

21st August 2023

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

Re: Material Alterations to the Draft Abbeyfeale 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 draft Abbeyfeale Local Area Plan 2023-2029 (the LAP).

As your authority is aware, a core functions 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 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.



The Office's evaluation and assessment of the proposed material alterations has regard to the Limerick Development Plan 2022-2028 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly (SRA), and relevant section 28 guidelines.

As outlined in the Office's submission to the draft LAP, the Office considered the draft LAP to be generally consistent with policies in the *Project Ireland 2040:*National Planning Framework (NPF), the RSES for the SRA area and the Development Plan.

The Office did not consider it necessary to make any recommendations on the draft LAP, but made observations on four matters where further consideration was advised.

The Office acknowledges the work undertaken by the planning authority in responding to the issues raised by the Office in its submission to the draft LAP and in preparing the proposed material alterations.

In particular, the Office welcomes the inclusion of Objective C 02 (d) to explore the feasibility of a connection between the town park and the greenway (MA 4) in response to Observation 4. The inclusion of this policy supports the provision of sustainable transport infrastructure in accordance with RPO 151, RPO 152 and RPO 174.

The Office also welcomes the proposed material amendments to support the progression of the N21 Road Scheme (MA 6) in response to Observation 3 of the Office's submission to the draft LAP in line with the Development Plan Objective TR 031, and in partnership with TII.

The inclusion of material amendments in respect of water infrastructure are supported, particularly MA 10 in response to Observation 1 of the Office's submission to the draft LAP. The Office also acknowledges the identification of regeneration opportunities on the Opportunity Sites Map to address Observation 2 of the Office's submission to the draft LAP.



While the Office generally welcomes the proposed material alterations to the draft LAP, the Office has concerns over a proposed amendment to the land use zonings. The rezoning of New Residential lands to Enterprise and Employment results in a reduction of residential zoned land provision, inconsistent with the Development Plan core strategy and contrary to sections 19(2) and 20(5) of the Act.

It is within this context the submission below sets out one (1) recommendation (MA Recommendation 1) in relation to land use zoning and consistency with the Development Plan core strategy.

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.

1. Consistency with development plan core strategy, compact growth and residential zoning

The Office has concerns with regard to the rezoning proposal on lands to the south east of the town identified as Site 2 on the Zoning Changes Map. The re-zoning from New Residential to Enterprise and Employment reduces the quantum of New



Residential zoned lands, resulting in a deficit in the LAP area, contrary to the targets set out in the Development Plan core strategy.

The core strategy targets have been defined under the Development Plan to ensure an adequate supply of residential zoned lands are provided to meet future housing demands over the lifetime of the LAP. Failure to provide sufficient residential zoned land in this regard is contrary with sections 19(2) and 20(5) of the Act, which require a local area plan to be consistent with the objectives of the development plan and its core strategy.

Furthermore, this material amendment to rezone highly accessible, serviced lands has the potential to undermine the policies and objectives of the LAP and the Development Plan CGP P1 to promote compact growth and urban regeneration consistent with RPO 35 and in support of NPO3c.

The Office is satisfied that by making the final LAP, without the proposed material amendment to the land use zoning objective at Site 2, the planning authority will ensure that the LAP is consistent with the Development Plan core strategy and will provide a sufficient supply of zoned land in locations that provide for a sustainable pattern of development and that are well served by physical and social infrastructure.

MA Recommendation 1 - Consistency with the Development Plan Core Strategy

Having regard to:

- the core strategy of Limerick county Development Plan 2022-2028;
- section 19(2) and 20(5) of the Planning and Development Act 2000 (as amended); and
- RPO 35 and NPO 3 for compact growth,

the planning authority is required to make the LAP without the proposed material amendments to rezone lands from 'New Residential' to 'Enterprise and Employment' (Site 2).



Summary

The Office requests that your authority addresses the recommendation 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 this recommendation and the manner in which it will be addressed.

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 recommendation of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendation 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.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations