

OPR Ref: MA-002-23

23rd October 2023

Forward Planning,
Planning, Environment and Place-Making Directorate,
Limerick City and County Council,
Merchants Quay,
Limerick,
V94 EH90.

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

As your authority is aware, a core function 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 current Limerick Development Plan 2022-2028 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Southern Region and relevant section 28 guidelines.



Overview

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 National Planning Framework (NPF) and the RSES. However, the Office found it necessary to recommend changes to ensure alignment with national and regional policies and with associated section 28 guidelines concerning the core strategy, regeneration of opportunity sites, transport and flood risk management.

The Office acknowledges the work undertaken by the planning authority in responding to the issues raised by the Office in its recommendation and observations and in preparing the proposed Material Alterations. In particular, the Office welcomes the inclusion of a core strategy table proposed under Material Alteration 4 which provides greater clarity. Furthermore, the Office welcomes the changes proposed under Material Alterations 9 and 10 which will ensure more explicit support for the proposed interventions set out in the Local Transport Plan (LTP) and will also provide clear mapping of the measures required to support the delivery of the LTP.

The Office also notes the proposed Material Alterations to the Strategic Flood Risk Assessment (SFRA) which will address the issues raised under Recommendation 1. However, it is considered that the proposed Material Alterations to the policy objectives in section 6.1 of the SFRA, which remove necessary protections against flooding, should be omitted.

The Office was generally satisfied with the approach in relation to residential development in the draft LAP, and while the extent of land zoned was in excess of that required under the core strategy allocation, the Office was satisfied that the lands proposed to be zoned New Residential and Serviced Sites were well located, contiguous to the existing built up footprint, and within the CSO settlement boundary. It is noted however, that the Material Alterations propose the zoning of an additional extensive land parcel to the south of the town (lands at Rathnaneane between Arra View and the Paddocks) from Agriculture to New Residential.



The Office recommends, therefore, that your authority makes the LAP without this Material Alteration as it undermines the very positive policies, objectives and strategies in the draft LAP, which promote compact and proportionate growth, sustainable mobility and the transition to a low carbon and climate resilient society.

The Material Alterations also propose to include the Newcastle West southern distributor road. The Office considers that to include the road would be inconsistent with RPO 35 and NPO 3c (compact growth). It would also be contrary to: Goal 5 of the *National Sustainable Mobility Policy* (2022) (NSMP); the targets for modal shift under the NSMP and the *Climate Action Plan 2023* (Climate Action Plan); and the greenhouse gas (GHG) emissions reduction targets under the *Climate Action and Low Carbon Development (Amendment) Act 2021*. The Office also notes the proposal to restrict the indicative link road from Woodfield Green to Knockane to active travel measures only. It is considered that this alteration would undermine the strategic objectives of the LTP.

It is within this context the submission below sets out two (2) recommendations and two (2) observations under the following four [4] themes:

Key Theme	Recommendation	Observation
Core Strategy and Land Use	MA Recommendation	-
Zoning for Residential Use	1	
Sustainable Transport and Mobility	MA Recommendation 2	MA Observation 1
Flood Risk Management and	-	MA Observation 2
Surface Water Management		
Other Matters	-	-

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. Core Strategy and Land Use Zoning for Residential Use

The core strategy set out in the Development Plan identifies a requirement for an additional 706 housing units over the plan period in Newcastle West. The extent of zoned land required to accommodate this growth is 30.26 ha.

The draft LAP provided for over 43 ha of land zoned New Residential and Serviced Sites as well as a number of opportunity sites and town centre/infill lands with the capacity to accommodate residential development. The general approach adopted in the draft LAP regarding residential zoning and compliance with the core strategy was considered acceptable.

The proposed Material Alterations include an additional significant parcel of land zoned New Residential to the south of the town referred to as lands at Rathnaneane between Arra View and the Paddocks. The cumulative total, therefore, provides for over 54 ha of New Residential zoned land and over 5 ha of Serviced Sites, far in excess of that required under the core strategy. Having regard to the densities set out in the draft LAP of 35 units per ha for lands zoned New Residential and 10 units per ha for Serviced Sites, the extent of land zoned could accommodate 1,949 units. This is in addition to the lands zoned for town centre, mixed use etc. This is significantly in excess of the projected requirement of 826 units. While it is acknowledged that the Material Alterations propose the down zoning of two sites at



Knockane (1.9 ha) and Rathnaneane (4.3 ha), this does not justify the extent of additional land zoned.

The Office acknowledges that in providing housing sites for development within settlements it may be necessary to zone more serviced land and sites for residential (or a mixture of residential and other uses) than would equate to meeting precisely the projected housing demand for that settlement. However, the extent of land required to accommodate housing needs was fully catered for under the draft LAP, and the extent of additional zoned land bears no reasonable relationship to the level of growth set out in the Development Plan. This additional zoning is not, therefore, consistent with the core strategy of the Development Plan.

It is noted that the chief executive was not supportive of the proposed Material Alteration on the basis that it would not promote compact growth, the sequential approach or sustainable travel options and would be contrary to the core strategy set out in the Development Plan.

It is also noted that the Strategic Environmental Assessment (SEA) Report raised significant concerns that the proposed Material Alteration would conflict with the principles of sustainable compact growth and sustainable mobility and would have a number of residual adverse effects.

It is considered that the proposed rezoning at Rathnaneane (between Arra View and the Paddocks) would not contribute to the achievement of compact growth and would be inconsistent with NPO 3c and RPO 35. The lands proposed to be zoned are largely located outside of the CSO settlement boundary.

Furthermore, the zoning objective is contrary to Policy DSP1 of the draft LAP, which aims to ensure compliance with the population projections of the core strategy. It would also be contrary to a range of provisions set out in the Development Plan adopted by your authority last year, including:

 Policy CSP1 to implement the core strategy and to ensure consistency with policies at a national and regional level, in particular population targets;



- Policy CSP2 to support compact growth and to ensure that development proceeds sustainably and at an appropriate scale, density and sequence, in line with the core strategy;
- Policy CSP4 to review local area plans to ensure consistency with the core strategy;
- Policy CSP7 and CSP8 to ensure that the settlement strategy and hierarchy
 accords with the core strategy and to require future residential development to
 locate at and be of a scale appropriate to, the settlement and growth levels
 identified in the core strategy; and
- Objective CGRO12 to ensure alignment of the LAP with the Development Plan.

The Office does not consider that any robust planning rationale has been provided to underpin the proposed zoning Material Alteration and there is no evidence-based justification for the overall quantity of the proposed New Residential land use zoning. It is considered that this additional zoning has the potential to have significant adverse environmental impacts and will undermine national and regional objectives to promote compact and proportionate growth, sustainable mobility and the transition to a low carbon and climate resilient society.

The lands are not required to enable Newcastle West to achieve its housing target at an appropriate residential density consistent with the NPF and RSES and having regard to Ministerial guidelines set out under section 28. There are sufficient serviced lands zoned which are more suitably located to provide for consolidated plan-led growth in Newcastle West in accordance with national and regional policy objectives.

Furthermore, the strategic objectives of the draft LAP regarding the regeneration and consolidation of the town centre are consistent with the objectives of the Development Plan and with the strategy of Government. However, the proposed Material Alteration undermines these strategic objectives and accordingly, the LAP should be made without this Material Alteration.



MA Recommendation 1 – Sustainable Residential Development

Having regard to the provision of new homes at locations that can support compact and sustainable development, and in particular to:

- the sufficient supply of land zoned for residential use commensurate with the core strategy of the Limerick Development Plan 2022-2028;
- the policies and objectives of the Limerick Development Plan 2022-2028 including Policy CSP1 to implement the core strategy to ensure consistency with policies at a national and regional level, in particular population targets, Policy CSP2 to support compact growth, Policy CSP4 to ensure consistency between local area plans and the core strategy, Policy CSP7 and CSP8 to ensure that the settlement strategy and hierarchy accords with the core strategy and to require future residential development to locate at and be of a scale appropriate to, the settlement and growth levels identified in the core strategy and Objective CGRO12 to ensure alignment of the draft LAP with the Limerick Development Plan 2022-2028;
- Policy DSP1 of the draft LAP to ensure compliance with the population projections of the core strategy;
- NPO 3c and RPO 35 for compact growth;
- NPO 6 and NPO 11 regeneration, RPO 34 and Town Centre First: A Policy Approach for Irish Towns (2022); and
- Local Area Plans Guidelines for Planning Authorities (2013), section 2.4, the planning authority is required to make the LAP without the following Material Alteration:
 - zoning Material Alteration: lands at Rathnaneane between Arra View and the Paddocks: Change from Agriculture to New Residential.



2. Sustainable Transport and Mobility

Under the Newcastle West Local Area Plan 2014-2020 (the current LAP), a southern distributor road was proposed. The purpose of this road was to serve the extensive lands zoned under the previous LAP to the south of the town. The draft LAP omitted this route on the basis that alternative active travel measures and new local connectivity links would suffice to serve the extent of land zoned for development, and to ensure the sustainable development of the town. It was also considered that the southern distributor road in Newcastle West did not reconcile with current Government policy of reducing private car mode share. Limerick City and County Council mode share targets (%) aims to achieve 32% mode use by sustainable means, (20% walking, 5% cycling and 7% public transport). For these targets to be achievable, active travel and road improvements should be pursued rather than additional road infrastructure.

It is proposed under the Material Alterations to reinstate the Newcastle West southern distributor road as included in the current LAP. The chief executive objected to the inclusion of the route on the basis that it would undermine the sustainable development of the town. The SEA report states that the proposed route would result in unnecessary, potentially significant, adverse and residual effects on a variety of environmental components. The NTA in its submission on the draft LAP stated that it does not support the route, noting that the focus should be on sustainable transport measures to serve a more compact form of development in the town.

It is evident that the primary purpose of the southern distributor road was to facilitate and serve the extensive residential development to the south of the town proposed under the current LAP. It is important that all strategic roads projects are justified based on a transparent evidence base, that their delivery is consistent with NSMP, and that justified projects are feasible to deliver within a specified timeframe. The Office considers, having regard to the targets set out in the core strategy for the Development Plan and the extent of land now zoned, that there is no longer a clear justification or rationale for this additional road infrastructure. It has the capacity to



undermine the strategic objectives of the LTP and the suite of active travel measures proposed therein.

The Office considers that having regard to Ireland's statutory obligations for GHG emissions reductions, the targets for modal shift under the Climate Action Plan and under the NSMP, in addition to the objectives and vision of the RSES concerning modal shift and promoting healthier lifestyles, it is essential that transport and accessibility are very carefully planned.

The Government has adopted the Avoid, Shift, Improve framework for transport in the NSMP, in order to achieve the necessary modal shift to achieve the climate mitigation in accordance with the Climate Action Plan, including through expansion of sustainable mobility in regional and rural areas (goal 4) and behavioural change and demand management (goal 5). In this context, the proposed road would be contrary to national policy to focus on reducing car transport trips, emissions and promote active travel.

It would also be contrary to the strategic objectives of the Development Plan including Policy CSP6 to promote modal shift from the use of the private car and Objective TRO6 on delivering modal split and promoting a shift away from the private car towards more sustainable modes of transport including walking, cycling, carpool and public transport.

The Office considers the southern distributor road to be inconsistent with the delivery of compact growth and sustainable mobility and should be omitted.

The Office also notes that the proposed route traverses areas at risk of flooding. Under the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), local transport infrastructure is not appropriate in Flood Zone A, unless a Plan Making Justification Test can be satisfied. Such an assessment has not been carried out with respect to the proposed route.



MA Recommendation 2 – Sustainable Transport and Mobility

Having regard to the requirement to reduce GHG emissions and support targets for modal shift, and in particular to:

- the objectives of the Limerick Development Plan 2022-2028, in particular CSP6 and TRO6, to promote a modal shift away from the private car;
- NPO 27, RPO 91, 152 and 163 concerning modal shift;
- RPO 35 and NPO 3c compact growth;
- the goals of the National Sustainable Mobility Policy (2022), goal 5, in particular, refers;
- the provisions of the Climate Action and Low Carbon Development (Amendment) Act 2021;
- the Climate Action Plan 2023; and
- RPO 114, RPO 116, NPO 57 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 make the LAP without the Material Alterations to reinstate the Newcastle West southern distributor road including text and from all relevant maps.

