

16th October 2023

Forward Planning,

Planning, Environment and Place – Making Directorate,

Limerick City and County Council,

Merchants Quay,

Limerick.

Re: Draft Patrickswell Local Area Plan 2024-2030

OPR Ref: DP-004-23

A chara,

Thank you for your authority's work on preparing the Draft Patrickswell Local Area Plan 2024-2030 (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 Regional Assembly (SRA), and relevant section 28 guidelines. This submission makes no recommendations and five (5) observations.

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 welcomes the preparation of a draft LAP for Patrickswell, which is consistent with objective CGR O16 of the Development Plan.

The Office commends the planning authority for the inclusion of a detailed and clear settlement capacity audit and infrastructure assessment. This provides an appropriate evidence-base for individual land use zoning objectives. It is noted that cost estimates are not provided with this assessment, however, it appears that the outstanding infrastructure will be provided by developers and as such it does not appear that the planning authority or any statutory undertaker will be required to undertake significant infrastructural works to accommodate the development of the identified sites.

The total area of land proposed to be zoned New Residential under the draft LAP exceeds that required to meet the core strategy under the Development Plan. The Office does accept, however, that the lands are well-located, serviced, and that there is extant planning permission or live planning applications for development on much of these lands.

Given the sufficient supply of appropriately located zoned land to meet the housing targets set out in the Development Plan, the Office cautions against additional land use zoning proposals for residential development through material alterations.

The Office also welcomes the provision of employment zoned lands and the identified requirement to ensure that these sites are appropriately serviced. This appropriate scale of this employment zoning, coupled with objectives SMT O5 and O6 will safeguard the N/M20 corridor. The Office welcomes the approach to the zoning of employment land and is satisfied that there is a sufficient quantum of land zoned in the draft LAP. Further



to this, the Office also welcomes the commitment in the draft LAP that any new retail development will comply with the provisions of the Retail Strategy for Limerick – Shannon Metropolitan Area and County Limerick 2022-2028. This coupled with objective TCF O3 and section 4.4 of the draft LAP should ensure that appropriate retail development occurs in Patrickswell.

The Office also welcomes the visual cross-referencing of enhancement opportunities with climate action opportunities in Table 8 of the draft LAP, which provides a coherence and focus to the climate strategy under the draft LAP. This coupled with the identification of opportunity sites (Figure 4.3), with development principles and parameters for these sites outlined as part of Table 4.1, is also welcomed.

The Office supports the approach to the Strategic Flood Risk Assessment (SFRA) which was prepared using a detailed hydrological study for the Barnakyle River to define the areas at risk of flooding.

Further to this, the approach taken to blue/green infrastructure as addressed in section 8.2 and objective CH O6 of the draft LAP are particularly welcome. This approach combined with the commitment to provide the greenways as part of objective SMT O2 is consistent with the approach of the Development Plan as outlined in objective ECON O48. This was highlighted in the OPR submission on the pre-draft stage of the draft LAP and the local authority is commended for this approach.

It is within this context the submission below sets out no recommendations and five (5) observations under the following five (5) themes:

Key theme	Recommendation	Observation
Consistency with Development Plan Core Strategy, Residential Zoning and Compact Growth	-	Observation 1
Transport and Accessibility	-	Observation 2 and
		Observation 3
Climate Change Mitigation and Adaptation	-	Observation 4
Environment, Heritage and Amenity	-	-
Monitoring and Implementation	-	Observation 5



# 1. Consistency with Development Plan Core Strategy, Residential Zoning and Compact Growth

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 Office is satisfied that the housing growth target of 108 units under the draft LAP is consistent with the core strategy of the Development Plan, having regard to the period of the draft LAP from 2024-2030, compared to the Development Plan period 2022-2028. The Office also accepts the planning authority's calculation that 6.12 ha New Residential zoning, inclusive of 1.22 ha additional provision, is required to accommodate projected growth. However, the draft LAP proposes 13.926 ha New Residential zoning, which is more than double that required, including the discretionary application of additional provision of up to 25%.

The core strategy indicates that under the existing extended Patrickswell Local Area Plan 2015-2021, the current New Residential zoning is 38.38 ha, greatly exceeding the core strategy housing allocation. The Office notes that the majority of the proposed New Residential zonings have the benefit of extant permission and that these lands are favourably located in terms of compact growth and sequential zoning. Furthermore, those lands without the benefit of extant permission are also favourably located. Therefore, in this context, the Office considers the draft LAP to provide a reasonable approach to ensure a sufficient supply of zoned land.

It is noted that Patrickswell is located within the boundary of the Limerick-Shannon Metropolitan Area Strategic Plan (MASP). In this regard it is acknowledged that the minimum density identified in objective DS O3 is 22 units per hectare. The Office considers that densities in excess of the minimum density would support the achievement of compact growth, sustainable settlement strategies and reduce the need to travel and promote modal shift from the use of the private car in line with policy objectives CS P2 and CS P6 of the Development Plan.

While this density is considered low for a settlement in the MASP area, it is noted that the objective encourages a range of densities in accordance with the *Guidelines for Planning* 



Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages (2009) (Residential Development Guidelines). As such, it is considered that the objective provides an appropriate policy context for the settlement and it is expected that the sites will be appropriately developed in line with the abovementioned Residential Development Guidelines or any subsequent replacement documents.

Finally, with regard to residential zoning, it is noted that there are lands for Existing Residential purposes at a peripheral location to the north-east of the settlement along the R526. These existing residential zoned lands are on the opposite side of the R526 to site 14 of the Settlement Capacity Assessment. The Office is concerned that the designation of these sites as Existing Residential is inconsistent with the agricultural use that may be present on some of the sites. The Office is also concerned that the zoning of these lands as Existing Residential could lead to the development of a significant number of houses in this relatively peripheral location which would be contrary to NPO 3, RPO 10 as well as CGR O1 of the Development Plan which seeks to prevent urban sprawl. As such the planning authority will be requested to review the approach to zoning at these locations and rationalise the extent of the zoning at this location.

# **Observation 1 – Existing Residential Zoning**

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, as well as the core strategy of the Limerick Development Plan 2022-2028 and the otherwise sufficient supply of land zoned for residential use, the planning authority is requested to:

(i) review the extent of land zoned Existing Residential along the R526 opposite Site 14 of the Settlement Capacity Audit. The planning authority should consider if these lands are appropriately zoned and if the land is primarily used for residential or agricultural purposes.

# 2. Transport and Accessibility

Patrickswell is part of the MASP area and has been considered as part of the Limerick Shannon Metropolitan Area Transport Strategy 2040 (LSMATS) prepared by the National



Transport Authority in collaboration with Limerick City and County Council, Clare County Council, Transport Infrastructure Ireland and Irish Rail. While the LSMATS has been referred to in the draft LAP, it is considered that the contents of the LSMATS could be better integrated into the draft LAP.

In particular, the draft LAP could take the opportunity to include positive objectives and ambition for the town in respect of the potential future rail service in view of measure RL3 of LSMATS, Goals 3 and 4 of the *National Sustainable Mobility Policy* (2022), and the All-Island Strategic Rail Review which was recently out to public consultation for Strategic Environmental Assessment (SEA) and environmental assessments.

The Office welcomes the inclusion of objective SMT O5 and SMT O6 which safeguard the N/M20 Cork to Limerick Project study area and corridor as well as protecting the capacity of the regional road network from inappropriate development. These objectives are further supported by objectives ED O1 and ED O2. Objectives such as these ensure that inappropriate development will not affect the delivery of the N/M20 and that the capacity of the road will also be protected. This approach is consistent with section 2.9 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and will prevent the development of projects that would impact on the delivery and/or function of a national/regional road.

The N/M20 Cork to Limerick Project is not, however, indicated on the maps provided. As such it is considered that the planning authority could review this approach and engage with Transport Infrastructure Ireland (TII) to provide a solution on this matter. The submission from TII also seeks additional wording included in objective SMT O6 so as to clarify that the objective relates to national roads as well. Given that this scheme is a National Development Plan (NDP) investment commitment giving effect to *National Planning Framework* NSO 2 and is referenced in the SRA RSES (RPO 167) it would be appropriate for this matter to be addressed by the planning authority.



#### Observation 2 – NDP N/M20 Cork to Limerick Project

Having regard to the provisions of the Limerick Development Plan 2022-2028, particularly objective TR O29, the planning authority is requested to:

- (i) amend objective SMT O6 (b) as follows:
  - 'Protect the capacity of the national and regional road network from inappropriate development, having regard to all relevant Government guidance, Objective TR O39 National Roads and Objective TR O41 Strategic Regional Roads of the Limerick Development Plan 2022-2028 and ensure development does not compromise the performance of the network or future improvements to the network. Road Safety Audits and Traffic Impact Assessments will be required to demonstrate implications of development proposals on the national and regional road network'.
- (ii) include the N/M20 Cork to Limerick Project on relevant LAP mapping, such as the land use zoning map.

Section 5.5 and section 7.3 of the draft LAP addresses walking and cycling. These sections on the draft LAP highlight that the car is the primary form of transport in Patrickswell. This is indicated through the 2016 Census results that indicated that 68% of the working population travel outside of the settlement for work purposes, travel by car. Having reviewed map 3, Amenity and Sustainable Transport Map, it is noted that there are existing and proposed pedestrian/cycle links. There are, however, concerns with some of these. It is noted that the majority of the existing links are simply local roads with no segregated cycle paths or other similar infrastructures. Furthermore, there are sections of the existing routes that have no footpaths. It is, therefore, unclear as to exactly what type of infrastructure exists in the town and what will be provided as part of the proposed links. There is also the opportunity to outline how this will interact with the village renewal scheme for Patrickswell. The planning authority is requested to address this as part of an observation.



# Observation 3 - Walking/Cycling infrastructure

Having regard to the provisions of the Limerick Development Plan 2022-2028, particularly objective TR O8, the planning authority is requested to review the draft LAP and provide clearer policies and objectives regarding the delivery and phasing of the key infrastructural requirements, particularly those interventions and measures required to enhance pedestrian and cycling infrastructure in the town. The associated map should identify existing walking/cycling infrastructure, routes that require improved infrastructure as well as locations where new walking/cycling infrastructure is to be provided.

# 3. Climate Change Mitigation and Adaptation

#### 3.1 Climate Change

The Office welcomes that considerations regarding climate mitigation and adaption are integrated in the draft LAP specifically through section 8.1 of the draft LAP. The inclusion of policy CH P1 to protect and enhance environmental quality as well as the implementation of climate action measures through the planning process to address climate change is welcomed.

The Office also welcomes objective CH O1 which will ensure climate-proofing measures are incorporated into the design, planning and construction of all developments. These measures are important in terms of the objective to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, having regard to NPO 54.

# 3.2 Flood Risk Management

The Office welcomes the preparation of an SFRA to inform the draft LAP. The SFRA identifies lands within Flood Zone A and Flood Zone B in the draft LAP. As noted above, the planning authority is particularly commended for preparing the SFRA where no information was available in relation to Catchment Flood Risk Assessment and Management and National Indicative Fluvial Mapping. In this case it is noted that a detailed hydrological study for the Barnakyle River was carried out and has been used to define the areas at risk of flooding.



The Office welcomes the inclusion of Flood Risk Assessment areas on the Flood Map in the schedule of maps. It is noted that the flood risk is shown with the zonings as well to give a clear indication of the zonings that are subject to flood risk.

It is noted that there a few matters that the Office of Public Works (OPW) have highlighted in their submission in relation to arterial drainage schemes and defended areas. These matters should be addressed in consultation with the OPW and the SFRA updated appropriately.

In this regard, it is considered that a register of flood risk infrastructure could be included in the draft LAP to clarify if there are any areas that need further attention in the SFRA. The Office advises that the planning authority engage with the OPW on such matters and adequately responds to their submission on this draft LAP.

#### 3.3 SuDS and Nature Based Solutions

The Office welcomes the approach in the SFRA in respect of Sustainable Urban Drainage Systems (SuDS) as outlined in section 9.3 of the draft Plan. However, the Office considers there is an opportunity to strengthen the draft LAP in relation to implementing section 9.3 of the SRFA. While the Office welcomes SuDS overall, it is considered that there is scope to provide a more detailed framework in relation to delivering SuDS and Nature Based Solutions on the four Opportunity Sites identified in objective TCF O4 of the draft LAP. In this regard, integrated SuDs and Nature Based Solution measures could be considered on large sites, such as the opportunity sites and could form part of masterplans e.g. such as any future masterplan for opportunity site no.

#### **Observation 4 – SuDS and Nature Based Solutions**

The planning authority is requested to include a robust framework and guidance in relation to the identification and use of SuDS and nature based solutions in the four Opportunity Sites identified in section 4.5 and objective TCF O4 of the draft LAP.

#### 4. Environment, Heritage and Amenity

The Office is not a competent authority for the purposes of Appropriate Assessment (AA). However, it is required to consider the consistency of the draft LAP with section 28



guidelines, including *Strategic Environmental Assessment: Guidelines for Regional Assemblies and Planning Authorities* (2021). These set out recommendations on the carrying out of SEA of plans.

In this regard, an SEA screening assessment has been undertaken based on the findings that the draft LAP does not require full SEA. The Office also notes that the AA screening report found that the draft LAP will not result in any significant effects on designated European sites, alone or in combination with other plans or projects.

#### 5. Monitoring and Implementation

Having reviewed the draft LAP, the Office notes and welcomes section 11.1, 11.2 and Table 4.2 which provides a timeline for actions/interventions. There is, however, no implementation and monitoring policy objective included in the draft LAP. Section 6.5 of the *Local Area Plans Guidelines for Planning Authorities* (2013) states that planning authorities are encouraged to periodically review the success or otherwise of the implementation of the policies and objectives of a local area plan by effective monitoring systems. Furthermore, the review of the development plan as required by section 15 of the Act, will provide an opportunity to review the policy objectives of the draft LAP, particularly where policy objectives overlap between the development plan and the adopted LAP.

# **Observation 5 – Monitoring and Implementation**

Having regard to the duty and function of the planning authority under section 15(1) and 15(2) of the *Planning and Development Act 2000*, as amended, as well as section 6.5 of *Local Area Plans Guidelines for Planning Authorities* (2013), the planning authority is requested to provide a monitoring and implementation policy objective for the draft LAP.

# Summary

Arising from the foregoing evaluation and assessment of the draft Patrickswell Local Area Plan 2024-2030, the Office requests that your authority addresses the 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, made in the draft LAP and report, 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.

Is mise le meas,

**Anne Marie O'Connor** 

Deputy Regulator and Director of Plans Evaluations