

#### 6th March 2023

OPR Ref: IP-004-23

Forward Planning Section, Economic Development and Enterprise Directorate, Merchant's Quay Limerick City and County Hall, Dooradoyl.

# Re: Issues Paper for the Review of Patrickswell Local Area Plan 2015-2021

# A chara,

Thank you for your authority's work in preparing the Issues Paper for the review of the Patrickswell Local Area Plan 2015-2021 (the Issues Paper). The proposed Patrickswell Local Area Plan (the LAP), which will replace the 2015-2021 plan, is a mandatory local area plan under section 19(1)(bb) of the *Planning and Development Act 2000*, as amended (the Act).

The Office of the Planning Regulator (the Office) 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 (the development Plan) on 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 eleven themes:

- 1. Strategic policy framework
- 2. 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
- 9. Environment, 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. The RSES identifies Patrickswell as part of the Limerick – Shannon Metropolitan Area. Limerick – Shannon MASP Policy 1 states that it is an objective of the MASP to strengthen the role of the Limerick - Shannon area through promoting the city centre as the primary location and the regeneration and consolidated growth of the suburb areas, including Patrickswell.

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 provided for a population increase of 306 persons over the 2022 – 2028 plan period and a requirement for 95 housing units and 5.36 hectares of residential land.

## 3. Zoning, compact growth and infrastructural services

The Office notes that land-use zoning objectives have not been provided for Patrickswell in the development plan. Where proposed in the LAP, it will be essential for any land-use objectives to demonstrate consistency with the objectives for compact growth under the NPF (NPO 3c) and the RSES (RPO 35) and densification (NPO 35). Compact growth will play a central role to the 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.

In this regard any provisions or standards for residential density or building height in the LAP should have regard 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* (2018), and *Sustainable Urban Housing: Design Standards for New Specific Planning Policy Requirement.* 

Land use zoning should also follow the policy and objective for a sequential approach to zoning for residential development set out under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines).

Where land use zoning objectives are proposed to be included in the LAP, the planning authority will need to ensure consistency with the provisions for tiered approach to zoning under NPO 72 a-c of the NPF. This will require the carrying out of an infrastructure assessment in accordance with Appendix 3 of the NPF and with section 4.5.2, Settlement Capacity Audit, of the Development Plans Guidelines.

It will be of critical importance to the implementation of the LAP to ensure that all lands zoned for residential and other development are serviced, or will be serviceable, during the plan period. This will enable the planning authority to meet the growth targets for the plan period. Irish Water has confirmed that there is sufficient capacity for both water supply and



waste water treatment to accommodate the future growth of the LAP area. The planning authority should however, liaise closely and collaborate with the relevant prescribed authorities to ensure the delivery of essential services and infrastructure is prioritised.

## 4. Regeneration

Both the NPF (NPO 4, 6, 18a, 18b and 35) and the policy objectives and provisions of the RSES strongly emphasise 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 also 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 Patrickswell 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), and will form the basis for any possible future 'Town Centre First Plan'.



### 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 aligned 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).

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) to provide improved integration and greater accessibility in delivering sustainable communities and associated services. 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.

The NPF expects that the local authority's *Local Economic and Community Plan* (LECP) will also inform the LAP to provide for the co-ordinated spatial planning of community services for the area. In addition, the planning 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. 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. In this regard the LAP should support Patrickswell Enterprise Centre in terms of promoting small to medium scale enterprises to the town, in line the wider objectives of the MASP to develop economic resilience and clusters.

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 would inform the LAP to provide for the co-ordinated 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 Plan 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 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), and the position of the settlement in the retail hierarchy of the county development plan.

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.

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 2021*, 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.

Although an LTP is not required for Patrickswell under the RSES or the development plan, implementation of the Limerick-Shannon Metropolitan Area Transport Strategy (LSMATS) and better provision of public transport, cycling and pedestrian facilities to achieve the modal share targets as set out in the Development Plan.

In this respect, the LAP should also demonstrate consistency with 'Avoid-Shift-Improve' principle, as set out in the NSMP, 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 area 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.

It is noted that objective ECON O48 of the Development Plan supports the potential for a greenway from Patrickswell, Bruree to the Limerick/Cork Border. The LAP should include objectives to support the carrying out of a feasibility study for the implementation of the greenway.



#### 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 (NPO54) 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), 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.

Flood risk mapping under CRAMS or NIFRAM is not currently available for Patrickswell to inform the preparation of the SFRA. As such, the Office notes that the OPW have identified that a minimum Stage 2 Initial flood Risk Assessment is required for the LAP area and that, if flood risk is identified, then a Stage 3 Detailed Flood Risk Assessment will be required in accordance with the requirements for a staged approach to flood risk assessment. The planning authority should liaise with the OPW in this regard.

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. Further, the planning authority is advised to liaise with the OPW in the



carrying out of SFRA to avoid issues arising at draft LAP stage. This will be of particular importance where land use zoning objectives are proposed to be included.

As noted, above, 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) which was issued by the Department of Housing, Local Government and Heritage after the adoption of the Development Plan.

#### 9. Environment, built and natural 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 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 Act, 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 Local Area Plans 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 approach to residential land use zoning should be consistent with the development plan core strategy in terms of housing supply targets and zoned land requirements;
- residential zoning objectives on individual lands should be consistent with national and regional policy for compact growth, sequential approach to development, tiered approach to zoning (infrastructure), and represent a sustainable pattern of development having regard to climate objectives;
- preparation of an infrastructure assessment/ settlement capacity audit out for all zoned land. The planning authority is advised to liaise with Irish Water;
- ensure that the LAP provides a strong focus on public transport and active travel measures in order to achieve the modal share targets set out in the development plan and is consistent with the provisions of the Limerick Shannon Metropolitan Area Transport Strategy;
- support the carrying out of a feasibility study to examine the potential for a Greenway from Patrickswell to the Cork / Limerick border in accordance with ECON O48 of the Development Plan; and



the SFRA should be carried out in accordance with the Flood Guidelines. This
means that a minimum Stage 2 Initial flood Risk Assessment is required for the LAP
area in accordance with the requirements for a staged approach to flood risk
assessment. The planning authority should liaise with the OPW particularly in
relation to the results of the Stage 2 assessment and the potential requirement for a
Stage 3 assessment.

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,

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Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations