OPR Ref: MA-003-23



10th January 2024

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

Re: Material Alterations to Draft Adare Local Area Plan 2024-2030

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations (the proposed material alterations) to the draft Adare Local Area Plan 2024-2030 (the 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 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 concluded that the draft LAP demonstrated consistency with the core strategy and objectives of the Limerick Development Plan 2022-2028 (the Development Plan), the RSES for the relevant Regional Assembly area and the relevant section 28 Ministerial guidelines.

The Office did not consider it necessary to make any recommendations on the draft LAP, but made observations on two matters, relating to transport and accessibility and to flood risk management, where further consideration was advised.

The Office is satisfied that MA10 (to the written statement) and MA4 (to Map 3 Amenity and Sustainable Transport Map) address Observation 1, and that MA2 of the Strategic Flood Risk Assessment (SFRA) addresses Observation 2 of the Office's submission to the draft LAP. The Office therefore welcomes these material alterations.

The Office also welcomes the commitment of the planning authority to prepare a transport plan for the settlement over the lifetime of the LAP under MA14, which would inform parking and cycling facilities (MA2 and MA3 of the draft LAP, and MA5 of the draft Public Realm Plan, refer also).

However, the Office has concerns about the proposed material alterations to significantly increase the extent of low density residential zoned land at Graigue.

The Office is also concerned that the proposed material alteration relating to flood risk management has been limited to the SFRA, without a corresponding material alteration to the written statement.



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

Key Theme	Recommendation	Observation
Core strategy and land use zoning	MA Recommendation	-
for residential use	<u>1</u>	
Flood risk management	-	MA Observation 1

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 to give full consideration to the advice contained in a submission.

1. Core strategy and land use zoning for residential use

The Office's submission to the draft LAP set out the basis upon which it accepted the proposed 16.38 ha zoning for new residential development, notwithstanding that this area is almost double the 9.5 ha area determined by the planning authority as required to meet its housing target. However, the material alterations propose a number of changes to the zoning of land for new residential development, which increase the total area of such zoned land to more than 25 ha (in excess of 265% of that required). According to your Settlement Capacity Audit (SCA), this would have a



projected yield of 283 housing units in comparison to the housing target of 156 units. The proposed material alteration is therefore inconsistent with the core strategy of the Development Plan and with Development Plan Policy CS P2 Compact Growth to support the compact growth of villages in line with the core strategy.

The Office's main area of concern relates to the proposed material alteration of 7 ha of peripheral Agricultural zoned land at Graigue to Residential Serviced Sites (proposed material alteration / Motions from Elected Members no.5 – Site 11 in the SCA). These lands have a projected yield of 70 units.

Including Site 11 at Graigue, a total of 10.77 ha is proposed to be zoned for Residential Serviced Sites. While the Office fully accepts the rationale for the provision of land in the village as an alternative to individual houses in the open countryside, the core strategy specifies that such housing should account for no more than 20% of all units (Table 2.6). This would equate to 31 low density units (10uph) in the village, and a land requirement of c.3 ha which is far less than the extent of lands now proposed (10.77 ha). Site 11 is not therefore required to enable Adare to achieve its housing target consistent with the Development Plan and the RSES.

Similarly, by zoning this extent of land for low density residential development, the draft LAP would facilitate a pattern of development that would not be consistent with the densities applicable to Adare under Table 2.6¹. Therefore, the subject zoning would be inconsistent with Development Plan Objective HO O2 Density of Residential Developments to *Promote … residential density … in accordance with Table 2.6*' of the Development Plan.

Furthermore, the Site 11 site falls almost entirely outside the CSO settlement boundary for Adare and will not contribute to the achievement of compact growth, inconsistent with RPO 35 Support for Compact Growth and Policy CS P2 Compact Growth of the development plan. The 7 ha site, which is peripheral to the settlement,

¹ Based on S.2.3.5.2 of the Development Plan that <u>up to</u> 20% of proposed housing units within settlements outside of Limerick City and Surburbs will be allocated to serviced sites at a density of 10 units per hectare in line with the *Planning Guidelines for Sustainable Residential Development in Urban Areas*, with 80% at 22uph.



also does not constitute sequential zoning of land having regard to the policy and objective for the sequential approach to zoning under the *Development Plans Guidelines for Planning Authorities* (2022). In order to realise the consolidation of Level 4 villages, such as Adare, section 3.7 of the Development Plan (Level 4: Large Villages) provides that:

Development will be encouraged to be delivered in a sustainable, sequential manner from the town/village core outwards, while promoting the reuse and redevelopment of vacant and derelict sites and building.

Finally, the SCA prepared by the planning authority has determined that the Site 11 site is not serviceable within the plan-period. Uisce Éireann has stated that if all zoned lands are developed strategic upgrades may be required, in addition to significant network extensions required to accommodate the development of Site 11. It should also be noted that the Adare Waste Water Treatment Plant (WWTP) is currently not compliant with Waste Water Discharge Licence, and Uisce Éireann does not anticipate that WWTP upgrade project will be completed within the lifetime of the LAP.

The proposed material alteration can therefore be seen to be inconsistent with NPO 72 to not zone land for development that is not serviceable within the plan-period, and with the guiding principles under the RSES settlement typology approach concerning the allocation of housing with reference to NPO 72.

The Office is satisfied that in making the LAP without the subject material alteration, the LAP would be reasonably consistent with the Development Plan and with the national and regional policy contexts.



MA Recommendation 1 – Residential land use zoning

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

- Housing target for Adare under core strategy of the *Limerick City and* County Development Plan 2022-2028 (Development Plan);
- Development Plan Policy CS P2 Compact Growth
- Development Plan Objective HO O2 Density of Residential Developments and the provisions of section S.2.3.5.2 and Table 2.6;
- RPO 35 for compact growth;
- the provisions for of the sequential approach to development plan under section 3.7 Large Villages and the policy and objective to adopt the sequential approach to land use zoning under the *Development Plans, Guidelines for Planning Authorities* (2022) and;
- NPO 72 and the guiding principles of the RSES on settlement typology, concerning housing allocation, which requires compliance with NPO 72 tiered approach to zoning,

the planning authority is required to make the LAP without the proposed material alteration / Motions from Elected Members no.5) 7 ha of peripheral Agricultural zoned land at Graigue to Residential Serviced Sites (Site 11 of the Settlement Capacity Audit), and all associated / related changes to the draft LAP.

2. Flood risk management

The Office welcomes MA2 of the SFRA, which positively addresses Observation 2 of the Office's submission on the draft LAP through the insertion of appropriate text to confirm that:

New highly vulnerable development is only appropriate in Flood Zone C and that new less vulnerable development is only appropriate in Flood



Zone B or C' and that existing development will need to be dealt with in accordance with Section 5.28 of the Planning Guidelines.

However, in view of RPO 116 Planning System and Flood Risk Management, which seeks 'to avoid inappropriate development in areas at risk of flooding and ... create safe places in accordance with the Guidelines [Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)]', it's important to ensure that the proposed policy approach is consistently implemented through the LAP. Therefore, it would be appropriate to make the LAP with a minor modification to include the wording of MA2 of the SFRA in Objective IU 05.

MA Observation 1 – Flood Risk Management

Having regard to:

- RPO 151 Planning System and Flood Risk Management; and
- the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),

the planning authority is requested to make the LAP with a minor modification to objective IU 05, or otherwise, to incorporate the wording of MA2 of the SFRA into the LAP.

In summary

The Office requests that your authority addresses the recommendation 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 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 recommendations of the Office, or otherwise makes the plan 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,

CONNU

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations