



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: DP-014-23

17th April 2023

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

Re: Proposed Variation No. 1 to the Limerick Development Plan 2022 - 2028

A chara,

Thank you for your authority's work in preparing the Proposed Variation to the Limerick Development Plan 2022 - 2028 which proposes text changes to Section 7.9 Protection of Road Hierarchy (Variation No. 1) (the proposed Variation).

As your authority is aware, a key function of the Office of the Planning Regulator (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 proposed Variation under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

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 also 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.

On adoption of the proposed Variation, the Office will consider whether the Variation has been made in a manner consistent with the recommendations of the Office and whether the plan as varied sets out an overall strategy for the proper planning and development of the area concerned.

Overview

The Office acknowledges that the rationale for the proposed Variation is to clarify the wording of Policy TR P11 - Road Safety and Carrying Capacity of the Road Network and Objective TR O37 - Land Uses and Access Standards in Chapter 7 regarding access to substandard roads.

Notwithstanding, the Office is concerned that the intent of the policy changes in the proposed Variation is not sufficiently clear and it needs to be more explicit that the proposed policy changes do not affect the policy objectives for protecting the capacity of national roads in Section 7.9.1 of the Limerick Development Plan 2022 – 2028 (the Development Plan).

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed Variation. It is within the above context that the submission sets out one observation under the following themes:

1. [Clarification of policy intent](#)
2. [Sustainable Transport and Accessibility](#)

1. Clarification of policy intent

The public notice and description of the proposed Variation state that it will provide clarification regarding access to substandard roads.

This differs from the description of the Variation in Section 2.1 of the Appropriate Assessment (AA) Screening Report, which states Proposed Variation No. 1 to the Limerick Development Plan 2022 -2028, which consists of a clarification to text concerning access to substandard roads for one off rural housing development. (Emphasis added)

The Assessment of Significance of Effects in the AA Screening Report also estimates the implications for rural housing applications and states the potential scale of development associated with the proposed Variation will be limited to one off rural development which are not likely to create effects beyond the functional area of the local authority.

To address the matter, the Office advises the planning authority to make a minor amendment to the wording in Objective TR O37 part (b) to provide additional clarification regarding the intent of text clarification (see Observation 1 below).

2. Sustainable transport and accessibility

National and regional policies namely National Strategic Outcome 2 of the National Planning Framework – Project Ireland 2040 and Regional Policy Objective 140 of the Regional Spatial and Economic Strategic for the Southern Regional Assembly seek to maintain the strategic capacity and safety of the national road network.

The aforementioned policies are complimented by Policy TR P12 and Objective TR O39 of the Development Plan which seek to Safeguard the Capacity of National Roads, and limit development adjoining and accesses to the national road network respectively.

The proposed Variation proposes changes to Policy TR P11 and Objective TR O37 in Section 7.9 of the Development Plan which relate to Road Safety and Carrying Capacity of the Road Network, and Land Uses and Access Standards onto All Roads respectively.

Since the aforementioned policy and objective relate to the county's road network in general and access to all roads, the Office considers that the proposed policy changes as drafted would introduce ambiguity regarding applications for one off rural housing and the Development Plan's policies seeking to protect the capacity of national roads.

In this regard, the Office advises the planning authority to make minor amendments to the wording of what is proposed for Policy TR P11 and Objective TR O37.

Observation 1 – Development Plan policy for non-national roads

Having regard to National Strategic Outcome 2 and National Policy Objective 74 of the National Planning Framework – Project Ireland 2040, Regional Policy Objective 140 of the Regional Spatial and Economic Strategy for the Southern Regional Assembly, Policy TR P12 and Objective TR O39 of the Limerick Development Plan 2022 – 2028, the planning authority is advised to make the following amendments to the proposed variation to include the text highlighted in red:

a) Amend Policy TR P11 to read as follows:

‘Road Safety and Carrying Capacity of the **non-national** Road Network

It is a policy of the Council to safeguard the carrying capacity and safety of the **non-national** road network throughout Limerick.’

b) Amend Objective TR O37 to read as follows:

It is an objective of the Council to:

‘(a) ensure that any development involving a new access to a **non-national** public road, or the intensification of use of an existing access onto a **non-national** public road meets the appropriate design and safety standards.

(b) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development **for one off rural housing** will only be considered in exceptional circumstances. This includes applicants who have a demonstrable social need to live on the particular road, where no alternative site is available, or where the only alternative access available is onto a strategic regional road as designated in the Development Plan.

The planning authority is advised that the above wording changes are required to provide clarity regarding the intent of the proposed variation and to make it explicit that

the proposed policy changes do not affect the policy objectives for protecting the capacity of national roads in the Limerick Development Plan 2022 – 2028.

Summary

Arising from the foregoing evaluation and assessment of proposed Variation No. 1 of the Limerick Development Plan 2022-2028, the Office concludes that no recommendations are warranted under the provisions of section 31AM(3)(a) of the Act.

Notwithstanding, the planning authority is advised to address the matters raised in the above observation regarding the intent of the proposed Variation in the context of current Development Plan policies for national roads.

Your authority is required to notify this Office within 5 working days of the making of the variation and send a copy of the written statement as made, in accordance with section 31AM(6) of the Act.

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,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations