implementation of SuDS and nature based solutions as a means for managing surface water run-off at key development sites should be included.

The Office looks forward to reviewing the future draft LAP and is committed to continued positive engagement with your authority in implementation of national and regional policies at the county and local level.

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 the undersigned or at plans@opr.ie.

Is mise le meas,

**Anne Marie O'Connor** 

Deputy Regulator and Director of Plans Evaluations