The Material Alterations also propose to amend the draft LAP to restrict the indicative link road from Woodfield Green to Knockane to active travel measures only (identified as route RN12 in the LTP).

As detailed in the Chief Executive's Report, the purpose of the proposed link road is to improve permeability and facilitate linkages between the south-east and south-west of the town for local access. It provides a vehicular connection for future zoned lands at Knockane. It will also provide connections from residential areas to local sport clubs. The detailed design of the road will prioritise pedestrian and cycle safety



by the provision of traffic management measures as appropriate. The design of the link road will discourage use by heavy goods vehicles. Measures will be included to ensure that the link road is prioritised for local connectivity.

The SEA raises concerns that restricting the indicative link road to active travel measures only would increase the need for another road, further away from the established built envelope of the settlement with associated unnecessary potentially significant adverse effects on a variety of environmental components. The chief executive also objects to the proposal to restrict vehicular traffic from the route noting that in any event the link road will facilitate active travel measures and that it is necessary to provide for local connections and permeability.

The Office considers that to restrict this route to active travel only would undermine the strategic objectives of the LTP. The route is necessary to provide for connectivity, permeability and local access and will be designed to incorporate active travel measures and traffic calming.

The *Design Manual for Urban Roads and Street*s (revised 2019) advises that street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users including vehicular traffic. It is important to take a balanced and integrated approach to land use and transport where roads are designed to incorporate sustainable transport options and allow people to move from place to place in a direct manner. The Office considers that to omit any vehicular traffic from the link road would give rise to unsustainable travel patterns and inhibit permeability. In this context, it is recommended that this Material Alteration is deleted.



MA Observation 1 - Sustainable Transport and Mobility

Having regard to the need to provide appropriate local vehicular connectivity and permeability and align with the strategic objectives of the Local Transport Plan to provide for an east west link between the Cork Road and Knockane Road/Bothar Buí roads to serve existing and proposed residential lands, and in particular:

• RPO 151 integration of land use and transport

the planning authority is advised to make the LAP without the Material Alteration to restrict the indicative link road from Woodfield Green to Knockane to active travel measures only, including text and from all relevant maps.

3. Flood Risk Management and Surface Water Management

The Office welcomes the Material Alterations to the SFRA that address the matters raised under Recommendation 1 of the submission on the draft LAP with regard to Flood Risk Management.

It is noted however, that a number of changes are proposed to the Flood Risk and Surface Water Policy Objectives in section 6.1 of the SFRA, notably the proposed deletion of parts d, f, g and h of Objective IU05 Flood Risk Management. The Office considers that these objectives are appropriate and will ensure that appropriate protection is afforded to flood relief and arterial drainage infrastructure and that an adequate riparian zone is provided by the River Daar. The Office notes that no clear rationale or justification has been provided regarding the proposed removal of these objectives. In this context, it is requested that these Material Alterations be deleted.



MA Observation 2 - Flood Risk Management and Surface Water Management

Having regard to the need to provide appropriate protection to flood relief and arterial drainage infrastructure and provide for appropriate riparian buffer along the River Daar, and in particular:

• the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)

the planning authority is advised to make the LAP without the Material Alterations to the Flood Risk and Surface Water Policy Objectives in section 6.1 of the SFRA (parts d, f, g and h of Objective IU05 Flood Risk Management).

4. Other Matters

The Material Alterations propose a change to the zoning matrix to broaden the categories of land use zones where campsite/caravan park holiday use is open for consideration. This change is interlinked with Material Alteration 8 to include a specific objective to 'investigate the potential of providing a campervan/motorhome service areas or 'Aire' at an appropriate location in the town'.

The Office acknowledges the potential of an Aire to enhance the tourism infrastructure and offer of Newcastle West. However, the changes to the zoning matrix do not distinguish between a permanent caravan park and an Aire, which is designed to provide for temporary accommodation typically limited to 48 hours. It is recommended that a minor textual amendment or footnote should be included in the zoning matrix to clearly distinguish between temporary campsite/caravan parks and permanent facilities.

Summary

The Office requests that your authority addresses the recommendations and observation 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.



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 recommendations of the Office, or otherwise makes the LAP in such a manner as to be inconsistent with the recommendations 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