Oifig an Rialaitheora Pleanála Office of the Planning Regulator

16th June 2023

OPR Ref: DP-002-23

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

Re: Draft Newcastle West Local Area Plan 2023-2029

A chara,

Thank you for your authority's work on preparing the draft Newcastle West 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 Newcastle West. The draft LAP provides a comprehensive strategy for the future development of Newcastle West and is generally consistent with the provisions of the Development Plan, the *Project Ireland 2040: National Planning Framework* (NPF) and the RSES.

The Office welcomes the approach taken with regard to public consultation and in particular, the engagement with young people and the trialling of a digital mapping tool with local transition year students to help identify key issues to be addressed in the LAP. This innovative consultation method is commended.

In addition, the Office welcomes the identification of several regeneration opportunity sites within the LAP area. The identification of such sites will assist in attracting future investment and will support urban regeneration in line with NPO 6 and RPO 34 and with *Town Centre First: A Policy Approach for Irish Towns* (2022).

The Office has identified a small number of issues that require further consideration prior to the adoption of the Plan. In relation to the core strategy, greater clarity is required in the LAP to align the projected housing land requirements with the core strategy, and in particular, the capacity of the town centre and opportunity sites. It is also considered that the LAP should set out clearer design parameters regarding the opportunity sites. The Office welcomes the preparation of the Local Transport Plan (LTP). However, there could be a better alignment between the LAP and LTP. The Office also considers that the Strategic Flood Risk Assessment (SFRA) requires further review with regard to the

approach taken in the preparation of the Justification Tests and the assessment of an unmapped watercourse.

It is within this context the submission below sets out one (1) recommendation and four (4) observations under the following themes:

Key theme	Recommendation	Observation
Consistency with the Regional, Spatial and Economic Strategy	-	-
Consistency with Development Plan and Core Strategy	-	Observation 1
Compact Growth, Tiered Approach to Zoning and Infrastructural Services	-	Observation 2
Town Centre Regeneration	-	Observation 3
Economic Development and Employment	-	-
Transport and Accessibility	-	Observation 4
Climate Action, Natural and Built Heritage	-	-
Flood Risk Management and Surface Water Management	Recommendation 1	-

1. Consistency with the 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 relevant 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 6,619 persons by the 2028, and a housing supply target of 706 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 33.4 ha of zoned land in Newcastle West to accommodate this level of growth. The draft LAP indicates that there is 43.8 ha of zoned land comprising 7.3 ha of land zoned as 'Serviced Sites' and 36.5 ha zoned 'New Residential'.

Whilst the extent of zoned residential land is in excess of the requirement, the Office is satisfied that all of the lands proposed to be zoned 'New Residential' and 'Serviced Sites' are well located, contiguous to the existing built up footprint and within the CSO settlement boundary. In this regard, it is considered that the proposed residential land use zonings are generally consistent with NPO 3c and RPO 35 in relation to compact growth. It is also noted that an LTP was undertaken to inform the zoning provisions of the draft LAP and that a suite of active travel measures and other sustainable transport objectives are proposed to enhance connectivity between the proposed residential areas and the town centre.

It is acknowledged that the planning authority had a significant legacy issue to address given that there was in excess of 104 ha of land zoned for 'New Residential' use under the Newcastle West LAP 2014-2020. The approach of the planning authority to proactively address this issue is welcomed.

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 key town of the scale and nature of Newcastle West.

However, it is noted that the core strategy table in the draft LAP, in determining the land required to meet the anticipated growth, does not currently provide an estimate of potential housing unit yield that could be achieved over the plan period on lands zoned town centre and mixed use and, in particular, on the identified town centre opportunity sites.

Further clarity should be provided in the LAP regarding the capacity of undeveloped zoned lands in the town centre/opportunity sites to contribute to future housing targets through infill development. This would enable better monitoring of housing delivery over the plan period and align with the broader principles of the LAP to consolidate development and ensure that at least 30% of all new housing development is delivered within existing built up areas in accordance with objective DSO1 of the draft LAP.

In this context, in order to provide greater transparency, the draft LAP should include a table estimating the quantum of housing that could be delivered on lands zoned 'Town Centre' and 'Opportunity Sites' and the quantum to be delivered on lands zoned New Residential and residential serviced sites.

Observation 1 – Core Strategy and Compact Growth

Having regard to:

- the provisions under section 19(2) of the *Planning and Development Act 2000*, as amended;
- targets for compact growth under NPO 3a, NPO3c and RPO 35;
- NPO 6 and NPO 11 regeneration; and
- the Government's Town Centre First Strategy,

it is recommended that the planning authority provide a clear core strategy table which sets out the area and quantum of housing to be delivered on lands zoned 'Town Centre' (including identified opportunity development sites), 'New Residential' and 'Residential Serviced Sites'. Appropriate densities should be applied to demonstrate anticipated yield.

3. Compact Growth, Tiered Approach to Zoning and Infrastructural Services

In accordance with NPO 72 and *Development Plans, Guidelines for Planning Authorities* (2022) (section 4.5.2), a Settlement Capacity Audit has been prepared to inform the land use zonings and provides a good evidence-base for zoning proposals.

The draft LAP identifies certain infrastructural deficits in the town. With regard to water supply, there are capacity constraints. These are however, being addressed through a series of interim measures. In terms of wastewater, there is capacity to cater for a portion but not all of the projected population growth anticipated over the LAP period. An upgrade of the Newcastle West Waste Water Treatment Plant (WWTP) is included in the 2020-2024 Investment Plan and is at concept design stage. The project will provide sufficient spare capacity to cater for the targeted growth. It is anticipated that the project will be completed after 2025 but within the lifetime of the Development Plan (2022-2028).

The Office welcomes the inclusion of Objective IUO1 and Objective IUO2 relating to water supply infrastructure and wastewater infrastructure. It is noted that several of the criteria listed under objective IUO1 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 IUO2 accordingly.

The Office is satisfied that the provisions under proposed Objective IUO2, subject to minor modifications suggested, adequately manage the wastewater constraints, subject to agreement with Uisce Éireann.

Observation 2 – Wastewater Infrastructure

The planning authority is advised to review the relevant points, particularly (a), (b), (c), and (d) of Objective IUO1 and integrate into Objective IUO2.

4. Town Centre Regeneration

The Office welcomes the strong town centre first policy approach and vision set out in the draft LAP. The draft LAP includes proactive policies to address vacancy through active land management measures including those detailed under Policy TCFP3. This is further supported by the identification of nine opportunity areas, with the objective of encouraging the restoration, consolidation and improvement of these lands. 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.

The identification of key opportunity areas and the specific design brief for the Square (Opportunity Area 9) in the draft LAP is welcomed. In order to ensure the prioritisation of the town centre for regeneration, to harness potential funding opportunities including Town Centre First funds, and to promote quality design and healthy placemaking, the planning authority should also set out clearer urban design briefs for the key opportunity development areas, particularly areas 1, 2, 5, 6 and 7. It is recommended that the planning authority provide clearer guidance and a more developed site brief on the applicable urban design standards, particularly for the key flagship sites regarding layout, density, massing, height, materials, etc. in accordance with section 5.7 of the *Local Area Plans, Guidelines for Planning Authorities* (2013).

Observation 3 – Town Centre Regeneration

Having regard to:

- NPO 6 Regeneration;
- RPO 31 Sustainable Place Framework;
- section 5.7 of Local Area Plans, Guidelines for Planning Authorities (2013); and
- Town Centre First, A Policy Approach for Irish Towns (2022),

the planning authority is advised to review and revise the development framework for the key opportunity areas (particularly areas 1, 2, 5, 6 and 7) to provide clearer parameters for their future development including guidance regarding layout, massing, materials, permeability, integrated and area based provision of Sustainable Urban Drainage Systems (SuDs) and nature based solutions etc.

5. Economic Development and Employment

The Office considers the economic development strategy set out in the draft LAP to be broadly consistent with the objectives of the RSES. In particular, Policy EDP1 and Objective EDO1, which seek to promote Newcastle West for economic opportunities and develop potential for project partnerships across county boundaries to drive the sustainable economic growth in the West Limerick/North Kerry region, 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 RLP1 and Objective RLO1 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 SMTP1 to integrate land use and transport, including the delivery of a

sustainable compact settlement which 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 SMTP2, 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).

The Office also notes Objective SMTO2, which seeks to encourage and facilitate a modal shift to sustainable travel and support and facilitate the implementation of a multi modal public transport network in Newcastle West and its hinterland. This is consistent with RPO 91 and with the modal shift targets 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.

The Office welcomes Objective SMTO1 in relation to the implementation of the LTP for Newcastle West and all actions and recommendations contained within. The preparation of the LTP as required by RPO 11 has the potential to deliver an integrated approach to land use planning for Newcastle West, and in tandem with compact growth, help achieve a shift from private car transport to active sustainable modes and to public transport.

It is noted however, that while a general objective supporting the LTP has been included in the draft LAP, specific objectives are not provided. It is considered that there needs to be better integration and synergy between the LAP and the LTP and a clearer policy approach that provides more explicit support to the proposed interventions. There should be clear policies to ensure compliance with the active travel interventions proposed under each of the proposals detailed under section 4.1, 4.2, 4.3, 4.4 & 4.5 of the LTP. This would give greater weight and statutory effect to the proposals of the LTP. The LAP should also provide clear mapping of the interventions required to support the delivery of the LTP.

The Office supports Objective SMTO4 in relation to National and Regional Roads. However, it is suggested that the indicative alignment of the future N21 Newcastle West Road Scheme be indicated on the draft LAP zoning map for clarity.

Observation 4 – Transport and Mobility

Having regard to:

- RPO 140 and RPO 167;
- NPO 27, NPO 54 and NPO 64; and
- TR P8 of the Limerick Development Plan 2022-2028,
 - (i) the planning authority is requested to review Chapter 7 Sustainable Mobility and Transport to provide clearer policies and objectives regarding the delivery and phasing of the key infrastructural requirements of the LTP, particularly those interventions and measures required to enhance pedestrian and cycling infrastructure in the town. In particular, a clear map should be provided of the key active travel schemes to be delivered over the life of the LAP; and
 - (ii) the planning authority should consider including the indicative alignment of the N21 Newcastle West Road Scheme on the land use zoning map.

7. Climate Action, Natural and Built Heritage

The Office welcomes the inclusion of a chapter dedicated to climate action, and the range of policies to combat climate change and to encourage the use of renewable energy, and district heating to support a low carbon environment, as well as the clear objectives regarding green and blue infrastructure and use of nature based solutions. Table 8.1 sets out a range of blue and green infrastructure enhancement/opportunities, and the Office supports this approach.

The Office supports the considerations regarding climate mitigation and adaption that are integrated in the draft LAP and considers the approach aligns with the achievement of Government targets as set out in the Climate Action Plan 2023 and NPO 52 and NPO 54. The Office also notes the proactive policies set out in the draft LAP regarding the protection of archaeological and built heritage features and the clear mapping provided in this regard.

8. Flood Risk Management and Surface Water Management

The Office welcomes the detailed SFRA prepared by the planning authority. The identification of Flood Zones A and B in the draft LAP, 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 Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines).

The Office also supports Objective IUO3, which sets out a requirement to integrate SuDS into the design of all new development, consistent with NPO 57, RPO 116, RPO 122 and RPO 218.

The Office notes that the SFRA associated with the draft LAP indicates an unmapped watercourse in the settlement (section 4.3 refers). However, there is no assessment to indicate whether there is any potential flood risk associated with it. The Office considers that a suitable level of flood risk assessment should be carried out in accordance with the Flood Guidelines regarding this watercourse.

The Office notes that the OPW has raised concerns regarding the approach taken in the Justification Tests. Noting such concerns and the requirement of 2(iii) of Box 4.1 of Flood Guidelines, the Office also considers that some of the sites that have benefited from the application of the Justification Test are not located within or adjoining the core of the settlement and therefore are not essentially consistent with the Flood Guidelines. It is therefore recommended that the SFRA and the draft LAP is reviewed having regard to this issue to ensure broad consistency.

The Office notes that the OPW has identified in its submission a number of inconsistencies in the SFRA, including incorrect referencing. The SFRA should be updated in this regard to address these inconsistencies.

Recommendation 1 – Flood Risk Management

Having regard to:

- RPO 114 and RPO 116;
- NPO 57 flood risk management; and
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) as amended by Circular PL 2/2014,

the planning authority is required to:

- (i) review the Strategic Flood Risk Assessment for the draft LAP to include a flood risk assessment of the unmapped watercourse identified in section 4.3, to ensure that any flood risk associated with this watercourse is assessed in accordance with the application of the sequential approach and the Justification Test where appropriate, and having regard to potential climate change effects and potential impact on adjoining vulnerable uses;
- (ii) review the methodology and approach to the Justification Tests included in the SFRA to ensure that all sites fully comply with the criteria set out in box 4.1 of the aforementioned guidelines. The Justification Tests should only apply to land use zonings within or adjoining the urban centre. Zonings should only be assessed against the criteria of the Plan Making Justification Test when avoidance and substitution have not been possible. The planning authority may need to consider additional policies as part of the draft LAP in this regard; and
- (iii) review and update Justification Tests, particularly with regard to sites A.3.2, A.4.1 and A.3.3.

The planning authority should consult with the Office of Public Works regarding this recommendation.

Summary

The Office requests that your authority addresses the Recommendation 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 observations and the manner in which they will be addressed.

Where your authority decides not to comply with the recommendation of the Office made regarding the draft LAP, please outline the reasons for the decision in the Chief Executive's Report.

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.

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Will Casse

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Planning Regulator