



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

**OPR Ref: MA-047-22**

27<sup>th</sup> February 2023

Forward Planning,  
Economic Development and Enterprise Directorate,  
Limerick City and County Council,  
Merchants Quay,  
Limerick,  
V94 EH90

**Re: Material Alterations to Draft Castleconnell Local Area Plan 2023-2029**

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations (the proposed material alterations) to the Castleconnell Local Area Plan 2023-2029 (the draft LAP).

As your authority is aware, a core function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements. The Office may also include advice on matters it considers would contribute positively to the proper planning and sustainable development of the area.

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000, as amended, (the Act) and within the context of the Office's earlier recommendations and observations.



As outlined in the submission of the Office to the draft LAP, the Office considered the draft LAP to be generally consistent with policies in the National Planning Framework and the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly area.

However, the Office found it necessary to recommend changes to ensure alignment with national and regional policies and with associated section 28 guidelines concerning compact growth, the reduction of our carbon footprint, the integration of land use and transport, and flood risk management. It also considered it necessary to advise on relative minor inconsistencies with national and regional policy and section 28 guidelines concerning residential densities.

## **Overview**

The Office raised relatively few concerns about the draft LAP, including Recommendation 1 concerning Enterprise and Employment zoning; Recommendation 2 concerning flood risk management; and Observation 1 concerning residential density. The Office welcomes the positive approach taken by the planning authority in responding to these concerns.

The Office is generally satisfied that the proposed material amendments to the draft LAP largely resolve the issues we raised, although this submission suggests minor modifications that would improve the LAP, particularly in relation to flood risk management.

In its submission on the draft LAP the Office included comments on the environmental assessments carried out by the planning authority and how they should be incorporated into the LAP. The Office welcomes the amendments made in response. However this submission letter also includes comments on the process of environmental assessments carried out in respect of the material amendments, which you should carefully consider.



The diligent approach taken by the planning authority, its staff and the Elected Members of the Council in the preparation of the draft Plan, is reflected in the OPR's submission which welcomes the material amendments, makes no recommendations and just one (1) observation.

Comments are included under the following headings:

1. Consistency with the Regional, Spatial and Economic Strategy
2. Consistency with Development Plan and Core Strategy
3. Compact Growth, Zoning and Tiered Approach to Zoning
4. Economy and Employment
5. Environment and Natural and Built Heritage
6. Flood Risk Management

### **1. Consistency with the Regional, Spatial and Economic Strategy**

The Office considers the draft LAP, as proposed to be amended to be generally consistent with the regional policy objectives of the RSES for the Southern Region.

### **2. Consistency with Development Plan and Core Strategy**

The Office considers the draft LAP, as proposed to be amended to be generally consistent with the objectives and core strategy of the Limerick Development Plan 2022-2028.

### **3. Compact Growth, Zoning and Tiered Approach to Zoning**

The Office considers the draft LAP, as proposed to be amended to be generally consistent with national and regional objectives and national and regional strategic outcomes for compact growth, and with the policy objectives to implement the sequential approach under the *Development Plans, Guidelines for Planning Authorities* (2022).



In particular, the Office welcomes the material amendments to the draft LAP, which confirm that the residential densities set out in the draft LAP are minimum densities and to encourage a range of densities considered on New Residential and on other suitably zoned lands in accordance with *the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages* (2009).

#### **4. Economy and Employment**

The Office welcomes the proposed material amendments MA1 to the Zoning Map to amend 4ha of Agricultural zoned land to Enterprise and Employment and to amend 4ha Enterprise and Employment to Agriculture. The amended approach will enable the planning authority to integrate the future development of these lands with the village through the development management process.

However, the Office would generally encourage the planning authority to ensure that the development of these lands is oriented towards the village, rather than towards the R445.

#### **5. Environment and Natural and Built Heritage**

The Office welcomes the proposed amendments under chapter 5 (MA1, MA2 and MA4) concerning environmental considerations and environmental assessment requirements for lands containing sensitive habitats and species, in particular Natura 2000 sites.

The Office also notes that the Natura Impact Statement has been renamed the Natural Impact Report (NIR), under MA1 of the amendments to Environmental Reports, and that the objectives of the NIR have also been amended under MA2 of same.

The Office notes that an AA screening determination statement was published with the material alterations. However, no screening report for either AA or SEA has been published and it is not clear if SEA screening has been carried out for the material amendments.

The planning authority should satisfy itself that the approach taken is consistent with its obligations under the Habitats Directive and the Strategic Environmental Assessment Directive and respective transposing legislation.

## 6. Flood Risk Management

The Office is generally satisfied that the proposed amendments under chapter 9 (MA1), of the Land Use Zoning Map (MA2) and of the Flood Map (MA1) have resolved the matters raised in Recommendation 2 of its submission.

Although access to / from the Education and Community land use zoning objective referred to under part (ii)(a) and (iii) is of concern in terms of aligning with the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines), the Office accepts that there is a live permission on this site (reg.ref.19/518), which was subject to flood risk assessment according to the Chief Executive's Report and the updated Strategic Flood Risk Assessment.

However, in the event that this permission isn't implemented, the draft LAP as proposed to be amended does not provide guidance on the '*design of structural or non-structural flood risk management measures as prerequisites to development in specific areas, ensuring that flood hazard and risk to other locations will not be increased or, if practicable, will be reduced*' (Flood Guidelines section 4.27).

Similarly, the draft LAP does not provide sufficient guidance on the structural / non-structural mitigation measures for the Village Centre and Existing Residential within Flood Risk Zones A/B, where infill development of highly vulnerable uses can be anticipated.

The planning authority should therefore consider what minor modifications it can make in finalising the LAP to ensure that the provisions of the Flood Guidelines are fully implemented. In this regard, the planning authority should consider whether the Flood Relief Scheme for Castleconnell would constitute relevant structural measures in the context of the lands concerned.



## MA Observation 1 – Flood Risk Management

Having regard to the provisions of The *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), as amended,

the planning authority is requested to make the LAP with minor modifications that set out the requirements in terms of design of structural or non-structural flood risk management measures as prerequisites to development on:

(a) Education and Community land use zoning objective for lands within Flood Risk Zone A/B at Castle Rock, Coolbane; and

(b) Village Centre and Existing Residential within Flood Risk Zones A/B

to ensure that flood hazard on those lands and the flood risk to other locations will not be increased or, if practical, will be reduced.

The planning authority is advised to consult with the OPW, including to determine whether appropriate reference to the implementation of flood risk scheme for Castleconnell would be sufficient to address the requirement for structural measures under section 4.27 of the Flood Guidelines.

The Office welcomes chapter 9 MA4 which amends Objective IU 02 Wastewater Infrastructure b) to include nature based solutions in addressing wastewater discharges meeting the Water Framework Directive, and the reference to the Department's *Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas – Best Practice Interim Guidance Document* (2022) under MA2 of chapter 9.

### Summary

The Office's evaluation and assessment of the proposed material alterations concludes that no recommendations are warranted, and the substantive issue contained in Recommendations 1 and 2 and in Observation 1 of the OPR's



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submission on the draft LAP have been satisfactorily addressed, subject to a review of flood risk management as set out in MA Observation 1.

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, under the provisions of section 31AO(5) of the Act 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](mailto:plans@opr.ie).

Is mise le meas,

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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