

29<sup>th</sup> May 2023

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

**Re: Draft Abbeyfeale Local Area Plan 2023-2029**

A chara,

Thank you for your authority's work on preparing the Draft Abbeyfeale Local Area Plan 2023-2029 (the draft LAP).

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 *Planning and Development Act 2000*, as amended (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.

## **Overview**

The Office commends the planning authority for its significant work in preparing a comprehensive draft LAP for Abbeyfeale. The draft LAP provides a comprehensive strategy for the future development of Abbeyfeale and is generally consistent with the provisions of the Development Plan, the *Project Ireland 2040: National Planning Framework* (NPF) and the RSES.

In particular, the Office welcomes the approach taken in the Strategic Flood Risk Assessment (SFRA), which includes a detailed stage 3 flood risk assessment to inform the land use zoning of the town, based on detailed modelling of a small watercourse not covered by the National Catchment-based Flood Risk Assessment and Management (CFRAM) programme and National Indicative Fluvial Mapping (NIFM). This accords with the provisions of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines) and is consistent with NPO 57.

In addition, the Office welcomes the identification of several regeneration opportunity sites within the LAP area. The development framework provides clear guidance on the design, layout and use of these sites, which will assist in attracting future investment and support urban regeneration in line with *Town Centre First: A Policy Approach for Irish Towns* (2022) (Town Centre First), NPO 6 and RPO 34.

The Office has identified a relatively small number of matters that require further consideration prior to the adoption of the LAP, in particular in relation to the assessment of undeveloped residential zoned lands as part of the Settlement Capacity Audit; restrictions on town centre uses under objective RL O1(e); and accessibility of the proposed cemetery site.

It is within this context the submission below sets out four (4) observations under the following themes:

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#">Consistency with Regional, Spatial and Economic Strategy</a>	-	-
<a href="#">Consistency with Development Plan and Core Strategy</a>	-	-
<a href="#">Compact Growth, Zoning and Infrastructural Services</a>	-	<a href="#">Observation 1</a>
<a href="#">Town Centre Regeneration</a>	-	<a href="#">Observation 2</a>
<a href="#">Economic Development and Employment</a>	-	-
<a href="#">Transport and Accessibility</a>	-	<a href="#">Observation 3</a>
<a href="#">Climate Action, Environment and Heritage</a>	-	-
<a href="#">Flood Risk Management</a>	-	-
<a href="#">Education, Social and Community</a>	-	<a href="#">Observation 4</a>

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

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

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

Section 19(2) of the Act requires a local area plan to be consistent with the objectives of the development plan and its core strategy. This requirement also applies under section 20(5) of the Act.

The Development Plan core strategy sets out a population projection of 2,589 by 2028, and a housing supply target for 211 homes. The Office is satisfied that the population and housing growth for the plan period (which extends to 2029) is consistent with the Development Plan.

The draft LAP core strategy identifies a need for 11.89ha of zoned land in Abbeyfeale to accommodate this level of growth, made up of a combination of 8.86ha of new residential zoned lands and 3.03ha of residential serviced sites. The Office is satisfied that the draft LAP includes a sufficient supply of zoned land to meet the housing supply target and will ensure sufficient choice for development appropriate to a town of the scale and nature of Abbeyfeale.

### **3. Compact Growth, Zoning and Infrastructural Services**

The Office is also satisfied that the proposed residential land use zonings are generally consistent with NPO 3c and RPO 35 in relation to compact growth. The location of all Existing Residential and New Residential zoned lands are within or adjacent to the existing built up footprint of the town.

Having regard to section 4.5.2 of the *Development Plans, Guidelines for Planning Authorities* (2022) (Development Plans Guidelines), the Office notes that a Settlement Capacity Audit has been prepared by the planning authority to inform the land use zoning objectives of the draft LAP, which demonstrates that a tiered approach to zoning has been applied consistent with NPO 72.

The Office welcomes the identification of Tier 1 lands in the Settlement Capacity Audit, in accordance with Appendix 3 of the NPF, which provides a good evidence-base for zoning proposals.

However, the Settlement Capacity Audit appears to have some minor errors in relation to sites affected by flood risk. Site 1 is listed as being within a flood risk area, notwithstanding that these lands do not appear to be within Flood Zone A and/or B. In contrast, Sites 2, 3, 4 and 11 are located within flood zone A and/or B but have been identified as not being impacted by flood risk. The planning authority should review the Settlement Capacity Audit and amend as necessary in this regard.

Abbeyfeale’s public water supply is served by the Abbeyfeale Water Resource Zone, for which a Water Resource Plan is currently being finalised by Uisce Éireann. Uisce Éireann has not raised any concerns with water supply.

In terms of wastewater capacity, the draft LAP notes that the wastewater treatment plant has capacity to cater for an additional 370 in population, which Uisce Éireann have identified as being insufficient to cater for the targeted population growth of 566 people over the plan period. The Office welcomes the inclusion of Objective IU 01 and Objective IU 02 relating to public water infrastructure. It is noted that several of the criteria listed under IU 01 could also apply to wastewater infrastructure such as ensuring development proposals provide adequate water infrastructure to facilitate development. The planning authority should consider updating Objective IU 02 accordingly.

The Office is satisfied that the provisions under proposed Objective IU 02, subject to minor modifications suggested, adequately manage the wastewater constraints, subject to agreement with Uisce Éireann.

#### Observation 1 – Wastewater Infrastructure

The planning authority is advised to review the relevant points, particularly (a), (b), (c), and (d) of Objective IU 01 and integrate into Objective IU 02.

#### 4. Town Centre Regeneration

The Office notes that Abbeyfeale was selected and received funding under Town Centre First. The Office welcomes the strategy for the implementation of the Town Centre First Plan (in section 4.1). In this regard it would be appropriate for Policy TCF P1 (a) to seek to support the implementation of the Town Centre First Plan, rather than (or in addition to) the Town Centre First programme.

The Office welcomes the proposals under Policy TCF P3 to address the town centre vacancy through re-use of vacant lands or buildings, funded through the Town Centre First Plan. This is further supported by the provision of a detailed development framework for seven opportunity sites. This approach is consistent with NPO 6 and RPO 34 in relation to regeneration, brownfield and infill development and with RPO 37 in relation to active land management and is considered a best practice.

However, to better assist in the implementation of the regeneration strategy, the Office advises that the proposed Regeneration Sites and Regeneration Areas (in section 4.5) be identified on the land use zoning map.

#### **Observation 2 – Regeneration Sites**

The planning authority is advised to clearly identify the boundaries of all Regeneration Sites identified in section 4.5 of the draft LAP on the land use zoning map.

### **5. Economic Development and Employment**

The Office welcomes the identification of one large employment zone to the north east of the town centre and smaller zones throughout the draft LAP area, supported by appropriate policies and objectives. In particular, Policy ED 1 and Objective ED O1, which seek to promote Abbeyfeale for economic opportunities with the Key Town of Newcastle West and potential for project partnerships to drive sustainable economic growth in the West Limerick / North Kerry area, are consistent with RPO 22.

The assessment of the proposed enterprise and employment lands in the Settlement Capacity Audit, including consideration of sustainable transport, is generally consistent with NPO 72 and RPO 151 and with the evidence-based approach required under the Development Plans Guidelines.

With regard to retail, the Office welcomes Policy RL 3 and Objective RL O1 in accordance with RPO 55 which seeks to improve the physical appearance, vitality and vibrancy of the town centre and apply a sequential approach to development.

### **6. Transport and Accessibility**

The Office welcomes the inclusion of a chapter on sustainable mobility in the draft LAP, including Policy SMT P1 to integrate land use and transport, including the delivery of a sustainable compact settlement that can be served by active modes and focuses on reducing the need to travel in accordance with RPO 151, RPO 152 and RPO 174.

Regarding Policy SMT P2, which seeks to encourage more sustainable patterns of travel within the town it would be appropriate to reference current sustainable transport policy of Government, namely the National Sustainable Mobility Policy (2022) (NSMP).

The Office also notes Objective SM 02, which seeks to encourage, promote and facilitate a modal shift to sustainable travel and support and facilitate the implementation of a multi modal public transport network in Abbeyfeale. This is consistent with RPO 91 and with the modal shift targets for level 3-6 settlements under the Development Plan. The proposed interventions to the transport network in the town, identified on the Amenity and Sustainable Transport map, will help to achieve modal shift, as will the provisions under objectives C 02 and C 03 concerning greenways.

The Office also supports Objective SM 01 in relation to the implementation of movement and accessibility measures within the town including the implementation of a Traffic Management Scheme, the progression of the N21 Abbeyfeale Road Scheme in accordance with RPO 167, and the protection of the capacity of the national and regional road network. However, it is considered that measures providing for and safeguarding the strategic function of the N21 Abbeyfeale Road Scheme should be included in the draft LAP. It is also suggested that the indicative alignment of the future road scheme should also be indicated on the draft LAP zoning map for clarity.

#### Observation 3 – N21 Road Scheme

Having regard to RPO 140 and RPO 167, the planning authority should consider including the indicative alignment of the N21 Abbeyfeale Road Scheme on the land use zoning map and including measures providing for and safeguarding the strategic function of the N21 Abbeyfeale Road Scheme in the **draft** LAP.

## 7. Climate Action, Environment and Heritage

The Office welcomes Policy CH1 and Objective CH 01 in relation to combating climate change. The draft LAP sets out a strategy for all new development to take account of the impacts of climate change and encourages the use of renewable energy to support a low carbon environment.

Table 6: LAP Climate Action Opportunities identifies a series of actions for the development of the town to support biodiversity, landscape and recreation, access and connectivity, blue infrastructure, health and well-being, tourism and the economy, having regard to the wider climate action objectives. The Office supports this approach to

achieving Government targets under the Climate Action Plan 2023, consistent with NPO 52 and NPO 54.

The Office welcomes Objective CH 06 which seeks to protect the special character of protected structures and Objective CH 07 which supports the protection of Architectural Conservation Areas in accordance with RPO 206. The Office also welcomes Objective CH 08 which seeks to safeguard sites, features and objectives of archaeological interest.

The Office notes the approach in relation to biodiversity and Blue Green Infrastructure as set out in Objective CH 02, which is consistent with RPO 124, RPO 125 and RPO 126.

The Office also welcomes Policy CH 2 in relation to the implementation of the Water Framework Directive in accordance with RPO 112 and RPO 121 and Objective IU 04 in relation to the inclusion of a riparian zone along the Glórach stream consistent with the objectives of RPO 174.

## **8. Flood Risk Management**

The Office notes the detailed SFRA prepared by the planning authority and commends the planning authority for carrying out detailed modelling of the Glórach stream, which is not encompassed by the CFRAM programme or by the NIFM mapping. This approach is consistent with the requirements for a stage 3 assessment under the Flood Guidelines and with NPO 57, and is an example of best practice.

The identification of Flood Zones A and B in the plan, within the context of the proposed land use zoning objectives, is in accordance with RPO 114, RPO 115 and RPO 116. This approach better facilitates the management of flood risk at the plan-making stage and will assist decision making on planning applications, consistent with the Flood Guidelines.

The Office also welcomes the preparation of plan-making justification tests for relevant flood risk sites.

The Office supports Objective IU 04, which sets out a strategy for the management of flood risk, and welcomes the requirement to integrate Sustainable Drainage Systems into the design of all new development under Objective IU 03, consistent with NPO 57, RPO 116, RPO 122 and RPO 218.



## 9. Education, Social and Community

The Office welcomes Objective C 01 which supports the provision of community and educational facilities in the town consistent with NPO 18a and RPO 182.

The Office notes the proposed community and education zoning to the north of the greenway, reserved for a new cemetery facility. Although a relatively peripheral location may be justified for such a facility, it is important that it is accessible by active modes having regard to RPO 151(e) which provides that land use development in smaller rural towns will optimise public transport and sustainable travel integration within settlements. In this regard, the site is not accessible by a public footpath along Railway Road, which terminates c.120m to the south. Further, no footpath is proposed in the draft LAP and the potential to provide a footpath is limited by the embankments of the former railway bridge.

It is noted that a potential cycle link is identified to the greenway from the town along Railway Road. It is unclear, however, whether it is intended or indeed feasible, to provide pedestrian and bicycle access to the proposed cemetery site from the greenway. In view of the NSMP, the planning authority should clarify in the draft LAP how the cemetery site is intended to be accessed by sustainable modes.

### Observation 4 – Education, Social and Community

Having regard to RPO 151(e) and Government's National Sustainable Mobility Policy (2022), the planning authority is requested to review the provisions of the draft LAP to ensure that the future development of the community and education zoning for a cemetery to the north of the greenway is safely accessible by pedestrians from the centre of the town prior to coming into operation.

## Summary

The Office requests that your authority addresses the recommendations and observations 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 please outline the

reasons for the decision in the chief executive's report or the minutes of your Council meeting.

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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A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end of the name.

**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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